



**THE INDEPENDENT
FOOTBALL OMBUDSMAN**

IFO COMPLAINT REF: 10/10

THE FOOTBALL ASSOCIATION'S HANDLING OF A CHILD PROTECTION COMPLAINT

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 FA.

The Complaint

3. The complainant made a number of complaints against the actions of a youth football club for whom her 12 years' old son played, against her County Football Association (CFA), and about the way in which the Football Association (FA) had handled her subsequent complaint about the club and the CFA. She contended that the policy and procedures set out by the FA on child protection had not been followed and that it had taken an unacceptable period of three months to deal with the case. She also complained that neither the CFA nor the FA had addressed her letter of 2 May 2010 in which she had demonstrated that the FA's policy and procedures had not been followed. She maintained that too many discrepancies remained unchallenged by the CFA and FA and that her complaints had not been treated with any seriousness.

4. In the course of correspondence before accepting the complaint for investigation, the IFO explained to the complainant that the actions of the club and the CFA are not within his jurisdiction

and that he would be able to consider only the way in which the FA had handled her complaint. During that correspondence there was also some confusion over the complainant's right of appeal over the decision of the CFA. In discussions with the IFO, the FA's Disciplinary Manager explained that the appeal process relates only to decisions on disciplinary matters and is available only to the individual charged. Matters such as this particular case are dealt with as complaints, where the FA conducts a review of what took place. It is unfortunate that this was not made clear to the complainant at an earlier stage but that did not, in fact, work to her disadvantage as the FA conducted a thorough review of the relevant events and evidence.

5. Although this investigation relates to the FA's handling of the case, at the crux of the matter are the FA rules relating to anti-bullying and the safe guarding of children and how the club and the CFA acted in relation to those rules. In order to put into context the actions of the FA, it is necessary, therefore, briefly to outline the relevant events.

The Events in Question

6. On 8 May 2010 the complainant complained formally to the club about the behaviour of the manager of her son's team. The main point was that her son had played only the final seven minutes of a cup final and had not even been selected in the 14 players for a subsequent cup final. Her son was dejected and unhappy and had lost confidence in himself as a result of what she saw as bullying and emotional abuse by the manager. Following an emergency meeting of their Executive, and a meeting with the team manager, the club wrote in detail to the complainant giving their view that there was no evidence to support her grievance. The basic problem was that with a 15 player squad, but only 14 allowed to play, someone was always going to be disappointed.

7. On 12 May the complainant emailed the CFA's Welfare Officer saying that she was not sure that the FA guidelines on anti-bullying had been followed or investigated fully by the club. On 21 May the Welfare Officer replied saying that from his investigation he could not support her view that her son had been bullied and emotionally abused; it was the team manager's task to pick from his squad and make decisions which do not necessarily meet the approval of everyone involved. He offered to meet the complainant and her husband if required. On 25 May the complainant asked to appeal the Welfare Officer's decision. She did not believe that the club had followed the procedures set out in FA guidance. From the guidance she outlined examples of bullying, and signs and indicators of bullying, which she maintained her son was experiencing. She complained that the club should have informed the CFA of her complaint, and should have invited her and her husband to a meeting to discuss the problem. She also complained that her husband had been banned from the club with immediate effect, without warning or an opportunity to defend himself. On 28 June the Welfare Officer had a two hour meeting with the parents. On 16 July the Welfare Officer wrote to the complainant with details of a meeting he had had with club officials, who considered they had dealt with the matter correctly.

8. On 2 August the complainant's husband wrote asking the FA to review the case. He believed that the failure to resolve the issues at CFA level was due to the Welfare Officer's negative approach, his bias toward the team manager, whom he knew personally, and his refusal to consider the matter as a possible child welfare issue. On 11 August the FA acknowledged receipt of the complainant's dossier, which they had received on 6 August and which was being considered by their Equality and Child Protection Department. On 17 August the FA Child Protection Manager wrote to the complainant's husband saying that his correspondence was being treated as a complaint, as he had no right of appeal. She explained that the club's decision to suspend him was an internal matter for the club to decide in accordance with its constitution; the FA had no authority to intervene in such issues.

