

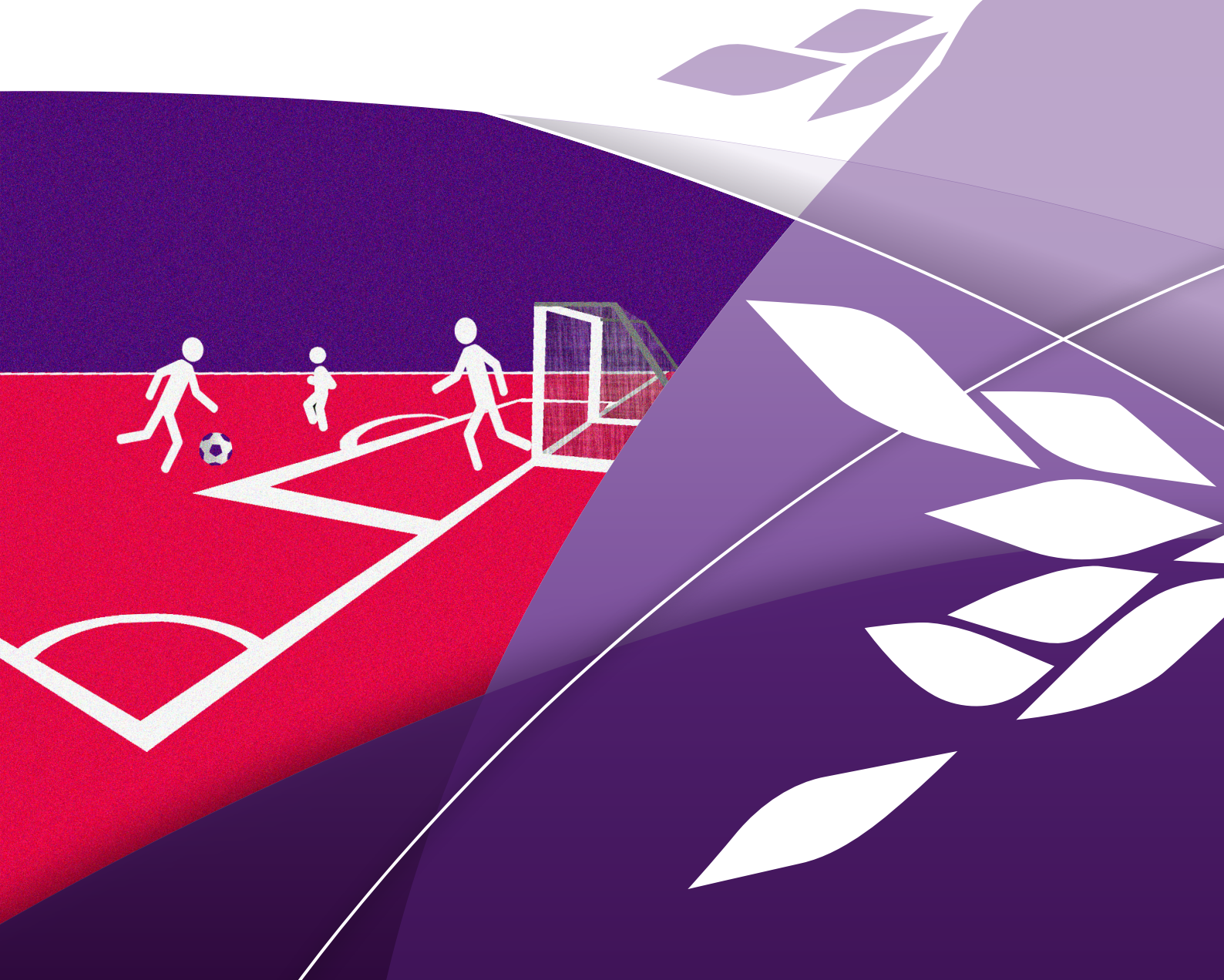


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Pàrlamaid na h-Alba

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## Public Petitions Committee Comataidh nan Athchuingean Poblach

# PE1319: Improving youth football in Scotland



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# Public Petitions Committee

Remit: To consider public petitions addressed to the Parliament in accordance with these Rules (and any additional matter added under Rule 6.1.5A) and, in particular, to—

- (a) decide in a case of dispute whether a petition is admissible;
- (b) decide what action should be taken upon an admissible public petition; and
- (c) keep under review the operation of the petitions system.



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# Committee Membership



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and Unionist Party



**David Torrance**  
Scottish National Party

# Membership changes

1. There have been five occasions where the membership of the Committee has changed during Session 5 (12 May 2016 - to date):
  - Michelle Ballantyne MSP (Con) - 29 June 2017 to 17 June 2018
  - Rachael Hamilton MSP (Con) - 17 May 2018 – 10 September 2019
  - Angus MacDonald MSP (SNP) - 8 June 2016 – 26 August 2019
  - Rona Mackay MSP (SNP) - 16 June 2016 to 6 September 2018
  - Brian Whittle MSP (Con) - 8 June 2016 – 25 February 2020

# Introduction

2. PE1319 was lodged in March 2010 (during Session 3 of the Scottish Parliament) by Scott Robertson and Willie Smith on behalf of Realgrassroots. The petition called on the Scottish Parliament to urge the Scottish Government to investigate six areas in relation to youth football in Scotland:
  - the legal status and appropriateness of professional Scottish Football Association (SFA) clubs entering into contracts with children under 16 years
  - audit process and accountability of all public funds distributed by the SFA to its member clubs
  - social, educational and psychological affects and legality of SFA member clubs prohibiting such children from participating in extra curricular activity
  - appropriateness of 'compensation' payments between SFA member clubs for the transfer of young players under the age of 16 years
  - to increase the educational target from 2 hours curricular physical activity to four hours per week
  - develop a long-term plan to provide quality artificial surface for training and playing football at all ages across all regions.
3. The petition has been under consideration by the Public Petitions Committee since 2010, with the issues raised being pursued by the Session 5 Committee and its predecessors in Sessions 3 and 4. The duration of consideration reflects the seriousness with which the issues raised have been addressed, the complex nature of some of these issues and the question of how these issues could or should be resolved.
4. It is testament to the petitioners that their passion and commitment has sustained throughout the period since the petition was lodged. The Committee is grateful to them, and others, for this. Changes have been achieved throughout the lifetime of the petition which have been positive. While recognising that the petitioners remain dissatisfied with the regulation of youth football, the Committee considers that the changes that have been achieved are testament to the dedication of the petitioners for which they should be commended.
5. In the course of the petition, the Committee has considered a substantial amount of oral and written evidence, from a range of stakeholders both in and outside of Scottish football. The Committee puts on record its thanks to all those who have engaged in the work of this petition. In particular, the Committee wishes to recognise the work of Tam Baillie, the former Commissioner for Children and Young People in Scotland, who undertook a substantial amount of work to consider the regulation of youth football from a rights perspective and whose interest in the petition has extended beyond his term in office.
6. Due to the number of actions called for in the petition, and the length of time it has been under consideration, some issues have, not unexpectedly, been of a higher profile. However, each issue has been considered either by the current Committee

or its predecessors. The first section of the report will focus on those issues that were considered and concluded in earlier Sessions of the Parliament, before going on to set out the Committee's consideration and conclusions on those aspects of the petition that have received most focus in Session 5.

7. The Committee recognises that this report is being published during the current COVID-19 public health emergency, which may have a bearing on how work can be taken forward. However, the Committee encourages all relevant stakeholders, including the Scottish Government and the football authorities, to actively seek opportunities to address the issues raised in this report, to ensure the rights and wellbeing of young people are at the heart of youth football in Scotland.



## Executive summary

8. The Committee welcomes the progress that has been made to help protect children and young people within the youth football system during the lifetime of this petition. This includes the ability for Club Academy Scotland players to now play recreational football as well as the establishment of a young player wellbeing panel. It is also encouraging to note more recent work undertaken by the SFA including—
  - the establishment of a wellbeing and protection department, which is overseen by an independent wellbeing and protection advisory board, chaired by the chief executive of Children in Scotland.
  - the publication of a “Child Wellbeing and Protection Strategy” covering the period 2019 to 2024 which is aligned to the Scottish Government’s framework for supporting children and young people.
  - A commitment to review the registration rules in relation to 15, 16 and 17-year olds.
9. However, the time it has taken to implement these changes has been unacceptably slow and systemic issues relating to the professional youth football system in Scotland remain. These issues have the overall effect of weighting the system too far in favour of the professional clubs and leaving children and young people in the position where they can be disadvantaged in terms of the choices they may wish to make about their footballing ambitions, as well as their other life choices.
10. The Committee's conclusion is that somewhere within the governance of football in Scotland, there has been a reluctance or lack of urgency about the core issue of ensuring that systems are in place to put the rights and wellbeing of children and young people at the heart of policy and decision making. The Committee is concerned that football authorities may have tried to sit out many of the issues raised in this petition until our work in this area has concluded.
11. Concerns have previously been raised by the Health and Sport Committee in 2017 regarding child protection and sport. Noting the then Minister for Public Health and Sport's observation that, as the governing body, the SFA has a role in ensuring that children who want to play football are able to "participate safely in a safe environment" the Health and Sport Committee concluded:
  - ” We would go further, this must be an absolute and overriding duty of the SFA including the eradication of any perception of a power imbalance. We consider this to be an imperative and recommend if this is not forthcoming from the football authorities legislative change is required. Given the Public Petitions Committee have been considering this issue since 2010 we consider only limited further time for the delivery of tangible change should be allowed.
12. In reaching our overall conclusion on PE1319, the Committee strongly echoes the view of its colleagues on the Health and Sport Committee. At various stages of consideration, the Committee has been told that time must be allowed for the changes introduced by the SFA and SPFL to bed in before an assessment should be made of their success, or otherwise. After ten years of consideration, the Committee is of the view that time is up.

13. The issues raised by this petition highlight deep rooted child protection concerns. There is therefore a clear role for the Scottish Government to play in addressing many of these concerns. The Scottish Government must work with the SFA and SPFL to carry out a full evaluation of all measures that have been introduced and to investigate the possible impacts of the changes recommended by the Committee. This work must be commissioned to enable the Scottish Government to reassure itself - and the Parliament - that appropriate measures for the wellbeing of children and young people are in place and operating routinely.
14. The Committee notes that the current Children and Young People's Commissioner for Scotland does not intend to continue the office's work and support on this petition. This is a matter of disappointment to the Committee, particularly as the Commissioner has accepted that issues raised by his predecessor have not been resolved. The Committee therefore strongly encourages the Commissioner to play an active role in ensuring that the welfare and human rights of children and young people involved in youth football are not overlooked.
15. The Committee recognises the more recent signs of progress made by the football authorities as well as a commitment to review outstanding issues raised by this petition. While this is welcomed, the Committee is aware that previous opportunities to effect change, particularly in relation to the registration rules, resulted in the status quo. Unless further changes are introduced, the Parliament will continue to raise questions about how children and young people are protected within professional youth football and whether it is now the time for external, independent regulation.

# Consideration of issues and conclusions reached in earlier Sessions of the Parliament

16. As noted above, the petition called for action on six points. These actions addressed a wide range of issues which fell within the responsibilities of a range of bodies. Some of these issues were clearly matters of direct Scottish Government responsibility and some were not. Prior to discussing the points of the petition to which the Committee has given attention most recently, this section of the report sets out the information about those issues on which consideration has been concluded either by the Session 5 Committee or its predecessors. Where a previous Public Petitions Committee has been satisfied by the information provided, the current Committee has not made any further comment.

