



THE INDEPENDENT
FOOTBALL OMBUDSMAN

COMPLAINT REFERENCE

IFO 15/06

The FA's Response to Claims of Abuse, Bullying and County FA Malpractice

The Role of the Independent Football Ombudsman (IFO)

1. The office of the IFO was 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 form of non-binding arbitration. IFO Adjudications will normally comprise two parts: an impartial assessment of the substantive complaint and a review of the procedure by which the complaint was handled. The IFO's role is to investigate the complaint and judge whether it was dealt with properly 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 jurisdiction of the IFO does not cover the actions or decisions of grassroots football clubs or county FAs. However, in order to understand the nature of the issues surrounding these complaints, it has been necessary to recount in some detail the events concerning these bodies in order to put in context the part played by the FA.

The complaints

3. Two complainants allege that the FA has presided over a corrupt county FA (The CFA) and ignored discrimination, abuse, and a failure to follow rules and regulations, by failing to carry out a proper investigation into the events surrounding their complaints.

The complainants' accounts

4. Complainant A (Mr A) submitted an extensive dossier of correspondence which was supplemented by a meeting with the IFO and his Deputy. Mr A has been a licensed FA coach since 2008. In 2012 he took up a Football in the Community (FITC) post at a football club. In February 2014 he was appointed head coach of a Ladies football club (The Club) in the same town as the FITC club. Complainant B (Miss B) was a player at the Club. On 4 January 2015 Mr A went abroad on business. On 6 January, while Mr A was away, the Club Chairman held a meeting which, by the complainants' account, included players who had left the Club and was unconstitutional. The meeting agreed that Mr A should be dismissed. Apparently two players, Miss B and the Club Captain, were verbally abused by two former players who had been sacked by Mr A for misconduct. The Chairman made no attempt to stop the abuse. On 12 January, again in Mr A's absence, the Chairman held a further meeting which confirmed Mr A's dismissal, which was implemented the following day.

5. Meanwhile, Miss B and the Club Captain had informed Mr A about what had taken place and the unchecked abuse they had faced. After he returned to the UK, Mr A emailed the Chairman complaining about the meeting held in his absence and the Chairman's failure to acknowledge the abuse and bullying which had taken place. Mr A reported the bullying and abuse of Miss B and the Club Captain to the Club's Welfare Officer, a behavioural therapist whom he had appointed in August 2014. She complained to the Chairman that he had neither reported the matter to her nor given her details to the girls so she could support them. On 3 February, not having had a reply from the Chairman and having discovered that she was unable to help as the Chairman had failed to register her for the welfare officer's course, and had not arranged for her to be CRB checked, the Welfare Officer resigned.

6. Meanwhile, on 14 January Miss B had emailed the Chairman complaining that he had not replied to the many emails and texts she had sent to him over the previous two weeks about the abuse and bullying she had suffered. She accused him of a lack of care and concern. On 19 January Mr A was called to a meeting by the secretary (The Secretary) of the FITC club who was concerned with potential negative media attention over events at the Club which, although not formally linked to the FITC club, were using its branding. On 23 January the Secretary met with Miss B and the Club Captain. He asked to be kept in the picture over Miss B's intention to involve the CFA.

7. On 26 January Mr A complained to the CFA about the actions of the Chairman and about the abuse and bullying of not only the two players but also of himself. He claimed that matters which had taken place within the Club were unconstitutional and that the Chairman had failed to register the Club's Welfare Officer. That same day Miss B complained to the CFA in similar terms. On 3 March the CFA's Operations Manager emailed Mr A. After reviewing matters he

had instructed the Club to call an EGM and invite all members; the first item on the agenda would be the appointment of a club committee and the second would be the matter of the removal of Mr A as club coach. The CFA's Discipline Manager was still investigating the bullying allegations.

