



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 12/01

**THE FA'S HANDLING OF A PARENT'S COMPLAINT ABOUT
SAFEGUARDING**

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 main focus of this report concerns the treatment of the complaint by the Football Association and the IFO must make clear at the outset that he has received full cooperation of the FA in investigating the complaint. Although the specific remit of the

IFO does not cover youth football or county associations, in order to understand the nature of the issues giving rise to the complaint, it has been necessary to review the role of the local club and the Middlesex County FA.

The complaint

3. The father of a youth team player complained that his son and other children had been the victim of bullying and abuse at his club. He alleges that neither the club nor the county FA, to which he referred his complaint, had dealt properly with the case. After a long drawn out process, he referred the matter to the Football Association. He further complained that the FA took over a year to respond and that the governing body failed to investigate fully and had not enforced FA policies at the county or club level.

The facts of the matter

4. For some 4 years the complainant's son had an enjoyable time playing for his local north London team. The parent noticed that as the boys got older and the team became more successful, a more hostile and intimidating atmosphere was engendered. Some boys were in tears during and after matches after being berated by coaches and it became more common for boys to cry off at the last minute. In the summer of 2009 during a special tournament, the son and two other boys were left without games because of poor planning of team numbers. The complainant objected particularly to the behaviour of another parent who appeared to be assuming coaching duties (though not officially one of the team coaches) and who adopted a hectoring and bullying approach. In June 2009, the complainant raised his concerns with the club chairman, who agreed by phone that matters would be rectified for the coming season, when the son would be playing in the under-12 team.

5. Matters came to a head in February 2010, when it appeared clear to the complainant that none of the reform programme promised the previous summer had been implemented. In fact, if anything, the bullying and abuse had got worse and a blame culture had become deeply engrained at the club, which adversely affected both players and the management. He wrote to the chairman renewing his concerns and asserting that there had been no improvement in the 8 months since their telephone

discussion. This time the chairman replied in writing, explaining that the club committee had met twice and the club welfare officer had spoken to other parents. He reported that the parent complained of was to be given a written warning about his touchline behaviour and he confirmed that the parent had no coaching role within the team management. The complainant allowed a few weeks to elapse before replying in order to see whether the club actions would have any effect. In May 2010 the complainant reported to the chairman that the parent was still not complying with the FA's Respect Guidelines for Parents and was regularly to be found with the management team rather than watching the game with the other parents. He claimed that other parents had confided to him that when approached by the welfare officer, they had been loath to complain for fear of recriminations (as had happened with the complainant's son). In an undated reply, the chairman refuted the allegation that other parents had been intimidated or that the complainant's son had suffered discrimination from the coaches because of the complaint. He reported that he was taking advice from the county on what to do about the recalcitrant parent and provided the contact details of the Middlesex County FA. From the club point of view, he considered the matter closed. In an exchange of email messages on 14 May 2010, the complainant repeated that his concerns had not been addressed and the chairman confirmed that any further dialogue would have to be conducted with the county FA.

6. Before the complainant could approach the county, events took a new turn when he received a letter dated 19 May from the club chairman which, in his words, "effectively expelled his son from the club – confirming the unacceptable abusive and bullying culture enshrined at the club". Between 17 and 19 May, the complainant had been engaged in an exchange of views with the two club managers about the numbers attending and awards arrangements for the forthcoming special tournament. (This was the annual event which had provoked the initial concerns the previous year, when the complainant alleged that his son had been left to wander around unsupervised looking for some other boys to play with). It is not clear whether there was a link between this exchange of views and the subsequent letter, but it may be noted that the last email from the manager and the letter were both dated 19 May 2010. The chairman's letter said, "Despite the clubs best efforts in answering all the issues/concerns you have raised, it is evident you have not been satisfied with the outcome and feel that the team and the club are not meeting your expectations.....I now write to inform you that the club will not be renewing the

registration of your son in the new 2011/12 season..... This is with immediate effect as the season has now ended.” The complainant asked to see the minutes of the committee which had made this decision, to which the club responded that they were under no obligation to provide such minutes.

