



## PLAYER PAYMENT WORKING PARTY REPORT

## KEY POINTS OVERVIEW

On 10 September 2020, the Council established a Player Payment Working Party (PPWP) to review the proposed player payment exemption for clubs in the Premiership and the separate issue of whether a cap on the level of any permissible payments should be introduced, in addition to continuing the consultation from that of season 2019/20 between the Premiership, Rugby Development and Performance Rugby Department regarding Super 6 player movement proposals.

The subsequent process has involved:

- consideration of the relevant Rules / appropriate decision-making processes; and
- consultation with appropriate parties (including all Premiership clubs, National 1 clubs from the men's game, all 6 Women's Premiership clubs and with the relevant Scottish Rugby departments).

Further detail in relation to each of these steps is provided in this Report. The Report also outlines a series of recommendations. These recommendations can be broken down into two broad headings:

- Player Payments in the Premiership; and
- Super 6 Player Movement.

The PPWP updated the Council on its work as it progressed. The final PPWP Report (set out below) was then presented to the Council. Having considered the Report and its recommendations, the Council endorsed the Report in full on Monday 15 February 2021 and requested that the Board consider, and approve, the Report. The Board then approved the Report in full on 24 February 2021.

The Report is being published on the Scottish Rugby website. Proposed changes to relevant regulations, based on the recommendations, will be published in due course.

## PPWP REPORT

Please find the full copy of the PPWP Report (as presented to the Council and the Board) below:

### BACKGROUND OVERVIEW

The Player Payment Working Party (“PPWP”) was formed following on from the authority given by the Scottish Rugby Union Council on 10<sup>th</sup> of September 2020.

#### (A) PPWP Membership

Colin Rigby	Vice President	Chair
Malcom Offord	Exiles Rep	Council-nominated NED
Gerry Tosh	National 1 Council Rep	Council
Eric Hugh	National 2 Council Rep	Council
Al Forsyth	Borders Regional Rep	Council
Phil Thomas	Premiership	Currie
Drew Johnstone	Premiership	Musselburgh
Rangi Jericevich	Premiership	GHA
Glen Tippet	Super 6	Ayrshire Bulls

#### (B) Remit

The Council’s Standing Committee on Governance had reviewed amateurism/player payments following a 2018 AGM motion and had recommended a review during season 2020 /2021 of the proposed exemption for clubs in the Premiership including the desirability of continuing the exemption and the separate issue of whether a cap on the level of any permissible payments should be introduced.

##### ***(1) Player Payment at Premiership Level***

- (i) Consider whether to continue with the Exemption.
- (ii) Consider a cap on the level of any permissible payments.
- (iii) Consider reverting into line i.e. amateur per other National / Regional Leagues.
- (iv) Consider whether the unintended consequence of the Standing Committee’s review is that players in the Premiership, who have been paid in any format for rugby at 1<sup>st</sup> XV Level cannot then play for lower club team(s) that season.

##### ***(2) Review of Proposed National Competition Rules (“NCRs”) in relation to Super 6 player movement***

Continue consultation from that of season 2019/20 between the Premiership, Rugby Development and Performance Rugby Department regarding Super 6 player movement proposals.

##### ***(3) Consultation and Reporting***

The Working Party to devise and then undertake consultations with relevant stakeholders, collate and analyse consultation results and then formulate proposals to report back to the Council and the Board with any recommendations arising.

#### (C) Terms of Reference

The Working Party’s written formal Terms of Reference would include:

- The membership of the group (above).
- The Remit (as above).
- Meetings to be minuted and made available to PPWP Members
- Consultation and reporting process (as above).
- Recommendations of the PPWP to be sought on a unanimous basis, which failing through a simple majority of its Members.
- PPWP to report back regularly to Council on progress.