## Audit and accountability of public funding provided to member clubs by the Scottish Football Association

17. Point 2 of the petition called for the Parliament to urge the Scottish Government to investigate the audit process and accountability of all public funds distributed by the Scottish Football Associations to its member clubs.
18. Clarification on this point was sought. In evidence to the Committee on 11 January 2011, the then Minister for Public Health and Sport was asked whether there had been an audit process to ensure that there was value in the investment of public funds. The Minister replied:  

” Yes - sportscotland has with every governing body a very clear performance management framework for the public money that they receive. I think that the last audit of the SFA that was done as a fit-for-purpose audit, if you like, was back in 2008, and the SFA was approved, for lack of a better word. However, that was not just a one-off, because such monitoring and performance management are part of an on-going dialogue - essentially, it is a partnership. It is in everybody's interest to ensure that everything is clear so that everyone can see what has gone in and, importantly, what the outcomes are for the investment, whether for football or any other sport.<sup>i</sup>
19. In its written response to the Committee of 28 February 2012, sportscotland advised that public funds are invested in governing bodies according to clear investment principles and on the basis of robust plans with specific outcomes but that public funds are not invested in member clubs.
20. The Committee understands that the Session 4 Committee was satisfied with this evidence as it was not pursued further in that Committee's consideration of the petition.

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<sup>i</sup> Public Petitions Committee. *Official Report, 11 January 2011*. Col 3260-3261

# The Scottish Government's physical activity target

21. In the background information to the petition, the petitioners state:

” Presently the education system provides for 2 hours of physical activity per week for pupils. This target is rarely met and the lack of activity by our nation’s children has a detrimental impact on their general health, but also prohibits their physical development, motor skills and basic physical literacy. By increasing this target twofold for our school children, supported by the SFA, we hope to improve the health and condition of Scotland’s youngsters. <sup>ii</sup>

22. In its initial response to the Committee on the petition, the Scottish Government stated:

” Curriculum for Excellence, which is currently being introduced in all schools, will embed at least 2 hours quality physical education in the curriculum in addition to physical activity and sport. In addition to the 2 hour commitment for physical education, the new curriculum framework facilitates opportunities for children and young people to participate in a wide range of activities in and around the school day.

We are already providing significant funding to local authorities, through the Concordat and through the £12m Active Schools Programme which supports schools and councils in their work to increase the amount of PE, physical activity and sport offered. Schools Programme is providing extra opportunities for sport and physical activity in and around the school day and is embedded as a cornerstone of life in the vast majority of schools in Scotland. <sup>iii</sup>

23. In a later letter to the Committee, the Scottish Government stated:

” As part of Curriculum for Excellence, the Scottish Government is committed to ensuring the provision of at least two hours per week of Physical Education in primary schools and at least two periods of PE in secondary schools for pupils in S1-S4 by 2014. In addition, the new curriculum framework facilitates opportunities for children and young people to participate in a wide range of sport and physical activities in and around the school day through programmes such as Active Schools. The Physical Education, Physical Activity and Sport Excellence Group has been formed to focus on how, the Scottish Government can best support Local Authorities to achieve this, as well as maintaining the continuity of provision into S5 and S6 and improving the connections around PE, Physical Activity and School Sport.

We know that exercise is a long-term investment in health and habits formed in childhood and adolescence continue into adulthood. The Scottish Government's 'Take Life On' campaign underpins this by highlighting the importance for children to do at least 60 minutes activity a day which will bring tangible benefits to their health and wellbeing throughout their life. <sup>iv</sup>

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<sup>ii</sup> [PE1319: Improving youth football in Scotland](#)

<sup>iii</sup> Scottish Government. [Written submission, 21 May 2010](#)

<sup>iv</sup> Scottish Government. [Written submission, 28 February 2012](#)

24. The Committee understands that the Session 4 Committee noted that the Scottish Government did not propose to increase its target to 4 hours of curricular activity per week. The Committee understands that the Session 4 Committee was satisfied with this evidence as it was not pursued further in that Committee's consideration of the petition.

## Provision of high-quality artificial surfaces across Scotland

25. The Scottish Government's initial response on the petition set out that:

” It is for the SFA to develop a facility strategy for football and not the Scottish Government but we recognise that many football pitches and 3g pitches are provided through local Government investment. Local decisions are rightly a matter for local authorities to take, taking into account local needs and priorities. The Scottish Government is committed to working with local authorities and our other key partners to ensure that we have in place the right facilities in the right places that will allow us to achieve our outcomes for sport and physical activity and deliver the lasting legacy of an Active Nation.

We would encourage the SFA to develop a national sports facilities strategy and sportscotland can help support them with this process. Local Authorities are also completing their sports facility strategies in line with local needs and priorities. This will help to identify any gaps in provision and ensure that the right facilities are built in the areas to best serve their communities. <sup>v</sup>

26. The SFA responded that:

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<sup>v</sup> Scottish Government. [Written submission, 21 May 2010](#)

” The Association agrees with the need for a long-term plan to build high quality artificial “3rd Generation” synthetic surfaces. The Association has conducted many research visits to our European football neighbours (e.g. Norway, Denmark and Sweden) and fully understands the returns to be gained in terms of increased participation as well as player and community club development.

To further support this opinion, the Association engaged “Genesis” management consultants to develop a long-term football facilities strategy for Scotland. After consulting many of the key stakeholders across football, as well as Sportscotland and many local authority partners, the strategy was completed in late 2006. To take the recommendations forward and a request for a new “ £100m National Development Fund” to help deliver the build projects over the next ten years, the Association’s senior management met with the then First Minister, Jack McConnell (pre May 2007 election) and First Minister Alex Salmond in 2007 (post May 2007 election). This strategy, which contained, inter alia, a desire to build 200 new synthetic pitches and 60 new community hubs over the next 10 years, was subsequently rejected due to a lack of public funds.

Since we were advised that there were no national funds to deliver the football facilities strategy, the Association has, where possible, proactively sought to work with local authority partners in the development of their own individual pitch and sports strategies. This work is carried out by our 6 Scottish FA Regions. We can point to many instances where we are supporting local authority partners and clubs in the development and delivery of high quality artificial surfaces and long term pitch strategies.

The Association also welcomed the recent recommendations from the Henry McLeish Report which highlighted the requirement for an urgent improvement in the facility estate via new building projects and better access agreements to existing facilities in schools. We also welcome his recognition that the responsibility of delivering the improvements rest primarily with central and local government. As with our 2006 report and the many other strategies which exist at local authority level or with other sports, the key issue is not the development or updating of these strategies and plans but the financial mechanism and political will to implement them. <sup>vi</sup>

27. In its submission of 28 February 2012, **sportscotland** explained:

” **sportscotland** works with the Scottish FA and all 32 of Scotland's local authorities to look at the provision and maintenance of artificial playing surfaces. **sportscotland** works with those partners to ensure that our investment into facilities meets the needs the needs of local communities and is accessible to clubs across the country. We believe the current system works well, as local priorities can be identified and individual clubs, supported by the local authority, can apply for investment into their facility.

**sportscotland** are now members of the Scottish FA Facilities Forum which was established on 3 December 2011. This new approach to facility development brings together the professional and non-professional game to develop a national pitches and facilities strategy that is owned by the Scottish FA and by clubs. The aim of this forum is to map out priorities for investment into football facilities, and develop an understanding o what support is needed where in Scotland. We think this approach is a positive development and will add value to the current strategic approach adopted by **sportscotland**.<sup>vii</sup>

28. In their letter of 10 April 2012, the petitioners stated:

” Realgrassroots welcomes the Scottish FA Facilities forum as way of delivering artificial pitches across the country in consultation with local clubs and we have seen tangible results in our own communities where new pitches are have been built.<sup>viii</sup>

29. The Committee understands that the Session 4 Committee noted that the provision of high quality artificial surfaces is primarily a matter for local authorities, working in conjunction with other bodies, including within the context of the SFA Facilities Forum.

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vii **sportscotland**. [Written submission, 28 February 2012](#)  
viii Petitioner [Written submission, 10 April 2012](#)

# Participation in extra curricular activities (school football)

30. Point 3 of the petition related to restrictions being placed on boys registered with professional SFA clubs, in relation to their participation in extra-curricular activities. Throughout consideration of the petition, this aspect has been discussed specifically with regard to players being prohibited from participating in school football teams in addition to their club team. This is an issue that was addressed through various pieces of work that have been carried out since the petition was first lodged.
31. The Committee raised this issue early on in consideration of the petition. It was subject to consideration by a Youth Football Working Group established by the SFA. The conclusions of the Working Group were set out in submission [PE1319/CCC](#) in November 2015.
32. In this submission, it was set out that the SFA and the Scottish Professional Football League (SPFL) would intend to introduce a provision that would enable players to play for their school team. However, this provision was proposed as being "subject to appropriate welfare considerations". The Committee sought clarification of this point during an oral evidence session with the SFA and SPFL.
33. In evidence to the Committee on 22 December 2016, Andrew McKinlay, then Chief Operating Officer at the SFA, clarified:
- ” That phrase was in the initial recommendation. It is not in the rules at all. Players should be entitled to play for their school teams. We took that wording out when we came to the actual rules. We took on board the children's commissioner's comment on that point. The rules therefore say that the child should be allowed to play for their school team.
- I accept that discussions will be going on that I will be unaware of—that was mentioned by the Scottish Schools FA—between clubs and schools but the rule is clear that the club should not prevent a player from playing for their school team when they wish to do so. <sup>ix</sup>
34. The Committee is content that this rule has been clarified and that a club cannot, and should not attempt to, prevent a player from also playing for their school team if they wish to do so. The Committee also recognises, however, that the rules do not necessarily preclude there being instances where the right of players to play for their schools is questioned by a club. The Committee is of the view that the SFA and SPFL should undertake regular checks with players to determine whether there are any issues with the application of this rule.



# The player registration process

35. All players who play football, at all levels, require to be registered with the SFA in order to be eligible to play regulated football in Scotland. The question of why registration is required at all was asked at the Committee meeting on 20 May 2014. Neil Doncaster, Chief Executive of the Scottish Professional Football League set out that:
- ” It is a record of exactly where young players are and who they are training with but, primarily, it provides the basis for insurance for the players. We have a system of insurance for the league and all its member clubs, which of course covers the players in those clubs. There are good legal reasons why there should be a system of registration. <sup>x</sup>
36. However, beyond that explanation for the purpose of having a system of registration, the Committee and its predecessors have been keen to understand the nature and impact of registration. Issues explored within this area have included:
- the nature and status of registration, and whether it can be understood to be a contract
  - the duration of registration periods for players in different age categories
  - what registration means for the balance of power between players and clubs.

## Status of registration

37. One of the key questions that has arisen on this point is whether registration can be considered to amount to a contract.
38. In his evidence to the Committee on 5 October 2010, Henry McLeish, chair of the Scottish Football Review Committee stated:
- ” The area is complex and the terminology is quite important. There is a registration process for children under 16, but I do not think that the arrangement would in any sense be conceived of as being a contract between a club and a child under 16. <sup>xi</sup>
39. This view was echoed by Neil Doncaster, then Chief Executive of the Scottish Premier League, in evidence to the Committee on 11 January 2011. When asked whether the document that is signed by a young person is a registration form or a contract, Mr Doncaster stated:
- ” It is a registration form. FIFA requires that any player who is to be attached to a professional football club be registered with the association of which that club is a member. It is not a contract. <sup>xii</sup>

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<sup>x</sup> Public Petitions Committee. [Official Report, 20 May 2014](#) . Col 2259

<sup>xi</sup> Public Petitions Committee. [Official Report, 5 October 2010](#) . Col 2883

