



THE INDEPENDENT  
FOOTBALL OMBUDSMAN

**IFO COMPLAINT REF: 13/04**

## **THE FA'S HANDLING OF A SAFEGUARDING CASE**

### **The Role of the Independent Football Ombudsman (IFO)**

1. The office of the IFO has been established by the three English football authorities (The Football Association (FA), The Premier League and The Football League) with the agreement of Government. The IFO has been designated as the final stage for the adjudication of complaints which have not been resolved within football's complaints procedure. The IFO operates a system of non-binding arbitration. In exercising its jurisdiction, the IFO does not seek to question the merits of judgements made by properly constituted Regulatory Commissions and Appeal Boards, unless there were shortcomings in the administrative processes which led to those judgements. It is not the role of the IFO to retry cases, but it is its role to explore and review the procedures under which complaints have been decided and whether the outcomes were reasonable for all parties concerned. Under the procedure agreed by the Football Governing Bodies, the adjudication of the IFO is final and there is no right of appeal against IFO findings.

2. The IFO must make clear at the outset that he has received full cooperation from the Football association.

## **The Complaint**

3. A parent who wished to assist in the running of his son's football team complained about the inordinate delay and unfairness in the FA's handling of his application for approval to become involved. A disputed CRB Disclosure was the original cause of his being given an interim suspension and he alleges that the FA officials handling his case were dilatory and uncommunicative. Once the suspension was lifted, he objected to the condition imposed upon him prior to full clearance. He further complained about delays in handling the formal complaint which he submitted to the FA in January 2013

## **The Facts of the Case**

4. In 2010 the complainant was invited by the coach of his son's football team to become involved in the running of the team as a parent volunteer. As is standard practice, a CRB Disclosure was requested, as he would be involved on a regular basis in coaching U18s. The CRB Disclosure identified two significant and relevant historic allegations against the parent. There was also a further concern that had been brought to the attention of the FA by the Police. Only one of the allegations might have come to court, but this case was discontinued. The parent explained that he had not been convicted of any offence and that he was challenging the veracity of the content on his CRB Disclosure through the Independent Police Complaints Commission. Given the serious nature of the concerns raised by the CRB Disclosure, in October 2010, the FA imposed an interim suspension from U18 football on the complainant which was communicated to him on 9 November. The FA's Safeguarding Review Panel considered his case on 24 November 2010 and ratified the suspension, pending further enquiries.

5. There then began a long hiatus during which, the complainant alleges, there was no progress, despite his repeated communications to the FA and the involvement of his MP. There were changes of FA Case Officers and some 18 months elapsed before a new Case Officer suggested that the parent apply for a new CRB, which was submitted in October 2012. This was returned clear of any allegations in January 2013, which then permitted the FA to prepare a

submission to the Safeguarding Review Panel to hear the parent's appeal against suspension. The Panel was to meet in March 2013 and prior to this the parent submitted a formal complaint to the FA about the way his case had been handled. The Safeguarding Review Panel lifted the suspension at its meeting on 21 March 2013. The Panel made it a requirement that the parent attend a Safeguarding Children Workshop, prior to full clearance. In April the Head of Equality and Child Protection responded to the complaint in a 5 page letter, advising the parent of his right to refer the case to the IFO, which began its investigation in May 2013.

### **The Investigation**

6. The IFO carefully reviewed the correspondence submitted by the complainant, along with the exchanges between the complainant and FA officials. Detailed attention was given to the FA's April 2013 response to the complaint. The IFO met with the Head of Equality and Child Protection and the FA's Senior Case Officer in May. In early June the IFO had an extended telephone conversation with the complainant, who had politely declined the offer of a face to face meeting.

### **The Findings**

7. It makes sense to divide the findings between the issue of delays (both in the handling of the case and in the treatment of the complaint) and the condition imposed by the Safeguarding Review Panel. The complainant's main grievance is that it took the FA nearly two and a half years to conclude its consideration of his case, during which period, he claims, there was no change in his personal standing or circumstances. How can this extended period be explained and can it be justified?

8. The complainant admits that it was necessary to impose the interim suspension in view of the contents of his CRB Disclosure. Since safeguarding concerns had been raised, the FA was properly cautious in reviewing the complainant's application. As the FA points out, the complainant, as a parent himself, would wish the FA to be vigilant where a potential risk to the welfare of children was involved. During the first period up to October 2012 (nearly 2 years), the FA maintains that it was dealing with the various statutory agencies

