



**THE INDEPENDENT
FOOTBALL OMBUDSMAN**

IFO COMPLAINT REF: 13/03

**ALLEGED FAILURE BY THE FA TO FOLLOW THE STANDARD
CODE OF RULES FAIRLY**

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 or a judgement is considered perverse. 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. Although the remit of the IFO does not cover County FAs, in order to understand the nature of the issues giving rise to the complaints, it has been necessary to review the part played by the County FA in this case. This report does not cover every detail of the events, but the IFO is satisfied that no matter of significance has been omitted. The IFO has received full cooperation from the FA in investigating the complaints.

The complaints

3. The Chairman of a local Sunday Football League (the League) complained that the FA had failed to implement their own Standard Code of Rules (SCOR) fairly, as a result of which the League had been treated less favourably than other leagues. The principal complaint was that Rule 12 of the SCOR was subject to Rule 1(B), which allowed adjustment in the composition of divisions, thereby allowing teams from the same club to play in the same division. The Chairman also made a number of subsidiary complaints about events surrounding his principal complaint. He complained that:-

- * The League's wish to play teams from the same club in the same division in season 2011/12 was rejected by the Sanctions Committee of the League's local County FA (the CFA) without having given the League the opportunity to present their case; and the CFA Chief Executive should not have been involved in that process.
- * Where there was such a difference of opinion, the CFA should have held a Board of Inquiry where the parties could present their respective cases.
- * The CFA Sanctions Committee did not have proper jurisdiction over the League.
- * The FA wrongly used the disciplinary system to consider the League's appeal, even though there had been no breach of discipline.
- * Despite having been told that the League could be represented by two people at the appeal hearing, the Board Chairman refused to allow a second person.
- * There was a conflict of interest at the appeal hearing as all three Board members were from county FAs, ostensibly judging a fellow County FA.
- * The Board ruled that copies of Rule 1(B) of the SCOR were inadmissible as they constituted fresh evidence.
- * Despite requests, the League have not received a receipt for the appeal costs which they paid to the FA, nor a breakdown of those costs.
- * Although the FA told the League that there was no further right of appeal, they did not mention the FA's complaints procedure or the IFO.

The League Chairman also complained that after the appeal, the FA have on three separate occasions made changes to the SCOR in order to enforce the incorrect decision made in relation to the League; and there have been contradictory statements about whether the League can include local rules which are not in the SCOR. Finally, when on 15 January 2013 the Chairman complained to the FA about the actions of the FA, they told him that he would first have to put his concerns to the CFA and he has received no reply to his further complaint to the FA.

Background

4. The League operate outside the National League system under a set of rules put forward at their AGM for approval by the CFA. These rules incorporate the SCOR which have mandatory elements, printed in normal text, and optional elements printed in italics.

Rule 12(B)(iv) of the 2011/12 SCOR stated:

“When a senior team is relegated to a lower Division of which its reserve is a member such reserve team must accept relegation to the next lowest Division; and should the senior team be relegated to the lowest Division its reserve team automatically retires from the competition.”

Similarly, a team will be denied promotion if its senior team is in the Division above (Rule 12(B)(v)).

This section dealt solely with promotion and relegation. There was no mention of what happens if a multi-side club wanted to join a league, or if a club wanted to form an additional side.

Rule 1(B) of the 2011/12 SCOR stated:

“At the AGM or a Special General Meeting called for the purpose, a majority of the delegates present shall have power to decide or adjust the compilation of the Divisions at their discretion. When necessary this Rule shall take precedence over Rule 12.”

Rule 2 of the FA Regulations for the Sanction and Control of Competitions requires that where a competition consists of clubs within the area of, or affiliated to, two or three Affiliated Associations, the Competition shall be sanctioned by a Committee of not less than two representatives of each Affiliated Association.

The complainant’s account

5. The Deputy IFO visited the complainant who gave the account outlined in paragraphs 5 – 18 of this report. In late 2011 he had a debate with the CFA’s Chief Executive about the fact that the League allowed two teams from one club to play in the same division, a situation which had been in existence for some five years. The Rule in the League’s 2011/12 Rules which allowed that situation had been inserted on the advice of the CFA’s previous Chief Executive. The League had controls in place within their Rules, which had been approved by the CFA, to prevent strengthening the respective teams. The League wished to continue that practice in 2012/13 but the CFA said they could not. In light of Rule 1(B) the complainant believed that the practice was perfectly in accordance with the SCOR. On FA advice the CFA allowed the League to continue the practice for the remainder of 2011/12.

