



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 22 December 2016

Session 5



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Thursday 22 December 2016

CONTENTS

	Col.
CONTINUED PETITIONS.....	1
Youth Football (PE1319)	1
Judiciary (Register of Interests) (PE1458)	43
Alzheimer's and Dementia Awareness (PE1480)	44
Social Care (Charges) (PE1533)	44
A83 (Rest and Be Thankful) (PE1540)	45
Adult Cerebral Palsy Services (PE1577)	46
Healthcare Services (Skye, Lochalsh and South-west Ross) (PE1591)	47

PUBLIC PETITIONS COMMITTEE
9th Meeting 2016, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

*Maurice Corry (West Scotland) (Con)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Neil Doncaster (Scottish Professional Football League)

James Dornan (Glasgow Cathcart) (SNP)

Kate Forbes (Skye, Lochaber and Badenoch) (SNP)

Murdo Fraser (Mid Scotland and Fife) (Con)

Rhoda Grant (Highlands and Islands) (Lab)

Roderick Houston (Scottish Schools Football Association)

Richard Leonard (Central Scotland) (Lab)

David Little (Scottish Youth Football Association)

Andrew McKinlay (Scottish Football Association)

Fraser Wishart (PFA Scotland)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Public Petitions Committee

Thursday 22 December 2016

[The Convener opened the meeting at 09:15]

Continued Petitions

Youth Football (PE1319)

The Convener (Johann Lamont): I open the ninth meeting of the Public Petitions Committee this session. I remind members and others in the room to switch phones and other devices to silent.

Our first item this morning is consideration of continued petitions, the first of which is PE1319 on improving youth football in Scotland. The petition called for action on six points, four of which were addressed in previous years. The issues that remain to be considered are contracts and compensation payments between clubs. A number of actions have been suggested, and there are associated questions about welfare and the rights of the children and young people involved.

We will take evidence on the petition from two panels. The first panel comprises representatives of the Professional Footballers Association Scotland, the Scottish Schools Football Association and the Scottish Youth Football Association. The second panel represents the Scottish Football Association and the Scottish Professional Football League. At a future meeting, we will hear from the Children and Young People's Commissioner Scotland, who was unable to be with us today for personal reasons.

I welcome James Dornan and Richard Leonard to the meeting. They will be participating in this agenda item.

I understand that the petitioners Scott Robertson and Willie Smith are attending today. They have driven consideration of the issue from the beginning.

I wish to make the most of the time that we have available this morning, so we will go straight to questions. We have copies of written submissions from each of the witnesses, so we have a fair steer from that of where we are.

I welcome our first panel. We have with us Fraser Wishart of PFA Scotland, Roderick Houston of the Scottish Schools Football Association and David Little of the Scottish Youth Football Association.

This is a very interesting issue, and in some ways it is very complex. As a new committee, we

want to get a proper understanding of the concerns. I will start off with a simple question on welfare considerations. I begin with players who are registered under the club academy Scotland system being able to play for their schools and the response from the SFA and SPFL that a rule change would be made to reflect that there should be no restrictions on that,

"subject to appropriate welfare concerns".

I invite you to express your views on "appropriate welfare concerns".

Roderick Houston (Scottish Schools Football Association): We welcomed that move on the part of the Scottish FA. We are strongly committed to youngsters playing for their school wherever possible. There has been a long history of that relationship, following an embargo on the elite boys and girls playing for their school.

Significant progress has been made in the past year, although we are still receiving anecdotal evidence that gives us cause for the specific concern that young players are quite often put in the position of having to make a choice between school and a club or what have you. We would prefer there to be a dialogue between the adults and the young person involved to allow that.

There is no question but that there has to be a kind of agreed programme—"negotiated" is too strong a word—of demand on the young person in all sorts of ways. We are quite happy to be party to that. We can find a lot of very good examples of just that from around the country, but there is still anecdotal evidence that some young people are being put in a terrible position, which we are uncomfortable with.

The Convener: Does that mean that "appropriate welfare concerns" could simply mean the club saying that it does not suit it for the young person to play for their school team, and that it needs them? That is a difficult relationship for a young person to negotiate.

Roderick Houston: "Appropriate welfare concerns" is quite a nebulous term. What one person—

The Convener: What about "It's not in your interests to do this"?

Roderick Houston: I do not like that. I would like the child to be involved, and preferably the parents as well. Parents could point out that if a young person plays for the school team, it allows them to play with their pals, which is great for the pals and gets the youngster suitably involved with their peer group. There has been evidence of the distancing of elite kids from their peer groups in school—not much and it is not too nasty, but it is not really what we want to happen in our communities and schools.

The Convener: Thank you. Do other members of the panel have a comment?

Fraser Wishart (PFA Scotland): Good morning, and thank you for the invitation to inform the process.

Schools football is not an area that we are expert in, but the changes that have been made should be welcomed. Like Rod Houston, I feel that a young person being able to play football with their friends is one of the most important aspects of their development. Young players can come from all over the country for training with the elite of club academy Scotland, but it is also important that they play football with their friends in their local area and with their schoolmates. From a developmental perspective, the more football that young people play, the better. Children nowadays do not play football in the way that I did 30 or 40 years ago, when we played constantly. We just got our ball when we got home and went out to play in the streets.

We talk about it taking 10,000 hours of practice to get to an elite level, so a young person should play for as many hours as they can, and playing schools football just adds to that. I do not think that any of us know at the moment what that means in practice, but Rod Houston certainly knows more than I do about “appropriate welfare concerns” and so on. Whether players who are signed with club academy Scotland teams are playing for their school teams will come out in the wash at some point, but I think that what the SFA and the SPL have done is a step forward.

The Convener: It might be useful for us to monitor the figures involved.

Angus MacDonald (Falkirk East) (SNP): We know that the new measures include enabling a player to give 28 days notice of their wish to return to the recreational game. However, some submissions have commented on the need for clarity about the conditions for the return of a player in those circumstances to the academy system. What are your views about the conditions that should apply in such circumstances?

David Little (Scottish Youth Football Association): Good morning, and thank you for allowing the Scottish Youth FA to be represented here today.

The 28-day rule was put in place in May 1999 when the Scottish Youth FA was formed to eliminate the unscrupulous among the grassroots game who would say at that time that they were going to hold on to a young player for a full season. However, at our annual general meeting in June this year, we removed the 28-day rule, as I indicated in my written submission, and replaced it with a period of seven days. We will always err on the side of the child. We have the seven-day

period so that if there is a dispute between a club and a player, the player can write to me as the chief executive of the SYFA and we will ask for comments from the club; if the club does not reply within the seven-day timescale, we automatically cancel the player’s registration. There are only two reasons why we would seek further clarification: to see whether the player owes the club for their kit or whether there are any finance matters that have still to be resolved. Apart from that, we would cancel the player’s registration straight away.

Angus MacDonald: Thank you. Just for interest, do you know what percentage of clubs respond to you within seven days?

David Little: We do not measure that. However, with about 99.99 per cent of players seeking release—do not hold me to that as being exact—there is no dispute and we cancel about 15,000 player registrations per year. We probably have about 15 per year that are in dispute.

Earlier, I alluded to financial matters, which can be interesting. One situation that we had to deal with involved a club that had a young player who had been at the club for two years. The club was alluding to the fact that he owed them his fees for two years. My reply—which I will brush up—was basically, “Go away. The guy has been with you for two years, and now, because he wishes to leave, you want to retain his registration.” That registration was cancelled.

Brian Whittle (South Scotland) (Con): Turning to compensation, the Scottish Schools Football Association has commented that the reimbursement of remaining costs raises a number of risks. They include the “child being regarded as a commodity”

—the implication of which is that the child is owned by the club—and the risk of such payments being used as leverage. If we agree that the child’s welfare and their enjoyment of the sport are paramount, especially to the longevity of the sport, is that risk recognised and shared by the panel?

Roderick Houston: I can respond initially. It is a risk that we have highlighted but one that we have been unable, thus far, to delineate. However, we have a lot of anecdotal evidence of very unhappy kids.

When compensation becomes an issue, there are cases where children simply walk away from the game. That cannot be good for the game, the child or the child’s relationship with his or her peer group in the school and the community.

The whole notion of transactions around young players gives rise to concerns on the part of the Scottish Schools FA. We have commented frequently during the past 10 years or so on that,

and we continue to have those concerns but we have not been mollified in any way whatsoever.

At times, I struggle to understand why clubs do not see that the kids are benefiting the game and benefiting themselves. Maybe that is because I come from a schools football background. We get kids to play football—that is what we are interested in doing. A school might do well and have some good experiences. Who is to say that Stranraer academy going to Stornoway, en route to a final in Hampden, was not a great experience for the kids? They will tell you that it was an epic journey.

Those are good things. However, the minute that kids become commodities, and the minute that there is compensation, you are detracting from the possibilities. You are preventing kids from getting there. We are concerned about the overall welfare of children, and if those things are getting in the way, it is our view that they should not happen.

Brian Whittle: What has your interaction been with the academies, the SFA and clubs about that?

Roderick Houston: There is continual dialogue between our SFA representative and the higher echelons of the SFA, through the committees. At the local level, it is between local people on the association's executive committee and senior people at clubs. If we find that there is an impasse, we try to help.

I point towards one of the points that we made in the paper. When issues arise from children being seen as a commodity, the schools are not represented when they meet, and I ask myself, "Who is there as a third party to make sure of the overall benefit?" If a child has a problem that relates to social work or family circumstances, the school has a chance to offer a view to assist in finding the best outcome for the child. If an impasse occurs because a child cannot move from one club to another because of a fee, the school needs to be involved to help that child through it. We strongly urge the committee to consider representation for the school when there are such cases to deal with.

Brian Whittle: Are you suggesting that those circumstances—not that I want to put any words in your mouth—are weighed against the child?

Roderick Houston: Not necessarily. However, there is a risk of it and we should seek to avoid or diminish that risk if we can.

David Little: I would like to comment on that. We have to be very careful when compensation comes into play. We have to look at it in a child-centric way or from the child's position. Whether the recreational game is played by schools, youth,

amateurs, wealthier people, et cetera, our core business is getting people to play and enjoy the game. The compensation issue should not be a barrier to participation.

09:30

I know that, at a previous hearing on the petition, two of the major clubs gave evidence that there was a bidding war for a player and the money was running at around £30,000. That is in the committee's records. That sort of thing needs to be eliminated. If there are guidelines, which there are now, the figures must be maximums. If it is said that the compensation fee is £5,000, there should not be an auction for a child, and things should not be allowed to get out of hand.

The Convener: I want to ask PFA Scotland about its evidence and it can also respond to the point that has been made in answering my question. PFA Scotland said that the 28 days' notice might not apply to young people who are moving to another club as opposed to going back to recreational football. Its submission says:

"As the current system stands, when a young player signs for a professional club under the Club Academy Scotland (CAS) registration at say aged 11, he cannot join another professional club unless his current club allows him to until the age of 23 as long as his club exercises its unilateral rights to retain his registration."

