



COMPLAINT REFERENCE IFO 15/10

The FA's Handling of a Parents' Complaint Regarding Alleged Bullying of Their Son

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. Although the remit of the IFO does not extend to grassroots football or the actions of County Football Associations (CFA), it has been necessary to explore the origins and development of this complaint in order to understand the context. In investigating this complaint the IFO has had the full cooperation of the Football Association.

The Complaint

3. The parents of a 15 year old boy complained that he had been victimised by a senior official at his local club after unproven allegations were made against him relating to external events nothing to do with the activities of the club. They allege that this amounted to bullying of a child by an adult, which neither the club nor the County Football Association dealt with properly. They further complain that the FA itself failed to address their concerns.

The Review of the Case

4. This complaint has had a long gestation and well over a year elapsed between the original incidents and the reference to the IFO. Towards the end of 2014 the boy was completing the silver stage of his Duke of Edinburgh Award by serving as a coach for young children at the club where for several years he had been a player. There had been some altercations at his school, the result of which led to him being accused of bullying another boy, who happened to be the son of a senior and important official at the football club. The parents reported that both the head-teacher and the local police had totally exonerated the boy, who had maintained throughout that he was innocent of the charges against him. Notwithstanding his innocence and the personal intervention of the head-teacher, the senior official removed the boy from his position with the club, allegedly saying that "he was not welcome at *his* club". The parents complained both that the original unproven allegations were nothing to do with the club and that this was victimisation as part of a personal vendetta which amounted to bullying of a child by an adult. They pointed out that their son had already served for four months as a coach and had been commended by the parents of the children in his care.

5. The parents complained to the club secretary and a meeting was held when the boy was presented with a series of questions which the parents judged inappropriate for a child. The committee of the club met to discuss the parents' complaint and concluded that the allegations of bullying by the club official were unfounded and that the boy's placement as a coach had not been properly processed or approved. The minutes record the view that the return of the boy as a coach "would cause undue stress and upset...All committee members present have agreed that he should not be involved with the club". The parents now referred the matter to the welfare officer at the local CFA but found the person unhelpful and they were also sceptical about the impartiality of the CFA, since the official they were complaining about was, they believed (wrongly), also a senior member of the CFA. In desperation they asked the FA "to restore some impartiality" requesting that their son be given a formal apology.

6. In February 2015 the FA responded through the designated safeguarding coordinator. He pointed out that essentially this was a local dispute between the parents and the club and that neither the CFA nor the FA had the power to reverse the club's decision or to insist upon an apology. The CFA had investigated the complaint and had confirmed that the club could have handled things better with the prime concern being for the welfare of the child. The coordinator said that he was recommending that, in addition to the CFA revisiting the club's processes, they formally write to the club stating their dissatisfaction at the club's handling of the situation and reminding them of "the expectations that would be expected of an FA Charter Standard club". The club had offered to assist the boy in finding an alternative placement for his Duke of Edinburgh award. The FA proposed to take no further action. The parents remained dissatisfied with this outcome and continued to submit messages to the FA, reporting that the official had been guilty of further harassment of their son through cyber bullying. In June 2015 the coordinator responded to the parents confirming that he had requested the club to amend their previous correspondence which the parents had interpreted as implying that their son was a bully. He also reported that following conversations between the CFA and the club, the secretary would be writing to the boy directly to offer an apology. The

FA advised that the matter of cyber bullying was outside of football and would have to be pursued by the parents separately.

7. Despite the FA letter referring to "an open apology", no letter of apology was received by the boy, though the parents did receive from the club the letter of 21 November 2014, amended to exclude the sentence which had offended them. The FA advised that the case was closed and the parents had the right to refer the case to the IFO. According to the parents there was some prospect of a local resolution when a new secretary was appointed at the club and he was approached by the parents. Since he had not been involved previously he asked for all the evidence to be sent to him by email and he would investigate anew. However, according to the parents, this avenue proved fruitless since the parents believed that the official they complained about had blocked any further enquiry and the new secretary reported "the club have met all the guidelines...the club have satisfied County FA and English FA advice so there will be no further correspondence in this matter". Moreover the club secretary complained to the mother's employer about what was described as "ridiculous harassment", a course of action that the parents believed was needless and unconnected with the issue in hand.

8. The parents now renewed their request to the FA to reconsider the original complaint and the matter was escalated to the Child Protection Manager for final review. On 19 November the overview report was sent to the parents. The manager was satisfied that the original FA review by the coordinator had been "well informed and fair in its findings". The report confirmed a number of shortcomings by the club: the official had been hasty and ill-informed in taking the view that the boy had been involved in the bullying of his son, subsequently proven to be completely unfounded, substantiated by both the police and the school. The report said that the club had not followed proper safeguarding procedure in agreeing to the coaching role; and the club had not followed its own complaints procedure. All these had been identified by the CFA and were the subject of ongoing dialogue with the club. In good faith the FA had passed on the information from the CFA that the club was intending to write a letter of apology to the boy which had not in fact happened. The club had removed from a letter sent to the parents on 21 November 2014 a sentence which had caused offence to the parents. The manager reminded the parents of the jurisdictional issues which meant that neither the FA nor the CFA could do other than advise the club about how it handled complaints. Other than saying that the CFA could have given the parents more detail of the interaction between the CFA and the club, the FA was satisfied with the action taken by the CFA.