8. Mr A complained to the CFA that the Operations Manager and the Secretary were racist and biased against him. The Discipline Manager replied asking for observations and proof regarding the racist allegations, which would be passed to the FA for consideration. She said that that investigation would be separate both from the one completed by the Operations Manager and from her own investigation regarding the alleged bullying of Miss B. On 4 April, following various exchanges of correspondence, Mr A emailed the Discipline Manager saying that she was making a mockery of Miss B, the Club Captain and himself, while defending the perpetrators of abuse. On 15 April Mr A emailed the Discipline Manager saying that the CFA was a biased organisation, placing self-interest above the best interests of those who work in football. He said that he was disappointed with the Discipline Manager's attitude toward him and would not be forwarding any more information or evidence in light of the bias against him. On 16 April the Discipline Manager replied saying that his failure to expand on the complaints made her job very difficult. On 20 April the Discipline Manager referred the matter to the FA at Wembley.

9. Meanwhile, on 31 March Miss B had emailed the CFA complaining that nothing seemed to be happening with her complaint. On 2 April the Club held an EGM. Although the Club's list of invitees included his name, Mr A maintains that he was not invited, even though he was still a committee member. The meeting decided that Mr A should be ousted as coach. According to the complainants, many of the attendees were not entitled to be there.

10. Meanwhile, on 16 April the CFA had issued notice that they were to hold a Board of Enquiry on 21 May to conduct "An Investigation into allegations of Bullying and Verbal Abuse by members of [the Club] Towards Player [Miss B]". Miss B, the Chairman, the Club Captain, the Secretary and two other players were instructed to attend. On 21 April Miss B emailed the Discipline Manager saying that she was deeply hurt and distressed. She asked how a Board of Enquiry could include the Secretary but exclude Mr A. She said that the Secretary had joined the Club in some capacity and had claimed to be Welfare Officer but had given her no support or advice. She did not trust the CFA to be fair or to sort things out. She said that the CFA were responsible for failing to protect her and she had been stopped from playing football because of their failure to deal with abusers; it had taken them five months to get absolutely nowhere. The Discipline Manager replied that Mr A had not been invited as he had not been at the meeting when the abuse had occurred. Miss B pointed out that the Secretary had not been at the meeting yet was an invitee. The Discipline Manager explained that part of Miss B's complaint related to having reported the bullying to the Secretary; his evidence was required. On 27 April Mr A emailed the Discipline Manager saying that he had learned that the CFA were to hold a Board of Enquiry. He said that the CFA seemed to have missed the point that he was also a victim of abuse. He asked how a Board could be held without his involvement. He could conclude only that the Discipline Manager was racist and discriminating against him. After exchanges with the Discipline Manager, Miss B said that she had lost all faith with the CFA to carry out a fair or

proper investigation; she would not be attending the hearing and asked for her complaint to be escalated to the FA. On 13 May Miss B complained to the FA.

11. By his own account, Mr A accompanied the Club Captain to support her at the Board of Enquiry, who invited him to speak as a witness. The Board Chairman did not allow him to ask questions or take notes and said "We're not here to deal with any issue relating to you!" The Board Chairman asked him to explain why Miss B was not in attendance. Mr A described her as a vulnerable adult and then had to justify his qualification to make such a statement. He asked the Board Chairman to show him some respect but was told to "get out".

12. On 18 May Mr A sent to the FA a detailed 12 page summary of events and his complaints. He alleged that the CFA had ignored witness statements and evidence, had ignored breaches of rules and regulations, had carried out a one-sided investigation, had attempted to cover up the conduct of the Club Chairman, and had turned a blind eye to abuse, bullying and discrimination. On 21 July the FA (signed "The FA") wrote to Mr A saying that they had reviewed the CFA's investigation into his complaints and the allegations of racism. They concluded that the CFA had "sufficiently investigated" and there was insufficient evidence to suggest the investigation had been conducted in a discriminatory way. They said "You lodged a complaint with the CFA regarding the circumstances of your departure from [the Club] and treatment by [the Club Chairman]. A Board of Enquiry was held by the CFA on 21 May to address those aspects of your complaint." The CFA had decided there was insufficient evidence to take disciplinary action on his allegation of discrimination against the Secretary. The FA noted that the CFA had followed relevant lines of enquiry during the process. The FA also concluded that there was insufficient evidence that CFA staff had acted in a discriminatory way. The FA were concerned that the complainant was unhappy with the standard of communication from the CFA and would continue to work with them to provide the standard expected. Mr A maintains that these were "paperchase conclusions" and that the FA simply took the word of the CFA rather than seek evidence. He maintains the HFA allowed "racism by stealth".