7. In approaching Middlesex County FA, the complainant now had the matter of his son’s expulsion, a term which the club did not accept, as well as his original concerns about safeguarding. Having spoken by phone on two previous occasions in May, the complainant referred both matters to the county FA welfare officer on 8 June 2010. The welfare officer replied that the club was entitled to register whoever it wished and, in the opinion of the complainant, then developed a post-hoc justification by saying that the boy had not been re-registered because he was not up to the playing standard required. Although the welfare officer had been in touch with the club, he believed that many of the issues raised were internal matters and not subject to county involvement. He did report that the parent whose behaviour had caused concern had been asked to leave the club. In response to further correspondence, the welfare officer concluded that he “had found no evidence of abuse of any individuals” at the club and that the parent had provided no evidence “that your son was abused while at the club”.

8. Dissatisfied with the scope and nature of the welfare officer’s enquiry, the complainant sent a further file to the Middlesex County FA Chief Executive in September 2010, identifying the issues which, he contended, had not been addressed. The file included a complaint letter from another parent which had previously been submitted to the club. Though he received two acknowledgment letters, he made clear several times in subsequent correspondence that he had not received a substantive reply from the CEO. *(In the course of the investigation, the FA provided the IFO with a copy of a letter to the complainant dated 7 October 2010, in which the CEO reports that he could find no fault with the welfare officer’s investigation and conclusions).* Meanwhile, the complainant had referred the matter to the local authority, which, after enquiries with the club, also confirmed that the recalcitrant parent had been expelled. The complainant disputed this in October 2010 when he met with head of the local authority’s Child Protection Service, who advised that the authority did not have the resources to investigate the complaint and that the matter should be referred to the Football Association.

9. The complainant wrote to the FA Head of Safeguarding on 23 November 2010, stressing among other things that the allegedly expelled parent was still at the club. While receiving periodic holding responses, the complainant received no substantive reply and escalated his complaint to the FA General Secretary during 2011. The Head of Safeguarding finally reported back to the complainant on 19 December 2011. The FA apologised for the delay which had been due to a combination of personal and resource difficulties, together with the need to prioritise cases of children at immediate risk. The FA concluded that the club had dealt with the abusive parent appropriately, a conclusion supported by both the county FA and the local authority. The matter of team selection was indeed for the club alone, though it was correct that the club should have clear rules and should be transparent with players and parents about team selection. The county FA investigation had been thorough, apart from the failure to consult other parents. The FA advised that the matter was closed and that the complainant had the right to refer the complaint to the IFO, if he remained dissatisfied. The complainant replied to the FA with an 11 page letter plus 2 appendices, in which he concluded that "the whole matter is shocking, shameful and dishonest". On 6 March 2012 the complainant wrote to the IFO asking him to investigate 24 itemised issues arising from the complaint.

The Investigation

10. The IFO and Deputy studied carefully the extensive documentation submitted by post and email. This comprised the letter to the IFO, an 18 page executive summary and chronology, together with 40 "exhibits", copies of the relevant documents and correspondence. (The IFO is grateful to the complainant for the clear organisation of the evidence in what was a complex story). The IFO and Deputy met with the FA Head of Equality and Child Protection on 17 April. They also met with the complainant on 19 April. They corresponded with both parties before and after the meetings.

The Findings

11. The IFO addresses the issues raised in the order in which the complaint progressed through the procedure. At the **club** level, it is a matter of regret and some sadness that the parties did not feel able at the very outset to sit down together to seek a resolution of their differences. As a concerned parent, the complainant had the reasonable

expectation that his concerns would be properly addressed by what was an FA Charter club. There remains some opaqueness about the “punishment” meted out to the parent whose behaviour originated the complaint and the complaint could have been more openly addressed by the club. On the matter of membership and team selection, it is not the role of the IFO, nor for the FA, to question decisions made about individual players. But the IFO accepts the FA’s view that it is reasonable to expect Charter clubs to have clear membership rules and to keep parents and players informed about the criteria for team selection. The complainant points out that there were at different time four different explanations for his son’s “expulsion”: the club did not meet the parent’s expectation; the parent had taken the child away; the parent had insulted the club secretary; and the son did not meet the playing standard required. The complainant remains of the view that the decision not to re-register his son as a player was the direct result of his persistent pursuit of the complaint and that the letter was evidence of the bullying and abusive behaviour of the club. At this distance of time it is not possible to resolve what the reasons were, but from the wording of the chairman’s letter it is easy to see why the complainant viewed his son as having been expelled. What is clear is that the club was neither transparent nor consistent in its decision over the son’s membership. In the light of this investigation **the IFO recommends that the FA ensures, through the county FAs, that clubs have clear and transparent membership rules and team selection policies.** It is to be hoped that the proposed annual Charter Standard Health Check will assist in the implementation of this recommendation. (The IFO understands that the FA will review Charter Standard processes in the light of this complaint).