Fraser Wishart: The issue of compensation is absolutely vital. On the club academy Scotland players, I understand completely that the clubs have concerns and worries about the bigger clubs cherry picking, a loss of control, and players moving from club to club every year, but I think that their fears are ill-founded.

The Bosman ruling, which gave players freedom of movement, was made 21 years ago earlier this month. It is incredible that it took so long to give players freedom of movement when their contract finished. Even when their contract was finished, compensation was still payable prior to that. The Bosman ruling was going to be a disaster for football but, 21 years later, the game is flourishing at most levels, and certainly at the professional level. I therefore think that those fears are ill-founded.

I go back to the fact that it is about the individual. We should really be talking about the individual young lad in these circumstances. I have just been through this with my son's teenage years. Their bodies and minds change. If they are unhappy and do not want to stay at a club, compensation should not be a barrier to their moving to another professional club. Twenty-eight days allows them to go back to the SYFA's jurisdiction. I understand that, if they go back into club academy Scotland two years later, for example, compensation will still be payable.

That is where the three-year registration, which we might discuss, kicks in. When a person reaches the age of 16 and signs a professional contract as a player, they are bound by FIFA's regulations, which bring in compensation, as long as a certain offer has been made or there is a certain salary. Therefore, the age that we are talking about is genuinely 11. If the club picks up a registration unilaterally at the end of every season and that carries on until the person is 23, the person will then be free. That is an issue to me.

We have become more involved in the area. We have watched developments with the petition, mainly because more parents are coming to us about issues that relate to their lad and their registration. More parents are asking for information, but clubs do not seem to give the proper information. I am generalising; some clubs give the proper information, but some do not. If we asked parents whether they realised that, when their lad signed at 11, he could not leave, they would probably say no.

Compensation needs to be looked at. There must be an alternative way. There could be a willingness to have a compensation pool, perhaps separately, that the clubs could apply to under certain circumstances. There can be a huge debate, but any compensation should not stop a 14-year-old boy from deciding that they are not happy and not enjoying things at club A, and that they want to go and play for club B. That is the fundamental issue. I cannot get my head around the compromising of the rights of children.

Rona Mackay (Strathkelvin and Bearsden) (SNP): My question is also about compensation. Just for clarity, are you saying that the requirement for a system of compensation could be met through a mechanism other than the one that is currently in place? Is there an alternative suggestion? I think that you have said that there should be an alternative. Is the suggestion that compensation should be payable only when a young player first signs a professional contract that is compliant with FIFA regulations?

Fraser Wishart: I am not too sure about the answer to the second part of that—you would have to ask the SFA and the SPFL about the FIFA regulations. 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.

Rona Mackay: That was my next question. Realistically, how easy do you think that it would be to change the current system? It will not happen overnight, but can it be done in the current set up?

Fraser Wishart: It can be done if there is a willingness to do it. The clubs are the ones who control that side of it, so it depends on the willingness of the clubs. There is a fear of cherry picking—that is, smaller clubs putting in a lot of time and effort to develop a young player, and then that player moving to a big club when he is 14 or 15, without the big club having done anything. I understand that fear, but there would be a greater flow of players if there was no compensation because then the smaller clubs could say to players at bigger clubs, "Come and play for us as a pathway to our first team." At the moment the pathway to most of the first teams is blocked and not enough young players are coming through.

There is a wider issue than that of compensation. It is about developing our players, the national team's performance, our clubs' performance in Europe and the fact that we are looking for players in the lower leagues in England and Ireland as a short-term solution. I understand that—friends of mine manage football clubs and their jobs are on the line if they do not win the next three games. However, if the club has a better ethos and can say to young lads, "Come and play for us because you are going to play on our first team", that is how they can attract players to stay at their club, rather than move to a bigger one. If there is a willingness, there is a way, but I do not know whether that willingness is there.

Maurice Corry (West Scotland) (Con): I want to explore a couple of issues around the registration period for players in the 15 to 17-year-old age group, which is the issue that the Children and Young People's Commissioner has noted as causing most concern. We will explore that with the commissioner at a future meeting, but do others share that view?

Roderick Houston: For boys—predominantly—the years between 15 and 17 can be a time of considerable turmoil, with internal issues, family issues and the realisation that education actually counts. There are all sorts of things happening and that is quite a long time for the boys to be tied. If the club has first refusal for three years—as under the current system—we would like to see more explicit cut-off points and a more explicitly stated mechanism for dealing with it. In my experience of young players, the years from under-15 to under-18 is when we have to deal with an awful lot of stuff that it is not necessarily to do with football. At that point to say, “Right, there you go, that’s you for three years” is not fair if the young player is simply not enjoying it.

We need more explicit arrangements. Fraser Wishart is right about the concern of clubs that they will lose players—we will never fail to recognise that. However, the extent to which that happens needs to be measured more fully. We want a clear pattern of points in the period where the youngster and his family—we would argue that the school should also be included—take stock, with the club. At times, the clubs need to be more flexible in their approach.

James Dornan (Glasgow Cathcart) (SNP): Good morning. I want to talk about the three-year contract. Correct me if I am wrong, but the three-year contract holds the player to the club and means that although the club can hold the player, at that stage the player does not have the same right to see the three-year contract through. Is that right? The club can let the player go after a year or hold the player for three years, while there is no reciprocal arrangement for the player.

Fraser Wishart: Yes. 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.

Work could be done in that area. The club could be allowed to retain the registration at the age of 16 if it offers the player a professional contract. Again, I have sympathy with the clubs. All the big

English clubs have full-time scouts in Scotland, who circle around the clubs here. I understand why the clubs want to make sure that they get compensation, but I cannot get my head around how a club can keep a registration and stop someone getting a job elsewhere.

Roderick Houston: I will add one wee bit to that. The statutory school leaving age is right in the middle of that period. There could be a situation where a child is leaving school, but cannot go and do something, because they have not been offered a professional contract. The situation is out of kilter with other legislative frameworks that apply to children.

Fraser Wishart: The reality is that, when you have a group of 20 players at under-16 level, the clubs have to choose from that group. Because their budgets are restricted, they cannot afford to take on everybody. It is about talent identification. If the clubs take on three or four players, there may be three or four other decent players that the clubs cannot afford to take on, so they will retain them as amateurs and give the other three or four the apprentice contracts.

You can sympathise with an element of that—the clubs do not want to lose control over the players. However, that takes us back to the situation whereby some of them cannot be offered jobs.

James Dornan: Surely you can only sympathise if you look at it from a strictly business point of view. You cannot sympathise with it if you look at it from what benefits the child and ensures that people stay involved in the game; neither can you sympathise with it on the grounds of common decency and fairness. It sounds to me as though all the cards are in the hands of the clubs and none of them are in the hands of the child.

I am a father of two teenage sons. I have run amateur and junior football clubs. I know that kids sign things during that age period. Their parents are sort of forced into it when the glamour takes over from common sense—I was one of those parents at one stage. It is very difficult for parents not to let them sign up. It is an important issue.

Fraser Wishart: The truth is that about 100 young lads got apprenticeship contracts prior to and during the summer. The apprenticeship programme, which normally lasts for two years, is funded by Skills Development Scotland. Of all the lads who came in two years ago and have turned 18 and whose initial two-year contracts have finished, about 35 got further contracts. Out of all the players who have come through from the age of 11—I would have to guess how many of them have been registered during that period—only 35 got contracts at the end of that seven-year period. People should be told about that figure. We have

to get the truth out that although football is a fantastic life—I am lucky enough to have been involved in football all my working life as a player and as an administrator—it is hard.

The issue is about the welfare and the interests of the child. The school leaving age and education were mentioned. We have to get into young people's minds, in a way that does not take away the dream, that the chances are that they are not going to make it to professional level.

All those barriers are in place. The truth of the matter is that, this year, only 35 people got professional contracts at the age of 18 at the full-time clubs.

David Little: This age group is one of the most vulnerable age groups in Scottish society. We need to take as many steps as possible to support those in it.

I welcome the press reports about project brave. Basically, the project will reduce the amount of players in club academy Scotland. My contribution to Scottish football was to coin the term "jersey filler". There are too many jersey fillers in the system. We should not give young players expectations.

09:45

A friend at the English FA who did some research on this issue reckons that 0.17 per cent of players in academy systems go on to get full professional contracts. If we assume that that 0.17 per cent figure applies in the Scottish context, we have to ask, how many of those people will make a living out of playing football? Players in the three-year age group should have a choice to move if there are better programmes. That is how to retain players—have the best possible programme.

A previous submission concerned a survey where 55 per cent of the people who were surveyed commented that their club explained registration to them. That means that 45 per cent did not have registration explained to them. We have to have robust guidelines for players because players are trying to latch on to a star and go on a journey, and sometimes parents wish to travel on the same journey. We need robust paperwork, and that paperwork needs to be signed off to confirm that it has been done and that the players and the parents accept and understand it. Any documentation has to be child-centric.

James Dornan: That is a very good point. Would you also say that, in that process, there has to be something that shows—without killing the dream—that the likelihood of someone making a living out of football is much less than they think it

is when they sign that document? Most of them sign it because they think that they are going to play for Scotland as a centre forward or something but the reality is that they are probably going to end up playing amateur football or junior football.

You want to keep the dream alive but you also want to make sure that the young people are realistic so that when they end up having to go, their bubble has not burst and you do not lose them to football. I know that many young men have stopped playing because of that.

David Little: We also have to accept that during this period, players' bodies are changing. The player who was not a diamond at 14 may become a diamond at 17. We have to consider that. It is a bit like when the "The X Factor" auditions came to Hampden, in your constituency, Mr Dornan—

James Dornan: I never got taken.

David Little: I know. That was because you were not the one with the dug. [*Laughter.*]

Thousands of kids turned up for those auditions. There are people far more qualified than I am within the Scottish Football Association and PFA Scotland who need to put something together to explain the chances. We need to have clear, unequivocal facts out there about chances. We do not wish to kill the dream but we need to enable people to deal with the consequences if what they want to happen does not happen.

Roderick Houston: I have two points. First, there is a risk with this system that late developers are overlooked because they are abandoned at 15. You might want to look at what happens in Belgium, which has a wonderful programme for late developers. A significant proportion of players in its national team—which is one of the better national teams around just now—come from that programme.

Secondly, on the notion of the dream and the reality, it is a difficult balance. It is one that we deal with in all sorts of contexts in schools. Young people need the dream to motivate them, so we cannot lose sight of the dream, but we have to get across the idea that they need to have some insurance, as a cushion, just in case.

