



**THE INDEPENDENT
FOOTBALL OMBUDSMAN**

IFO COMPLAINT REF: 16/05

The FA's handling of a complaint about bullying and victimisation of a child

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. IFO investigations 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 investigation has involved discussions with the FA. Although the IFO remit does not extend to grassroots football or the County FAs (CFAs), it has been necessary to probe the history of the case to give context to the complaint.

The complaint

3. Mr and Mrs A complained to the IFO that the FA had not completed a thorough or timely report into their complaint about their son's football club. They said that the report did not address, nor even mention, the fact that their son had been the victim of bullying and victimisation, and that no attempt had been made to keep them informed.

The facts of the case

4. On 17 August 2015 Mr and Mrs A wrote to the FA Customer Relations Department saying that they wished to make an official complaint regarding their ten years' old son having been excluded from his football team without reason. They said that the boy had been the victim of bullying and discrimination by the adults who formed the management team of the club. They said that no explanation had been given for decisions made by the club or the CFA, neither of which had followed child protection guidance. On 24 August the FA signed for receipt of the letter. On 11 September Mr A telephoned the FA as he had not had any response; he was promised an update. On 25 September Mr A telephoned again. Later that day the FA's Head of Judicial Services emailed Mr A saying "The FA takes these allegations very seriously I will assign this file to a member of my team who will make contact with both the club and the county FA for their observations.... [the team member] will also come back to you for some other clarification. There will be a report at the end of the process so all parties are informed of our outcome."

5. On 12 November Mr and Mrs A emailed the Head of Judicial Services expressing concern that they had heard nothing further. On 16 November the Head replied saying that he would chase up the matter. On 9 February 2016 Mr and Mrs A emailed the Head complaining that they had still heard nothing. On 12 February the team member responded apologising for the delay and promising a reply by 17 February.

6. On 22 February the team member issued the FA report on the complaint. He said that the FA accepted that there had been unreasonable delay in its completion and apologised unreservedly. He said that the complaint principally surrounded two matters – the club's exclusion of the boy from the team and the CFA's response in relation to that. The FA's determination followed full analysis of the complaint and after consultation with Mrs A, the club and the CFA. The report outlined the events surrounding the complaint. The FA concluded that despite attempts to resolve disagreements between the parties, an amicable solution could not be found. The FA

were satisfied that the CFA had received copies of all correspondence between the parties and had been able to judge whether the matter had been dealt with appropriately by the club.

Findings

7. When, on 25 September, the Head of Judicial Services contacted Mr and Mrs A he said that the team member allocated the investigation would get back to them for clarification. However, according to Mr and Mrs A, that did not happen and despite their chasing up progress in November, the FA made no contact with them until February, after they had sent a further reminder. The FA promised a reply by 17 February but did not so until 22 February when they issued the final report of their investigation. Although the IFO accepts that the Judicial Services Department had a heavy workload, including cases considered to be of higher priority, six months was an inordinate length of time for the investigation and there was a complete failure to communicate with the parents.

8. Despite the fact that Mr and Mrs A's complaint to the FA was that "Our son has been the victim of bullying and discrimination from the adults who form the Management Team of [the under 10s football team]", the FA report made no mention whatsoever that the matter of bullying and discrimination had been investigated or even considered. It is unfortunate that the FA report did not respond directly to the allegation of bullying and discrimination, even though the original complaint was to check that the CFA had dealt with the parents' concerns correctly. Having reviewed the process with the FA, the IFO is satisfied that those allegations were considered, but the FA found no evidence to support the claim of bullying and discrimination. That should have been included in the FA report and **the IFO now recommends that the FA provide a supplement to that report to explain specifically their review of that area of the complaint.**

Conclusion

9. The IFO can well understand how the failure of the FA to mention the allegation of bullying and victimization led Mr and Mrs A to believe that the FA had not completed a thorough investigation of their complaint. However, the IFO is satisfied that the matter was considered and the FA have agreed to provide a supplement to their report. The FA had already apologised unreservedly for the unreasonable delay in completing their investigation.

Professor Derek Fraser, Ombudsman
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