6. The complainant maintained that nationally there are many leagues which allow teams from the same club in the same division and saw no reason why the League should be treated less favourably. The complainant contacted the FA Disciplinary Manager who confirmed that the League could indeed allow two teams from one club in the same division. However, on

23 January 2012 the Disciplinary Manager emailed the complainant to correct that statement. He said that the CFA did have the authority to refuse to allow the practice; he had previously thought that the restriction was no longer in the Rules. In the belief that Rule 1(B) did allow the practice, the complainant began the job of convincing the CFA that the League could, in full accordance with the SCOR, do exactly the same as those other leagues in 2012/13. He wrote to the CFA outlining the League's case. The CFA replied that their Sanctions Committee had rejected the proposal for 2012/13. The complainant was astounded as he had not been given the opportunity to convince the Committee of the merits of the case, in particular that it was fully compliant with Rule 1(B), about which he had not alerted the CFA at that stage, tactically keeping it back as an ace to present if necessary. (The League's intention had been to include Rule 1(B) in their Rules for 2012/13.) The only argument in the case that would have been put to the Committee was from the CFA Executive who were against the League's proposal as in their opinion it was against the Standard Code of Rules.

7. The League did not have either an initial hearing or a challenge to any decision, so there was no judgement and therefore nothing in the first instance against which to appeal. The CFA initially said they would hold an appeal hearing where the League could make their case, but changed their mind. The normal usual course of events to challenge a County was to appeal to the FA, normally against the outcome of a charge or hearing of some sort – of which there was none, although that is not the limitation of appeals. After several exchanges between the FA and the CFA it was agreed that the League could make an out of time appeal to the FA against the CFA's decision. On 11 January 2012 the League appealed to the FA against the decision of the CFA not to continue to allow them to accept two teams from one club in the same division after the conclusion of season 2011/12. They paid an appeal fee of £50.

8. The complainant also contended that the CFA's Sanctions Committee had no jurisdiction over the League, which has teams from three separate FAs, as a joint Committee had not been formed as required by the FA Regulations (paragraph 4).

9. The complainant maintained that to proceed straight to an appeal as the first opportunity for the League to present their case was unfair, giving them only one opportunity to convince a decision making authority of the merits of their case. He also complained that it was wrong for the FA to have handled the appeal through the Disciplinary Department as this was not a disciplinary matter, when the League had not committed any breach of conduct or discipline. Prior to the hearing the complainant exchanged e-mails with the Clerk to the Appeal Board in an effort to understand the process better. The Clerk said that the League could be represented by him and one other person, who could also speak at the appeal. On the day of the hearing, 2 March 2012, the Clerk briefed both the CFA and the League and repeated that advice. The complainant was accompanied by a Director of a neighbouring FA, attending in an unofficial capacity, who had prepared what he described as a powerful delivery which would have alerted the Board to the merits of the case in promoting grass roots football and would have pointed out that the CFA decision would not be enforced by his own FA and was in contradiction of the SCOR. The Director was also going to highlight to the Board that the CFA had either misunderstood or overlooked Rule 1(B). The Chairman of the Appeal Board

announced, contrary to the Clerk's written and oral advice, that only one party from each "side" could speak, which the complainant elected to do. That decision severely restricted the complainant's case as he and the representative had a well rehearsed delivery switching between speakers. The complainant also had a problem with the construction of the Appeal Board as he believed all three members were from County FAs, which he regarded as representing a conflict of interest in that they were judging the decision of a fellow County FA.

10. The complainant said that the Board Chairman noted that the League were claiming that they had not had a fair hearing in the first place (in fact they had not had a hearing at all). Even though CFA rules say that an unfair hearing is one of the factors allowing an appeal to the FA, the Chairman ruled that it was totally irrelevant whether or not the League had had a fair hearing, although the Clerk had told the complainant unequivocally that an unfair earlier hearing was one of the grounds for appeal.