A young lad from the far north who is currently playing professional football full-time in Scotland is a good example of what I am talking about. Physically, he was a late developer, then he had developmental issues in his skeleton and basically he had to take a year out of the game. People thought that the game had forgotten him, but he still had the dream and the determination and he is now in the game at one of the largest clubs in this country. However, when he was out of the game, he continued with his education, just to cover

himself. Again, it is about finding the appropriate balance.

Richard Leonard (Central Scotland) (Lab):

Thank you for allowing me to attend the committee this morning, convener. My brief includes fair work, so I was particularly struck by what the PFA Scotland submission says about an issue that we have not discussed yet, which is the national minimum wage. The submission says that some clubs are

“paying as little as £1 per week”,

when the national minimum wage for 16 and 17-year-olds is £4 an hour. Will you elaborate on your experience of pay rates and the reasons why such rates are being paid?

Fraser Wishart: I have, unfortunately, seen contracts recently of £1 a week and £10 a week. That goes all the way down to the part-time clubs. We all say that that is unacceptable—the law applies to everybody. Sometimes clubs will say, “Yeah, but the player agreed to it.” Our response is that an employer and an employee are not allowed to contract out of the national minimum wage standards. I would like to see something in the rules to address that. On its website, Her Majesty’s Revenue and Customs says that a contract is invalid if it does not pay the national minimum wage. That creates a whole load of problems for football in terms of registration, compensation and eligibility to play.

Players can be reluctant to raise complaints, especially the younger lads. If you raise a complaint, the reality is that you might not play or get a new contract, so you kind of go along with it. A couple of years ago, the case of a young lad called Kieran Doran was brought before Parliament—I think it was this committee that dealt with it. As a result of that case, Skills Development Scotland, which funds the premierships programme, wrote to all the clubs via the training company to ensure that they were paying the minimum wage, and I think that one or two had to change their wage.

The difficulty, of course, is in determining what a football player does. What is their working week? That could be agreed by us, as a union, and the clubs, to give us a starting point. Players are not allowed to go out socially on a Thursday or a Friday night. They have to stay out of pubs, restaurants and so on, because they have to rest. If they get caught going out for a sneaky pint somewhere, they can be sanctioned. From my point of view, they are working during those hours. It is an issue that could and should be dealt with, but we are told that there is no appetite among the clubs to deal with it by regulation. The players can go to HMRC, which one or two of them are doing, and they can go to the SPFL and raise a

complaint, but they are sometimes reluctant to do so.

We recently went out to a club where there were young lads of 17 and 18, who were not on the apprenticeship programme, and they were not being paid the minimum wage. We sat round the table with the club trying to negotiate and talk through the issues. Rather than pay the players the minimum wage, the club’s reaction was to shorten their hours. They were full-time football players and were training for 16 hours a week. I do not know how they can develop as professional football players on that basis. In most jobs, if you are 17 and you reach 18, you know that you will get a wage rise—the minimum wage will be put up—but in football it seems to go the other way.

Richard Leonard: That is very helpful. Time is limited, so I wonder whether we can move on to another important issue that we have not discussed. We have spoken about the clubs, the lads themselves and the parents. There is now a set of people in the game who are agents and intermediaries. Will you tell the committee a bit more about their role in the way that the registration scheme works?

Fraser Wishart: That is absolutely relevant to the petition and to the welfare of children and young people, and it is a concern for us. I will give you a short history. FIFA used to have a licensing system in which you had to pass an exam and then post indemnity insurance or a bond of some kind. There were checks and regulations. FIFA disbanded that completely, for reasons known only to itself—I think that it was mainly because most transfers were not being conducted by licensed agents. FIFA gave a minimum set of standards to every association—in our case, it was the Scottish FA. Those standards are pretty minimal. FIFA allowed countries to create their own regulations on top of that. We have had concerns, which we have raised with the SFA and clubs—they are aware of those concerns.

In this area, the concerns are about the lack of disclosure and PVG—protecting vulnerable groups—scheme checks for those who register as intermediaries, as they are now called. They are allowed to sign representation contracts with minors. An 11 or 12-year-old lad can, with their guardian’s approval, sign a contract with an intermediary to represent him. Why they would need somebody to represent them at that age I do not know, because an agent is really there to conduct the negotiations for a contract of employment.

Those are areas that concern us. There are no limits to the length of that representation contract, although the one caveat that has been put in, at our request, is the three-month notice period until the person is 18. Somebody can sign a

representation contract for 20 years, and if they do not implement the notice period by the time that they are 18, they will be stuck with that intermediary representing them.

For the welfare of young people, there should be greater checks of any intermediary who will interact with young people. I actually think that persons under 16 should not be allowed to sign a representation contract, because young people do not need representation or an agent until they are 16. However, if we are going to have that, greater checks should be put in place.

David Little: I will make just one point on that, which is on something that is maybe homework for the committee. There is a book called “The Secret Agent: Inside the World of the Football Agent” that is worth reading. Surprise, surprise, the author is anonymous.

Richard Leonard: Sorry, Mr Wishart, but will you confirm that you said that the intermediaries do not go through Disclosure Scotland?

Fraser Wishart: Yes—not necessarily. The SFA will have a checking system, which I am sure it can explain a bit more clearly, but there is no requirement for disclosure, or, if there is, it does not stand out.

Richard Leonard: Wow.

James Dornan: The three panel members are all here because their role makes them feel responsible for the welfare of school children, young players and players in general. From the evidence, the authorities seem to have an almost total disregard for the welfare of the children. We have agents who can interact with kids of 12 years of age and who have not been PVG checked, contracts of £1 a week and no certainty about what children will be able to do when they reach 16, 17 or 18. That is surely a dereliction of duty by those who should be looking after those children. I am convener of the Education and Skills Committee, which has child protection in its remit, and I am horrified by some of the stuff that I am hearing today.

Roderick Houston: The Scottish Schools FA is profoundly concerned about the development of intermediaries, which has happened in recent years. We think that one reason for it is that parents feel intimidated by clubs and they think that an agent will know how to stand up to the club. We have to balance it that way. We are profoundly concerned about intermediaries. We think that, for anything up to school leaving age, intermediaries are completely inappropriate and we ask the game to look at that seriously, particularly in the current environment.

The Convener: My understanding is that clubs have either sought or been given advice on how to

avoid paying the minimum wage. Do you have a view on the ethics of even seeking that advice?

Fraser Wishart: We have spoken to clubs about the minimum wage and other industrial issues. I believe that some clubs sought advice from the SPFL centrally, and we understand that its lawyers put together a document. I do not think that the aim was to avoid paying the minimum wage, but there were suggestions around zero-hours contracts and other matters as a way of clubs being able to budget. It will be no great surprise to you that we disagreed with a lot of the impact of that. I think that those things are not possible in football, anyway.

The Convener: Zero-hours contracts do not have a lot of advantages, but at least they allow people to say that they will not go to work. In the clubs that you describe where people can be paid £1 a week or a month, they cannot take another job because they are expected to be at their work. At one level, I get the idea of the dream, but those clubs are using that notion to encourage young people to work against their own interests.

I do not know whether you agree, but I cannot see how it can possibly be anything other than simple exploitation to assume that, because somebody has ambition, they will be prepared to work for little or no money and exclude the possibility of their working elsewhere, without having any control over their own destiny.

10:00

Fraser Wishart: In my experience, it tends to be around compensation. One lad who was on a £10-a-week contract at a part-time club was the only one of the under-20s who was not on an amateur form. He was put onto a professional form at £10 a week because the club was open about it. It had lost a player who had turned out to be a decent player and had made a career out of it, and the club did not get compensation because it had had him on an amateur form. That tends to be why players are put on those types of contracts; it is about retaining the right to compensation rather than players going free.

Brian Whittle: Having been involved in sport for about 40 years and having been a coach for the past 20 years—I have coached at national level at under-15, under-17, under-20 and senior level—I find it absolutely absurd that we have been using words such as “agents”, “wages” and “compensation” for kids who should be out playing the game, enjoying it and falling in love with it. I do not understand how the current system looks after the welfare of the child in any way, shape or form. What influence can someone in your position have on the system at the moment? I am so angry about the situation—I think that it is insane.

Roderick Houston: Anger is understandable, but we need to moderate it to find a way of solving the problem. I go back to something that I said earlier—we continue to have grave reservations about compensation culture. We are seeing that here, and many of the issues that have been raised reflect that and sustain our view that the matter needs to be looked at in a manner that is much more in keeping with the interests of the youngster. Fraser Wishart's point about a club putting a kid on the minimum amount of money just to hold him beggars belief. The beauty of coaching in schools is that those issues do not arise, and I do not mean to be complacent or blasé, because we deal with the consequences of the club system for young people. A kid might come back to school and say, "I started pre-season and I hated it, but they're not letting me go." We will tell them to come back into school football, and that allows them to fall back in love with the game, because one of the things that is getting lost is winning people to the game.

I make a plea to the committee to consider the welfare issues with that in mind. It is not just about players. The club system is great for the best players and for members of the Scottish PFA, but we are concerned about all levels of the game and about the people who will become coaches, administrators and referees. All those people count and they all go through school, and that is why we take a view on the issue. That is why we are worried about the compensation culture; it is losing people to the game. There is also a question about the ethical approach.

Maurice Corry: I have a question on external regulation that follows on from my previous comment. In his submission, the Children and Young People's Commissioner Scotland states that his "overall impression" is that the SFA and the SPFL

"have gone as far as they are prepared to go or are able to do so within their governing structures",

and that

"for real change to occur, external regulation has to be imposed".

What are the panel's thoughts on that view?

David Little: I hope that the family of football can come together to identify the issues that have been raised today and in all the hearings on the petition, and that we can come up with player-centred rules that will enable the game to be much better regulated.

Fraser Wishart: I agree. Football has enough good and clever people to get together to come up with a compensation system, if that is what it has to be, or a registration or developmental system that is fair to the young person. We might talk

about this and so might the lawyers, but when we strip it all back it is about the young person.

I place myself as a father in this situation. Although my son was not good enough to get to that level, he played boys club football and still does. How would I feel if I was that parent—if my young person was unhappy and was tied into an arrangement? I cannot get my head round the idea of the young person not having the option to move around and choose where they play.

The fall-out rate is huge. We are seeing this more and more—and the two gentlemen sitting to each side of me will know more about it than I do. Anecdotally, I hear more and more about how lads who leave the club academy system and do not get a professional contract at 16 just stop playing. That is totally wrong.

Some of my closest friends are people I played with when I was in boys club football at the age of 12, 13, 14 or 16. I am still very close to them. It is a social thing. If young people do not make it at a certain level, they should find their level and still play football. If that is amateur football, that is absolutely fine. If it is five-a-side football, that is absolutely fine. There is fitness, there is health and there are all sorts of other benefits, including social benefits, from training two nights a week and playing at the weekend. There is the friendship aspect of it. For me, that is very important. It goes wider than just the game. We should not consider the issue solely from the individual's point of view.