#### **(D) Meetings**

All meetings were held remotely, and in total the PPWP met 6 times:

24 <sup>th</sup> September 2020	1 <sup>st</sup> October 2020	5 <sup>th</sup> November 2020
24 <sup>th</sup> November 2020	8 <sup>th</sup> December 2020	21 <sup>st</sup> December 2020

Before completing this Report further meetings and/ or conversations took place in January 2021 with the Head of Academy & Performance, Head of Age Grade & Women's Coaching, Head of Women's & Girls' Rugby, Director of Domestic Rugby, Regulatory Affairs Executive, and Head of Regulation. The Director of Performance Rugby was informed of recommendations and discussed these with the Head of Academy & Performance. A further meeting took place between the Director of People and Internal Communications, an HR Business Partner, Head of Academy & Performance, and the Vice-President. Phil Thomas and Glen Tippet also met twice at the PPWP's request on Super 6 / Premiership matters and reported back to the PPWP accordingly.

#### **(E) Consultation**

All Premiership clubs were consulted via email on player payments along with National 1 clubs from the men's game. All 22 responded. All 6 Women's Premiership clubs were consulted via email. 5 replied.

Further details on the consultation conducted are provided below. The PPWP expresses its thanks to all the clubs who responded.

#### **(F) Resignations from the PPWP**

Malcom Offord stood down from the PPWP after the initial meeting on 24<sup>th</sup> September 2020 following his appointment to the Standing Committee on Governance. The view of the PPWP was not to replace Malcolm.

Rangi Jericevich resigned from the PPWP after the PPWP meeting on the 8<sup>th</sup> December 2020. Once the PPWP started to discuss Super 6 and player movement, he considered that his views on Super 6 specifically would not allow him to contribute constructively. Rangi was thanked for his participation and input into the PPWP to date. The view of the PPWP was not to replace Rangi with a further Premiership Representative.

#### **(G) Minutes**

Minutes of the PPWP meetings are available to Council and Board members if desired.

#### **(H) Request to Council and Board**

The PPWP's recommendations, split into 2 sections, are set out further below. These are unanimous.

Council support for each of these recommendations is sought, together with a request that Council recommends to the Board that these recommendations be adopted by the Board and that authority is then provided by the Board for consequent regulatory changes to be made.

## 1. PLAYER PAYMENTS IN THE PREMIERSHIP

The PPWP seeks Council's support to extend the exemption for allowing Premiership clubs to pay players beyond the end of the 20/21 season for implementing an aggregate salary cap within the Premiership (Men's and Women's) on player payments and that this be recommended to the Board of Scottish Rugby for approval and regulatory changes so that clubs can be informed prior to the end of February 2021, of any new limits approved.

A number of associated recommendations are also made.

### Background

The Council's Standing Committee on Governance reviewed amateurism/player payments across the domestic game following a 2018 AGM motion. The Standing Committee reported in early 2019 and their recommendation for the 2020/21 season and beyond was that the Club game should be totally amateur with no player receiving payment or financial benefit for playing/training. However, the Standing Committee proposed an exemption for clubs in the Premiership (Men's and Women's) for season 2020/21 only. These recommendations were adopted and following a period of consultation, codified in new domestic regulations as SDR 4.1.

The Standing Committee on Governance had also recommended a review during season 2020/21 of the exemption for the Premiership from the general prohibition on payments to consider the desirability of continuing the exemption and the separate issue of whether a cap on the level of any payments/benefits should be introduced.

The Standing Committee recommendation was as follows:

“For a period of **one year** from the commencement of the general prohibition set out in paragraph (a) (i.e. for the 2020/21 season), the general prohibition set out in paragraph (a) will not apply to clubs playing in the Premiership (or any successor league thereto) in relation to players playing for (or training to play for) that club in the Premiership (or successor league). Prior to the end of the 2020/21 season, the issue of the exemption of Premiership clubs from the general prohibition on payments should be reviewed (that review to include the desirability of continuing the exemption and the separate issue of whether a cap on the level of any permissible payments should be introduced).”

The PPWP consulted with the Clubs in the Men's Premiership and National 1 divisions, those being the clubs most directly affected by the review which the Standing Committee had recommended be undertaken. Contact was made with each Premiership and National 1 club through the Chair of the PPWP and the Premiership and National 1 fora representatives.