9. On the allegation of bullying, the Child Protection Manager clarified the definition in the "Safeguarding Children and Young People in Football – Child Protection, Policy and Implementation Guidance for Grassroots Football". She said it was important to emphasise that, while the examples she had given could be indicators of bullying, it did not follow that they were bullying. Bullying could be established only by considering the whole facts. Having considered all the correspondence submitted, and having spoken with the CFA Welfare Officer, the FA were of the view that no evidence had been provided to support the contention of bullying or abuse. The complainant's son had not been excluded from the team but rather had not been selected to play in a cup final. The FA view was that that did not constitute bullying, but was a selection decision required because of a limitation on the number of players permitted for the event. While it was clearly disappointing for the son not to have been included in the reduced squad, the FA did not consider the action constituted bullying or abuse. The FA concluded that the CFA had investigated the matter appropriately, that the club had acted reasonably and that the issue did not contravene the safeguarding principles required by the FA. The Child Protection Manager concluded by saying "I appreciate this probably will not meet with the response that you wished but in the absence of any further evidence, we can draw no further conclusion".

10. On 13 September the complainant submitted a substantial dossier asking the IFO to investigate her complaint. The IFO and his Deputy studied the documents and the FA guidance thoroughly and visited the FA for discussions with the Child Protection Manager and the Disciplinary Manager. The FA Managers considered that the CFA Welfare Officer had devoted considerable time and effort to the complaint and had handled it appropriately. He had even offered a facilitated meeting with the club. The FA Managers felt that the crux of the matter is what actually constitutes bullying and abuse and that the complainant had misinterpreted the guidance. The fact that the complainant's son had exhibited emotional symptoms which could have arisen from bullying or abuse, did not mean that bullying or abuse had taken place. They did not consider that there was any actual evidence to support the contention.

Findings

11. Although, as outlined in paragraph 4, it is not strictly for the IFO to comment on the actions of the club or the CFA, it is only fair to note that the club did not follow in its entirety the FA guidance in that they did not inform the CFA of the complaint, and do not seem to have offered the parents the opportunity of a meeting to discuss the matter. Nevertheless the IFO does not see that the parents were particularly disadvantaged by that as they involved the CFA Welfare Officer at an early stage. The complaint was referred to the Welfare Officer on 12 May and having obtained information from the club, and having subsequently met the parents and the club officials, the Welfare Officer completed his action on 16 July. Although that timescale might seem unacceptable to the complainant, the IFO does not find it unreasonable. As far as the FA are concerned, the IFO finds that, given the size of the complainant's dossier and the need to discuss the matter with the Welfare Officer, they dealt with the complaint promptly.

12. Although in their letters to the complainant neither the CFA nor the FA mentioned specifically the apparent failures (see paragraph 11) by the club to follow the FA guidance, the IFO is satisfied that both bodies treated the complaint seriously and gave it proper attention. The Welfare Officer had a comprehensive two hour meeting with the parents and it was apparent from the IFO's meeting with the FA Managers that they had reviewed the case thoroughly. While the IFO does not doubt that the complainant's son experienced the symptoms described by her, there is simply no substantive evidence to support the contention that the cause was bullying or abuse by the team manager or from any other source. As the FA guidance makes clear, signs which may indicate bullying or abuse may well be due to other issues, which could include severe disappointment at not

being selected to play in a cup final. In that context, the IFO draws the same conclusion as the FA that the complainant has misinterpreted the FA guidance.

Conclusion

13. Although the IFO sympathises with the situation in which the complainant's son finds himself, the IFO endorses the view of the FA that there is no evidence to support the contention that the situation arose from bullying or abuse. It follows that the **IFO is unable to uphold the complaint**. The IFO hopes that the complainant's son can put this experience behind him and enjoy his future football

Professor Derek Fraser, Ombudsman

Mr Alan Watson CBE, Deputy Ombudsman