The Convener: To what extent have you been engaged in conversations with the Scottish Government? If the clubs are not able to regulate themselves, have you had "extensive discussions"—that was the phrase that was used, I think—with the Scottish Government about the options?

Fraser Wishart: I know that the word "extensive" was used, but I would not have called the discussions extensive. We have good contacts. David Hamilton is the strategic lead—I think that that is his title. I have found him to be very good. He is very approachable, and he speaks to everybody within football, which is welcome from our point of view at PFA Scotland, as we can sometimes get frustrated. To say that we have had "extensive discussions" might be exaggerating it slightly, but we have had discussions.

This is not an area that we have been too involved in previously but, given the intermediaries, this is now a moral issue for us as an association. There are developmental issues around the players. Are we developing young footballers? There is also the matter of the number of parents who are coming forward to us, looking

for advice. That is why we have stepped into this area. The contact from Government has been welcome.

Roderick Houston: I have a preference for jaw-jaw rather than war-war. If everybody in football sat down together, we could start to discuss the context that we want a young person to be in. GIRFEC—getting it right for every child—is there, and it still seems to be current and applicable enough to use as the starting point. At the moment, the interests of the club tend to be the starting point. That is understandable in many senses, bearing in mind that the clubs form the Scottish FA. We have to find a way to deal with that.

I share Fraser Wishart's view: I think that there is enough ability in the game to do these things. The game needs to make the most of people's abilities, and that is why paragraph 2 of our response applies to this point.

James Dornan: My question leads on from what the convener said.

You are right that the ideal solution is an internal football one, with everybody on the same page. Football must accept that it does not stand alone. It is not an island; it is part of the community. There does not seem to be a recognition of that, given the evidence that we have heard today that football has a responsibility to the people who are involved in it. I am talking about the general bodies, not the three witnesses who are here today. How can football itself deal with the issue unless it is willing to take on that responsibility?

Roderick Houston: It is always possible if parties to a discussion are prepared to accept change rather than starting from a point of resistance.

I spent part of my working life with the Highland Football Academy Trust, which involved two professional football clubs: Inverness Caledonian Thistle and Ross County. If club A thinks that club B is getting a scintilla of advantage, all hell breaks loose—excuse the language, but it is appropriate. The parties need to be sat down. We did proximity talks, ACAS style, and the clubs eventually agreed that the trust was a success and was developing players. Those two clubs are in the top division in Scotland and have built on their foundations. They realised that working together was much more important than running parallel paths.

I see a direct link between that kind of discussion and the kind of discussions that we need to have in order to address the issues that members have been raising this morning.

David Little: It is vitally important that all parties at all levels of the game become involved in the debate. Over the past few months, I have spoken

to David Hamilton on a number of occasions, and I have found him to be very helpful and informative. I would have absolutely no difficulty in going back and speaking to David on any issue.

Brian Whittle: As has been mentioned, there are some really good people in football, from the SFA down, who I am quite sure would hold the same views as most of the people in this room. That raises the question of why people are not getting round the table. I am concerned that it is because of the power of the clubs, and the club voting system. Do clubs have too much control over what might change and what might not?

Fraser Wishart: You are absolutely right in the sense that it is the 42 clubs that are members of the SPFL that make the decisions, and they are also members—along with the wider membership—of the SFA.

You are right that there is an intellectual argument to be won with regard to the whole issue. Fundamentally, the issue comes down to the fact that clubs are scared to lose the diamond—the one star player. That is the wrong way for them to look at the situation, because it just leads to complete inertia in the movement and flow of players. The solution is about taking away that fear and saying to a smaller club that, even if a bigger club comes in and takes away a player at age 13, the smaller club will still have the ability to go out and convince young people to come and play for it. That could happen at one of our bigger clubs too, although at present it cannot happen because of the compensation system. We need to consider the wider and greater good. Our national team has been struggling for many years, and our clubs are not performing in Europe as well as they could be.

For the good of the game, we need to develop young people, make their environment happy and allow them to flourish as individuals as well as football players. We need to ensure that, when the dream is taken away from them, they will have been working hard at school and they will have had a proper education. We need to make sure that they slip back into David Little's system—or, when they are older, the amateur system—and continue to play football. Clubs should take a wider view rather than focusing on the fear that, if they miss that one nugget, they will miss out in the compensation system. It is about the greater good. There is an intellectual argument here that needs to be debated before football can move forward.

The Convener: We have concluded our questions. As the witnesses have no more comments, I thank you all very much for coming along this morning; your contributions have been exceptionally useful. We will hear at a later date from the Children and Young People's Commissioner Scotland. This session has really

informed our thinking, and I am sure that the conversation will continue.

I suspend the meeting while we change panels.

10:12

Meeting suspended.

10:17

On resuming—

The Convener: I welcome our second panel of witnesses: Andrew McKinlay of the Scottish Football Association and Neil Doncaster of the Scottish Professional Football League. As with the previous panel, we will go straight to questions, and I will start. How many children and young people are currently registered within the club academy Scotland system and what proportion are expected to graduate—if I can use that term—to play professionally for Scottish clubs?

Andrew McKinlay (Scottish Football Association): I will take that one. There are 3,500 young people within club academy Scotland, but I cannot give you a percentage for how many are expected to graduate, although it would be a small amount.

However, it is important in the current context to say—I think that this was mentioned by a member of the previous panel—that, as part of project brave, we are looking at that figure of 3,500, because there is an acknowledgement that it is far too many. Club academy Scotland is supposed to be the elite end of the game. David Little used the phrase “jersey fillers”, and we need to look at that, because the numbers need to be cut down. Project brave is looking at that to ensure that there is more of an expectation that a young person within club academy Scotland will succeed. A good point was made in the earlier evidence about getting the balance right with regard to expectation and not dashing someone’s hopes, but it is difficult to achieve that balance.

The Convener: Do you know what the drop-out rate is as opposed to the number of young players who are not successful? Is there any discussion with young people who have decided to chuck it—for want of a better phrase—about what motivated their desire to leave?

Andrew McKinlay: I do not have numbers for drop-out rates from club academy Scotland.

On your second question, we have worked with the Scottish Youth FA on something that we are keen to do for boys who drop out—there have been teething problems, but I think that we are now in a good place on it—which is to find a path back to the recreational game for them. They have often come from the recreational game in the first

place, and we do not want to lose them entirely to the game. We have worked through issues, usually related to data protection, to make sure that those names are available, so that the clubs that they have been with previously, or other recreational clubs, can pick them up again. That way, we can make sure that they can still play and enjoy football.

The Convener: In your letter to the Children and Young People’s Commissioner in November 2015, you set out a series of measures that were to be put in place in response to recommendations that were made by the commissioner. We are going to come to questions on specific issues relating to the measures but, briefly, can you confirm whether those measures have been rolled out? Also, what processes are in place for monitoring by the children’s wellbeing panel?

Andrew McKinlay: Of course. 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.

Maurice Corry: The new measures include enabling a player to give 28 days’ notice, after which they can return to the recreational game. If a player who chose to exercise that right wished, after a period of time, to return to academy football at a different club, what conditions would apply?

Andrew McKinlay: The main one would be the reimbursement of training costs that had been incurred by the initial club, but it would depend on the particular circumstances. That would be something for the children’s wellbeing panel to consider at the appropriate time.

Rona Mackay: Can you tell us more about the standard pack that you said you are working on? For example, how long will it take to actually get it out?

Andrew McKinlay: It has to be in place for the beginning of next season. The crucial time for the pack is at the end of each year. We brought the new rules in only at the beginning of this season and because they are new, we have to work on them. As I have said, the pack must be in place for the beginning of next season.

Rona Mackay: Do you have a figure for the percentage of players who have reported that they understand the terms of registration prior to signing the form? Do you have an idea of that?

Andrew McKinlay: I think that Mr Little gave a percentage in the previous evidence session, and that came from our own analysis. It was said that 55 per cent “fully understood”, which is a bit more than just being aware, but I accept and totally appreciate that this is an area that we need to work on.

Rona Mackay: And the pack will be in place for the next season.

Andrew McKinlay: Yes.

Angus MacDonald: The issue of compensation was discussed in the previous session, and we have also received submissions that refer to a compensation scheme as a FIFA requirement. How prescriptive is that requirement with regard to the exact arrangements of the compensation scheme?

Andrew McKinlay: 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.

Angus MacDonald: Has that happened in practice?

Andrew McKinlay: Has movement taken place?

Angus MacDonald: Yes.

Andrew McKinlay: In the summer of 2015, we brought in a dispute resolution procedure to deal with issues with the matrix system. Let me take a step back. When I gave evidence on this point to the committee in 2014, I said that we would be bringing in the procedure even though in my time in the Scottish FA, which would have been two years at that point, only a handful of cases had been brought to our attention. I accept that, for the individuals involved, that is more than you would want, but we dealt with those cases on an ad hoc basis and mediated effectively to ensure that satisfactory arrangements were made. Nevertheless, we appreciated that our approach was an ad hoc one, so we brought in a dispute resolution procedure in 2015. To date, though, that procedure has never been triggered.

The Convener: In any other walk of life, I might be trained by a company and then get a new job with another company having benefited from that training. Under what circumstances would my old employer be able to get money from my new employer?

Andrew McKinlay: I would approach that slightly differently by using a sports analogy. In many elite and other sports, the children involved pay the clubs every month; at the elite level in football, players do not pay.

The Convener: No, but they are playing for a club that then benefits from their playing. It is not as though the club trains them and gives them skills that are not then deployed in the club's interests.

Andrew McKinlay: 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.

The Convener: The compensation disputes are disputes among the clubs and are not really about the young person.

Andrew McKinlay: The point of the rules is that the young person should not be prevented from moving. That should be an issue for the two clubs.

The Convener: Do you accept that someone could sign a contract at 11 and end up being stuck there until they are 23, with no opportunity to move on?

Andrew McKinlay: I have not seen that in practice—it has not come before us. I accept, though, that it is technically possible.

The Convener: If you think that it is technically possible, do you think that it is acceptable or unacceptable? Even if it has not yet happened, would you say that it would be unacceptable if it did happen?

Andrew McKinlay: It would be unacceptable for a player to be frozen out of football for that time.

Neil Doncaster (Scottish Professional Football League): Can I come in on that point?

The Convener: Yes.

Neil Doncaster: I welcome the opportunity to talk to the committee. There is a lot of misinformation out there and I want to do whatever I can to bring as much clarity to the debate as possible. I am sure that Andrew McKinlay feels the same.

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.

10:30

Brian Whittle: You are suggesting that the clubs are the only way for kids to be developed within the sport. However, the balance should always be in favour of the child's welfare, and I would say that there are other avenues for developing children in sport.