To help establish views, the PPWP asked a straightforward question - whether a club favoured:

- a) Premiership clubs being subject to the same player payment rules as clubs outside the Premiership from the start of the 2021/22 season; or
- b) Premiership clubs being allowed to (continue to) pay or provide material benefits to their players after the conclusion of the 2020/21 season.

Clubs were asked, if they wished, to also provide a rationale for the views expressed. All 22 clubs responded, with many of the clubs also explaining the views they had reached. The reasons varied, with no particular reason being predominant.

2 Premiership clubs favoured (a), with 8 favouring (b). 10 of the National 1 clubs favoured (a), with 2 favouring (b).

In addition, recognising that the exception recommended by the Standing Committee on Governance covered both the Men's and Women's games, all 6 Women's Premiership Clubs were consulted. To assist the PPWP in gathering information, these clubs were asked whether any woman was paid over £12,000 per year (the Material Benefits level) and whether club player payments (excluding HMRC allowable expenses) outgoings for Premiership Women's 1st XV exceeded £62,500 per season.

5 of the 6 clubs responded, with all the respondents answering "No" to both of those questions

The PPWP followed up on the responses to the questions, speaking further with a number of clubs before discussing the issues below.

The PPWP considered the following:

- 1) Whether to continue with the current exemption
- 2) The application of a Cap on the level of permissible payments
- 3) Reverting into line – i.e. application of the general prohibition applying to the other clubs, to the Premiership
- 4) Whether an unintended consequence of the Standing Committee on Governance recommendations is that players in the Premiership, who have been paid for playing/training for rugby at 1<sup>st</sup> XV Level cannot then play for lower club team(s) that season, including clubs with whom they are dual registered.

## **RECOMMENDATIONS**

***RECOMMENDATION 1: That players in the Premiership (Men's and Women's) should continue to be able to receive payments/benefits for playing/training in season 2021/22 and beyond. However, this should be reviewed again no later than the end of the current Super 6 licence periods (end of season 23/24), allowing sufficient time for that review and advance notification to clubs of any changes to regulations. As with the PPWP, the group conducting this later review should be created by and report initially to the Scottish Rugby Council (or its successor or equivalent, depending on outcomes from the ongoing governance review). If a need to re-examine the issue is identified before then, the PPWP or similar group can be re-established.***

***RECOMMENDATION 2: A cap is not imposed on individual salary levels at this time but clubs be strongly encouraged to continue to work within the current Material Benefits level for individual player payments/ benefits, beyond which 'Scottish Contracts' and other regulatory requirements apply. These levels are currently £12,000 per annum.***

***RECOMMENDATION 3: That the Committee the PPWP has recommended be set up for Super 6 also be tasked with monitoring the situation on player payments and contracts in the Super 6 and Premiership and report on any changes in practice or behaviour, as part of their regular reporting.***

***RECOMMENDATION 4: Payment of travel and other expenses should continue to be permitted in accordance with SDR 4.1 and Appendix 1 to it; these align to HMRC permissible expenses.***

***RECOMMENDATION 5: That for season 2021/22 the aggregate amount that the playing staff of a club in the Premiership (Men's and Women's) can receive in payments and benefits for playing/training (whether paid/provided by the Premiership club or by a third party) is capped at £62,500. In future seasons the amount of this cap would be expected to adjust to remain in line with Super 6 Club contributions for player payments.***

**RECOMMENDATION 6:** *That if a player has received payment for training, playing or being part of the match day squad for a Premiership match, they are not prohibited from playing for the Premiership club's lower teams, such as 2<sup>nd</sup>, 3<sup>rd</sup> XV etc., or for a club with whom they are dual registered solely by reason of having been paid and that*

*the relevant Regulations be adjusted accordingly. When playing for a lower team both club and player must adhere to the Player Payment regulations for all teams below the Premiership (Men's and Women's).*

**RECOMMENDATION 7:** *Payments made to Stage 3 Academy Players by Scottish Rugby are excluded from inclusion in the aggregate amount in (5) above.*

## Rationale

The PPWP considered the responses from clubs carefully, and input and advice from the PPWP members as well as data available. The issues discussed are complex and the conclusions and recommendations reached by the PPWP are not based solely on the responses received from the clubs on the binary question that was asked.