9. Each parent commented adversely to the FA on the report and reiterated that all they wanted was for "men to hold up their hands and say sorry! ...this is not too much to ask for especially when they all sat there condemning a child". On 25 November the manager acknowledged the further comments and confirmed that all future correspondence should now be directed to the IFO.

The Investigation

10. The IFO carefully considered the large body of evidence submitted by the parents, together with a 100 page dossier of correspondence forwarded to the IFO by the FA. On 8 December the IFO and Deputy met with the parents, which was welcomed by them as the first opportunity in this long saga to be able to

put their strongly held views personally. A week later the IFO and Deputy met the FA Child Protection Manager to discuss the case and learn about the plans to review the club's practices.

The Findings

11. On the basis of the IFO investigation it can be confirmed that the shortcomings in the club's actions were correctly identified by the CFA and the FA. It would not be advisable for clubs to ignore totally behaviours outside the realm of football which could be proper concerns of those running clubs and charged with the welfare of the youngsters playing in their teams. In this case the school issues were quite improperly used by the official, particularly since the boy he banned was proven innocent. One cannot escape the conclusion that personal issues may have clouded his judgment and that his status within the club meant that his actions were never properly challenged. It emerged that the boy's placement as a children's coach had not been properly sanctioned, though the parents point out that there were no complaints about the boy's behaviour and that he had performed similar duties a year before. When the parents complained, the club did not follow its own stated procedure. Finally, the multiple roles within the club which the official occupied arguably prevented a resolution of the complaint through a possible conflict of interest.

12. Having identified these shortcomings, should the FA have done more as the parents allege? In some similar grassroots cases it is claimed that the FA did not take the complaint seriously enough. This is certainly not the case here. The 100 pages of evidence submitted by the FA demonstrate a commitment to seeking to resolve the complaint over many months. Three FA officials were involved and the parents received regular communication including by phone. Although it was difficult for the parents to accept, it remains a correct statement of the relevant jurisdictional powers that the FA did not have the authority to instruct the club to reverse its decision or to issue a letter of apology. It is clear that the FA, through the CFA, advised the club of the proper course to take. It was as frustrating for the FA as it was for the parents that the club did not honour its apparent commitment to send the boy a letter of apology. In the light of all the evidence the IFO concludes that a letter of apology should have been sent by the club and that it is still not too late for this to happen.

13. There is one aspect of the parents' case which the IFO wishes to endorse and that is the issue of club membership. On several occasions in the life of this complaint it was asserted that the boy was not a member of the club (since he had not played for some years) and hence it was not really the club's responsibility to deal with the complaint. Indeed, the FA final review report states he "is not a member...and as such the club was within its rights to accept or decline the opportunity to continue the Duke of Edinburgh placement". The second part of this statement is correct but the first part is at least ambiguous. The football club, which runs several teams, is part of a wider community club and centre which has a range of social activities, including football. The parents are long standing members of the centre and as their membership card makes clear the membership includes their children, who are thus entitled to join the centre's activities. In fact, individual membership for those under 18 is not allowed so the boy could not be a member of the centre in his own right. Whether correctly appointed or not, the boy had acted as a children's coach for

four months and nobody had challenged his "membership" in that time. The IFO finds that the membership issue is a "red herring", ie. not a valid reason to justify the failure to resolve the complaint.

14. The IFO finds no fault in the way the FA has handled the case, given the limits on its powers and the jurisdictional distance between it and a local club. The FA has made it abundantly clear that the way the club acted was improper and that the letter of apology was the right course for the club to take. The IFO is persuaded that the FA has set in train a thorough review process which will address the shortcomings revealed by this complaint. The FA has advised the IFO that the CFA will conduct a robust review of the club's actions as a result of these events. In particular, the review will require the club to adhere to Charter Standard guidelines. Depending on the response of the club to this review, it may be possible for the parents' concerns to be satisfied even at this late date.

Conclusion

15. Like so many grassroots cases which come before the IFO, this complaint originated in a local family dispute which led to a breakdown in relationships. In such a hostile environment where the parties take up entrenched positions it is difficult to find a satisfactory resolution. In being removed from his position at the club, however unofficial, the boy was clearly the victim of unfair victimisation and should have been given a personal apology, which the FA recommended and which it believed would be forthcoming. The IFO has no direct remit for local football and hence has no power to enforce what the FA has already recommended. The IFO is satisfied that the FA handled the complaint seriously and properly within its powers. The review process which the FA has set in train creates the possibility that the complaint could be resolved albeit belatedly.

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