I have listened to what you have said. The fact is that there are talented children in many other sports, but I think that I need to point out that enthusiastic and talented children should not be classed as elite, as has been suggested. Elite sportspeople participate at the highest international senior level. One point that has come across is the many other sports in which talented youngsters make it into national squads and therefore do not have to pay any more, and I find it strange that we are talking about the clubs being the only avenue for developing kids in the sport.

Neil Doncaster: I absolutely take the point. I am not suggesting that clubs are the only avenue, but they are one avenue. They spend a lot of time and

a lot of their own money investing in youth. In most cases, that investment does not come to anything, because the players do not go on to become elite professional players. However, when they do and then become sought after, particularly by bigger and wealthier clubs south of the border, there has to be protection in place to ensure that the clubs are appropriately compensated for the investment that they have made.

The absolute and prime focus must be on the welfare of players. The system that has been brought in and the rule changes that we have introduced together over the past few years have absolutely focused on player welfare and have achieved the appropriate balance of fully respecting players' rights and ensuring that the clubs have an incentive to invest. If we remove that incentive, we remove many of the opportunities that exist for young players. I cannot see how that can be in the interests of those young players.

Brian Whittle: You have suggested that the issue is that the bigger clubs, including clubs south of the border, are circling, which suggests to me that the problem extends outside Scotland. Quite frankly, all I am interested in is the welfare of the child and their ability to play in the sport. Do you agree that we need to put pressure on other areas as well as on our own game?

Neil Doncaster: I am sure that Andrew McKinlay will want to refer to a report that talks about the scale of this problem. Under the current system, the rules ensure that, if there is any dispute or concern about a player having his or her freedom curtailed, their interests lie at the heart of the considerations. We—particularly the Scottish FA—would want to get involved and help resolve those issues, and that is what happens in practice. I suspect that disputes have not gone all the way to the children's panel because they are resolved in the right way with the children's welfare at the heart of the debate.

Andrew McKinlay: I totally take the point that the problem extends outside Scotland and that it is important to look at that. A crucial element in considering 15 to 17-year-olds was the upheaval involved in children going to England. We are in a difficult position, because the wealthiest league in the world is on our doorstep. The clubs in that league are able to take a punt—members should pardon my colloquial language—and we have said that, from a welfare point of view, it is important that we do not allow English clubs to come in and take our talent just like that.

That has quite often been scoffed at; people have said, "You've got no evidence of that. That's just not happening." Just two weeks ago, the December 2016 CIES football observatory monthly report, entitled "The international mobility

of minors in football”, came out. I am happy to send that report to the committee, but an article about it says:

“Of almost 600 footballers who moved abroad before the age of 18 and who currently play in clubs at 31 top division leagues of UEFA member associations, for almost one third of them, the first foreign destination was England.”

In other words, we are talking about 180 minors. The article says:

“The report has been fully explored in French language book *Slow foot*, where it states that ‘players having left their country under the age of 18 have, on average, less rewarding careers than footballers who left later with more experience under their belt.’

While this has for some time been the suspicion of observers of the football club trade in minors, the obvious conclusion is that it is the money within the market that is dictating the movement of youths rather than development of their footballing potential in secure and supporting environments.

The authors claim that ‘the premature international migration of inexperienced players poses serious risks for both the footballers concerned and the teams recruiting them.’”

I just wanted to highlight that independent view. I know that there is a view that we look at this through one prism and not from a children’s welfare perspective but, as far as 15 to 17-year-olds are concerned, people on the working group were genuinely concerned about the ability of the English clubs to come in and take those players.

Brian Whittle: I understand that, and I am aware of it. Arsène Wenger is one of the protagonists in this, especially in the way that he has pulled players out of France. However, that does not make it right and does not get away from the fact that the current practice might not be in the child’s best interests. My worry is that the system that we have created in Scotland backs that up and tries to protect the football clubs.

Andrew McKinlay: We are trying to strike a balance. Perhaps Neil Doncaster will add to that.

Neil Doncaster: It is absolutely about balance. If we give young players absolute freedom to move as they wish, the most talented will inevitably go to the biggest and wealthiest clubs, particularly south of the border, at the earliest opportunity, because of the understandable lure of money. However, it is difficult to see how that would be in their developmental best interests and, from a Scottish perspective, it would absolutely remove any incentive for our professional clubs to invest in youth development. At the Scottish FA’s recent convention, we had a presentation from a club south of the border whose current model is not to invest any money in the lower levels of youth development but to simply Hoover up the talented players who do not quite make it in the top-level academies. In effect,

that removes opportunities for the lower age groups and reduces investment in them.

It is important to strike a balance. Absolute freedom might in the short term be seen to help the players, but it would absolutely remove the number of opportunities and investment in the development of young players. It is appropriate to have a balanced system that incentivises clubs to invest, creates appropriate freedoms and respects absolutely the rights of the individual and the child. My genuine view is that we have arrived at a fair and balanced system. It might not be perfect, and there might be further improvements that can be made, but I believe that we have made significant progress. We have introduced a number of significant positive changes as a result of the process, and it would be right to allow time to see how they work in practice. If any further improvements need to be made, we should look at that after we have evaluated how successful the changes have been. At the moment, we are not seeing any evidence of unresolved disputes or young players having their appropriate freedoms curtailed.

Maurice Corry: Has the compensation scheme that operates in Scotland been compared to schemes in other countries?

Andrew McKinlay: All countries have similar schemes. There is a move in other countries across the Union of European Football Associations jurisdiction to extend the three-year period. There is a feeling in other countries that it should actually be longer but, to be clear, we are not suggesting that.

Neil Doncaster: 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.

Maurice Corry: Have you found any other key differences, apart from what you have just spoken about?

Neil Doncaster: 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.

Rona Mackay: You might have just answered my question. You will have heard from the

previous panel that there is a high level of concern about the compensation culture in children's football. Do you share that concern? Also, do you have a figure for the percentage of players who move between club academy Scotland clubs and how often that compensation payment is triggered?

Neil Doncaster: Andrew McKinlay might have more statistics than I have to hand but certainly my experience is that the clubs work hard to resolve bona fide disputes. For example, when a young player's family moves from one region to another within Scotland, a lot of work will be done behind the scenes to ensure that the compensation framework is not a barrier to that player moving. Clubs are genuinely respectful of the rights of young players and if there is any doubt, the governing bodies will get involved to find a resolution.

Rona Mackay: Just to clarify—you approve of the present compensation system and would not change it?

Neil Doncaster: 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.

Rona Mackay: Thank you. Do you have a figure, Mr McKinlay?

Andrew McKinlay: I do not have an exact figure. I think I touched on this earlier. It is very rare for training cost payments to be reimbursed. To pick up on Neil Doncaster's point, one thing that has not been mentioned today is that we brought in a new rule on game time. If a player does not get a particular amount of game time, they are allowed to leave the club at the end of the season, even during the three-year period. That is because there was a feeling that clubs were just hanging on to players and not using them at all.

Rona Mackay: What is the amount of game time?

Andrew McKinlay: It is 25 per cent.

On the other point, as I said, I am not aware of many examples of it actually being paid.

Brian Whittle: Concerns have been noted in one specific area—the phrase “subject to appropriate welfare considerations” in relation to club academy Scotland players being able to play for school teams. You probably heard the issue being discussed by the previous panel. What are those considerations and why are they of benefit to the children and young people affected?

Andrew McKinlay: I will take that one because it is an easy response. 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.

Brian Whittle: One of the issues identified in relation to not changing the multi-year registration period for players in the 15 to 17 age group was the potential for a negative impact on health and wellbeing and

“in particular the upheaval ... both to England and within Scotland would be disruptive for family life and education.”

Why would decisions about what is in the best interests of family life or the education of a young person be matters for clubs or the SFA rather than the young person and their parents or carers?

Andrew McKinlay: I guess that we have just talked about the background to that and we have just given you an answer.

The other side to that is evidence that we gave to the committee in 2014 and it is probably important that the committee should hear from a club. In 2014, John Murray of Heart of Midlothian Football Club came to the committee and explained more about the 15 to 17-year-old age group. He gave good evidence to the committee about why that age group was so important from a growth perspective.

We have talked a lot today about what is often a difficult three-year period. If you look back at the evidence from 2014, John Murray talked about the growth spurts that the children have gone through and Osgood-Schlatter's and so on. He gave good evidence on why it is important for the welfare of the child to have stability over that period.

James Dornan: I have a couple of questions. First, I want to come back to you on the point about misinformation, which Mr Doncaster raised earlier.

Earlier you spoke about two things. One was that the English Premier League is by far the richest league in the world. You then quoted from a report. The quotes that you gave from that report clearly protect the Scottish clubs. If clubs are going to pay compensation, it is English clubs more than any other clubs that are able to pay it. The amount of compensation means absolutely nothing in terms of the welfare of the child. If the English clubs want those players, they will just come and get them. How does that help the welfare of the child? It appears to me that you

were trying to say that it was all about the benefit to the club, or the benefit to the child, to ensure that he is not disrupted, but if those clubs want him, they will get him.

10:45

Andrew McKinlay: First, it is a different compensation scheme across the border, but I do not particularly want to—

James Dornan: But it is still about money for the club and it is nothing to do with the child.

Andrew McKinlay: Fine. However, the point was more about the stability of the system. There is a good chance that the system would fall apart, we would not have a system and there would not be anything for children. That was the main point about the welfare of the children in the wider sense.

James Dornan: I do not really get that. Do you want to come in on that, Mr Doncaster?

Neil Doncaster: I can only echo the points that have been made. There has to be an appropriate balance. Ultimately, clubs are investing their own money in extensive player development operations. They are doing their best to turn raw talent into future professional players because they believe that they will get the benefit of those players playing for them, or, should the player decide to go elsewhere, that those clubs will be appropriately compensated for the money that they have invested.

If you dismantle the framework, you remove the incentive for those clubs to develop young players, and you will end up with a significant lack of investment in the development of young players. I cannot see how that can be to the benefit of either the Scottish game or the young players involved.

James Dornan: Yet, as was discussed earlier in relation to the Bosman ruling, everybody said that the world of football was going to come to a crashing halt, but it did not. We often find that football reinvents itself around the rules in place. I suggest, as others have, that the child should be at the centre of all these things.

I want to talk about the misinformation point that was discussed earlier. Is it misinformation to say that a three-year contract means that the club has all the control and the player has none?

Neil Doncaster: It is a three-year registration; it is not a contract.

James Dornan: You are right—sorry. That is worse, because if it was a three-year contract the child would be getting paid for those years. It is a three-year registration, which the club can break but the child cannot; is that right?

Neil Doncaster: I ask Andrew McKinlay to give some details on that.

Andrew McKinlay: The club has a one-way option at the end of the first year and it has the second year to extend it. As I have also mentioned, there are now opportunities for players to come out, with the game time rule that we have now brought in and the 28-day rule to go back to recreational football that we have now brought in.