13. On 23 July the FA's Disciplinary Co-ordinator wrote to Mr A regarding his complaints about the conduct of the CFA. He had reviewed the paperwork submitted by Mr A and Miss B and had received observations and paperwork from the CFA. The Board of Enquiry had been to investigate the matters which were causing concern and to judge whether disciplinary proceedings were needed; Mr A had attended and had given evidence. The result was that a player had been charged with improper conduct for comments made on social network. The policy adopted by the CFA had been in accordance with FA Regulations and Policy. The matter was concluded from the FA's perspective.

14. Meanwhile, on 1 June Mr B had complained to the FITC club about the actions of the Secretary in supporting the Chairman in ousting Mr B as coach and in trying to gain control of the Club by unconstitutional means. On 10 August Mr A wrote to the FITC club complaining that since his initial complaint to them the Secretary had conducted an open discriminatory campaign of hate towards him. Since then he has been pursuing subject access requests through the Information Commissioner, a matter which is not within the jurisdiction of the IFO.

15. On 6 October the FA's Judicial Services Manager replied to Miss B in accordance with her request for a final resolution of the complaint she had made on 13 May. He said that, because Miss B had failed to attend the Enquiry, the Board had had to make a decision on which charges should be raised without hearing from her. Unless she was able to substantiate her allegation that the CFA had ignored her and that she had "just received further threats and bullying from the CFA", the FA would conclude that the CFA had acted in accordance with FA Regulations. The following day Miss B replied asking why it had taken seven months for the FA to reply to her complaint. She had been unable to attend the Board because she was suffering from depression caused by the Club's conduct and the CFA's handling of matters. She did not believe that either the CFA or the FA had carried out a proper investigation into events, and asked for an explanation of why no action had been taken against the Chairman and the Secretary.

16. In the minutes of the meeting on 6 January there was mention of the Club having used under age players, even though, according to Miss B, that had not been mentioned during the meeting. On his return to the UK Mr B reported to the CFA that out of necessity he had used under age players. The CFA charged him, rather than the Club, with the offence. The CFA invited him to a hearing but he was unable to afford to attend. His requests to the CFA for help were unsuccessful and he was fined in his absence. He maintains that the CFA discriminated against him on the grounds of financial hardship and by targeting him personally rather than the Club. Mr A alleges that he is owed £1440 by the Club, a matter which is set for hearing in the small claims court, and not within the jurisdiction of the IFO.

The FA's account

17. The IFO and his Deputy met with the FA's Head of Judicial Services and the Disciplinary Co-ordinator. The FA officials were satisfied that all the correct procedures had been followed by the CFA and all the complainants' grievances had been considered properly. Miss B had not engaged in the process by failing to attend the Board of Enquiry and had the option of going to Rule K arbitration if she was not satisfied. In the event, a charge of improper conduct against a former player had resulted from the Board of Enquiry.

18. In response to further enquiries by the IFO, the Head of Judicial Services completed a review of the evidence surrounding Mr A's complaints. He concluded that the circumstances surrounding Mr A's and Miss B's cases were closely linked, but he conceded that while the Board of Enquiry had touched on elements of Mr A's circumstances, and he had given evidence as a witness, the Board had been primarily to consider Miss B's complaint and not that of Mr A. Mr A's complaint had been investigated by the CFA's Disciplinary Manager; the FA were satisfied that that investigation had been carried out thoroughly, that the evidence was insufficient to bring charges against any participant and that there had been no requirement for a Board of Enquiry into his case. As with Miss B, Mr A had the option of taking the Rule K arbitration route if he remained dissatisfied. In relation to Mr A's allegations of discrimination, he had been given ample opportunity to provide evidence but had not done so.