<sup>xii</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3233-3234

40. A contrasting opinion was offered by Tam Baillie, then Scotland's Commissioner for Children and Young People, at the same meeting:
- ” There has been a lot of discussion about whether the form is a contract or a registration document. Whatever it is, it acts like a contract, because it ties the young person to the club. The young person signs it and, as far as I am aware, parents do not always countersign it. The Scottish Child Law Centre clearly confirmed that a child under the age of 16 cannot enter into a contract. The key point is the impression that is given by the document and the way that it impinges on children's behaviour. People are under the impression - rightly or wrongly - that they are signing a contract. That has all sorts of consequences, which form the main concerns that are set out in the petition.<sup>xiii</sup>
41. In terms of the nature of the registration document, John Murray representing Heart of Midlothian Football Club stated on 20 May 2014 that:
- ” ...the registration form that our players sign is exactly the same form that the boys club players sign. It is not a contract. The form that my players sign for Hearts is the same form that players sign for Musselburgh Windsor and the boys club. It is exactly the same form, so if we cannot do something why should they? It is exactly the same form, which is registered legally by the SFA and the SPFL. I would like to know what the difference is between their forms and my forms.<sup>xiv</sup>
42. Scott Robertson, one of the petitioners, responded:
- ” Mr Murray is correct that the front-facing registration form is the same, but the rules behind it are different... If a player signs a registration form for a boys club when he is 13, should he decide halfway through that for family reasons he wants to leave and move somewhere else - or if he has to leave because the family is moving - he can do so after 28 days by writing to the SYFA [Scottish Youth Football Association]. However, young players who have signed the same registration form cannot exit from, for example, Airdrieonians, Hearts, Hibs or Celtic - there is no such get-out clause...
- If someone signs a registration form when they are 15 and they complete that commitment for one year, the club can hold them for a second year and the player has no say in that—he has no getout clause. If at the end of the second year the club wants to keep them for a third year, it has the power and authority to do that—the player and the parents have no say in that.<sup>xv</sup>
43. The views offered by Mr Doncaster and Mr Baillie encapsulate the issue that has been at the core of the Committee's consideration of the petition: the distinction between the precise terminology surrounding registration and how registration is regarded by players, and their families.
44. Jim Sinclair, giving evidence on 11 January 2011 as a representative of Rangers Football Club stated:

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xiii Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3234

xiv Public Petitions Committee. [Official Report, 20 May 2014](#) . Col 2259

xv Public Petitions Committee. [Official Report, 20 May 2014](#) . Col 2263

- ” From my experience with our parents, my concern is that they often do not have full knowledge of the ramifications of signing the document. The compensation levels are not always explained to them, nor is the fact that there will be a price on the head of their youngster.<sup>xvi</sup>
45. Questions about the information provided to children and their parents/carers were considered by the Working Group established by the SFA and SPFL. In its submission of 20 November 2015, these organisations noted that "56% of players commented that their club explained to them and their parents/carers what signing the registration form meant". In response to this, the submission explained that:
- ” The Scottish FA will look to pull together and implement (through the clubs in CAS [Club Academy Scotland]) a standard "pack" to be provided to children and young players and their parents/carers during the process of registration to ensure consistency. This will include example FAQ's, reference to the Scottish FA website (possibly including explanatory videos) and/or a "children/young person's version" written in an appropriate manner. We will look to introduce this for the new and continuing registrations that take place during the summer of 2016.<sup>xvii</sup>
46. In later evidence to the Committee, Andrew McKinlay of the SFA explained:
- ” All but one of the measures are in place. It is not the case that we do not want to put that measure in place—we will put it in place, and I think that it is a fundamentally important one. It is around having a standard pack that clubs give to individuals at the beginning of the season. We are still working on that. I do not want to mislead the committee by saying that it is in place. All the other measures were brought in by new rules. I think that the standard pack is appropriate. When we last appeared before the committee, I think that Mr MacDonald was shown the form that had to be signed by the parents. That is an area that we need to work on, and I take on board the fact that we have had this discussion before. When parents are there with their children signing forms, the last thing that they want to do is get into the minutiae of all the registrations and so on. We have to make sure that we get the documents into plain English so that people have a clear understanding of what they are entering into.<sup>xviii</sup>
47. In more recent written evidence provided by the SFA, Ian Maxwell explained that a working group, established to review the current registration rules relating to 15 -17 year olds, have also agreed to review and amend the registration documentation in order to–
- ” ...ensure it was as clear as possible and that children, young people and parents/carers would be asked to sign specific sections to signify that they have understood the information provided.<sup>xix</sup>

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<sup>xvi</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3235

<sup>xvii</sup> Scottish Football Association / Scottish Professional Football League. [Written submission, 20 November 2015](#).

<sup>xviii</sup> Public Petitions Committee. [Official Report, 22 December 2016](#) . Col 22

<sup>xix</sup> Scottish Football Association. [Written submission, 11 May 2020](#).

48. In response to this planned review, the petitioners raised concerns about the procedures clubs use to ensure that players and parents receive information before the signing opportunity and how it is monitored. The petitioners stated—

” It is very often the case that parents and players do not know if they are having their registration renewed or whether they are being released before the signing opportunity. It is therefore extremely unlikely in those circumstances that parents and players have accessed the resources on the Scottish FA’s website in advance, or even know that it is there. <sup>xx</sup>

49. The Committee shares the petitioners’ concerns on this issue. While it is encouraging that work is progressing to review and amend the registration documentation, the Committee encourages the SFA to address these valid concerns in making these amendments.

50. The Committee understands that there is a distinction between the registration and an employment contract. Whether such a registration could be held to be a contract is matter of legal judgement and is not something on which the Committee can adjudicate. We do however, consider that a club holding a player’s registration retains some control over the choices of that player. The Committee has explored whether it would be possible to change the requirements of registration in ways that would alleviate concerns about such restrictions, including the duration of registration periods.

## Duration of registration

51. The current system of registration provides for registration periods of different durations depending on the age of the child or young person. For players aged from 10 to 14, the duration of registration is a year. For players aged 15 the duration of registration can be for a total of three years, based on a rolling annual registration that can be unilaterally extended by a club.

52. The rationale for the greater length of the registration period for players aged 15 has been explored extensively throughout consideration of the petition. A variety of reasons have been put forward for this, covering matters such as the physical and social development of players, the benefits to clubs and the structures of youth teams in this age group.

53. In evidence to the Committee in May 2014, John Murray, representing Heart of Midlothian Football Club, set out his perspective on the registration period for players in the 15-17-year old age group:

” Young players between 13 and 15 are going through puberty and have growing pains, Osgood-Schlatter’s and various illnesses. During that time, players’ form deteriorates for a while. We think that by 15 most players have gone through their growth spurt and that we can then judge better the quality of their ability. Because of our investment in them, we like to ensure that we keep them until they are 16 or 17. The ability and quality of young players go up and down like yo-yos. For example, we have had players at the club for one year who have been injured because of Osgood-Schlatter’s, so we protect them and keep them for another year as they recover from injury. We think that, when a player is 15, we can better assess their quality and whether to maintain our investment in them a lot longer.<sup>xxi</sup>

54. Mr Murray went on to provide more information about the reasons for having this age band for players and the approach he took to player retention:

” First, the reason why the players go into a dual age band for 15 and 16-year-olds is because we halve the number of players in each squad. For example, as the 15-year-olds move to being 17, we reduce the number of players in the system—which is what I thought you were after in the first place, Mr Robertson. Therefore, if we have a squad of 15, 16 and 17-year-olds, we basically have 48 or 54 players in our system. By going with the dual age and the three-year registration, we halve the number of those players in the club. We go from, say, 44 players to 22 players. We actually do what you are asking and reduce the number of players. Plus, we have a duty of care to all our players. To say that the player cannot leave is wrong. I let a player of 14 go this week because his family had moved house. That decision is up to the individual club, but I would be appalled if a club kept a young player who had moved house. I am not saying that that does not happen, though. On the point about principles, we all have different principles and clubs work with different principles. I certainly would not keep a player who moved house, but I am speaking for my club and I cannot speak for Rangers or Celtic. Some of the points that you are making are completely wrong.<sup>xxii</sup>

55. The Committee sought to understand where the decision to have this rolling three year registration came from. Andrew McKinlay of the SFA explained that:

” We are a members’ organisation, so our rules come from the wishes of the clubs. There was a discussion several years ago about it, and the view is very much that 15 is the crucial age for the development of players. Clubs are happy for those younger than 15 to move on after one year, but they feel that for 15-year-olds they have made a sufficient commitment and therefore should be allowed to keep the player. That is why there is the difference that you described.<sup>xxiii</sup>

56. On the question of whose interests are served by this three-year retention period, Neil Doncaster explained:

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<sup>xxi</sup> Public Petitions Committee. [Official Report, 20 May 2014](#). Col 2262-2263

<sup>xxii</sup> Public Petitions Committee. [Official Report, 20 May 2014](#). Col 2264

<sup>xxiii</sup> Public Petitions Committee. [Official Report, 20 May 2014](#). Col 2262

” The reason for that is not protection of the clubs; it is about development of the young players. The view is that premature movement of players reduces their ability to develop as professional players. The view elsewhere is that they should be kept with their home clubs for longer. Our view is that three years remains an appropriate time, with the protections that exist to enable players to move in appropriate circumstances. The regulatory bodies have a role in ensuring that that happens. <sup>xxiv</sup>

57. On the question of whether the three-year registration period was appropriate from an employment rights perspective, Fraser Wishart, representing the Professional Footballers' Association Scotland told the Committee:

” When players reach the age of 15, if the club unilaterally retains the registration, it has the right to do that every year after that. Although the period can be for up to three years, it is only really for a year at a time, with the club having the right to choose whether they retain a player at the end of each year. The issues that we have around that matter come more from a trade union point of view and are to do with employment. When a player reaches the age of 16, they will be one year into the three-year registration period. There is no obligation on the club to offer any of the lads a professional contract, but they can hold on to the registration and keep them as amateur players. That means that they cannot go and play for another professional club or, for example, get a contract to be an apprentice somewhere else. That is restrictive. <sup>xxv</sup>

58. At its meeting on 30 January 2020, the current Chief Executive of the SFA, Ian Maxwell stated that he had established a working party to review the registration rules in relation to 15, 16 and 17-year olds and confirmed that—

” The first meeting...will question whether, in 2020, the current regulation is viable or whether, with the best of intentions, it is a rarely used rule that carries negative consequences for young people and should be revisited. <sup>xxvi</sup>

59. In subsequent written evidence, the SFA provided an update on the work of this working group—

” ...a positive initial meeting was held in late February to discuss the current rules. Alternative options were discussed and the group agreed to give the matter further consideration, with a second meeting to be convened. Since that time the impact of COVID-19 has been far reaching on businesses across the UK and football is no exception. All football in Scotland is suspended until at least 10 June and club and Association staff have been substantially reduced over the current period. This has made any further consultation impossible, however this matter will be discussed again as soon as practically possible. <sup>xxvii</sup>

60. The Committee is encouraged by the SFA's plans to review the registration rules in relation to 15, 16 and 17-year olds. However, it notes that a previous working group reviewed these rules in 2015 and there was no support for any changes to be

<sup>xxiv</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 28

<sup>xxv</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 9

<sup>xxvi</sup> Public Petitions Committee. [Official Report, 30 January 2020](#). Col 2

<sup>xxvii</sup> Scottish Football Association. [Written submission, 11 May 2020](#).

made. The Committee therefore encourages this working group not to rehearse the same arguments that were made in 2015, and to critically assess how fit for purpose these rules are within the youth football system in Scotland today.

