

**FOOTBALL GOVERNANCE BILL  
PFA  
SUBMISSION OF EVIDENCE AND PROPOSED AMENDMENTS**

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**ABOUT THE PFA**

The Professional Footballers' Association (PFA) is the trade union for professional footballers in England, representing nearly 5,000 current professional footballers and scholars across the Premier League, the English Football League (EFL) and the Barclay's Women's Super League (BWSL).

**SUMMARY**

Since publication of the Bill, we have had constructive meetings regarding the Bill with the Minister for Sport and officials at DCMS, advisers to the Shadow DMS team, and a range of interested parliamentarians.

We have consistently expressed our view that the Bill should formally set out the responsibility of the IFR to consult with players and to consider their views.

Although we understand it may be argued that players would be bracketed within the 'other relevant stakeholders' group the IFR should be expected to consult with, we don't believe this sufficiently recognises the role of players as the primary employees within what will be a newly regulated industry.

Unlike many of the game's other stakeholders, decisions made by the IFR have the ability to directly impact the professional and personal lives of players as club employees. Therefore, we would like to see the duty to engage with players set out in the Bill, rather than left solely to the IFR.

We would also like the Bill to acknowledge the existing, effective stakeholder co-operation mechanisms which are already in place, and which act as a key protector of players contracts, rights and conditions.

**PROPOSED DRAFT AMENDMENTS**

**Part 2, Section 8 ('The IFR's Regulatory Principles')**

As drafted, there is **no mention in the 'IFR's regulatory principles' of a need for the IFR to function in a way that recognises or respects existing (and successful) mechanisms which have been developed by football stakeholders** to achieve consensus on a range of issues relating to the rights of players.

An example of such a mechanism, developed by and including the leagues, union and governing body, is the **Professional Football Negotiating and Consultative Committee (PFNCC)**. This has existed within the men's game for decades and has proven to be a critically important 'backstop' to ensure that substantive changes to player contracts and conditions cannot be made unilaterally.

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The protection and acknowledgement of these existing mechanisms – and the need for the IFR not to supersede them - was a primary focus of the PFA's submission to the White Paper consultation.

While we believe that concerns regarding duplication of responsibilities are understood (and could perhaps be argued as being implicit in the way the role of the IFR is described in the Bill) we believe that this could be addressed more directly via an amendment which acknowledges the existence and validity of these 'non-IFR mechanisms' within the new regulatory ecosystem and formalises the responsibility of the IFR to work in a way which recognises these.

This could, for example, be made as an **addition to the list of the IFR's Regulatory Principles in Part 2 Section 8**, setting out the responsibility of the IFR to act in way which recognises and complements existing mechanisms established to encourage and promote co-operation between stakeholders.

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### **Part 2, Section 8 (b)(ii)**

As drafted, there is **no reference to players as a group the Regulator should “co-operate, and proactively and constructively engage, with”**.

We believe it is important that the role of players is reflected in the Bill. Major decisions that could be made by the IFR – for example a decision to withdraw approval for a competition or to refuse a licence to a club owner – would have a direct impact on players contracts and conditions. Engagement with players, and an understanding of these potential impacts, is important, as is the need for a clear plan as to how impacts on player contracts would be managed in the event of such an outcome.

We also believe that communication with players regarding decisions or sanctions made by the IFR – and their impact - should not just be entrusted to the Club as the employer.

From a more practical standpoint, we also believe that the IFR should be seeking to engage with players as part of its work to identify potential financial issues within clubs. Our experience is that small changes in the day-to-day operations of clubs can act as an 'early warning system' for more serious issues, and that players are often the first to recognise these and raise the alarm. This can be an extremely helpful resource for the IFR.

This could be addressed via an **addition to the list in Part 2, Section 8 (b)**, setting out the expectation that the IFR would proactively engage with representatives of major employee groups, such as players.

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### **Part 5, Section 45 (8)(a) ('Duties on clubs and competition organisers etc')**

As drafted, **there is no reference to players as a group who should be consulted ahead of any competition being specified by the IFR as 'prohibited'**.

While we appreciate that this is an area prompted by the European Super League proposals, and the widespread fan backlash against the plans, there was also significant private and public dissent from players who were under contract to the clubs involved but had not been consulted ahead of the announcement.

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There may also be circumstances where the prohibition or sanctioning of new or existing competitions by the IFR has a direct impact on the terms of a player contract, and where conflicts could be created or where new agreements between club and player would need to be signed. This needs to be clearly understood by the IFR via consultation with players and their union.

We also believe there may be occasions where debate around new competitions (and their status) involves a 'moral' element (for example in relation to the location where a competition may be staged) where it is important for players views to be heard, as well as fans.

This could be addressed via **a small amendment to Section 45 (8) (a)**, with the text reflecting the need for the IFR to take reasonable steps to determine the views of players and staff, as well as fans.

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## **FURTHER INFORMATION**

If we are able to provide any further information regarding the points raised in this note, or wider thoughts on the Football Governance Bill, please contact the PFA's Director of External Affairs, Ben Wright on [ben.wright@thepfa.com](mailto:ben.wright@thepfa.com) or 07918 751 545