



THE INDEPENDENT
FOOTBALL OMBUDSMAN

COMPLAINT REFERENCE

IFO 15/09

The FA's Handling of a Claim of Alleged Victimisation and Maladministration by a Local League and 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 the full co-operation of the FA in investigating this complaint. While the remit of the IFO does not extend to grassroots football, 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 long standing manager of a local football club complained of victimisation by the League within which his team played, which was also exemplified in the

actions of the County Football Association (CFA). He further complained about maladministration by the League and the CFA. He alleges that the FA took no action to deal with his concerns.

The Facts of the Case

4. This complaint has a long history and arises from long running tension between the complainant and his local league which then escalated into a dispute with the CFA. The matter is made more complicated by the involvement of the complainant's brother, who, though not a party to this complaint, was very much involved in the dispute. The complainant, who claims to have been involved in local and county football for over 40 years, believes relationships began to sour after he blocked an attempt by the League Executive to admit a team half way through the 2011-12 season. This had been against League rules, but he had been identified as having been personally responsible for not allowing the team in. Subsequently, and in the complainant's mind not unconnected, he was charged with a minor disciplinary offence when acting as a linesman and in his view unfairly fined. There followed a number of disputes about unregistered players, breaches of cup competition rules and a request to postpone a match due to illness in the complainant's team. On all these issues the complainant detected personal prejudice against him by League officials, a view reinforced in his mind when he won appeals submitted to the CFA.

5. The complainant wished to propose some rule changes for the League in 2013-14 but was prevented from doing so. He sought to renew his proposal for 2014-15 and submitted a paper at the end of the season. However, when the League AGM took place he found that his item had not been included, on the grounds that the item had been submitted late and lacked a seconder. This proved to the complainant that the League Management Committee "were deliberately ignoring and thereby breaching Rule 1 (D), Inclusivity and Non-discrimination". About the time of the club's 2014 AGM the complainant asked his brother if he would become joint secretary as new FA practice required online access which the existing secretary did not have. The brother was asked to contact the League to arrange a meeting and this request was blocked. Relationships between the club and the League soured so much that the club was threatened with expulsion, after which a meeting was held a year after it was originally requested. It is noteworthy that the CFA felt it necessary to chair the meeting. It was after this meeting that the complainant alleges that in a private conversation the League Vice-Chairman asked the complainant whether he felt he was being victimised.

6. The fraught relationships at local level then spread to the county. The complainant was exercised by what he saw as breaches of the rules in the playing of an ineligible player in a district cup competition. He submitted an appeal to the CFA which was initially rejected but subsequently amended to offer a replay of the disputed match. The complainant rejected this offer because he believed his team should have been awarded the tie and his brother "under my instruction informed the District FA of our decision to withdraw our Club from the competition". The complainant's demeanour regarding the CFA may be gauged from his conclusion that "the decision of the CFA was not based upon applying the rules honestly/correctly. It was based on other facts that were personal and/or financial by individuals".

7. The complainant then sought to introduce his proposed rule changes for the 2015-16 season and was again frustrated by a commentary from the League that either his proposals were already operative or that they were in conflict with the provisions of the Standard Code of Rules (SCOR). The complainant disputed the veracity of both aspects, while the League secretary classed the complainant's proposals as "bringing the game into disrepute". Indeed, when the club held its AGM in June 2015, the Chairman announced that unless the rule changes were withdrawn the CFA Chief Executive would close the club down, a process described by the complainant as "blackmail and bullying". In the light of this the complainant and his brother walked out of the AGM and the complainant resigned his position as club manager. Four days later the brother received a message from the CFA Chief Executive which stated

The association has now received correspondence from the Chairman, Vice-Chairman, Secretary & Treasurer confirming that you have never been appointed 'Joint Secretary' of the Club. As a result the correspondence further requested that all of your proposed rule changes be abolished

The complainant cites the many occasions that his brother had acted as "Secretary" without demur and describes the CFA action as "the lowest most disgraceful thing I can recall".

8. From the complainant's point of view even worse was to follow. The rule changes were indeed removed from the League AGM agenda. Moreover in the papers circulated prior to the meeting the League Secretary claimed that he had been assaulted by a club official and verbally abused. Since the complainant and his brother had been the only people involved in the rules dispute, the inference was that one or both of them had been guilty of assault. The complainant points out that this is a potentially criminal offence which could lead to his arrest by the police. In the complainant's view this amounts to defamation of character for which he will seek legal redress [It has been explained to the complainant that such a matter falls outside the IFO remit]. He asserts that the victimisation he suffered at the hands of the League had been extended to the Chief Executive of the CFA.

9. In June 2015 the brother [not the complainant, see below Para 13] submitted a complaint to the FA alleging several breaches of procedure and unfairness in the actions of both the League and the CFA. In July in response to the FA's request further evidence was submitted. A few days later the brother stressed that "it is totally unreasonable for the CFA chief executive to allow these erroneous assault allegations to go unchallenged." On 23 July the FA's Player Status Manager responded, having consulted the CFA. On the matter of the alleged assault it had been ascertained that the club did not want to take action against any individual and the CFA considered the matter closed. In this case the FA was not in a position to take any action. The changes to the rules had not been proposed by the club and it was the club which had requested they be withdrawn. It had been judged that the proposals were in contravention of the SCOR and thus could not be tabled at the League AGM.