In practice, it is not in the best interests of a club to keep hold of a player who does not want to be there, and there are many occasions when there is agreement between the player and the clubs for the player to move on, whether at the end of the season or during the season.

James Dornan: So, why is there that three-year registration, which only benefits the one side?

Andrew McKinlay: We have already given our reasons why. I know you do not accept those reasons, but we have given them.

James Dornan: You are right. I do not accept the reasons.

The other piece of misinformation that I think you might have been alluding to—you can correct me if I am wrong—is the one about wages being paid to young players in Scotland. Sums of a tenner a week or £1 a week have been mentioned. There is an amateur club getting players to sign professional forms at £1 a week. Do you accept that that is happening, or is that misinformation? If it is happening, why is it happening, and what action are the SFA and SPFL taking to stop it?

Neil Doncaster: We saw the report in the *Daily Record* last week at the same time as everyone else. We were not given any advance notification that that report was going in to the paper, so we were not given any opportunity to comment beforehand. We saw a report that three SPFL clubs were alleged to have breached national minimum wage legislation. I am sure that it will not surprise you to learn that we have written to each of the clubs concerned, asking for their comments and for full information. We will fully investigate the allegations that have been made but it would be premature to comment on those investigations at this time.

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.

Stirling Albion FC was one of the clubs mentioned in the report in the *Daily Record*. The club put a statement on its website that said:

“Stirling Albion FC can confirm that the ‘case study’ referred to by the Daily Record has been fully addressed and resolved with the player in question. The Club would like to thank PFA Scotland for their support and co-operation in bringing this matter to a satisfactory conclusion. The Club can confirm, with the resolution of this isolated case, that **everyone** on the payroll at Stirling Albion FC exceeds the minimum wage requirements as laid out by HMRC”.

When a player ends up in dispute with a club over any matter, whether it is the national minimum wage or any other matter pertinent to the contract, we have a free dispute resolution procedure in place that players can avail themselves of. They can bring a dispute to the SPFL, which will adjudicate on the complaint. That has happened on a number of occasions, but we have not yet had any case brought to us in respect of the national minimum wage.

The Convener: What is your view on clubs seeking advice on how to get round paying the national minimum wage?

Neil Doncaster: Again, it is important to note the legal advice from Harper Macleod that was referred to in the *Daily Record* article. We and our clubs recognise that all clubs have to pay at least the national minimum wage and that all clubs are bound by the legislation on that. The report that Harper Macleod put together was designed to educate the clubs as to how the law operates. It is quite a difficult area. For example—

The Convener: With respect, it is quite basic to work out that, if somebody is being paid X amount an hour, they would not have a contract that gave them £1 a week.

Neil Doncaster: No. I am not suggesting that—

The Convener: What education is required for a club to understand that, if they are employing somebody and managing their time for 16 hours a week, that individual might reasonably expect to get 16 times what the minimum wage is per hour rather than £1 a week or £1 a month?

Neil Doncaster: Absolutely. It comes down to how many hours they are working. That is where—

The Convener: But how many hours would someone have to work in order to get £1 a month?

Neil Doncaster: I am not suggesting that a rate of £1 a week is in any way compliant with either the national minimum wage—

The Convener: I am asking what action you would take against any club that has a contract that says that somebody gets £1 a week or £1 a month?

Neil Doncaster: As I have said, we are investigating the allegations that have been made about our member clubs and we will look carefully at what has happened. We are in the middle of that process and, if appropriate, we will take further action against the clubs concerned. However, please be in no doubt that all clubs are bound by the national minimum wage legislation and all clubs have to pay at least the national minimum wage as part of a professional contract on the SPFL standard form.

The Convener: Given what we have said about the imbalance of power between the club and an individual young person who has an ambition to play professional football, is it reasonable to test the effectiveness of the system by looking at the number of young people who have had the confidence or courage to take on a club? I heard what you said about clubs not holding on to a young person who they do not want to use any longer, but there is at least some anecdotal evidence that some young people are frozen out but are not able to move on because of the power of the club.

Neil Doncaster: I hope that, were that to be the case, those young people would come forward to us, PFA Scotland or—

The Convener: But do you accept that, no matter what football club they were in, it would be difficult for a young person, in circumstances where their future and ambitions are at stake, to come forward with a complaint, as that might mean making a name for themselves as a troublemaker? They will not be comfortable about coming forward if that will impact on their ability to get a game elsewhere.

Neil Doncaster: Players bring cases to us to adjudicate, and we adjudicate on them and deal with disputes between players and clubs. It is an effective process that is free and easy to implement. PFA Scotland advises a number of players on their cases, and it is an effective system that works. However, in no cases that we have seen has the national minimum wage been an issue. Please be in no doubt that all clubs are bound by the national minimum wage legislation and that we will investigate any allegations that are made against our clubs.

The Convener: You have to contrast that with the fact that we have seen contracts that are for £1 a month or £1 a week. Anyone who was educated about the existence of the national minimum wage would not have such contracts. That is something that you might want to look at further.

Richard Leonard: I have had a look at the SPFL rules and regulations, which are extensive. There is a 10-page glossary at the beginning,

running from “adjudication” through to “visiting clubs”, with nothing between M—“membership criteria”—and O. There is nothing in the glossary beginning with the letter N, so perhaps “national minimum wage” could be included in the next edition.

I want to go back to the role of agents and intermediaries, which I raised with the previous panel. At the moment, we are dealing with a crisis in football around child sex abuse and it appears from the evidence that we heard earlier that no PVG checks are made on agents and intermediaries in the game. Can you address that point, Mr McKinlay?

Neil Doncaster: I will deal with the point on the national minimum wage first and then let Mr McKinlay deal with the point about agents and intermediaries.

Please be in no doubt that the obligation to pay the national minimum wage is incorporated in the SPFL standard professional contract. All clubs are bound to pay the national minimum wage. If we see any allegations on the issue—in the *Daily Record* or through PFA Scotland or elsewhere—we will investigate whether clubs have breached our rules. That is absolutely clear. We are doing that in relation to the report on the three clubs in last week’s *Daily Record*.

Richard Leonard: You could be more proactive, could you not, Mr Doncaster?

Neil Doncaster: Ultimately, HMRC has primary jurisdiction in relation to the national minimum wage. We are not a police force. Wherever there is an allegation that any of our clubs is in breach of the rules—whether in relation to the national minimum wage or any other rule—we will investigate and it is appropriate that we do so.

The Convener: Can you address the point about the intermediaries?

Andrew McKinlay: Of course. Mr Wishart touched on the point that that area was deregulated by FIFA. We have some regulations, but one of the points is that intermediaries do not come under our jurisdiction until such time as they carry out a transaction. When they carry out a transaction, they have to sign a self-declaration form. The form includes a declaration that they have met the required criteria to allow them to work with minors under the current guidelines, rules and regulations as set out by Disclosure Scotland or the relevant Government agency of their country of domicile. The point is that some agents are not Scottish and are therefore not covered by Disclosure Scotland.

I accept that we need to look at the self-declaration approach to see whether we can do more. I have oversight of the child abuse issue

that Mr Leonard alluded to and I will have oversight of the independent review that we will set up. I suspect that the review will look into those issues.

Rona Mackay: I want to follow up on the point about wages. As the regulatory body for professional football clubs, can you confirm that you did not know that some clubs were paying their children £1 a week? I find that astonishing. Are you saying that you did not know that until you read it in the press?

Neil Doncaster: After the merger of the Scottish Premier League and the Scottish Football League in 2013, we changed, in 2014, from three separate registration systems to one system that is administered by the Scottish FA. We do not have sight of the contracts between clubs and players. Effectively, eligibility to play in SPFL competitions arises from a Scottish FA registration. So, no, I did not have knowledge of any clubs paying £1 a week.

Rona Mackay: Is there no dialogue or real interaction about the registration, the contracts or the payments that are being made? Have you not concerned yourself with that?

Neil Doncaster: I am absolutely concerned if clubs are not paying the national minimum wage.

Rona Mackay: I understand that. My point is that you did not know that they were doing that.

11:00

Neil Doncaster: It is precisely because we are concerned that all clubs should pay at least the national minimum wage that we asked our solicitors to prepare a report for clubs to help them ensure compliance with national minimum wage legislation. The purpose of that is not to get round the rules somehow, as has been portrayed elsewhere, but to be compliant with the rules.

Part of the SPFL standard contract is that all clubs should pay the national minimum wage; that is part of the existing framework. Where there are allegations that any club is not paying that wage, we will look carefully at those allegations.

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. Be that as it may—

Rona Mackay: Are you suggesting that clubs cannot afford to do that?

Neil Doncaster: At the lower level, that is the case.

Rona Mackay: At the lower level.

Neil Doncaster: Yes. We are generally talking about part-time clubs that are really struggling to get by and, in many cases, to pay even the national minimum wage, but they have to.

I would certainly be surprised if the wealthier full-time clubs were in a situation where the national minimum wage was relevant. However, for all SPFL clubs, whether they are part-time or full-time, the national minimum wage will be a part of players' professional—as opposed to amateur—contracts.

The Convener: Do you want to comment, Mr McKinlay?

Andrew McKinlay: 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.

The Convener: Can you register somebody who has an illegal contract?

Andrew McKinlay: Yes, under the registration system, you can do that.

The Convener: Under what circumstances would that be defined as a registration scheme worthy of its name?

Andrew McKinlay: We do not look at the terms of all the contracts. As I said, there are 18,000 transactions a year.

The Convener: I am not disputing the number.

Andrew McKinlay: I know.

The Convener: Surely dealing with lots of registrations is not a justification for having a registration scheme that does not meet basic legal requirements, or am I missing something? Would you register somebody who has been signed on in circumstances where they are expected to work for £1 a month or a week and conditions are placed on them? It is not like a zero-hours contract; they cannot go and do something else. Is it not the SFA's business to look into that?

Andrew McKinlay: I accept your point; I am just telling you how the registration system works.

The Convener: Will you be changing the system?

Andrew McKinlay: We have no immediate plans to change the registration system.

The Convener: On the one hand, we have somebody who does not know that players are getting paid below the national minimum wage; on the other hand, even if the SFA knew something about that, it registers people without reference to the situation and it has no plans to change the system.

Neil Doncaster: I offer the absolute assurance that, where we have an allegation that any of our 42 SPFL clubs is not paying the national minimum wage on a professional contract, we will investigate that because, on the face of it, that is not compliant with our rules. We will look at the matter, investigate it and be in a position to comment on the matter when that investigation has happened.

The Convener: Would it not give more confidence if you were to set in place a system that prevents people from trying to break the law, rather than hoping that somebody who is having their rights denied will have the confidence or the ability to take on the club? Would it not be more reasonable—this is probably what happens in the rest of the world—for the body that registers the players and is responsible for them to ensure that the clubs meet the required legal standards and to check that they are following those standards, rather than wait until someone complains?