## Balance of power

61. The question of whether the full ramifications of signing a registration form are understood, by both children and young people and their families/carers, has been explored by the Committee within the context of the balance of power between the club holding the registration and the player who is registered with the club.
62. In the initial evidence session, one of the petitioners, William Smith, explained what change he would like to see to the registration system:
- ” What I would like out of the work that we have put in is for any child who is under the age of 16 to have a get-out clause in any registration document, with 28 days' notice to the club. That is currently in the Scottish Youth Football Association rules. That proposal was put to Gordon Smith and the executive of the Scottish Football Association, but it was rejected out of hand. That is my objective. <sup>xxviii</sup>
63. The Committee sought views on the registration practice from a number of organisations. In relation to the status of registration and what it means in terms of restrictions or freedoms for individual players, the Scottish Trades Union Congress (STUC) stated :
- ” While the SFA does not seem to regard registration as contracts, the fact that a 28 day opt out is in place suggests that there is some formal relationship between the parties. This relationship appears, on the face of it, to favour the club rather than the freedoms of the individual. <sup>xxix</sup>
64. The Committee explored this with the SFA and SPFL. From the SPFL perspective, Neil Doncaster stated:
- ” You are absolutely right that, in effect, they bind a player to a club for that season, but there is an exit clause in the sense that, at the end of the season, the player is free not to stay with that club and to move on to another. That goes to the heart of the matter, which is what the restriction is. At the end of the season, if the club does not wish to retain the player, the player will become free. If the club wishes to retain the player and the player wishes to stay with the club, there is no problem— everyone is in agreement. The issue occurs when, at the end the season, the player's existing club wishes to retain him, but another, bigger club wishes him to come to it. That is the practical restriction that we are probably all talking about. The heart of the matter is the compensation for the training that the smaller club has given, which our rules oblige the bigger, acquisitive club to pay the smaller club. <sup>xxx</sup>

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<sup>xxviii</sup> Public Petitions Committee. [Official Report, 20 April 2010](#) . Col 2535-2536

<sup>xxix</sup> Scottish Trades Union Congress. [Written submission, 31 August 2010](#)

<sup>xxx</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3234-3235

65. The then Chief Executive of the SFA, Stewart Regan, concurred stating:

” I agree with what Mr Doncaster has said in that the player signs with a club in the full knowledge of his parent or guardian, notwithstanding what Mr Baillie has said. He signs an agreement that, in effect, binds him to that club. At the end of the season, he becomes a free agent, if you like. The agreement is simply an agreement for the club to provide coaching and development services; it is not the contract that people believe it to be. <sup>xxxi</sup>

66. At the same meeting, when issues of restrictions on young players and compensation payments were being discussed, Tam Baillie commented:

” I just want to make a quick comment about how we are talking about children—we are talking about them as commodities. There has even been a mention of a price on their head. These children and young people have a right to play, but we are putting restrictions on their behaviour because they have signed a form. They have the right to have an opinion and to have account taken of it. We are talking about that choice being exercised just before they sign the contract, but what about for the length of the contract? All the decision making around the contract is stacked on the clubs' side. We have to put young people and their needs and rights right at the centre of the issue. At the end of the day, it is nurturing their talent and skills that should be central, not whether the clubs make a decision or not. Frankly, we have to start thinking about children and young people as being at the centre of the issue rather than as commodities as part of the framework. <sup>xxxii</sup>

67. This characterisation was disputed by Stewart Regan, representing the SFA, who said:

” I totally disagree with what Mr Baillie said. I do not think that anyone thinks of children as commodities. We are thinking about developing talented footballers for the long-term success of the Scottish team. Talent needs to be nurtured and managed and that costs money. Clubs are prepared to invest in developing children with the full knowledge of their parents or guardians, and they agree to bind themselves to a club for a period of 12 months in return for good quality coaching and development from a professional club. When they reach the school leaving age, like any child in the current marketplace they are eligible to enter the workplace. At that point, they become professionals and are either signed on professional terms or not. No one is talking about children as if they are commodities. We are talking about developing talented children and improving their skills for the long-term success of the game. <sup>xxxiii</sup>

68. The discussion around children and young people being regarded as commodities also included evidence about a 'transfer' sum being paid for a young player that was beyond that allowed by the framework for compensation to be paid by way of reimbursement of training costs. This issue came up in the Committee's consideration of the petition in 2011. In 2014, the Committee heard from the SPFL about a rule change that should prevent such a situation arising by increasing transparency about interest that a club may have in a young player:

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<sup>xxxi</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3235

<sup>xxxii</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3237

<sup>xxxiii</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3237



” The rules have been changed from this summer, which means that any club wishing to acquire an amateur young player must register that interest with us—the league—and we pass that interest on to the player and his parents, so that they are in full possession of all the facts about any clubs that are interested in signing the young player and they have a choice about what to do. If that process is followed, there is a prohibition on any inducement to stay or go being offered either by the club wishing to acquire the player or his current club. <sup>xxxiv</sup>

69. At the same meeting, one of the petitioners, William Smith, expressed the frustration on the part of the petitioners about the recognition given to this issue and the response from the SFA and SPFL:

” As Mr Doncaster has just outlined, a rule is now in place that parents must be informed. It is four years since Mr Sinclair gave evidence, supported by Mr McCart, and that rule is only just being introduced. That reflects the arrogance of the organisation headed by Mr Doncaster. The clubs in that organisation are interested only in getting whatever money they can out of a young potential player. Some of them do not even have the facilities to justify the claim for that money. We are concerned about that incident in particular. <sup>xxxv</sup>

70. With the concerns about the protection of the rights and wellbeing on children and young people, in June 2014, the Session 4 Committee invited Tam Baillie to consider the registration process and report back to the Committee. The report was published in May 2015. In that report, the then Commissioner stated:

” The process of cancelling or renewing a young person’s registration would appear to be skewed in favour of the best interests of the professional club to which they have signed and not the best interests of the child or young person. The Scottish FA Registration Procedures state that ‘The registration of a Youth Player for age groups 10 through to 14 will lapse automatically at the end of the season in which the Youth Player signed the Registration Form and the Youth Player will be free to sign for another Club thereafter’ (SFA, 2014, p.210). On paper this sounds good, as it allows the child or young person to choose not to sign for their current club. However if their current club chooses to make an offer of a further period of registration to the young person, and the young person declines, the now former club ‘...will have retained a right to reimbursement of training costs of the player as provided for in Annex 8 of the Registration Procedures (SFA, 2014, p.201)’. This brings into question the extent to which the child or young person is truly ‘free to sign for another club’, as he or she is dependent on the other club being prepared to reimburse the training costs. <sup>xxxvi</sup>

71. In summary, Mr Baillie concluded:

” The key finding is that when the system operates well, all is fine and good. However, when it does not work well, you find that the odds are stacked against children and young people. <sup>xxxvii</sup>

<sup>xxxiv</sup> Public Petitions Committee. [Official Report, 20 May 2014](#). Col 2256

<sup>xxxv</sup> Public Petitions Committee. [Official Report, 20 May 2014](#). Col 2256-2257

<sup>xxxvi</sup> Children and Young People’s Commissioner Scotland. [Written submission, 20 May 2015](#)

72. The Commissioner's findings were considered by the SFA and SPFL, under the auspices of a Working Group. In their response to the Commissioner's findings, the SFA and SPFL set out that:

” In relation to the "28 day rule" which is very much part of recreational football, we will look to introduce a new rule which would allow a player to leave a CAS club on 28 days' notice if he wishes to return to the recreational game. This rule will require additional measures (for example around reimbursement costs kicking in if the player returns to CAS [Club Academy Scotland] within a specific time period) to ensure that it is not abused by clubs, parents/carers and/or intermediaries who move a player to a recreational club and then back to another team within CAS.

In addition and subject to the above new rule, given the commitment of the child to the club for a one year period (between 10 and 14 age bands) we will look to introduce a new rule to the effect that clubs must also commit to the child for the full one year and may only release him during this period where there is mutual consent or, for exceptional reasons such as breach of discipline/code of conduct etc.<sup>xxxviii</sup>

73. In relation to players in the 15-17 year old age group, the SFA and SPFL similarly indicated that it would "look to introduce a rule whereby clubs must also commit to the young person for the full three year period and may only release him during this period where there is mutual consent, or for exceptional reasons such as breach of discipline/code of conduct etc."<sup>xxxix</sup>

74. In addition to the undertaking of a reciprocal commitment between the club and the player for the three year registration period, the SFA also instituted a 'game time rule' under which any player who had not been provided with a certain proportion of playing time in a season would be allowed to leave a club without any compensation being due. The proportion that was decided on was 25 percent. When asked about the rationale behind this figure, Andrew McKinlay explained:

” We consulted at the time of the commissioner's report. We set up a group that consulted across clubs in the game. We also put out the consultation to players in Club Academy Scotland. Based on all the responses, we went back with our response to the commissioner. An aspect of that response was that we should have a game-time rule and it was thought that a 25 per cent level would be appropriate. We will monitor it to see whether it is appropriate, but that is the percentage that we came up with. I am not going to pretend that there was magical science behind it.<sup>xi</sup>

75. Other steps taken by the SFA and SPFL to introduce changes to assuage the concerns of the Commissioner included:

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<sup>xxxvii</sup> Public Petitions Committee. [Official Report, 23 June 2015](#). Col 26

<sup>xxxviii</sup> Scottish Football Association / Scottish Professional Football League. [Written submission, 20 November 2015](#).

<sup>xxxix</sup> Scottish Football Association / Scottish Professional Football League. [Written submission, 20 November 2015](#).

<sup>xi</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 44

- to ensure, through the SFA's Child Protection and Safeguarding Manager, that the views of children and young people will be taken into account whenever changes to rules and regulations are to be made that will impact them, and
- the introduction of a new complaints/mediation mechanism to "bring into place a clear escalation process where a child and/or parent/carers concerns have been raised with and not resolved by the club."

76. In a letter to the Committee in July 2016, the SFA confirmed:

” The new procedures implementing the recommendations of our Youth Football Working Group were approved the Scottish FA Board at its meeting on 30 June 2016 and are now in effect.<sup>xli</sup>

77. As noted earlier in this report, throughout consideration of the petition, the former Commissioner for Children and Young People in Scotland, Tam Baillie has maintained an active interest in the issues raised by the petition and what the implications of the current systems in youth football are in terms of protecting the interests of children and young people. Considering the changes that have been implemented and whether the balance between clubs and young players is correct, Mr Baillie stated:

” Mr Doncaster said time and again in his evidence to the committee that, in the professional bodies' view, the balance was just about right— that is, the balance between the best interests of the child and the incentive for clubs to invest. I do not think that that is the case at all. As far as I can see, all the power is with the clubs and very little is with the children and young people. I have been contacted recently by parents of children who are caught in that bind, as clubs are holding on to the children when they are 15 and they do not know what to do. If they raise a concern with the club, that might jeopardise the child's career prospects and they do not want to do that. There is a fear factor for children being able to reasonably raise complaints, especially when the odds are stacked so heavily in favour of the clubs. I really take issue when I hear that a balance has been struck and that it is just the right balance. It is the right balance for the clubs, but not for the children.<sup>xlii</sup>

78. However, the SPFL disputed the characterisation of the system in this way and whether the balance and culture would act as a barrier to a player seeking intervention from the football authorities:

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<sup>xli</sup> Scottish Football Association. [Written submission, 8 July 2016](#).

<sup>xlii</sup> Public Petitions Committee. [Official Report, 9 February 2017](#) . Col 5

” You said that it is hugely unlikely that a player would bring a request for adjudication, but that is not the case. Players bring requests for adjudication, and we have adjudicated on a number of contractual disputes between clubs and players that have been brought by players with the support of PFA Scotland. Where there is a dispute about a contract, we adjudicate; that does not happen very frequently, but it does occur, although not in this area. We do not know why individual players of the likes of Kieran Doran, who we have seen reports of in the press, have chosen to go down the route of talking openly in the press and engaging lawyers, rather than simply coming to us and asking us to adjudicate on their contract. That would be a straightforward thing to do and we encourage any player who feels that they have an issue with their contract to come forward.<sup>xliii</sup>

# Compensation

79. Very closely allied to the issue of registration, and particularly concerns about the balance of power between players and clubs, is the question of compensation payments that may be made when a young player moves from one professional club to another.
80. FIFA rules provide for national associations to have in place a system that enables a club *from* which a player is being transferred to seek reimbursement of training costs from the club *to* which the player is being transferred. The sum of the costs is calculated using a matrix. The costs that are required to be reimbursed are set at the degree of financial investment that would have applied had the acquiring club been training the player for the same period as the previous club.
81. The Committee heard significant evidence about the operation of this system of reimbursement but also about the issue of additional 'fees' being charged for or paid to players outwith this matrix. The SFA/SPFL made clear that the payment of any transfer 'fee' for a player under 16 years of age would not be permissible.
82. However, questions were also asked about the point at which costs are due to be reimbursed and the position that a player can be put in should there be any disputes between the two clubs involved - disputes that have the potential to leave a young player unable to play for any SFA-regulated team other than the one they wish to leave.
83. From early on in consideration of the petition, the SFA has sought to explain the nature of compensation payments allowed in youth football:
- ” It is important to understand what we mean by compensation, because I think that some people are getting confused and thinking that it is some kind of transfer fee for a child or a young person. In order to encourage clubs to spend time and resource developing potentially talented players, there is a need for money. Some clubs do that free of charge in return for the child's services over that period, hoping that he or she might go on to represent the team at a higher level later on. If a bigger club comes along and takes that player, clearly there is a need for that money to be returned to the club, in return for the investment that it has put in. That is what we mean by compensation.<sup>xliv</sup>
84. From the petitioners' perspective, the question has not been about the fact of compensation, but the point at which it should be paid. William Smith explained:
- ” We recognise that clubs should be entitled to compensation at some stage, but only when a player signs a professional contract.<sup>xlv</sup>
85. Neil Doncaster had previously expressed concerns about the proposal to move the point at which compensation payments should be made to the point of a professional contract being signed:

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xliv Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3241

xlv Public Petitions Committee. [Official Report, 20 May 2014](#). Col 2273

” I have a concern about decoupling movement from the compensation payment. The details can always be improved but, at the moment, the principle is that clubs are compensated for the investment that they make in players. If we move away from that principle, we will remove any incentive for clubs to develop young players. The reason why clubs invest huge time and resource in developing young players is that they hope to be able to discover the gems of the future. Those gems will come through and thrive at the club and they might move on to another club and also to represent the Scottish national team. The hope of finding those gems is the sole reason why clubs will engage in such expensive youth development. If those gems are able simply to up and move without a bigger, acquisitive club having to pay a compensation fee, any incentive for the smaller clubs to invest that time and effort will be removed; they will simply stop doing it and the country will be much poorer for it. We need to recognise the value in having a system that ensures that smaller clubs' efforts in developing youth talent are protected.<sup>xlvi</sup>

86. This was not a view shared by Jim Sinclair, representing Rangers Football Club:

” I endorse the view that compensation should be paid to clubs. However, UEFA club licensing would insist that a club operates a youth programme and the benefits that accrue to any club, small or large, will remain the same—I do not think that there is any doubt about that. My experience is that we are not talking about mass migration at the end of a season from one club to another. Given the clubs that we are at, I am sure that Chris McCart would endorse that fully. We are talking about an element of choice that should exist—there is little debate about that, whether the number is one or 10. I am sorry, but I do not agree with Mr Doncaster: it will not mean the demise of youth development in the country, for those reasons.<sup>xlvii</sup>

87. In relation to the costs that would be factored in to calculating the value of training costs that could be reimbursed, John Murray representing Heart of Midlothian Football Club commented:

” Celtic has one of the top academies in Britain and employs full-time scouts and coaches. It employs qualified coaches and various others, such as physiotherapists, which costs money. Airdrieonians does not meet the same criteria. Similarly, a lot more money is paid by Celtic than is paid by Hearts—that is a fact. Celtic and Rangers pay a fortune—a lot more than any other club—for their academies, and the compensation is based on that. Airdrie might have four teams, but Celtic might have six teams plus development squads who move on to the under 20 team. A lot more people are involved in Celtic and Rangers than are involved in most clubs in Scotland and Britain.<sup>xlviii</sup>

88. The issue of compensation, including what it means for smaller clubs, was commented on by Tam Baillie:

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<sup>xlvi</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3242

<sup>xlvii</sup> Public Petitions Committee. [Official Report, 11 January 2011](#) . Col 3242-3243

<sup>xlviii</sup> Public Petitions Committee. [Official Report, 20 May 2014](#) . Col 2258

” As I said, if we create a transfer market for children and young people we are treating them as commodities. It is difficult to make decisions in their best interest if there is a price on their head. That is why I suggested that we try to decouple the movement of children among clubs from payment. One way of doing that would be to ensure that any payment is triggered only when the child signs for a professional football club.

The payment situation needs a bit of careful thought. It is well intentioned, as it is about trying to ensure that the smaller clubs are compensated when they put time and effort into a young person, and that there is an incentive to do that. However, the impact when things do not work out—the case that Mr Brodie mentioned is an example—is that the child suffers. That just cannot be right, and it cannot be good for the development of football to have a young player who has talent that will blossom to be stymied and held back because of a dispute between two of our clubs. That just does not make sense. I am not an expert on the inner workings of football, but I know that that is in contravention of the UNCRC.<sup>xlix</sup>

89. In terms of the purpose of the compensation system, evidence from the SFA and SPFL has suggested that payment at the point when a player moves between clubs is necessary to incentivise clubs to continue investing in their academies. The Committee has contrasted this assertion with others, made at the same meeting, that suggested the requirement for payment was not often triggered.

90. At the meeting on 22 December 2016, Neil Doncaster stated:

” With regard to the movement of players and compensation systems, it is important to strike a balance between the interests of the young children and the interests of the clubs. Ultimately, if there is no incentive for clubs to invest time and money in developing young players, they will not do it. The system that we have in place aims to develop young players and give them the opportunity to succeed and follow their dreams without unduly curtailing their freedom. It is about striking the right balance and I believe that the system that we have in place strikes that balance appropriately.

We have made a number of important and positive changes to the rules and regulations, mainly in relation to the Scottish FA, but also in relation to the SPFL, to address existing concerns. The system that we have ended up with needs time to bed in and to be monitored to see how successful it has been in protecting the interests of young players and in ensuring that clubs continue to have a strong incentive to invest a lot of time and money in developing those players.<sup>1</sup>

91. Mr Doncaster also stated:

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<sup>xlix</sup> Public Petitions Committee. [Official Report, 23 June 2015](#). Col 32

<sup>1</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 25

” In a number of jurisdictions, the compensation is payable on award of a first professional contract. We have a system in place that deals with compensation when a player moves prior to a first professional contract. There are no rights and wrongs here; it is a difference in approach. I believe that our system is right and appropriate for Scotland. <sup>li</sup>

92. The Committee asked other witnesses about their views on the current system for compensation payments and whether an alternative system could be introduced. Fraser Wishart representing PFA Scotland commented:

” On the question of whether there is an alternative, the answer is absolutely. There are many bright people involved in professional football and if they got round a table they would be able to come up with an alternative. There are plenty of ideas around, such as a levy on transfers, or a system that involves clubs that have developed a young player applying to a pool or independent panel for compensation when that player is offered a professional contract at 16. Those arrangements would apply not to every player, but to the ones who make it to the professional game. Any compensation should reflect the actual costs, rather than being determined by the matrix that is put together by the Scottish Football Association. In a sense, because the compensation levels are higher for the bigger clubs, it means that players at bigger clubs are stuck there because the smaller clubs will not pay compensation. Those players cannot decide to play somewhere else because they are not enjoying it at the big club. We cannot come up with an alternative in this hour, but there are ways and means if there is a willingness to provide a different type of compensation system that does not restrict the movement of young players. <sup>lii</sup>

93. However, when asked whether he might consider any changes, Mr Doncaster responded that:

” No, I would not change it. I genuinely believe that it strikes an appropriate balance between the interests of the young player and the need to incentivise clubs to invest. <sup>liii</sup>

94. Earlier in the same meeting, a question was asked about how prescriptive the FIFA requirement to have a compensation scheme is. Andrew McKinlay responded that:

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<sup>li</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 28.

<sup>lii</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 7-8

<sup>liii</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 29



” I think that we referred specifically to the FIFA requirement in my first letter to the commissioner. Basically the requirement is for all associations to have regulations for movement between clubs—I am talking about the domestic sphere here—and it provides for a system to reward clubs for investing in the training and education of young players. It is all about reimbursing clubs in that respect.

It has been suggested that the numbers in the matrix were somehow plucked out of thin air. Three or four years ago, we did quite a lot of work on the amounts that clubs spend at different levels, and the matrix ties into the level of a club within the club academy Scotland scheme. That said—and this is crucial and picks up on what was said earlier—it has also been suggested that it is impossible to go from a higher club to a lower club, because the higher club has spent more. That is not the way it works under the regulations. The lower club pays the amount that it would have cost if it had done the training, in order to make sure that the movement can happen. <sup>liv</sup>

95. When asked about any other circumstances in which a former employer could claim money from a new employer for the training that was invested in that employee, Mr McKinlay responded that:

” I appreciate that, but there is a suggestion that loads of these payments are being made every year. I am not aware that there are many such payments. <sup>lv</sup>

96. Later in the meeting, Mr McKinlay again stated that it is "very rare for training cost payments to be reimbursed." <sup>lvi</sup>

97. The Committee does not consider that the circumstances exist in which both these propositions can be valid. If compensation payments are only rarely made, and clubs continue to operate academies against that backdrop, then the Committee does not accept that it can be convincingly asserted that it is necessary to have such a system in place to incentivise clubs to retain their academies.

98. In recent written evidence provided by the SFA, it confirmed that –

” ...it is a requirement of Article 1(2) of the FIFA Regulations that all national associations have specific rules which “provide for a system to reward clubs affiliated to the relevant association investing in the training and education of young players.” Therefore, it is a FIFA requirement that within its rules related to the domestic transfer of players the Scottish FA has a system in place to reward clubs in Scotland that invest in the development of young players. <sup>lvii</sup>

99. The SFA’s submission went on to state that–

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<sup>liv</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 23

<sup>lv</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 24

<sup>lvi</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 29

<sup>lvii</sup> Scottish Football Association. [Written submission, 11 May 2020](#).

” .. what such a system must not do is provide an insurmountable barrier to young people who wish to move to another club within Scotland and this is why the Scottish FA has in place four mechanisms to allow a young person aged between 15 and 17 years registered with a Club Academy Scotland club to move between football clubs within Scotland, which are not dependent on any matter related to reimbursement of training costs:

1. By the agreement of the young person, their parent/carer and the clubs concerned
2. By the young person cancelling his registration with a club when he has played in less than 25% of the games that he was eligible to play in
3. By the club in “exceptional circumstances”. This could be, for example, when an Academy stops operating and all registrations are cancelled to enable young people to play their football elsewhere
4. By an application being made to the Scottish FA Young Players Wellbeing Panel by the young person and/or their parent/carer

100. While the petitioners welcome improvements to enable children to leave clubs, they have highlighted that—

” ...none of these options allow for a child to decide on his own volition, to leave one Club Academy Scotland at the end of his registration, to play for another Club Academy Scotland club, without the football club insisting on retaining their right to compensation”. We understand that measures are in place for children who find themselves in “exceptional circumstances” or whom do not have much game time, but there are no provisions in place for the children who do not fit into these exceptions. We are fighting for all children’s rights in professional youth football. We ask – why should a child have to prove ‘exceptional circumstances’ to leave a football club where he is unhappy? This does not happen in any other sport in Scotland.

101. After a number of years of consideration, the Committee returns to the view expressed by Jim Sinclair, representing Rangers Football Club on 11 January 2011:

” Any compensation model that is eventually decided on would be far better looking back at what has happened in a youngster's career rather than shaping it as they go forward. In the event of a young person eventually signing a professional contract for a club, there should be levels of compensation that are paid at that point, but we should not put a price on the heads of 11, 12, 13 or 14-year old kids. That would send out a conflicting message. To me, it would be far fairer if the moneys were paid in the event of a professional contract being secured, as that would allow for greater freedom of choice and would put less onus on kids and so on. <sup>lviii</sup>

# Minimum wage

102. One of the issues that has been explored as a result of the Committee's consideration of this petition has been whether payments to young footballers who have progressed to professional contracts has always complied with minimum wage legislation. Evidence received from the petitioners, and some media reports, have highlighted instances where clubs had been found to have made payments at levels that were not compliant with minimum wage requirements.
103. The Committee sought clarification from the SFA and the SPFL in relation to these issues, including what information they have sight of regarding the financial terms of contracts, the responsibilities of individual clubs and the action being taken by the governing bodies to ensure confidence regarding compliance with minimum wage requirements.
104. In evidence to the Committee, Neil Doncaster stated that:
- ” I can absolutely assure you, however, that all SPFL clubs are fully bound by national minimum wage legislation. They are bound by the law of the land, like every other club and every other business. It would be contrary to our rules for a club not to pay the national minimum wage. The obligation to pay at least the national minimum wage is included in the scope of our standard professional contract. We will therefore investigate the claims that have been made.<sup>lix</sup>
105. However, there was some dubiety noted about what constitutes work. For example, Mr Doncaster explained:
- ” I have spoken about the grey area. An example is the development of young players. Clubs often take young players on away trips so that they can get used to the idea of travelling with the squad but without any expectation that they will play on that day. Technically, that would probably be considered to be working time. Because clubs have to be compliant with the national minimum wage and have to pay players for any hours worked, the national minimum wage requirement may create a situation where clubs are no longer able to take players with them on those trips.<sup>lx</sup>
106. However, the SFA and SPFL have looked at the issue of minimum wage and what steps might be put in place to ensure clubs are fully aware of their obligations. Mr Doncaster explained one such step:
- ” That matter is dealt with specifically under the new form of part-time contract that we are consulting on. It is intended that there will be two schedules within that contract that set out what activities are obligatory and what the player has to be paid for as part of their working hours; and what activities may be voluntary, that cannot be demanded of the player and do not have to be paid for. We, and clubs need to understand what are working hours. On a club-by-club, player-by-player basis that may vary but, ultimately, what is work needs to be well understood and the minimum wage needs to be applied.<sup>lxi</sup>