10. The brother took no action but in August the complainant submitted a complaint to the FA Customer Service department and he received a reply in September to say that the League and the CFA would be consulted and a reply would be forthcoming. Both the League and the CFA responded to the FA within

days, at which time it became clear that the matter had already been addressed in July, though the complainant had not disclosed the previous correspondence. On 5 October the Customer services department replied pointing out that the issues had already been addressed by the Sanctions and Registration Manager and stating "the matter has been dealt with and as a result we will not be reviewing this any further". On 12 October the complainant followed up a long phone conversation with the Ombudsman by submitting a summary of his complaint to the IFO. As is normal practice the IFO requested FA confirmation that the matter had been concluded from the FA point of view. This was indeed the case, but in the face of persistent claims by the complainant that he had never been properly responded to, the case was reviewed again by the FA's Judicial Services department. On 17 November the Disciplinary Coordinator confirmed that the matter had indeed been previously dealt with by the Sanctions & Registrations department. Additionally there had been a review of all relevant documentation from the FA, the CFA and the League and in the light of this the FA would take no further action. On the same day the complainant confirmed that he wished the IFO to investigate and that he would not be simultaneously taking any legal action.

The Investigation

11. The IFO considered carefully the extensive documentation submitted by the complainant, including the 18 page original statement of complaint. The IFO reviewed the correspondence provided by the FA which was discussed with the Head of Judicial Services. The IFO also reviewed a further long submission submitted by the complainant in response to the initial draft of this report.

The Findings

12. The complainant has a deep seated sense of grievance with the full hierarchy of bodies dealing with his concerns, the League, the CFA and the FA itself. He informed the IFO

I have been on the wrong end of injustice time and again by the League and the CFA and now when I expected the Football Association to ensure justice is done they are exactly the same as the rest of them. I have no confidence whatsoever they intend doing the right thing as their actions so far have mirrored exactly that of the League and CFA officials. The FA are guilty of trying to block this.

Does the FA deserve this criticism? The arcane details of the various misdemeanours the complainant alleges against the League were quite properly matters to be dealt with by the CFA. There was no reason for the FA to become involved and the constituted local procedures were followed. When the complainant's brother complained to the FA, it was mainly concerning the assault allegations and the failure to include the rule changes in the League AGM. These matters were investigated by the FA who found that the club did not wish to pursue the assault and that the rule changes were not sanctioned by the club and were in conflict with the SCOR. In the face of this evidence the FA's response was reasonable and cannot be faulted.

13. When the complainant submitted his own complaint he alleged this had never been properly responded to and was subject to long delays. It would have been helpful if the complainant had disclosed the previous correspondence which his brother had initiated and the failure to do so contributed to the delay. The

complainant makes clear on several occasions that his brother acted on his instructions and effectively as his agent. In his submission to the FA the brother stated, "I am helping my brother deal with this serious issue...I will provide him with your contact details as this issue relates to him and not me and he can take it further as he so requires". The complainant makes much of the betrayal of his brother by the claim that he had never been appointed as joint secretary and hence was not a club official. From the evidence submitted about communications with the League and CFA and the submission of appeals it does appear that the brother was acting as a de facto secretary. However, in the face of a clear statement from the four senior club officers (*including the actual secretary*) that he had never been formally appointed as joint secretary, there was nothing the CFA and in turn the FA could do other than accept that he was not acting on behalf of the club. Moreover, when given the opportunity more recently to rescind their original statement, the club committee confirmed

"the decision of the committee to stand by their actions in June 2015. The decision they made at the time was felt to be for the good of the club. We are sorry that you seem to still have a problem with that decision but we stand by it"

Although the complainant feels persecuted and interprets every disagreement as a personal slight, the IFO finds no compelling evidence to dissent from the FA's senior officer's conclusion "I do not believe any wrongdoing has occurred by either the CFA or the League."

14. The League's Secretary's claim that he was assaulted and abused was the 'final straw' in this long running saga of contentious disputation which prompted the complainant to initiate this complaint. Indeed, he has informed the IFO that his main motivation is to clear his name of what he regards as defamation of character. While this aspect has coloured some of the complainant's submission it is not within the IFO's remit. This will have to be resolved by a different tribunal. As in other Ombudsman schemes, a resort to the IFO does not preclude subsequent legal action and the complainant has indicated that he will pursue this option.

Conclusion

15. The IFO finds it sad that a person who has devoted a long time to local football should find himself embroiled in local disputes which cause him such great concern. The local matters have been described in voluminous detail by the complainant in his various submissions, but as explained to him the IFO remit does not extend to grassroots football or the CFAs. The focus of the IFO investigation has necessarily been on how the FA handled his complaints. With reference to both the original submission and in response to the supplementary case put by the complainant, the FA contends that the issues were properly considered and that it will take no further action. The IFO concludes that, while there were admitted delays in responding to the complainant, the FA acted reasonably in handling his concerns. The personal grievances about alleged defamation and discrimination will need to be pursued through different channels and the IFO advises that previous and ongoing breaches of the SCOR will need to be presented directly to the FA as a separate and new process.

Professor Derek Fraser, Ombudsman

20 April 2016

Alan Watson CBE