The PPWP's review was conducted as a result of the recommendation from the Standing Committee, made in anticipation of a full uninterrupted season of Super 6 and the Premiership. Due to the Coronavirus pandemic the domestic game has been massively disrupted in Season 19/20 and in Season 20/21, limiting the data available and the ability to reach meaningful conclusions from what is available and the application of the rules that were introduced as a result of the Standing Committee's recommendations.

From Scottish Rugby records it was established that no male Premiership players had been reported as being paid over £12,000, with there having been only 1 in previous seasons. The consultation responses demonstrated that no female players were being paid at these levels either. With non-Super 6 clubs having to date operated almost entirely at or below the existing Material Benefits threshold and without a formal cap on individual payment levels, and little data to suggest that there is an issue at the moment, the PPWP was not satisfied that a formal cap on player payments was needed **at this time**.

Accordingly, there was not thought to be a clear and obvious need at the moment to depart from the existing approach of permitting Premiership clubs to pay players in the Men's and Women's game should they choose to do so, and applying a Material Benefits threshold for contracting, reporting, insurance and other regulatory purposes.

The original conclusions of the Standing Committee on Governance on the subject were considered to remain valid and justified. The same approach should be applied to the Men's and Women's games.

It remains an important issue and so a further review was considered appropriate but towards the end of the Super 6 licence period, rather than annually, so as to allow clubs greater certainty to plan and budget over several seasons, particularly after the disruption arising from the Coronavirus pandemic.

The PPWP is very clear that it is up to the clubs whether they financially reward players and at what level but would strongly encourage clubs to continue to respect the individual Material Benefits level already established.

The PPWP recognised that the 19/20 and 20/21 seasons have been exceptional and considered that the issue deserved regular monitoring and scrutiny. The new Super 6 Committee (see section 2 below) was seen as a suitable mechanism for that, and for identifying and reporting any change in practice or behaviours that might suggest re-examination at an earlier stage than the expiry of the Super 6 licence periods.

Although not recommending a cap on individual player payments at this time, the PPWP does recommend a new aggregate squad cap be applied in the Premiership.

There needs to be a closer alignment between the Premiership and Super 6, capping the Premiership club at or around the same level as the club contributions for Super 6 (£62,500). Movement of players from the Premiership to Super 6 should primarily be driven by player development and sporting performance aspirations, not money. Applying a squad

payment cap similar to that in the Super 6 levels the playing field and therefore allows players to play at the highest level they choose, without financial gain being the main motivator.

An overall payment cap aligned at the same or similar levels also reduces the prospect of “bidding wars” between Super 6 (which does have a cap) and the Premiership (which does not at the moment), or clubs within the Premiership

outspending one another in a competition to secure players, and placing club finances and other club activities under pressure. Although paying some players, those same clubs, through their other activities and teams also remain closely involved in the amateur game. Based on the data available so far, it is not thought likely that with a cap at this level a

Premiership club would seek to pay any individual player above the Material Benefits threshold, bearing in mind the need to maintain a reasonable size of squad to maintain competitive standards.

For clubs with ambition, if Super 6 was to be extended in the future, those clubs from the Premiership interested in participating would know what their likely financial commitments would be and whether they could remain financially stable at that commitment, having operated at or around that level in advance.

For clubs being promoted from National 1, where no payments (bar expenses) are permitted, the gap between National 1 and the Premiership without applying an overall squad cap can be significant and difficult to bridge, leading to a club not wanting promotion for financial reasons. A cap on the overall squad payments in the Premiership provides greater certainty for the purpose of financial planning and should make transition from National 1 to the Premiership easier and more affordable.

The PPWP recognised that Academy Stage 3 players are employed and paid by Scottish Rugby and therefore if playing for or aligned with a Premiership team, their payments should be excluded from the squad cap applying to the Premiership teams.

The PPWP identified that an unintended consequence of the Standing Committee recommendations and subsequent Regulations was that a Premiership player who had been paid was precluded from playing down in other teams within their club, or for another club with which they held a dual registration, solely because of being paid in the Premiership.

