



THE INDEPENDENT
FOOTBALL OMBUDSMAN

COMPLAINT REFERENCE

IFO 16/06

**The FA's Handling of a Complaint of Alleged
Victimisation and Maladministration by a County
Football Association**

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 IFO confirms that he has had co-operation from the FA in investigating this complaint. While the remit of the IFO does not extend to County Football Associations (CFAs), it has been necessary to explore the origins and development of the complaint in order to clarify the context of the case.

The complaint

3. A life member of a CFA complained about the way in which the FA had handled his complaint about the actions of his local CFA. He specifically complained that:-

- * The FA had ignored their own Rules on equality, victimisation and respect in considering the actions of the CFA and had not charged the guilty CFA Directors.
- * The FA had not found fault in the CFA "having investigated themselves".
- * Nobody in the CFA had been disciplined for his complaint having been held for ten days without notifying the relevant Director.
- * The FA had taken 19 weeks to report on his complaint.
- * Although the FA had found in his favour, their conclusion did not go far enough in terms of disciplining CFA Directors and seeking them to atone for their conduct.

The Facts of the Case

4. On 27 March 2015 the CFA emailed the complainant noting that he was intending to attend that evening's under 18 girls' cup final as a guest. They said that they had received a number of requests from within the CFA and from board members indicating that he should not attend. They asked him, in the best interests of the CFA, not to attend the game, even though there was nothing to stop him from attending. The complainant replied that in the best interests of the CFA he would not attend.

5. On 19 July the complainant emailed the CFA Chief Executive. It seemed to him that there had been collusion among two CFA Directors, CFA staff and one of the teams to stop him from attending the cup final. That had made him feel vulnerable and traumatised from having been singled out. He asked for a full explanation and whether the CFA action had been based on an allegation made some months earlier when "a former member of the association was expelled from membership for making sexist comments". The complainant reminded the Chief Executive that he had been exonerated from that charge and had lost his position as a CFA Director on the grounds that his apology for issuing what the CFA had deemed offensive emails had not been couched in adequate terms. The complainant said his name and reputation had been tarnished.

6. On 28 July a CFA Director replied saying that he would review the complaint in accordance with the CFA complaints procedure. On 24 August the complainant emailed the Director saying that he did not consider that it should be for the CFA to deal with the complaint given that it involved the CFA hierarchy; it would be totally inappropriate for any CFA member to sit in judgement. That same day the Director wrote to the complainant saying that he had chaired the CFA Complaints Working Group considering the complaint. Their findings were that the CFA had not acted unfairly as:-

- * The club in question was the same one involved in the previous incident the complainant had mentioned, but the club had asked only if the complainant was on the guest list for the cup final.

* The club's request for information about the guest list was relative to the adverse publicity the complainant had received following the incident some months previously; in order to have been "exonerated", as the complainant had claimed, he would have had to have been charged and found not guilty.

* The CFA Chairman and Vice Chairman whom he had named in the complaint were required to be informed of any problems concerning the CFA, and internal staff were entitled to their opinions.

*The Group had decided that there had been no collusion among the parties concerned.

* The Group were fully supportive of his 25 years' association with grassroots football within the CFA area and considered his decision not to attend the cup final had been in the best interests of the game.

7. On 18 September 2015 the complainant's wife wrote to the FA's Head of Judicial Services saying that once again the spectre of the CFA loomed over her and her husband's family relationship regarding the matter of not attending the girls' cup final. She accused the CFA of "pursuing deliberate discrimination" against her husband.

8. On 6 November the FA's Head of Judicial Services telephoned the complainant to discuss his complaint. On 9 November the complainant emailed the Head of Judicial Services saying it was 14 weeks since his last written communication even though the complainant had sent further letters since then. He quoted FA Rules on equality, victimisation and respect and asked how the CFA could sit in judgement on themselves. He complained about delay in the FA bringing the matter to a successful conclusion, which was prolonging the stress he was experiencing.

9. In December the FA's Disciplinary Co-ordinator reported the outcome of the FA's determination of the complaint following full analysis and consultation with the complainant and the CFA Chief Executive. The FA were aware of the historical matters referred to in the complaint and that no order had been made against the complainant preventing him from attending matches involving females; that matter had been dealt with to conclusion. However the CFA, after concerns had been raised, had been concerned that their reputation could be "hindered" if the complainant attended the match. The FA concluded that it would be unfair for previous, unfounded matters to remain so prominent that the CFA would encourage an individual not to attend fixtures involving females. While at the time of the original incident there had been concerns, no action had been taken against the complainant; he should have been treated as equally and fairly as others, and should have been able to attend the cup final. With regard to the handling of the complaint to the CFA, the FA found that the initial delay of ten days had been because the Director had been unaware that the complainant's letter was awaiting him at the CFA office. The Complaint Working Group had concluded that, because of the adverse publicity in which the complainant had been involved, and the view that he had not been exonerated, the CFA had had concerns should he attend the match. The FA concluded that it was inappropriate to hold a matter over an individual who had not been charged, because the CFA had felt there was not a reasonable prospect of success should a charge have been raised. The onus in any disciplinary matter was on the CFA

to prove the case; the complainant had had no case found against him. The FA drew no conclusion on the process and procedure the CFA had adopted to deal with the complaint.

10. The IFO and his Deputy met with the FA's Head of Judicial Services to discuss the complaint. The FA had concluded that the complainant had not been treated fairly, but it was not for the FA to apportion blame or to discipline CFA members. Following the FA report the matters raised were very much for the CFA themselves, an independent entity, to deal with. The Head acknowledged that the FA investigation had taken much longer than they would have wished but they had been dealing with cases of greater priority.

Findings

11. The IFO accepts that at the time they were dealing with the complaint the FA had a heavy workload which contained cases rightly afforded a greater degree of priority. Notwithstanding that, the investigation took far longer than it should have done, a fact acknowledged by the Head of Judicial Services. The FA found in favour of the complainant in relation to the way in which he had been treated by the CFA, and the IFO is satisfied that it was not the FA's responsibility to direct subsequent action within the CFA on matters which might arise from that conclusion. As an autonomous body it was for the CFA to take whatever internal action was considered necessary. However, the Head of Judicial Services has confirmed to the IFO that, in addition to the implications for the CFA contained in the FA report, the FA has given operational advice to the CFA.

Conclusion

12. Although the complainant's grievance against the CFA was found by the FA to have been justified, the IFO is satisfied that it was not for the FA to direct subsequent action arising from that conclusion. The FA have, however, provided operational advice for the CFA. The only shortcoming found in the FA's performance was in the length of time their investigation took.

Professor Derek Fraser, Ombudsman

Mr Alan Watson CBE, Deputy Ombudsman

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