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lix Public Petitions Committee. [Official Report, 22 December 2016](#). Col 32

lx Public Petitions Committee. [Official Report, 22 December 2016](#). Col 36

107. The Committee also sought to understand what information is seen by the football authorities from the SFA:
- ” The Scottish FA registers players. I checked on Monday and found that, to date this year, the registrations team, which is made up of three individuals, has processed more than 18,000 transactions. The team does not consider the terms of the contracts. I want to make it clear that we were absolutely not aware of that issue. <sup>lxi</sup>
108. On the question of whether the SFA would undertake proactive work to address the concerns raised, Stewart Regan stated:
- ” At no stage has anybody identified a pattern of persistent behaviour in that area. If a club regularly paid below the minimum wage, and it had been challenged for not doing so and the matter had been discussed, yet there were still persistent and knowing breaches of minimum wage legislation, there might well be a disrepute issue. That is a different test but, if there was a disrepute issue, the football authorities would consider it. However, at no stage has there been a pattern of regular breaches by individual clubs. If anybody had any evidence to suggest that any clubs are regularly breaking minimum wage legislation, that would be considered. <sup>lxii</sup>
109. When asked about whether it might be possible to ascertain from a review of contracts registered with the SFA whether payments are minimum wage compliant, Stewart Regan stated:
- ” To be fair, if you are trying to identify how many of those contracts have finance in them, to then identify whether we could look at that smaller number of transactions, that is a very difficult point. Even if a player earns £1 a week on his contract, that may not breach the minimum wage legislation, because he may be being paid an appearance fee. He may turn up to play a match and simply have that on his contract, supplemented by an appearance fee. It is very difficult to say that what is on that contract bears any relation to the number of hours that are being played. <sup>lxiii</sup>
110. Responding to questioning about why it would not be possible to determine minimum wage compliance by reviewing a contract, Mr Doncaster explained:
- ” What we are saying is that the only way that we will know whether a contract complies with the national minimum wage requirements is to look at how many hours that player has worked over the pay reference period and what their pay is over that period. That pay may be made up of a weekly wage and appearance money, so looking simply at the weekly wage will not tell us the information that we need in order to ascertain whether the national minimum wage legislation is being complied with. <sup>lxiv</sup>

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<sup>lxi</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 43-44

<sup>lxii</sup> Public Petitions Committee. [Official Report, 22 December 2016](#). Col 37

<sup>lxiii</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 37

<sup>lxiv</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 39-40

<sup>lxv</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 40

111. One example of a contract of the type described by Mr Doncaster was offered by Mr Regan:
- ” A player who lives down south and does not train with the club but who simply turns up for a match, and gets an appearance fee if selected, could get total earnings well ahead of the minimum wage, even if it says £1 a week on his contract. That is why it is difficult to draw conclusions.<sup>ixvi</sup>
112. Mr Regan emphasised that, in terms of taking into account factors regarding payments complying with minimum wage:
- ” It is the total earnings. That is what the minimum wage will look at. It is the total earnings divided by the number of hours that have been worked, so you cannot draw the conclusions that you are drawing simply by looking at that contract figure. We have tried to stress that on several occasions, and you seem to be fixated on the fact that clubs are somehow in breach of the legislation. They may not be. Where they are, and it is brought to our attention, clearly it will be dealt with. HMRC has already followed through on the cases that have been brought to our attention.<sup>ixvii</sup>
113. The Committee recognises the steps taken by the SFA and SPFL but remains concerned about questions regarding the payment of minimum wage. This appears to the Committee to be an instance in which the SFA and SPFL have access to information that would enable them to provide additional assurance that clubs are paying minimum wage, both to address the concerns raised by stakeholders and to assist member clubs in instances where any issues with minimum wage compliance may be found.
114. The Committee does not accept the position that just because clubs "may not be" breaching laws there is no responsibility upon the governing bodies to ensure that that is the case. The Committee finds this position weak in the context of comments it repeatedly heard from those authorities that they are supporting clubs to discover the "gems of the future". It is a matter of concern that the governing bodies have previously seemed unwilling to accept any responsibility for the issues that have arisen during the evidence heard by the Committee.
115. The Committee recognises that calculating hours worked for a professional footballer, whether full or part-time, can be complex but considers that some straightforward proactive investigation, such as undertaking periodical random sampling of contract terms would allow for greater reassurance regarding minimum wage compliance.
116. In recent oral evidence to the Committee, Ian Maxwell, representing the SFA, stated—

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<sup>ixvi</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 40

<sup>ixvii</sup> Public Petitions Committee. [Official Report, 15 June 2017](#). Col 41

” A huge amount of work has been undertaken; we are not aware of any players who are on contracts that pay less than the minimum wage. I implore anybody who is on such a contract to get in touch because we exist to deal with such issues. The SPFL has regulations that clubs sign off to say that they are minimum-wage compliant, and there is a section in the Scottish FA registration form in which clubs confirm that they are minimum-wage compliant. Anybody who is working for less than the minimum wage should come forward to the Scottish FA. <sup>lxviii</sup>

117. In subsequent written evidence provided to the Committee, the SFA stated:

” In July 2017, new Rules were passed with the effect that as at 31 March in each year, member clubs and clubs in contention for promotion to the SPFL are under an obligation to declare and certify that, among other things, they were in compliance with national minimum wage requirements as at 31 January of that year. A registration embargo on new players is automatically imposed on any club which fails to provide this declaration and certification until the SPFL Board determines that it be removed. This declaration and certification forms part of the Membership Criteria of the SPFL which all clubs are required to adhere to in order to participate in the League. <sup>lxix</sup>

118. The Committee accepts that work has been done to try and address the issue of compliance with minimum wage legislation. However, there is scope for football authorities to do more work in this area, such as annually sampling contracts, to provide an extra level of assurance that clubs are acting in accordance with minimum wage legislation.

## Visits to club academies

119. In the course of consideration of the petition the Committee undertook a number of visits to academies, specifically:
- Celtic FC
  - Forth Valley Football Academy (Falkirk FC)
  - Hibernian FC
  - Ross County FC
  - St Mirren FC.
120. These visits afforded the Committee to see a range of academy structures and facilities and the chance to meet and speak to club officials, young players and parents to get a sense from them of their views of the operation of the youth football system. The Committee places on record its thanks to the clubs for facilitating these visits.
121. In the course of these visits, the Committee was able to gain an appreciation of the support framework that is in place to develop young footballers. It is clear to the Committee that clubs recognise the level of facilities they can provide will differ depending on their financial situation and that, as a result, there is a need for club academies to be graded according to the level of facilities they provide.
122. The Committee was also encouraged by the emphasis placed on balancing football and education that came across on the visits. Specifically, the visit to Celtic Football Club afforded the Committee the opportunity to observe the partnership between the club and St Ninian's High School in Kirkintilloch. In addition, in the course of the visit to Hibernian Football Club the Committee heard about and from a young player who had gained a professional contract that required him to attend the academy for less time than other players, enabling him to complete his schooling at the same time as pursuing his ambitions in football.
123. However, the visits to academies also coincided with the introduction of Project Brave. While most academies appeared to be positive about this, it has become apparent to the Committee that hard choices will still have to be made. This was reflected in the announcement by Falkirk FC in December 2017, after the Committee had visited the Forth Valley Football Academy, that it would cease to provide funding for the Academy from the end of December 2017.
124. The Committee is grateful to the staff, players and parents who gave time to demonstrate to the Committee the work that is done to develop young footballers. What came across in the visits is that the people working in academies care very much about the work that they do and the interests of the children and young people they are working with.
125. However, for the Committee the question remains as to whether the system within which the academies operate is designed to give as much protection to the interests of children and young players as could be the case.

# External regulation

126. Throughout the petition, there has been discussion of whether or not Scotland's football authorities would be able to bring about changes through self-regulation, or whether some form of external regulation would be necessary to ensure that the right balance was being struck between the interests of clubs and the welfare of children and young people. As noted earlier in this report, there are differing views as to whether the current balance of power is weighted too heavily in the favour of clubs.

127. In evidence to the Committee on 9 February 2017 on whether he had discussed the issues arising from the petition with the Scottish Government, Tam Baillie said:

” Yes, I have had some discussion with the Scottish Government, but the thinking is at an early stage. My message to the Government is that it is going to have to get involved in some shape or form because, in my estimation, having had experience of dealings with the SFA and the SPFL, their structures or lack of willingness will mean that the necessary changes will not be made. That is why I think that they are intransigent on some matters. The factor that contaminates the situation continuously, which was obvious from the evidence that was given previously on the issue, is money. To my mind, when money comes into the equation, the best interests of children tend to be less of a central focus. My major concern has been to keep the focus on the best interests of the children and young people who are involved in the game. As was made quite clear in previous evidence, when money becomes part of the considerations, the best interests of children tend to take second place.<sup>lxx</sup>

128. On the question of whether he was optimistic that self-regulation would lead to changes being made, Mr Baillie went on to state:

” No, I have no confidence whatsoever that self-regulation will bring about the changes that are required. I have changed my position on that. I originally told the committee that self-regulation was always the best way. I still believe that but, in this instance, the structures and the governance are such that the changes will not be made. In fact, that is the view of ex-chairpersons and ex-chief executives of the Football Association. I was going to read out this quote later, but I will do it now. They have said:

“The FA has been given more than enough time to self-reform and ... we now ask that parliament take this on board, recognise that further promises of change are not serious, and legislate as necessary, including the appointment of a regulator to achieve the changes that are so desperately needed”.

I am calling for regulation; the ex-chairpersons and chief executives of the FA are calling for a regulator. We need to have a governance review to consider some of the changes that are required.

I do not have confidence in the authorities to change the system in the way that they need to.<sup>lxxi</sup>



129. During the Committee's consideration of the petition, a suggestion was made that action on the part of the Parliament or the Scottish Government to regulate the operation of youth football in Scotland could lead to some form of sanction against the Scottish FA by world football's governing body, FIFA. The Committee agreed to seek further information on this risk, with information provided to the Committee about the views of PFA Scotland and the SFA/SPFL.

130. In written evidence, PFA Scotland stated:

” FIFA has the powers to intervene and suspend a country's membership. These interventions however usually relate to Government interference in the democratic processes and elections of the local association and therefore the actual running of the game in that country, usually in contravention of Article 19, and are few and far between in extreme circumstances...

Article 3 however commits FIFA and its members to respecting Human Rights. FIFA is conscious that the law in each country will be different and that local laws and labour law should be respected. If a Government felt that an individual's human and statutory rights were not being respected, and this was pointed out to the Governing Body, it is highly doubtful that FIFA would wish to become involved...