11. At the hearing the complainant produced league tables from a number of leagues, affiliated to four different County FAs, who allow two teams from one club to play in the same division. To emphasise his case, the complainant had prepared three laminated copies of Rule 1(B), but the Clerk prevented their distribution claiming they were "new evidence". The complainant countered saying it was not new at all but was "cut and paste" from the very rule book sitting in front of the Board. He also made the point that the League already had a Rule in place to prevent "team strengthening" from happening, and if that remained a problem, the League could register the two teams separately to prevent migration between teams. The complainant used the example of the League having three divisions and a Club with four teams wanting to join. The appeal was dismissed

12. That same day the FA's Disciplinary Manager wrote to the complainant saying that the appeal had been lost, but making no specific mention of the matter about which the League were appealing – the right to play two teams from the same club in the same division. The letter also said there was no further right of appeal, but made no mention of the FA's complaints procedure or the IFO. The League were ordered to pay £250 adjusted costs. On 5 March the League sent a cheque for £250 to the Clerk and asked for a receipt and a breakdown of the adjusted costs for their auditor. This request was totally ignored both then and more recently. The League asked the FA for the reasons behind the decision and received a statement by the Chairman of the Appeal Board.

13. The Board had considered "whether the CFA had come to a decision on the facts of the case to which no reasonable body could have come to". The Board decided that the League Rule 12B(iii) which said "In exceptional circumstances a club may have two teams in the same division" was not allowed, but the statement made no mention of whether, if the League included Rule 1(B), they could allow two teams from one club in the same division. The statement also said that the Board had decided that the matter of whether the League had had a fair hearing was irrelevant to the matter before them. The Board had also decided that the fact that other leagues might be acting outside the FA Rules was not a valid defence for allowing the League to do so. The Board had also stated that the League could not insert

Rules which were not in the SCOR. In summary, the Board felt that the CFA had acted reasonably, that the League had acted unreasonably in failing to understand the position in relation to the matter and that the League should pay adjusted costs toward the appeal.

Subsequent events

14. Despite the Appeal Board's binding decision, the complainant still contended that if Rule 1(B) was not optional and had to be included in League Rules, that effectively said that the League could play two teams from one club in the same division.

15. The complainant said that, having got wind of the appeal, the FA Sanctions and Registrations Committee meetings of 13 February 2012 (two weeks before the appeal hearing) and 12 March discussed the matter and eventually put a motion to the full FA Council on 3 April thus - The mandatory insertion in Rule 1(A) of the SCOR for 2012/13 of "No more than one team from a Club can participate in the same division". The complainant believed that what this rule change did was to outlaw the practice from the beginning of 2012/13 season, yet it had effectively been used retrospectively against the League. The meetings cycle of the FA prevented it from getting either Committee or Council approval until after the League's appeal. Such was the opposition that it took two Committee meetings to get the motion through for approval by full Council. The FA have not acceded to the complainant's request for copies of the minutes of the Committee meetings. The complainant believes that the League's appeal had already been decided as lost before the hearing. That mandatory rule change was notified by the FA to Counties on 10 April and transmitted to the League by the CFA on 12 April. Observations from grass roots level over the introduction of the mandatory rule forced a rethink and on 24 May the FA's Sanctions and Registrations Committee proposed allowing Leagues to play two teams from one Club in the same division providing there was no viable alternative, decisions on such applications to be delegated to the Committee Chairman and the FA's Registrations and Sanctions Manager.

16. The complainant was unsure if that decision was circulated to County FAs as the CFA had told him it had not been, and the League, as an aggrieved and interested party greatly affected by such a decision, were not told either. At the date of the amendment the League had not finalised their divisional constitution, nor had held their AGM when they could approve rule changes. If they had known, they could have approached the FA for dispensation. They learned of the situation only on 31 August when, after asking the FA whether there had been any change, the Registrations and Sanctions Manager emailed saying "The FA (centrally) will consider requests where there is no viable alternative but an application must come to us. This has been evident in women's football and in areas where there is little or no choice." The complainant then asked how that decision had been transmitted to Counties and/or leagues as his League had not heard officially until then. The Manager had replied "Via ALL CFAs." The complainant maintained that the League could allow the practice post 24 May 2012 (providing they obtained dispensation), exactly the opposite of what the Appeal Board had said on 2 March 2012. Rules 1(A) and (B) in the SCOR for 2012/13 are in italics, suggesting they are optional, but according to the FA, that

was a printing error. However, there is no mention of the dispensation to allow two teams from the same club in the same division.

17. Subsequently the complainant learned of another proposed amendment, delegating the decisions to County level. The suggestion was to delete Rule 1(A) in the 2013/14 SCOR and insert a new Rule 1(C) to read as follows: "This Competition shall only permit one team from a Club to participate in the same division unless there is no viable alternative because of logistical issues and/or reasons linked to participation and geographical boundaries. This Competition will obtain the prior approval of the sanctioning Association in the event of a division comprising of more than one team from the same Club. This Competition will ensure that, where permission is given, teams from a Club operating in the same division are run as separate entities with no interchange of players other than via transfers of registration in accordance with Competition Rules".