The purpose of the Regulations is to prevent players being **paid** for playing at levels below the Premiership, not to prevent players from playing at all at a lower level because they have been paid for playing elsewhere.

The PPWP is of the view that a player who has previously been being paid for playing in the Premiership during a season was most likely to be playing below Premiership first XV level later in the season if returning from injury or having suffered a loss of form and needing to play themselves back into contention. If playing at that lower level, then the Regulations would still apply and the player should not be paid or receiving benefits for playing in the lower level matches that season. The Regulations should therefore be adjusted to address this anomaly but also ensure that there are suitable provisions to avoid this playing-down dispensation being subverted.

## 2. SUPER 6 PLAYER MOVEMENT

### Background

Since the creation of Super 6, the Super 6 and the Premiership have had different opinions on some operational aspects of the Super 6 competition, especially around Player Movement. Numerous attempts have been made by various parties - Premiership and Council Representatives, High Performance Department members, and the Rugby Development Department - to align NCRs and resolve operational aspects relating to players – all in an informal manner. Although various proposals and NCRs were implemented, these have not provided a complete solution and have had unintended consequences, with continuing concerns between the Premiership and Super 6, and unwanted friction.

One of the unintended consequences has been that some players have been left without game time, or have had much less game time than originally anticipated. The Super 6 players are, in general terms, the best players playing domestic rugby in Scotland and it is imperative that a solution is found to resolve problems and be proactive in ensuring that the NCRs and Super 6 Tournament Rules work seamlessly to ensure the success and sporting integrity of both the Super 6 Tournament and the Premiership, as well as addressing these unintended consequences.

The PPWP, which included individuals from the Premiership and Super 6 Clubs, identified areas that require further discussion to resolve concerns around players and player movement. The PPWP was clear that part of the issue has been the absence of a designated group, including individuals nominated from among the Premiership clubs and Super 6 teams, and which is specifically tasked with considering the respective interests and views of both groups. This has been instrumental in creating unintended tension.

The PPWP also identified a number of specific issues which needed to be considered further, some of which are more straightforward than others to resolve, and considered whether it had or should have the power, in consultation with High Performance and Rugby Development Departments, to make recommendations and resolve these issues itself.

Having identified a series of issues, the PPWP has taken the view that it should not seek to impose its recommendations on these 2 competitions, without first providing a forum for those most closely involved to try to resolve the issues.

However, it was agreed by the PPWP that the themes that had been discussed by the PPWP should serve as central recommendations to frame those discussions, and that various protocols be established to enable progress to be made and outcomes reached.

### RECOMMENDATIONS

***The PPWP recommends that a Committee is set up with nominees from the Premiership Forum (2), Super 6 (2), Performance Rugby (2), Rugby Development (2) and the Vice -President (or such other Council member as the Council may nominate). Other individuals, at the new Committee's discretion, may attend in an observer / specific knowledge capacity.***

***The Committee should in the first instance provide the Council with proposals / recommendations, prior to Board approval being sought for any consequent changes, and following Scottish Rugby's normal rules and regulations processes.***

The PPWP has also identified 7 specific issues on which we have made various observations and additional recommendations and which the new Committee should be tasked with considering as part of its immediate remit. These are as follows:

#### 1. A small number of Super 6 squad players are getting almost no Super 6 game time.

Any quantitative assessment of the scale of this problem can be no more than a snapshot of the situation. However, such figures as are available suggest that the problem may affect an average of 2 players per Super 6 squad of 35 players. The Working Party asked specific questions to the High Performance Department around players, game time, injuries, drop out etc. The High Performance Department were able to provide data after examination of team sheets and other databases at their disposal. It is apparent that the problem could be simply resolved if the squads were slightly smaller, and we would recommend that option. Adjusting player management practices could also assist.