It is my opinion therefore that in the circumstances surrounding the Petition 1319, it is unlikely that FIFA would intervene should the Scottish Government decide to become involved with the application of an individual's statutory rights. <sup>lxxii</sup>

131. Also in a written submission, the SFA/SPFL set out examples where action had been taken by FIFA against football authorities in Greece. This submission noted:

” In football, FIFA/UEFA statutes specifically prohibit any form of third party influence/intervention, including government intervention, in football. FIFA has not hesitated to suspend the membership of a national association whose independence it considers to have been compromised by government interference. <sup>lxxiii</sup>

132. The submission then set out some detail of the exchanges between UEFA, FIFA and the Greek Football Federation. These included meetings between the parties and comments from UEFA and FIFA on the draft legislative measures that were proposed to be introduced. The submission highlights the concerns that were raised, and the threat of sanctions against the Greek Football Federation. However, the Committee notes that in the end, legislation was passed and:

” No further action was taken by FIFA/UEFA as the proposed amendments were implemented and the final form of the Bill was in terms which satisfied the football authorities that there was no compromise to the autonomy of the GFF. <sup>lxxiv</sup>

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<sup>lxxi</sup> Public Petitions Committee. [Official Report, 9 February 2017](#) . Col 9

<sup>lxxii</sup> PFA Scotland. [Written submission, 6 June 2017](#)

<sup>lxxiii</sup> Scottish Football Association / Scottish Professional Football League. [Written submission, 7 June 2017](#)

133. This indicates to the Committee that it is possible for external regulation to be introduced in a way that does not compromise the autonomy of a national football association.
134. The Committee sought further clarification of this from the SFA and SPFL at its meeting on 15 June 2017. At that meeting the Convener noted:
- ” Both PFA Scotland and FIFPro have indicated that they do not consider that their status in FIFA would be at risk should national legislation regarding child welfare be applied to football. That is quite an important point, compared with your suggestion that if there is some kind of external view on what is happening with the wellbeing of young people in football, it would damage your prospects of staying in FIFA. Do you accept that that suggestion is simply not credible?  
lxxv
135. The SFA and SPFL were asked whether the suggestion of punitive action from FIFA was credible. In response Stewart Regan stated:
- ” We were asked to provide FIFA articles and statutes in relation to the whole topic of Government intervention in football. That is what we have done; we have set out the actual FIFA guidelines. We have given you several examples where FIFA has intervened and suspended members because of Government intervention. Whether FIFA would choose to intervene in the case of any regulation of the Scottish FA by the Scottish Government is a matter for FIFA. We have simply drawn your attention to the relevant articles in the statutes. lxxvi
136. In more recent oral evidence to the Committee, the current Children and Young People's Commissioner for Scotland, Bruce Adamson, was asked how Scottish youth football should be regulated in November 2019. He stated—
- ” In human rights terms, it is important to have the strongest possible legal protection. There might, in some circumstances, be a legitimate place for self-regulation, but when we are talking about human rights issues, as we have been, given the concerns that have been raised throughout this work, there is a compelling case for statutory external regulation. lxxvii
137. Following the evidence session, the Commissioner wrote to the Cabinet Secretary for Health and Sport to affirm his position that statutory measures were now required to ensure that children's rights were protected effectively.
138. In response to the question of what assurances the SFA could provide the Scottish Government to avoid the need to introduce statutory measures in January 2020, Ian Maxwell stated:
- ” We could give it reassurances about the measures that we have in place that we have discussed this morning, and about our focus on children's wellbeing and protection throughout Scottish football. lxxviii

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lxxiv Scottish Football Association / Scottish Professional Football League. [Written submission, 7 June 2017](#)

lxxv Public Petitions Committee. [Official Report, 15 June 2017](#). Col 46

lxxvi Public Petitions Committee. [Official Report, 15 June 2017](#). Col 47

lxxvii Public Petitions Committee. [Official Report, 7 November 2019](#). Col 36.

139. While the Committee welcomes these measures, it is of the view that the interests of children and young people can only be served by way of external, independent regulation of youth football in Scotland.

## Conclusions and recommendations

140. The Committee is aware that the petition raises a number of issues that are, on the surface, primarily matters for the Scottish Football Association and the Scottish Professional Football League. However, the Committee considers a number of these issues are not simply matters of football regulation and extend into the role that the Scottish Government has in ensuring that the rights and wellbeing of all children and young people are protected. The Committee believes that this role should apply regardless of the environment in which the talents of children and young people are being developed so that every opportunity is given to fulfil ambition and perform at the highest level of which they are capable.
141. The Committee also appreciates that a significant amount of work has been undertaken by the SFA/SPFL in light of some of the issues identified in the petition, and that positive changes have been introduced. These changes have, however, taken a significant amount of time to be brought about. Consideration of the petition has been undertaken against the backdrop of an evolving situation where the structures of youth football have gone through further development, such as the Project Brave initiative. However well intentioned the changes have been, the Committee is not satisfied that welfare considerations have always been entirely central to the policy and structural changes that have been brought about.
142. In addition to that dissatisfaction, the Committee has been frustrated by the extent to which the Scottish Football Association and Scottish Professional Football League have been willing to consider alternative solutions. This is particularly the case in relation to issues such as compensation when the evidence we have heard from the football authorities has appeared to be contradictory in placing such importance on a system that is apparently only rarely used.
143. The Scottish Government has engaged with the Committee positively throughout consideration of the petition and has been willing to work with football authorities to deliver the best possible outcomes for children and young people in the academy system. At various times, the Scottish Government's view has been that time should be taken to enable the impact of changes implemented to be seen before taking a decision on whether any further regulatory action is necessary. The Committee recognises the Government's response to the Health and Sport Committee particularly on the issue of player registration, which appears to indicate that the Government is content with the measures currently in place. The Committee is not persuaded, based on the evidence it has considered, that this is the case. The Committee considers that it is now time for the Government to reach a firm and final conclusion on this question, or to bring forward a debate in the Parliament to allow members to discuss the concerns that the Committee considers have not been adequately addressed by the relevant authorities.
144. However well-intentioned the changes that have been made, there remain some significant, systemic issues regarding the professional youth football system. These issues have the overall effect of weighting the system too far in favour of the professional clubs and leaving children and young people in the position where they can be disadvantaged in terms of the choices they may wish to make in terms of both their footballing ambitions and their other life choices.

145. The Committee acknowledges that the current Children and Young People's Commissioner for Scotland does not intend to continue the office's work and support on this petition. This is a matter of disappointment to the Committee, particularly as the Commissioner has accepted that issues raised by his predecessor have not been resolved. The Committee is strongly of the view that it is incumbent on the Commissioner to maintain a clear focus on addressing these outstanding issues as well as playing an active role in ensuring the welfare and human rights of children and young people involved in youth football are not overlooked.
146. The Committee also acknowledges the commitment made by the Commissioner, the SFA and the petitioners to work collaboratively to discuss further improvements that could be made to protect the wellbeing and rights of young people involved in youth football. The Committee recognises that the current COVID-19 public emergency may affect the opportunity for this engagement to take place. However, it encourages all parties to consider how such a dialogue could take place in the current circumstances to avoid any significant delays to these conversations taking place.
147. Having taken into account the significant amount of evidence gathered in the lifetime of this petition, the Committee is very strongly of the view that the following changes must be brought about to the professional youth football system:
- extend the one year registration period that applies to players in the 10-14 year age group to 15 year-old players on the basis that players under the age of 16 should not be required to sign up to a system that ties them in to a multi-year registration.
  - change the system for reimbursement of training costs so that compensation is only required to be paid when a player signs their first professional contract.
148. The Committee has reached this view on the basis of genuine concerns about whether the current system adequately protects the rights and wellbeing of the children and young people involved. Given the Scottish Government's overarching responsibilities in this area, the Committee does not consider that any recommendation that the football authorities work closely with the Scottish Government, or that the Government takes action to ensure protection of rights, could attract punitive action from FIFA.
149. Specifically, the Committee notes that its recommendation regarding the reimbursement of training costs for players moving between professional clubs is understood to be one that would be compliant within the terms of FIFA regulations.
150. On the issue of payments below minimum wage, the Committee appreciates that it is the individual clubs as employers who are responsible for ensuring their own compliance with minimum wage legislation. The Committee recognises that there can be different arrangements with different players, such as those who are contracted on a part-time basis or those who are primarily remunerated by means

of an appearance fee, and that payments can vary from period to period, depending on the work that has been undertaken.

151. However, work is work. Players should be remunerated appropriately and the footballing authorities do have access to contracts which could, in some way, be evaluated to provide reassurance that this is happening. The Committee considers that an annual sampling of these contracts should be undertaken to confirm that the terms of the contract are sufficient to indicate that a player will receive *at least* the minimum national wage for the work they perform for the club.

# Annexe A - Extracts from Minutes and links to oral evidence

## **6th Meeting, 2010 (Session 3) Tuesday 20 April 2010**

The Committee took evidence from William Smith and Scott Robertson and agreed to write to the Scottish Government, Scottish Football Association, Scottish Football League, Scottish Premier League, Scottish Amateur Football Association, Scottish Youth Football Association, STUC, Scottish Child Law Centre, Scotland's Commissioner for Children and Young People, KNVB (Royal Dutch Football Association), a selection of local authorities (Edinburgh, Glasgow, Dundee, North Ayrshire) and the Department for Business, Innovation and Skills seeking responses to points raised in the petition and during the discussion. The Committee also agreed to write to Henry McLeish of the Scottish Football Review Committee to give evidence

[Official Report](#)

[Meeting papers](#)

## **11th Meeting, 2010 (Session 3) Tuesday 29 June 2010**

The Committee agreed to write again to the Scottish Amateur Football Association, STUC, Scottish Child Law Centre, KNVB (Royal Dutch Football Association), Edinburgh City Council, North Ayrshire Council and the Department for Business, Innovation and Skills seeking the responses to its earlier letter which are outstanding. It also agreed to write to Henry McLeish of the Scottish Football Review Committee to give evidence.

[Official Report](#)

[Meeting papers](#)

## **14<sup>th</sup> Meeting, 2010 (Session 3) Tuesday 5 October 2010**

The Committee took evidence from Henry McLeish, Chairman, Scottish Football Review Committee and agreed to write to the Scottish Government, Scottish Football Association, Scottish Child Law Centre and to Mr McLeish seeking responses to points raised in the petition and during the discussion.

[Official Report](#)

[Meeting Papers](#)

## **18<sup>th</sup> Meeting, 2010 (Session 3) Tuesday 23 November 2010**

The Committee agreed to invite the Minister for Public Health and Sport, Chief Executive of the Scottish Football Association, Chief Executive of the Scottish Premier League, Scotland's Commissioner for Children and Young People, sportscotland and the Chief Executive of Rangers Football Club and Celtic Football Club to give oral evidence at a future meeting.

[Official Report](#)

## [Meeting Papers](#)

### **1<sup>st</sup> Meeting, 2011 (Session 3) 11 January 2011**

The Committee agreed to await the outcome of the Scottish Football Associations' Review Group findings. It also agreed to invite, in its legacy paper, the Session 4 Public Petitions Committee to give further consideration to the petition.

## [Official Report](#)

## [Meeting Papers](#)

### **5<sup>th</sup> Meeting, 2011 (Session 4) Tuesday 4 October 2011**

The Committee agreed to write to the Scottish Professional Footballers Association, a selection of Scottish clubs including non Scottish Premier League clubs, FC Barcelona, IFK Gothenburg, the Scottish Youth Parliament, the Scottish Youth Football Association and the Scottish Schools Football Association seeking responses to specific points.

## [Official Report](#)

## [Meeting Papers](#)

### **1<sup>st</sup> Meeting, 2012 (Session 4) Tuesday 24 January 2012**

The Committee agreed to write to the Scottish Government, the Scottish Football Association, sportscotland, the Scottish Professional Footballers Association, Mr William Gibbons, Compass Chambers Advocates and Falkirk Football Club.

## [Official Report](#)

## [Meeting Papers](#)

### **6<sup>th</sup> Meeting, 2012 (Session 4) Tuesday 17 April 2012**

The Committee agreed to write to the Scottish Football Association and sportscotland.

## [Official Report](#)

## [Meeting Papers](#)

### **11<sup>th</sup> Meeting, 2012 (Session 4) Tuesday 26 June 2012 - INCORRECT**

The Committee agreed to await the outcome of the Scottish FA, SPL and SFL's working party review and meantime draw the attention of the working party to the evidence received by this and the predecessor Committee on the issues of "contracts" and compensation payments.

## [Official Report](#)

## [Meeting Papers](#)

### **1<sup>st</sup> Meeting, 2013 (Session 4) Tuesday 8 January 2013**



The Committee agreed to await the outcome of the formal working party's review.