18. The complainant believes that to a certain extent his case has been won as the FA have finally agreed that what he claimed in March 2012 is likely to be enshrined in the SCOR for 2013/14. He was aggrieved that bringing a correct interpretation of the FA's own rules to their attention had cost the League £300.

The FA's account

19. On 2 April 2013 the IFO and his Deputy visited the FA and met with the Disciplinary Manager and the Head of the Professional Game Football Services Division. The FA's Registrations and Sanctions Manager was not available through illness. The Disciplinary Manager explained that it was perfectly in order for the CFA's Chief Executive to have been part of the process of considering the League's application. In addition, given that the CFA were aware that the League's Rule was not in accordance with the SCOR and that the League wished to continue the practice into the following season, it was quite proper for the CFA to have adopted the proactive approach of addressing the matter before the sanction process took place. The CFA had acted in accordance with the SCOR and a Board of Inquiry was neither required nor relevant to what was a judgement on an administrative matter. In fairness to the parties the FA had decided to allow the League to appeal out of time.

20. On the matter of jurisdiction for sanctioning the League (paragraph 4), the Disciplinary Manager explained that a historical decision had been made between the competitions and relevant County FAs that the CFA would be the sanctioning authority. At no stage in the past had the complainant objected to whoever had sanctioned the Competition.

21. The League's appeal was dealt with in accordance with the Regulations for FA Appeals as detailed in pages 427-430 of the FA Handbook. The Disciplinary Department deals with all appeals concerning FA Competitions matters, Memberships Committee, Leagues Committee, Safeguarding Review Panel, Sanctions and Registrations, plus others. The FA accepts that the appeal was not a disciplinary matter and had never inferred that it was, but it was conducted and considered in accordance with the proper appeal procedures. In fact the first contact was made by the complainant directly to the Disciplinary Manager.

22. The FA said that as far as the matter of the Board members was concerned, the League had raised no objection during the process. The Board Chairman was a lawyer, Company Secretary to a Step 3-4 League and was not linked to any County FA. He has to operate within professional standards; the members were knowledgeable in the subject matter of the appeal.

23. The League had chosen the ground of appeal ie that the CFA had not allowed a rule permitting teams from the same club in the same division. The ground of failing to give a fair hearing was available to the League, but had not been chosen. The Board had decided that the question of a fair hearing was irrelevant as their role was to consider whether the CFA's decision was in accordance with the SCOR. Similarly, the Board had concurred with the FA view that Rule 1(B) did not allow teams from the same club to be in the same division. The decision of the Appeal Board was final and binding and not subject to further consideration; there had been no need to mention the FA's complaints procedure or the IFO.

24. On the question of local rules, the FA confirmed that the League are allowed such rules provided that they are in accordance with, and do not conflict with, the SCOR. The Board's reference to the League not being able to insert rules which are not in the SCOR related to the League Rule 12(B)(iii) which purportedly allowed teams from the same club in the same division.

25. On 10 April 2012 the FA's Registrations and Sanctions Manager had sent to all County FAs the final version of the SCOR for 2012/13. He said "Under 1(A) you are asked to note that no more than one team can play in the same division. Rule 12(B)(iv) and (v) refers to the consequences of teams in the same Club being promoted or relegated into a division where an existing Club team plays. By inference this means that no more than one team from the same Club can play in the same division but we have not previously provided an explicit Rule to be adopted." The Head of the Professional Game Services Division had asked the FA's IT section to try to trace any email from the Registrations Manager to County FAs following the proposal of 24 May 2012, and undertook to let the IFO know the outcome.

26. In a further meeting with the IFO and his Deputy on 21 May 2013 the FA said that they could find no trace of an email to County FAs following the meeting of the Sanctions and Registrations Committee on 24 May 2012. The FA explained that although the Committee had decided to recommend further revision of the SCOR (see paragraph 15), it had been too late to put the matter before the FA Council for approval in order to implement for the 2012/13 season, as changes to the Rules often go through several iterations. The Council meeting of 10 April 2013 had approved changes for 2013/14. The revised Rules, which were issued to County FAs in mid-May, are as follows:-

Rule 1(C): "This Competition shall only permit one team from a Club to participate in the same division unless there is no viable alternative because of logistical issues and/or reasons linked to participation and geographical boundaries. This Competition will obtain the prior approval of the sanctioning Association in the event of a division comprising more than one team from the same Club. This competition will ensure that, where permission is given,

teams from a Club operating in the same division are run as separate entities with no interchange of players other than via transfers of registration in accordance with Competition Rules.”