to address the concerns raised by the CRB Disclosure. The FA has not clarified either to the complainant or to the IFO, the precise details of why this process was so extended, other than to refer to delays in the receipt of personal references. There were also delays in gaining consent from the complainant, so that they could contact the statutory agencies in respect of his case, including seeking to find out why the case that might have gone to court had been discontinued, to see if this could assist with the evaluation of potential risk. The complainant argues that it was the inefficiency of FA officials which was the root cause of the delays; the FA points out that dealing with other bodies was inevitably time consuming. The FA does admit that there were two periods each of three and a half months when the case was not being progressed, the first due to an undelivered communication and the second due to a change in personnel. The FA found itself in a difficult position while the original CRB Disclosure was not superseded, since there were genuine concerns that needed to be allayed. Nevertheless, it does appear that there were long periods when the case was dormant, exacerbated by staff changes in the personnel handling the application. In a large organisation like the FA there will often be personnel movements either within or outside and, given the volume of cases to be considered, it is important that the FA has in place contingency plans to ensure that cases are not unduly delayed by the transfer of responsibility from one officer to another. Similarly, the FA needs to have an effective monitoring system to identify excessive delays or inactive cases. The IFO understands that the FA has now put in place a progress chasing system which should address these aspects.

9. It is instructive that once the other relevant information was removed from the CRB Disclosure by the Police and the Disclosure and Barring Service, the FA was able to move reasonably quickly to get the case to the next available Panel meeting. Hence the focus of the complainant's argument for excessive delay must be on the years 2011 and 2012, since in 2013 there were no significant delays in hearing the appeal. While there were some mitigating factors (delay in receipt of references, delay in the complainant providing his consent for the FA to contact the Police and Children's Social Care in respect of his case, undelivered correspondence, personnel changes and dealing with external agencies), the IFO finds that the case was not handled expeditiously, leading to

unwarranted delays. The FA has apologised for the delays due to the staff changes and **the IFO recommends that a more general apology is due to the complainant for the overall delays in FA processes in this case.**

10. The complainant also registered concern at the delay in dealing with the complaint which he submitted in January 2013 and which was substantively addressed by the letter of 29 April 2013 from the Head of Equality and Child Protection. It is clear that the FA did not meet its stated Charter objective in terms of timescales for response, which the FA has admitted, and an apology was given for the initial delay, due to work priorities. However, the complainant was kept informed of progress and of how the complaint was to be handled. Additionally, in complex cases such as this it is not unreasonable to devote time to investigate and report back, which the FA did at some length on 29 April. In view of the need to review the case thoroughly and the scale and detail of the response given, **the IFO finds that there was not excessive delay in responding to the complaint and this aspect of the current complaint is not upheld.**

11. The other aspect of this complaint is the condition imposed by the Safeguarding Panel, which the complainant deems punitive and unfair. It should be remembered that such panels within FA procedures are independent of the FA officials who serve them. In this case the Senior Case Officer recommended that the interim suspension be lifted, but the Panel was entirely within its authority to impose any conditions which it deemed fit. The complainant has been assured that to require the attendance at a Safeguarding Children Workshop is not a punishment, but a normal requirement for anyone wishing to be involved in children's football. Moreover, the FA has also confirmed that no details of the complainant's record will be disclosed to any County FA or training provider, so that there will no special circumstances attached to the complainant when he attends the required course. The complainant has expressed a willingness to attend the course, which he admits might be helpful for him, but resents the fact that it has been made a condition of his full recognition. He has also drawn attention to the fact that other parents merely helping out (as opposed to coaching) have not been required to attend a course. This point contrasts sharply with his stated aim of wishing to be a coach. For example, in his

complaint letter of January 2013 he refers to "me wishing to help out as a coach for my son's team" and in the same letter he confirms "my application to be a coach for my son's team". Similarly, in the summary of his initial case to the IFO, he stated, "I was suspended in October 2010 when I applied to be a junior football coach". Given the specific application to be a coach, it was perfectly reasonable for the Panel to impose a condition which applies to any other applicant seeking approval to become a youth team coach. The parent/coach distinction is without merit in this case. The IFO finds that the Panel acted within its legitimate authority and exercised a power which it clearly had, to impose a condition which was neither unreasonable nor punitive. **The complaint against the imposition of a condition is not upheld.**

### **Conclusion**

12. The complainant has been decidedly unlucky that unproven accusations from a decade earlier have dogged his wish to assist in the running of his son's team. The IFO sympathises with his distress at not being able to assist fully in his son's football development. He is now clear to assume that role, so long as he attends a Safeguarding Children Workshop, which the IFO finds is a not unreasonable condition. He has grounds for his grievance against the FA, which might at times have been more proactive in investigating his case. However once concerns were raised by the CRB Disclosure, it was inevitable and proper that the FA should proceed with caution. It is to be hoped that the complainant will now be able to fulfil his wish to assist in the running of his son's team.

**Professor Derek Fraser, Ombudsman**

**28 June 2013**

**Mr Alan Watson CBE, Deputy Ombudsman**