[Official Report](#)

[Meeting Papers](#)

**19<sup>th</sup> Meeting, 2013 (Session 4) Tuesday 26 November 2013**

Committee agreed to await the outcome of the SPFL General Meeting with a view to having a round-table evidence session at a future meeting.

[Official Report](#)

[Meeting Papers](#)

**4<sup>th</sup> Meeting, 2014 (Session 4) Tuesday 18 February 2014**

The Committee agreed to hold a round-table discussion at a future meeting.

[Official Report](#)

[Meeting Papers](#)

**10<sup>th</sup> Meeting, 2014 (Session 4) Tuesday 20 May 2014**

The Committee agreed to reflect on the evidence heard and consider what action to take at a future meeting.

[Official Report](#)

[Meeting Papers](#)

**11<sup>th</sup> Meeting, 2014 (Session 4) Tuesday 3 June 2014**

The Committee agreed to invite Scotland's Commissioner for Children and Young People to review the current registration process from a rights perspective and to report back to the Committee with his findings and to write to the Scottish Schools' Football Association.

[Official Report](#)

[Meeting Papers](#)

**14<sup>th</sup> Meeting, 2014 (Session 4) Tuesday 30 September 2014**

The Committee noted the scoping paper by Scotland's Commissioner for Children and Young People and deferred further consideration of the petition until the Commissioner's findings are available.

[Official Report](#)

[Meeting Papers](#)

**11<sup>th</sup> Meeting, 2015 (Session 4) Tuesday 26 May 2015**

The Committee agreed to invite Scotland's Commissioner for Children and Young People to give evidence at a future meeting.

[Official Report](#)

[Meeting Papers](#)

13<sup>th</sup> Meeting, 2015 (Session 4) Tuesday 23 June 2015

The Committee agreed to reflect on the evidence heard and consider a paper at a future meeting.

[Official Report](#)

[Meeting Papers](#)

15<sup>th</sup> Meeting, 2015 (Session 4) Tuesday 22 September 2015

The Committee agreed to write to Scotland's Commissioner for Children and Young People, the Scottish Football Association and the Scottish Professional Football League.

[Official Report](#)

[Meeting Papers](#)

1<sup>st</sup> Meeting, 2016 (Session 4) Tuesday 12 January 2016

The Committee agreed to write to Scotland's Commissioner for Children and Young People.

[Official Report](#)

[Meeting Papers](#)

6<sup>th</sup> Meeting, 2016 (Session 4) Tuesday 8 March 2016

The Committee agreed to include the petition in its legacy paper for consideration by the Session 5 Public Petitions Committee. In doing so, the Committee agreed to write to the Scottish Government.

[Official Report](#)

[Meeting Papers](#)

2<sup>nd</sup> Meeting, 2016 (Session 5) Thursday 30 June 2016

The Committee agreed to write to the Scottish Football Association, the Scottish Professional Football League, the Scottish Government, the petitioners, Scotland's Commissioner for Children and Young People, PFA Scotland, the Scottish Schools Football Association and the Scottish Youth Football Association.

[Official Report](#)

[Meeting Papers](#)

4<sup>th</sup> Meeting, 2016 (Session 5) Thursday 29 September 2016

The Committee agreed to note the submissions received.

[Official Report](#)

[Meeting Papers](#)

9<sup>th</sup> Meeting, 2016 (Session 5) Thursday 22 December 2016

The Committee took evidence from Fraser Wishart, Chief Executive, PFA Scotland, Roderick Houston, Honorary Vice President, Scottish Schools Football Association, David Little, Chief Executive, Scottish Youth Football Association and then Andrew McKinlay, Director of Football Governance and Regulation, Scottish Football Association and Neil Doncaster, Chief Executive, Scottish Professional Football League.

[Official Report](#)

[Meeting Papers](#)

3<sup>rd</sup> Meeting, 2017 (Session 5) Thursday 9 February 2017

The Committee agreed to reflect on the evidence heard at a future meeting and thereafter invite further oral evidence from the Scottish Football Association, the Scottish Professional Football League and the Scottish Government.

[Official Report](#)

[Meeting Papers](#)

6<sup>th</sup> Meeting, 2017 (Session 5) Thursday 30 March 2017

The Committee agreed to invite the Scottish Football Association and Scottish Professional Football League to provide further oral evidence at a future meeting and to write to the Professional Footballers Association Scotland.

[Official Report](#)

[Meeting Papers](#)

12<sup>th</sup> Meeting, 2017 (Session 5) Thursday 15 June 2017

The Committee agreed to arrange visits to academies and, to consider a draft report on the petition at a future meeting.

[Official Report](#)

[Meeting Papers](#)

19<sup>th</sup> Meeting, 2018 (Session 5) Thursday 20 December 2018

The Committee considered a draft report on petition PE1319 by William Smith and Scott Robertson on Improving youth football in Scotland.

## [Official Report](#)

### [Meeting Papers](#)

*11<sup>th</sup> Meeting, 2019 (Session 5) Thursday 6 June 2019 (in private)*

The Committee agreed to invite the Scottish Football Association and the Children and Young People's Commissioner Scotland to give evidence at a future meeting. It also agreed to consider a revised draft report, in private, at a future meeting.

### [Meeting Papers](#)

*19th Meeting, 2019 (Session 5) Thursday 7 November 2019*

The Committee agreed to reflect on the evidence heard at a future meeting.

## [Official Report](#)

### [Meeting Papers](#)

*2nd Meeting, 2020 (Session 5) Thursday 30 January 2020*

The Committee agreed to reflect on the evidence heard and consider a revised draft report at a future meeting. It also agreed to write to the Children and Young People's Commissioner and the Education and Skills Committee.

## [Official Report](#)

### [Meeting Papers](#)

*7th Meeting, 2020 (Session 5) Thursday 11 June 2020 (in private)*

The Committee considered a revised draft report on public petition PE1319: Improving youth football in Scotland and agreed to consider a further draft by correspondence.

### [Meeting Papers](#)

## Annexe B - Written evidence submitted to the Committee:

Below is a list of all [written evidence](#) submitted to the Committee in relation to this petition:

- PE1319/A: Dundee City Council letter of 26 April 2010
- PE1319/B: Scottish Youth Football Association letter of 17 May 2010
- PE1319/C: Glasgow City Council letter of 17 May 2010
- PE1319/D: Scottish Government letter of 21 May 2010
- PE1319/E: Scottish Commissioner for Children and Young People letter of 21 May 2010
- PE1319/F: Scottish Premier League letter of 11 June 2010
- PE1319/G: Scottish Football Association letter of 14 June 2010
- PE1319/H: Scottish Football league letter of 15 June 2010
- PE1319/I: Petitioner letter of 21 June 2010
- PE1319/J: North Ayrshire Council letter of 2 June 2010
- PE1319/K: City of Edinburgh Council letter of 30 July 2010
- PE1319/L: Scottish TUC letter of 31 August 2010
- PE1319/M: Petitioner letter of 17 September 2010
- PE1319/N: Department for Education e-mail of 29 September 2010
- PE1319/O: Scottish Government letter of 18 October 2010
- PE1319/P: Scottish Football Association letter of 22 October 2010
- PE1319/Q: Scottish Child Law Centre letter of 27 October 2010
- PE1319/R: Henry McLeish letter of 29 October 2010
- PE1319/S: Petitioner letter of 8 November 2010
- PE1319/T: Scottish Government Letter of 29 September 2011
- PE1319/U: Petitioner Letter of 3 October 2011
- PE1319/V: Scottish Schools Football Association Letter of 7 November 2011
- PE1319/W: Scottish Football Association Letter of 11 November 2011
- PE1319/X: Scottish Youth Football Association Letter of 14 November 2011

- PE1319/Y: Ayr United Football Academy Letter of 14 November 2011
- PE1319/Z: Scottish Government Letter of 16 November 2011
- PE1319/AA: Petitioner Letter of 12 December 2011
- PE1319/BB: IFK Gothenburg Letter of 9 December 2011
- PE1319/CC: sportscotland Letter of 28 February 2012
- PE1319/DD: Scottish Government Letter of 28 February 2012
- PE1319/EE: Scottish Football Association Letter of 21 March 2012
- PE1319/FF: Falkirk Football Club Letter of 20 March 2012
- PE1319/GG: William Gibbons Letter of 26 March 2012
- PE1319/HH: Petitioner Letter of 10 April 2012
- PE1319/II: Scottish Football Association Letter of 18 May 2012
- PE1319/JJ: Petitioner Letter of 11 June 2012
- PE1319/KK: sportscotland Letter of 22 June 2012
- PE1319/LL: Scottish Football Association Letter of 26 September 2012
- PE1319/MM: Petitioner Letter of 2 January 2013
- PE1319/NN: Scotland's Commissioner for Children and Young People Letter of 28 March 2013
- PE1319/OO: Scottish Football Association Letter of 18 October 2013
- PE1319/PP: Petitioner Letter of 21 November 2013
- PE1319/QQ: Scottish Football Association Email of 23 January 2014
- PE1319/RR: Petitioner Letter of 12 February 2014
- PE1319/SS: Petitioner Letter of 13 May 2014
- PE1319/TT: Scottish Youth Football Association Letter of 28 May 2014
- PE1319/UU: Scotland's Commissioner for Children and Young People Letter of 29 May 2014
- PE1319/VV: Scotland's Commissioner for Children and Young People Letter of 8 August 2014
- PE1319/WW: Petitioner Letter of 21 September 2014
- PE1319/XX: Scotland's Commissioner for Children and Young People Letter of 17 December 2014

- PE1319/YY: Scotland's Commissioner for Children and Young People's Report on Improving Youth Football in Scotland of 20 May 2015
- PE1319/ZZ: Scotland's Commissioner for Children and Young People Letter of 25 August 2015
- PE1319/AAA: Petitioner Letter of 16 September 2015
- PE1319/BBB: Scotland's Commissioner for Children and Young People Letter of 19 October 2015
- PE1319/CCC: Scottish Football Association / Scottish Professional Football League Letter to Scotland's Commissioner for Children and Young People of 20 November 2015
- PE1319/DDD: Petitioner Letter of 5 January 2016
- PE1319/EEE: Children and Young People's Commissioner Scotland Letter of 26 February 2016
- PE1319/FFF: Petitioner Letter of 3 March 2016
- PE1319/GGG: Scottish Government Letter of 20 June 2016
- PE1319/HHH: Petitioner Letter to Minister for Public Health and Sport of 27 June 2016
- PE1319/III: Scottish Football Association letter of 8 July 2016
- PE1319/JJJ: Children and Young People's Commissioner Scotland letter of 26 July 2016
- PE1319/KKK: Scottish Schools' Football Association letter of 28 July 2016
- PE1319/LLL: PFA Scotland Letter of 29 July 2016
- PE1319/MMM: Scottish Youth Football Association letter of 4 August 2016
- PE1319/NNN: Scottish Government Letter to Committee of 24 August 2016
- PE1319/OOO: Scottish Government Letter to Petitioners of 24 August 2016
- PE1319/PPP: Letter from Realgrassroots of 19 September 2016
- PE1319/QQQ: Realgrassroots Letter of 18 December 2016
- PE1319/RRR: Tam Baillie, Former Children and Young People Commissioner Scotland submission of 5 June 2017
- PE1319/SSS: PFA Scotland Submission of 6 June 2017
- PE1319/TTT: Scottish Football Association and Scottish Professional Football League joint submission of 7 June 2017
- PE1319/UUU: Petitioners submission of 12 June 2017

- PE1319/VVV: Petitioners submission of 13 November 2018
- PE1319/WWW: Kenneth Hamilton submission of 15 November 2018
- PE1319/XXX: Petitioners submission of 19 November 2019
- PE1319/YYY: Children and Young People's Commissioner Scotland submission of 21 November 2019
- PE1319/ZZZ: Petitioners submission of 20 January 2020
- PE1319/AAAA: Children and Young People's Commissioner Scotland submission of 18 February 2020
- PE1319/BBBB: Petitioners submission of 19 February 2020
- PE1319/CCCC: The Scottish FA submission of 11 May 2020
- PE1319/DDDD: Petitioners submission of 20 May 2020