Rule 1(G): “At the Annual General Meeting or a Special General Meeting called for the purpose, a majority of the delegates present shall have power to decide or adjust the compilation of the divisions at their discretion. When necessary this Rule shall take precedence over Rule 12.”

In a covering note to the revised Rules, the FA stated “Competitions may add to the core of the Standard Code, which is mandatory, providing the additions are approved by the sanctioning association and do not conflict with the mandatory Rules or any relevant principles and policies established by the FA. Guidance from the sanctioning association should be sought in advance if there is any doubt as to the acceptability of additional Rules.”

27. The FA had also traced an email trail between the complainant and the Registrations Manager. On 22 January 2013 the complainant had posed a number of questions, including:

“How was the 24 May decision transmitted to County FAs because the CFA say they didn’t know?”; and:

“Is it correct therefore to say that from the beginning of the 2012/13 season a Club could play two teams in the same division providing they could convince either the Chairman or you to give dispensation?”

In reply to the first question the Manager said:

“By email. Additionally, the FA Council representative would have been able to follow the process via Minutes presented to Council. In reality this remains a question for the CFA although I suspect that other competitions sanctioned by them will confirm that they were aware of the email.”

In reply to the second question the Manager said:

“No, because any dispensations approved would have needed to be presented at a League AGM and voted on in the normal way. From the start of the 2012/13 season it was mandatory that two teams from the same Club could not play in the same Division.”

28. Following further queries from the complainant the Registrations Manager had indicated that having spent a considerable time trying to explain matters to the complainant, he could do no more, but he did offer to meet the complainant at Wembley, an offer which was not taken up.

29. The minutes of the Sanctions and Registrations Committee meeting of 2 October 2012 show that despite Rule 1(A) being mandatory for 2012/13, “Acting under delegated powers, and in conjunction with the office staff, several dispensations had been agreed for the current season where no viable alternative existed and where there was an overriding need to act to avoid leagues retracting quickly.” That had resulted from various Counties and leagues

reacting to the new Rule 1(A), which impacted adversely on them. At the time of the League's application and appeal there had been no flexibility possible. What the Registrations Manager told the complainant on 31 August 2012 accurately reflected what seems to have been happening in practice following the 24 May meeting. There had been no intention on the part of the Registrations Manager to mislead the complainant; on a number of occasions the Manager had tried to explain the situation as it was evolving. The League had not lost an opportunity to obtain dispensation for 2012/13 based on the criteria being applied at that time.

Findings

30. The IFO accepts the FA's explanation in paragraphs 19 – 24 in relation to those parts of the complaint. The complainant's principal contention was that Rule 1(B) of the SCOR overruled Rule 12 and thereby allowed teams from the same club to play in the same division. The FA are adamant that that has never been the case. Although the Appeal Board did not specifically mention Rule 1(B) in their findings, they determined that playing more than one team from the same club in the same division was not allowed, which effectively meant that Rule 1(B) did not come into play in the matter. In addition, the IFO must make clear that the Appeal Board's determination puts the issue outside the IFO's jurisdiction. Although the IFO accepts that it was never the intention of the FA that the SCOR should allow teams from the same club in the same division, the wording of the 2011/12 SCOR clearly states that Rule 1(B) shall take precedence over Rule 12 "when necessary". There is no clarification of what circumstances might constitute "when necessary", suggesting it would be left to discretion. Clearly, for a period of five years the CFA were satisfied that the League were entitled to be doing what they did, as were other County FAs. In such circumstances, the IFO has sympathy with the complainant's arguments, and the time and trouble he has put into the defence of his position. However, the League has lost a binding appeal on the matter. As explained earlier, it is not within the IFO's remit to question the merits of a judgement by an Appeal Board. Nevertheless, the IFO is satisfied that the wording of the 2011/12 SCOR was so deficient as to have misled the complainant, and until 2011, the CFA. As the FA Registrations and Sanctions Manager recognised (paragraph 25), it was only by inference that only one team from a club could be in a division and the FA had not provided a specific rule. The IFO welcomes the fact that the FA has revised the wording of the SCOR, prompted in part no doubt by events surrounding the League's actions.