***RECOMMENDATION 1: We recommend that the new Committee consider reducing Super 6 squads by a minimum of 2 players and a maximum of 5 players and that Super 6 coaches introduce player management practices that ensure that all squad members are actively involved in the Super 6 competition.***

## **2. Player recruitment for Super 6 squads.**

Since Super 6 was initially created its competition schedule has shifted so a larger part of the Super 6 season takes place in the Spring and Summer. One impact of this will be to focus Super 6 player recruitment into a late-February/March period, which overlaps with the final stages of the playing of the Tennent's Premiership and Scottish Cup competitions. This introduces a point of friction between Super 6 teams and Premiership clubs over player availability and commitments and is contrary to the provisions of the NCRs, which apply to the Premiership but not to Super 6. The NCRs in particular put date constraints on the movement of players between clubs to avoid compromising competitions in the later part of the season. Super 6 is not part of the NCR structure and therefore those regulations do not apply. There may be other areas where different regulations apply, and the Committee should review and recommend changes where appropriate.

In addition, there is also a player welfare issue; players are potentially able to play in both competitions but should have a rest period during their transition between competitions.

We believe this problem must be addressed and therefore make the following two recommendations.

***RECOMMENDATION 2A: We recommend that the new Committee consider the introduction of a transfer window for players moving from the Premiership to Super 6 and that a formal protocol be established, with regard to an appropriate time for that to begin, for example, after the end of the Premiership season. In order to aid discussion, this could, for example, be defined by the start of the Close Season date for Premiership clubs and be completed before the end of the Close Time (these dates were 20 May to 2 August for the 2019-20 season). In circumstances where the 'season' for an individual Premiership club is completed before the start of the Close Season date, an earlier release of the player by the Premiership club may be possible. However, a break in playing between competitions is recommended for every player for player welfare reasons.***

***RECOMMENDATION 2B: Recruitment approaches by Super 6 teams to Premiership players might well take place prior to the start of the Close Time of Premiership, National and Regional competitions. We recommend that there should be a formal protocol whereby the President/Director of Rugby (or equivalent) and Head Coach of the relevant Premiership club should be notified by the relevant Super 6 Team Board of expression of interest in the recruitment of any named Premiership player. This recommendation should be considered and further developed by the new Committee as part of the consultation around protocols.***

In light of the PPWP's recommendation in Section 1 on player payments, there is a need for continued monitoring of the effect, if any, that player payment levels have on movement between the Premiership and Super 6 and vice versa and reporting of any issues or changes in behaviour. The PPWP therefore make a further recommendation:

***RECOMMENDATION 2C: That the new Committee be tasked with monitoring the situation on player payments and contracts in the Super 6 and Premiership and report on any changes in practice or behaviour, as part of their regular reporting.***

### **3. Long-term Injury Replacement and Emergency Player Replacement in Super 6.**

Rules covering long-term injury replacement and emergency player replacement in Super 6 squads are already included in Super 6 Tournament Rules published by Scottish Rugby. However, they conflict in some areas with the NCRs that apply to Premiership clubs. These conflicts should be identified and where necessary clarified with the Competitions Committees and Regulatory Department and adjusted in accordance with Scottish Rugby's rules and regulation process.

***RECOMMENDATION 3. We recommend that any inconsistencies or clarifications needed between the NCR and the Super 6 Competition Rules, are identified and resolved as may be required.***

### **4. In-season playing of Super 6 Players in the Premiership**

Data for the 2019-20 season obtained from the High Performance Department shows that 7 out of 30 Academy players in Super 6 were made available to play in the Premiership, but those players actually played one match or less. Additionally, the changes in Super 6 season scheduling and the (suggested ) reduction in the size of Super 6 squads will mean that in future very few players (Academy players especially) will be released by Super 6 to play in the Premiership. Therefore, we have concluded that quantitatively this issue is not a significant problem.

Some Premiership clubs have expressed concerns that enabling Academy players to choose the Premiership club at which they will dual register without considering other factors results in the selection of their 'home club' or a club most convenient to their residential location. While to some extent understandable and a consequence of the greater concentration of population and clubs in certain areas, it does not take account of the wider geographical spread of Premiership Clubs and the Academy locations or the risk of an undue competitive imbalance. To illustrate, in the 2019-20 season this approach resulted in a concentration of dual registrations at Glasgow Hawks and GHA in the West and Currie Chieftains and Edinburgh Academicals in the East, with none in the Borders or North. The concern is that this could lead to an artificial competitive imbalance / competitive advantage, and/or other players then not getting a game, restricting their playing and development opportunities.