12. In many ways the complaints process in this case hinges on the role and effectiveness of **the county FA**. One may understand that a local club run by enthusiastic volunteers and parents might have some difficulty in resolving a complaint brought by someone known to them all. Supervising the local clubs and leagues is the responsibility of the county FA with its independent professional staff and the complainant expected that the county FA would handle the complaint with a degree of expertise not to be found in the local club. As is made clear in the opening paragraph of this Adjudication Report, it is not the function of the IFO to re-run enquiries or to “second guess” legitimately constituted tribunals. Its role is to review whether the correct procedure was followed and whether the body exercised its jurisdiction in a thorough and

effective manner. There is no doubt that once the complaint was submitted in writing, the welfare officer quickly investigated the complaint and had dialogue with club officials, with the local authority and with the FA. In a case where a complainant and a respondent give different versions of events, it is legitimate to ask whether there is any independent testimony which may be able to resolve the contradictions. In this case potentially there was, in the views of other parents whose names the complainant had provided to the Middlesex welfare officer and CEO and in the one other complaint letter submitted. The county FA made no attempt to contact other parents who might well have confirmed whether this was the unsupported concern of an over-protective parent or whether a bullying culture did exist in the club. The independence of the county FA would have ensured that parents were more likely to be more forthcoming than in dialogue with a club welfare officer closely integrated with the club hierarchy - if, that is, they had anything to say in support of the complainant's views. Because the questions were not asked, the County FA now accepts that the opportunity was missed to verify which version, the complainant's or the club's, better described the true position. The IFO concludes that the county FA enquiries took too much on trust from the club about the endemic culture and about the treatment of the offending parent and should have done more to seek other independent evidence. **The IFO recommends that the FA reminds county FAs of the need to be thorough in investigating complaints and of the importance of seeking relevant independent testimony.**

13. By the time **the Football Association** came to deal with the complaint during 2011, some two years had elapsed from the original events. In such circumstances, it is not reasonable for the complainant to have expected the FA to intervene at the club level, for example to have contacted the parents, nor is it part of the FA remit, since it is precisely the role the county FAs have in applying FA policies. In one respect the IFO upholds the complainant's grievance, about the inordinate length of time it took to respond to the complaint. Notwithstanding personal and resource difficulties, there was indeed **an unacceptable delay by the Football Association.** For its part, the FA apologised to the complainant and did not seek to deny that the time which had elapsed before a substantive reply was forthcoming was wholly unsatisfactory. It is to be hoped that expected new appointments will help to ease the burden of a very high caseload.

14. The IFO is satisfied that the FA took the complaint seriously and investigated the issues thoroughly. When, as part of the normal dialogue between the FA and the counties, it was alerted to the case at an earlier stage, it correctly exercised a “threshold” judgement that, as there was no immediate safety concern to the child, the matter could be left to the county. The FA liaised with the county FA and the local authority. Given the large number of cases demanding the FA’s attention, it was reasonable to give this complaint a somewhat lower priority because of the lack of supporting evidence from other parents. The missed opportunity at county level in this regard has already been discussed and it is certainly legitimate to ask why, if the bullying was so widespread, there were not other parents coming forward. Hence, while not belittling the distress experienced by both parent and son, the FA judged that this was an individual grievance rather than a case of systematic abuse. The FA has drawn the attention of the county FA to the shortcomings in its investigations and has reminded clubs of the need for clear membership policies. The FA might have pursued more closely the matter of the suspension/expulsion of the recalcitrant parent at the heart of this complaint. But even here, it was given assurances by club, county and local authority that the matter had been dealt with appropriately and that the parent had indeed been suspended.

Conclusion

16. Neither the IFO nor even the Football Association has the power to reinstate the complainant’s son as a member of his original club. The IFO has concluded that both the club and the county FA could have handled the complaint more effectively and has made recommendations arising out of the investigation, which should improve procedures. While acknowledging the perceived distress caused and recognising the strength of feeling as revealed in the extent of the documentation and the persistence of the complainant, the IFO is unable to say with certainty that there was abuse and maladministration. Apart from the matter of the delay in responding, the IFO is not able to uphold the complaint against the Football Association. It is to be hoped that the family will be able to draw a line under this episode and move on with its life.

Professor Derek Fraser
Mr Alan Watson, CBE

16 May 2012