31. Before the League's appeal had been heard, the FA discussed the matter and set in train the mandatory insertion to the 2012/13 SCOR of Rule 1(A) (see paragraph 15). However, a re-think based on certain representations from several Counties and Leagues resulted in the FA deciding on 24 May 2012 to recommend further revision of the SCOR to permit teams from the same club to play in the same division, where there was no viable alternative. Part of the League's sense of injustice arose from the fact that the FA did not, as the League believed they could have done, let the League know about that before they had settled their divisional composition for 2012/13 and held their AGM. The IFO has found (paragraph 26) that, although on 24 May 2012 the Sanctions and Registrations Committee decided to recommend further revision of the SCOR, it was at that stage too late to consult and get approval of the

changes in time for the 2012/13 season. There was, therefore, no action the FA could have taken at that stage, and the League were not, therefore, deprived of the opportunity to apply for dispensation at that time. The FA Council has approved the changes for 2013/14. The position now is that, if the League wants dispensation they will have to apply to the CFA. In that context the FA have agreed to the IFO's recommendation that they should issue guidance to County FAs on what constitutes "no viable alternative" in an effort to minimise inconsistencies of approach between Counties.

32. Given that the amendment proposed on 24 May 2012 was not approved for the 2012/13 season, why did the Registrations Manager tell the complainant that an application for dispensation could be made to the FA (see paragraph 16)? In the unfortunate enforced absence of the Registrations Manager, the IFO has been unable to determine precisely what took place and why, and FA officials have been unable to shed further light on the situation, other than to concede that some dispensations were given during 2012/13 (paragraph 29). In that context, the Registrations Manager told the complainant on 31 August 2012 that any application for dispensation, on grounds of no viable alternative, should be submitted to the FA. In light of what was happening in practice, this appears to have been the correct thing to say. However, although the Registrations Manager also told the complainant that he had notified County FAs of the situation, the FA's IT Department have been unable to trace any such notification and the CFA were unaware of the practice. In the circumstances, the IFO is unable to make any definitive finding on the matter other than to say that the complainant was left confused by events. Despite this, the IFO finds that the League were not otherwise disadvantaged, since there was no opportunity for dispensation in the criteria being applied for 2012/13.

33. As far as other matters are concerned, as the current Rule 2 of the FA Regulations for the Sanction and Control of Competitions (see paragraph 4) is not being adhered to for understandable, practical reasons, **the IFO recommended that the FA handbook should be amended to make clear that the "parent" County FA is able to sanction a competition.** The FA agreed that they will review the wording but, for the avoidance of doubt, as their AGM has already been held, this will not be in time for the 2013/14 season.

34. The complainant contends that despite requests, the League have still not received a receipt for the appeal costs which they paid and a breakdown of those costs. **The IFO recommends that a receipt and breakdown are issued forthwith.**

35. The IFO finds that there may have been confusion over whether the League were told they could have two people present their case at the Appeal Panel, but that the League were not disadvantaged by that, as the issue was a simple one of whether the CFA had decided the matter within the SCOR.

36. The IFO finds that the FA put considerable time and effort into dealing with the demands of the complainant's correspondence, much of which has not been outlined in this report. Inevitably, there appear to have been some misunderstandings along the way, and it was unfortunate that when the complainant wrote to the Customer Service Department to

complain about the actions of the FA, they told him to take his concerns to the CFA. There was also unnecessary confusion and contradictory information from the FA over whether the League could introduce local rules. That confusion seems to have stemmed originally from the Appeal Board's statement that the League "could not insert rules which were not in the code". In February 2013 this was quoted to the complainant by the FA's Registrations and Sanctions Manager, without further explanation. The FA have clarified the situation at paragraph 24 of this report, and the covering note issued to County FAs with the new SCOR makes clear that additional rules are permitted provided that they do not conflict with the SCOR and are approved by the sanctioning association.

37. The IFO recommends that the FA apologise to the complainant for the confusion and other shortcomings revealed by this investigation.

Conclusion

38. Although the complainant's main contention, that Rule 1(B) of the SCOR overruled Rule 12, is the subject of a binding appeal, and therefore outside the jurisdiction of the IFO, the IFO nevertheless found that the complainant was misled by the wording of the SCOR and that there were other shortcomings in the performance of the FA. The IFO has recommended that the FA apologise to the complainant which, together with the arrangements the FA are making to clarify the Rules, represents an appropriate outcome to a complaint justified in part.

Professor Derek Fraser, Ombudsman

24 June 2013

Mr Alan Watson CBE, Deputy Ombudsman