The PPWP considered the use of a drafting system (as historically applied to Glasgow Warriors and Edinburgh Rugby players) but have concluded it would not be appropriate for application to Academy players. Academy players playing outwith the Super 6 competition is very infrequent and therefore when it does occur it is on an *ad hoc* basis. When that does happen the PPWP believe it should be on a consultative approach and that the player and coach arrange for game time at a suitable club that can fulfil that specific requirement. The draft system does not allow that flexibility. However, the PPWP did recognise Premiership clubs' concerns about maintaining a level playing field and believes that a limit on the number of Super 6 Academy players who can play in any given Premiership match should be adopted.

***RECOMMENDATION 4. We recommend that the NCRs be amended to limit the number of Super 6 Academy players who may play for any Premiership team in a Premiership or Scottish Cup match, with a suggested difference between the respective teams playing, of no more than 2 Super 6 Academy players . The new Committee should consider this issue and how this would interact with other regulations or limitations such as for emergency replacements and the objective of ensuring that players still get sufficient game time.***

### **5. Completion of Contract Considerations**

The PPWP considered issues that might arise on the completion of contract for a Super 6 or Premiership player. We have concluded that there should be no constraint on a Super 6 player moving to a Premiership club at the

end of their contract or to a club at levels below Premiership as that player sees fit, accepting such rules as would apply under the NCR transfer deadlines. Likewise, we do not consider there should be constraints on a Premiership player moving to a Super 6 team at the end of their Premiership contract (if they have one).

However, the PPWP are concerned that there are issues relating to the repeated movement of players in and out of the two competitions, in respect of player welfare and in reducing opportunities for other players to progress their careers. We are concerned that players may be pressurised to play or wish to play repeatedly between competitions and therefore may then be able to play for up to 12 months of the year, without having a sufficient rest period. We have therefore concluded that for player welfare reasons some limited constraints on movement of players between Premiership and Super 6 clubs are justified. The new Committee should examine this issue.

***RECOMMENDATION 5: We recommend that a player may move from the Premiership to Super 6 and that, at the end of that Super 6 contract may return to the Premiership for a further period or contract. However, on completion of that Premiership contract they should not then return to a Super 6 contract without a significant break period the duration of which should be set after consultation by the new Committee with Scottish Rugby's medical experts. These provisions should be incorporated into the NCRs and in the Super 6 Tournament Rules and take into account the season structure for both competitions.***

## 6. Quarterly Review

The Super 6 competition continues to evolve and in 19/20 it and the Premiership have been disrupted by the Covid-19 pandemic. As well as examining the issues already identified, the PPWP considered that the new Committee should have a continuing role. The new Committee should meet regularly, at least quarterly, to review and consider operational matters relating to the interface between the Super 6 and the Premiership Competitions including but not limited to NCRs and players and make recommendations as they see fit, should the Committee consider that changes should be made. It should report regularly on its activity. These reports and recommendations would then form part of the normal Scottish Rugby processes for changes to rules and regulations.

***RECOMMENDATION 6. The Council and Board should be informed on a quarterly basis of the progress of the work of the new Committee, including how the PPWP's observations and recommendations have been addressed. This will then form part of the annual review of the operational aspect of the competitions.***

## 7. Annual Review

We are conscious that both Super 6 and the Premiership may be subject to changes over the next few years, especially as the 5-year Super 6 licence period approaches its scheduled expiry at the end of Super 6 season 23/24. We therefore recommend a regular review of the issues raised here and any other associated or relevant matters that might emerge.

***RECOMMENDATION 7: We recommend that the interface between the Super 6 and Premiership competitions should be reviewed annually until the completion of the 5-year Super 6 licence period. This annual reporting requirement should be included in the remit of the new Committee recommended at the outset of the paper, with the resultant report being provided to the Council and Board.***

Colin Rigby

Vice-President

9 February 2020

For and on behalf of the 2020/21 Player Payment Working Party