Findings

19. The IFO must make clear that his role in this complaint is not to judge the actions or decisions of the CFA or the Board of Enquiry, but to focus exclusively on the part played by the FA. The FA first became involved on 20 April 2015 when the CFA's Disciplinary Manager referred Mr A's complaint to them when he accused her of bias against him. This was followed on 13 May by Miss B complaining to the FA and on 18 May by Mr A sending to the FA a 12 page summary of events and his complaints. Having reviewed matters, on 21 July the FA wrote to Mr A saying that they were satisfied that the CFA had "sufficiently investigated" his complaints, and mistakenly saying that the Board of Enquiry of 21 May had addressed "those aspects of his complaint". In a further letter to Mr A on 23 July the FA again maintained that the Board of Enquiry had been to address the matters which were causing him concern. Those misleading statements by the FA led Mr A to believe that they had not considered his complaints properly. However, the IFO is satisfied that his complaint was addressed by the CFA and in turn the FA reviewed thoroughly the CFA's handling of matters. The FA reasonably concluded that Mr A's complaint did not merit a separate Board of Enquiry since the allegations of discrimination were fully investigated by the CFA. The FA found no fault with the conclusion of the CFA that the evidence was insufficient to bring formal charges against any participant and similarly judged that there was insufficient evidence to show that the CFA investigation had been conducted in a discriminatory manner. The IFO accepts that these judgments were reasonable on the basis of the available evidence. If Mr A wishes to take the matter further he has the option to go to Rule K arbitration. [Under Rule K of the Rules of the Association any dispute or difference between two or more participants in connection with FA or CFA Rules and Regulations can be referred to and finally resolved by arbitration.]

20. It was not until 6 October that the FA replied to Miss B's complaint, and then only after she had asked for the matter to be resolved. That was an inordinate delay, about which Miss B understandably complained. Miss B's complaint was, of course, considered by the Board of Enquiry, which resulted in a charge being brought against one of the players who had abused her, coincidentally the same player who had abused Mr A on a social network. The IFO finds that the delay in responding to Miss B was unacceptable and contributed to her distress. Her case is different to Mr B in that there was a Board of Enquiry, which the FA points out is a relatively rare occurrence and hence reflects the seriousness with which the CFA and the FA addressed Miss B's concerns. It is germane to recall that Miss B chose not to attend the Board of Enquiry, no doubt for genuine reasons. In effect this means she did not fully take advantage of the opportunities to press her case within the existing procedures. It was thus not unreasonable for the FA to take this into account in responding to Miss B's complaint.

21. Mr A and Miss B were involved in the same team and their complaints related to the same events. It was understandable that the two cases were considered in tandem and turn the IFO adopted the same approach. Yet actually Mr A alleged discrimination and maladministration, while Miss B complained

about abuse and bullying. Confusion then arose about which aspects of the separate complaints were being considered at particular stages. This was compounded by the persistent claim by the FA that the Board of Enquiry had considered Mr A's concerns. The IFO did query this on several occasions but was not provided with the papers of the Board of Enquiry, because of the FA's belief that this did not fall within the IFO's remit.

22. In the light of this complex dual case the IFO makes two recommendations. Responses to both complainants were delayed, in the case of Miss B significantly so, and the **IFO recommends that the FA ensures a timely response to all complainants.** The IFO agrees that these complaints were complex, but feels that the issues were not sufficiently clarified and that the FA sometimes stressed procedure over the substantive facts of the case. **The IFO recommends that in complex cases the FA ensures that both the procedures and the central concerns of a complainant have been properly addressed.**

Conclusion

23. Both complainants remain aggrieved. Mr A believes there were severe flaws in the procedure of both his employing club and the CFA Board of Enquiry. Miss B continues to assert that neither the club nor the CFA gave her the necessary support. These perceived local shortcomings were outside the remit of the IFO. The main focus of this Adjudication has to be on the role of the FA. The FA's handling of the cases was unduly protracted and was impaired by some confusion due to the complexity of the linked but separate disputes. The IFO notes that the FA has undertaken to work with the CFA to improve the standard of communication. Albeit not always made sufficiently clear to the complainants, their concerns were adequately addressed by the FA and therefore the IFO cannot uphold the complaints. The complainants do have the option to use the Rule K Arbitration procedure if they so wish.

Professor Derek Fraser, Ombudsman

10 February 2016

Alan Watson CBE, Deputy Ombudsman