Neil Doncaster: With respect, that is an unfair suggestion. We cannot be the police force. It is HMRC's primary responsibility to do that. It is a bit like suggesting that the Scottish Government is somehow responsible for members of the Scottish Parliament having in place car insurance. That would be ludicrous. All clubs are businesses in Scotland and are bound by the law. The law insists that the national minimum wage be paid. If it is not being paid, we will investigate.

It is appropriate that, where allegations are made, we have the primary responsibility to investigate on behalf of the football authorities. No doubt, HMRC would have an interest, too.

The Convener: To be clear, your registration scheme bears no relation to issues around the law. I agree that individual businesses have to comply, but why have a registration system at all? You are operating inside FIFA rules, which you have signed up for, but you have no authority over clubs that may be breaking the law. You have no ability to sanction them.

Neil Doncaster: No—that is not what we are saying. We are saying that, where it is alleged that clubs are in breach of national minimum wage legislation, we will investigate that and take appropriate action.

The Convener: So you have the right to take action once you find out that it is happening, but you will not put in place arrangements to ensure that it does not happen in the first place.

Neil Doncaster: We cannot know how many hours players are working—that will be known to the clubs and the players. If it is alleged that players are working and not being paid the national minimum wage, we will look at that. It was alleged in the *Daily Record* last week and we are investigating.

The Convener: I am sure that I cannot be the only person here who thinks that that is not quite the response that we had hoped for, but that continues to be what you are saying.

Are there any other questions?

Brian Whittle: We recognise that there are good people throughout football, who have in mind the best interests of the game and of young players. We are talking about 12-year-olds. If all the elements of Scottish football were to start with a clean sheet of paper and with welfare, enjoyment and children's longevity in the game at the forefront, would we end up with the current system? Would words such as "agent", "compensation", "wages" and "disputes" end up on that paper? I doubt it. Are the SFA and the SPFL willing to engage in discussions on a further process? How much influence do clubs have as a block to any change? That would be my concern.

Neil Doncaster: Your question seems to presuppose that we are somehow different from the rest of the world. The fact is that agents, compensation and suchlike are a matter of reality in world football—

Brian Whittle: It does not make it right, though.

Neil Doncaster: But it exists, and we have to deal with reality as it is and not as we wish that it were. We have in place a fair and balanced system that respects the rights of children, offers an incentive to clubs to invest in the development of young players and protects the rights of children within that. It may not be a perfect system and it may be that further improvements will be made. We have made a number of significant changes over the past few years in response to this process. I would urge all concerned to give those changes time to bed in and to reflect on whether they have been successful or whether further changes are needed. It is only appropriate that we do that and that we see the extent to which they have been successful in achieving their aims.

Brian Whittle: I completely accept that we are dealing with the reality, but the reality is that we are dealing with kids. I cannot get my head around the fact that you are defending a system involving

kids, compensation and payments of £1 a week. I find it incredible—

Neil Doncaster: With respect, Mr Whittle—

Brian Whittle: No, no. Wait a minute—

Neil Doncaster: You are conflating a number of issues.

Brian Whittle: You say that it happens elsewhere. That does not make it right.

Neil Doncaster: You are conflating a number of issues. The situation regarding young players who are enjoying football and are associated with clubs that are doing their best to invest in and develop those young players as professional players for the future is entirely separate from the situation regarding professional players who are at least 16 and on professional contracts, where at least the national minimum wage has to be paid. A 12-year-old is clearly an amateur, who is there primarily to enjoy football. If a club is investing in such a player and another club wishes to take them on and develop them instead, there is a system there to protect the investment that has been made by the first club. It is appropriate that that exists because, if it did not, there would be no incentive to invest in the first place.

The Convener: We have very little time left. I will take a few more questions from committee members. You have just said that somebody under 16 can be deemed to be old enough to be involved in a contract and compensation. Clearly, the minimum wage does not apply to them but those other adult things apply to them. The irony might be that you are making the case for young people under 16 to be paid, which shows some of the difficulties around this issue.

Maurice Corry: My question arises from my serious concerns about some of the panel's comments. Through your work, are you preventing the exploitation of young people?

Neil Doncaster: Part of our role is to ensure that young players—young people—are dealt with appropriately and respected. I believe that the existing system does that effectively, while at the same time creating an incentive for clubs to invest time and money in developing them as players. I believe that that appropriate balance is struck. It is vital that we have a balanced system. If we ended up with a system that went too far one way or the other, it would not work because either it would not respect the rights of the child or it would remove any incentive for the clubs to invest. I therefore believe that a balanced approach is the right approach and that we have that approach in place at present.

Maurice Corry: But you seem to be reactive rather than proactive.

Neil Doncaster: That is an unfair criticism. I think that we have made a number of positive changes in line with what has been discussed here, and in some cases we have taken it further. The game-time rule is an example of how we have gone beyond what has been recommended, and we have removed the welfare consideration point from the right of the child to play school football. I therefore think that we have been proactive, and we will continue to be proactive. We will always be keen to ensure that we are dealing with facts rather than the misinformation that is out there on this area, and to ensure that we have the best possible system in place for not only Scottish football but Scottish young people.

James Dornan: I have a couple of points. First, the witnesses have talked about being part of the real world, but two of the answers that I got made me think that they are not really part of wider society. There was talk about an administration system, but it seems to consist of just a big rubber stamp, so it is no wonder that 18,000 transactions go through so quickly. Secondly, it was said that if the clubs paid the kids the minimum wage, they would not get to go on bus trips. If we are talking about a benefit for the child here, surely it is about developing them.

I will not go over again what has been said about the minimum wage, but according to HMRC, a contract is invalid if the minimum wage is not paid. Is Neil Doncaster telling me that when he does his investigation and finds that some young people have been on less than the minimum wage, those contracts will be invalid?

Neil Doncaster: I can absolutely assure you that we will investigate any allegations that our clubs are not paying the national minimum wage. It is a fundamental part of any professional contract signed by a club and registered with the Scottish FA that the national minimum wage will be paid. So, let us have that investigation. It is ongoing, and when we are in a position to comment on its outcome, we will do so.

James Dornan: But you accept HMRC's position that the contracts would be invalid.

Neil Doncaster: Ultimately, we will ensure that clubs abide by our rules. It is part of a professional contract that the national minimum wage is paid. However, ultimately, HMRC has primary jurisdiction in this area, and I am sure that it will have looked at the reports and that, like us, it will be looking at the situation.

James Dornan: Given the evidence that we have heard today, I am pretty sure that HMRC will be looking at things very closely.

My final question is on compensation. The witnesses continue to talk about compensation for the training that is given to make the young people

the players that they are. What role does the SFA and the SPFL have in ensuring that there is compensation for those who started those kids out on their career in the first place? They do not come fully formed or even semi-formed to football clubs; prior to that a lot of work has already been done by people in youth clubs, for example, including the petitioners Willie Smith and Scott Robertson.

Andrew McKinlay: There is some money that goes down through the game, although I accept that it is not a lot. I have spoken a lot to Willie Smith about this, but what has often happened in the past is that when players move up in the game from clubs like his, the club might get a bag of balls or something like that rather than money. Willie Smith will be able to give better evidence than me on how well that works these days. However, I totally accept that players come from clubs like Willie Smith's and that they are vitally important for the vibrancy of the game.

James Dornan: So why can we not put a system in place for compensation? We have continued to talk about the importance of clubs getting compensation so that they can continue to train players and make it worth while to do that, but we are asking some people to do the training for nothing or for a bag of balls.

11:15

Neil Doncaster: Professional clubs are very heavily licensed and regulated by the Scottish FA in relation to how their academy systems operate. The Scottish FA imposes strict standards and requirements on those clubs. In effect, they are told that they have to work and invest to a certain standard and, in return, they get compensation for the money that they have put into training and development when a player moves on. Those standards are not applicable to clubs below that level.

James Dornan: Yes, but I can assure you that, at that level, the money in comparative terms is much greater.

The Convener: I am conscious of time. We are constrained because the Parliament will meet from 20 to 12, so we must close the conversation. I do not think that this is by any stretch the end of the dialogue or discussion. I thank our panel members for coming. We have learned a lot from the discussion. We will hear from the Children and Young People's Commissioner, and at that point the committee will reflect on what action we take next. Obviously, we will want to test his view of what he has heard today against the comments that he has made to us.

I again thank the panel members and our visitors.

11:16

Meeting suspended.

11:18

On resuming—

Judiciary (Register of Interests) (PE1458)

The Convener: I welcome Murdo Fraser, Rhoda Grant and Kate Forbes, who are here for later petitions.

I am conscious of time. We want to get through as much as possible while giving enough time to all the petitions, each of which of course is important. We might end up deferring consideration of some of them, but we will see how we get on.

The second and final item on the agenda is consideration of six continued petitions. The first is PE1458, by Peter Cherbi, on a register of interests for members of Scotland's judiciary. Members will recall that we had agreed to invite Professor Alan Paterson and the Lord President to give oral evidence on the petition. We will hear from Professor Paterson at our next meeting, on 19 January. In response to the committee's invitation, the Lord President has sent a letter requesting more information about the questions that we may wish to address to him. Do members have any comments?

Angus MacDonald: I note the letter from the Lord President, in which he states that he was

"under the impression that this matter had concluded"

and that he was

"a little surprised that it has been raised once again."

However, the letter from the petitioner, Peter Cherbi, highlights that it would be remiss of the committee not to follow the petition through as far as we possibly can. We have not yet exhausted all our options. In addition, I have been made aware of issues that show that the recusal system may not be working as well as it should be. The petitioner's letter suggests that he is aware of those issues, too.

I am pleased that Professor Paterson has indicated that he is available to give evidence to the committee next month. Perhaps we should wait until we have taken evidence from him before we consider our next steps. I am not sure whether we require to reply to the Lord President now or whether we should wait until we have taken further evidence.

The Convener: I suggest that we wait until we have taken evidence from Professor Paterson and then decide on a course of action. Do members agree?

Members indicated agreement.

Alzheimer's and Dementia Awareness (PE1480)

Social Care (Charges) (PE1533)

The Convener: The next petitions for consideration are PE1480, on Alzheimer's and dementia awareness, and PE1533, on abolition of non-residential social care charges for older and disabled people.

Members will recall that, at our meeting on 29 September 2016, we asked the Scottish Government to respond to the issues that were raised in the petitioners' submissions. The Cabinet Secretary for Health and Sport has provided a response, which notes that the Scottish Government will

"conduct a feasibility study into expanding free personal and nursing care to people with dementia who are under 65".

The timeframe for completing that study is summer 2017.

The committee has also received a submission from Mr Adamson, the PE1533 petitioner. Mr Adamson is concerned that the feasibility study has a narrow focus that is condition and age specific.

Members will see from the clerk's note that the Public Petitions Committee in session 4 held an evidence session with the Cabinet Secretary for Health, Wellbeing and Sport on 6 October 2015 in which she appeared to suggest that a funding system that is condition or age specific would be unfair. Members might wish to explore that further with the cabinet secretary.

Mr Adamson is also concerned that the recent changes to the income threshold for care charging do not take account of the different costs of living across Scotland. He has suggested that some local authorities appear to have raised their social care charges despite the Scottish Government's recent increase in funding. For those reasons, he is concerned that progress is not being made towards achieving a fair social care charging system in Scotland.

Members may know that, on 6 December, I led a members' business debate in which issues that are relevant to the petition were debated, including the terms of the feasibility study and variations in charging between local authorities.

Do members have any comments or suggestions for action? It is clear that the issue is widely regarded as being very important.

Maurice Corry: I spoke in your debate, which raised various issues. The Cabinet Secretary for

Health and Sport was there and I think that it would be appropriate to invite her to come and give evidence in a future meeting, based on the information that resulted from that debate. Obviously, she and her team have gone back to look at the matter and we need to review it.

Rona Mackay: I agree. Would it also be possible to get someone from the Convention of Scottish Local Authorities to come along?

The Convener: We could certainly explore that. There are issues relating to the fairness of having social care charges at all, the different ways in which they are imposed in different parts of the country, and the age question. We know from the Frank's law campaign that that is highly contentious.

Maurice Corry: Absolutely. Those issues came up in the debate.

Brian Whittle: It seems that the scope of the debate is widening and that it is going into other areas. What would we specifically aim for if we brought the cabinet secretary in?

The Convener: We are looking for clarity on the feasibility study from the cabinet secretary against what was said earlier on, when she suggested that any proposal that discriminates on the basis of age or condition would be very difficult to deal with.

Do we agree to explore the COSLA question and invite the Cabinet Secretary for Health and Sport to give evidence?

Members indicated agreement.

A83 (Rest and Be Thankful) (PE1540)

The Convener: PE1540, by Douglas Philand, is on a permanent solution for the A83. When we last considered this petition, we agreed to write to the Minister for Transport and the Islands to ask for more information about the review of the national transport strategy and the strategic transport projects review. As members will see, information has been provided and it would appear that there is quite a long timeframe for both those pieces of work. The work that is to be undertaken will involve some engagement events. Do members have any comments or suggestions for action?

Maurice Corry: I have knowledge of the project in question, as it is in my ward and I must therefore declare an interest as a councillor on Argyll and Bute Council. I think that we should have before us a detailed plan of action relating to the four options, of which the minister, the council and the petitioners are fully aware. Those options need to be brought forward in a proper, costed approach so that they can be evaluated, because I

do not think that the response from the minister really tells us anything.

The Convener: The response does say that the work will take quite a long time. We might suggest that it could be useful for the Scottish Government to hold a stakeholder event in Argyll and Bute to ensure that the views of people in the area are taken into account. There must be challenges of the immediate against the long term, and of the costs of the very long-term proposals. Simply to say that at some time the Government will be consulting on a strategy does not address either of those issues fully.

Maurice Corry: The Government could bring options forward. They might just be proposals, but I know that there are proposals there.

The Convener: Do we see that as something that the Scottish Government should host? If so, let us see what response we get to that request. Is that agreed?

Members indicated agreement.

Adult Cerebral Palsy Services (PE1577)

The Convener: PE1577, by Rachael Wallace, is on adult cerebral palsy services. Members have a submission from the Scottish Government and from the petitioner. Since the petition was lodged last year, we have had three responses from the Scottish Government, whose position appears to be unchanged. Members will see from the latest submission that the Scottish Government has again highlighted the funding that it has provided for a pilot programme that is being led by Bobath Scotland. The Scottish Government does not appear willing to commit to consulting on a national clinical pathway for adults with cerebral palsy, as called for by the petitioner. Although the petitioner supports Bobath Scotland's work, members will see from her submission that she is concerned that the project has a narrow focus.

In that regard, Ms Wallace explains that the pilot project is focused on the particular services that are provided by a single charity rather than on the full range of services that are available under the national health service and privately. She explains that the full breadth of treatment that is required by adults with cerebral palsy includes occupational therapy, speech and language therapy, orthopaedic treatment and neurology. In the absence of a clinical pathway, it is up to the individual to navigate all those services to find the right treatment. For those reasons, the petitioner views her call for a national clinical pathway as completely separate from the work that is being done by Bobath Scotland. Ms Wallace would welcome a consultation on the issue to allow a full range of clinicians to provide their views.

Do members have any comments or suggestions for action?

Murdo Fraser (Mid Scotland and Fife) (Con):

This is a long-running petition by my constituent Rachael Wallace. Progress has been quite slow, but we have a meeting arranged with civil servants at the end of January at which Rachael will be able to discuss possible ways forward. We are keen, at the very least, to see the petition carry on and be continued. It might be appropriate for the committee to continue the petition until after that meeting and to reconsider it once the meeting has taken place so that we can see what the Government's response is.

The Convener: Subject to what we hear about the report from that meeting, might we also want to hear from the Minister for Public Health and Sport at a committee meeting?

Brian Whittle: I think so. It is surprising that there is not a clinical pathway for cerebral palsy, so I would be keen to listen to the minister.

The Convener: It would seem that, if the petitioner is entirely satisfied subsequent to the meeting, that may not be necessary. However, we might want a report back to the committee on how some of the issues are being addressed. We want to see the Government respond to the complex needs of adults with cerebral palsy. Is that agreed?

Members *indicated agreement.*

The Convener: Thank you very much. Thank you, Murdo Fraser.

Healthcare Services (Skye, Lochalsh and South-west Ross) (PE1591)

11:30

The Convener: The next petition is PE1591, on major redesign of healthcare services in Skye, Lochalsh and south-west Ross. I welcome Rhoda Grant MSP and Kate Forbes MSP for this item. The petition is by Catriona MacDonald, on behalf of SOS-NHS. It calls on

"the Scottish Government to reverse its approval of the major service change to healthcare services in Skye, Lochalsh and South West Ross."

We have received responses on the petition from the Cabinet Secretary for Health and Sport and the Scottish Ambulance Service. The cabinet secretary's response sets out information about the decision to approve the service changes and about work that has been identified for NHS Highland to take forward. The response states that approval has been granted and that

"It is now important to move forward and ensure the plans put forward by NHS Highland provide the best possible

services for all the people of Skye, Lochalsh and South West Ross."

The Scottish Ambulance Service response details a number of measures that it has put in place to deliver services within the redesign.

The response from the petitioner includes views about the options appraisal process and says why the petitioner considers that the decision was based on incomplete information. A detailed critique by Professor Ronald MacDonald is attached to the petitioner's submission.

Do members have any comments or views on what further action we might wish to take, within the terms of the action that is called for in the petition? It might be worth our while to hear Rhoda Grant and Kate Forbes say something to help our considerations.

Rhoda Grant (Highlands and Islands) (Lab): I am happy to say something. I was at the committee when it considered the petition previously, and the comments that I made then stand. I do not think that anyone wants a delay in the new hospital on Skye—it has been delayed for far too long. However, there are issues about the service that people in the north of Skye will receive and how it will be delivered. I do not see anything in the petition papers saying that discussions have been had with people there to give them a degree of comfort about the services that they will receive.

Also, the Scottish Ambulance Service response talks about its emergency response and about increasing the number of staff on the ground, but I am not sure that that is adequate. I understand that the Scottish Ambulance Service takes people not just to the hospital on Skye, but to Inverness quite often, which can mean an ambulance being off-island for a long period. I hear anecdotally that there is sometimes very little or no ambulance cover on Skye. It would be worth our while to get back to the Scottish Ambulance Service about that.

There is also concern about Raasay. The SAS has an ambulance on Raasay, but four wheels and a vehicle are not much good to anybody because it appears to be the case that there are no staff there. The ambulance can be driven by nominated local people but that, too, is of concern.

However, there are bigger issues on Raasay that the committee might not want to get involved in. The Scottish Ambulance Service's submission says nothing about patient transport, which is the big issue. People going to hospital for routine treatments or because of non-life-threatening conditions do not phone 999 and get an ambulance out. The problem is this: there is inadequate public transport, so if they do not drive, or are elderly or otherwise unable to drive, how do they get to the hospital? I do not think that the

Scottish Ambulance Service has addressed that at all. In fact, it does not really speak about patient transport in its response.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): I would echo a lot of what Rhoda Grant said. It is wonderful to have the prospect of a new hospital, but before we get to that point we need the confidence of the population and the users of the new hospital.

It is important to separate two things; we must separate the prospect of new services and the location of a physical bricks and mortar hospital where the new services will be. Professor Ronald MacDonald's most recent paper raises three issues on which I, at least, would be interested in hearing a response from the cabinet secretary and from NHS Highland. Those issues are population density, income deprivation in the north of Skye and—as Rhoda Grant mentioned—travel options. For example, when the A87 has a blockage, how are people expected to get from one side of the island to the other? We need answers to such questions.

I am not content with the response from the Scottish Ambulance Service. A lot of what it says is in the past tense—as if it has already happened—but does not resonate with what I have seen; there is still a lot of local concern about the inadequacy of the ambulance service. There are fantastic paramedics who do a wonderful job, but we need more confidence in the service.

There are additional issues on Raasay to do not just with redesign of services, but with the lack of 24/7 care on Raasay, but they are almost a postscript in the document. It is crucial to factor Raasay in to the redesign because it is a redesign for Lochalsh, Skye and south-west Ross. There are, perhaps, issues that need more answers.

The Convener: That has been very helpful input from both of you. Thank you.

On what action to take, the very least that we could do is ask the cabinet secretary to respond to Professor MacDonald's critique. We can factor in the specific comments that have been made by colleagues about the ambulance service and confidence in it, and about patient transport—which is a very significant issue in rural and remote areas, and in urban areas in which there are poor bus services.

I am not quite sure—Kate Forbes and Rhoda Grant will know an awful lot more about this than I do—to what extent the Raasay question is encapsulated in the redesign. We may be opening up a separate matter in asking for comments on that. We can get the clerks to consider that.

Do members agree to seek from the cabinet secretary a response to Professor MacDonald's

critique, and to have the questions around the SAS addressed?

Members indicated agreement.

The Convener: Thank you very much for your attendance. We have managed to get finished just in time—before the powers of the Parliament come after us for sitting too long. I thank all members on the committee and the clerks for making my job so easy in this first term of the new Public Petitions Committee. I really appreciate it. I know that three of our members are new and that Angus MacDonald has, as the longest serving member, resisted the temptation to tell me exactly what I should be doing.

I wish you all a very happy Christmas and a good break. We all look forward to what will, I hope, be a peaceful new year.

Meeting closed at 11:37.

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