

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



Chartered Trading  
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ADR Competent Authority

The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

## IFO COMPLAINT REF: 21/02

### AN ALLEGATION OF UNFAIR TREATMENT BY THE FA

#### **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 English Football League [EFL]) 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 is an Approved Alternative Dispute Resolution Body and its findings are non-binding. 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 must make clear that in investigating this complaint he has received full cooperation from the Football Association.

#### **The complaint**

3. A man complained that he was being unreasonably prevented from playing grassroots football because of a *sine die* ban imposed on him for safeguarding reasons. He claims that he has been treated unfairly by the FA.

### **The facts of the case**

4. The complainant, now 27, was convicted of a serious sexual offence against two children when he was 14. He served a sentence at a Young Offenders Centre, during which time he was encouraged to play football as part of his rehabilitation. He argues that he was then deemed not to be a danger to children and for several years was allowed to play all-age football, though not to be involved in coaching, without encountering any problems. After his conviction had been brought to the attention of the FA in 2017, a Safeguarding Panel banned him from all football, including playing. He appealed against the ban and his appeal was heard by an independent FA Panel in September 2018. He has been seeking to have his conviction overturned, but at the moment the conviction is still on his criminal record. He maintains that he has no wish to coach or be involved in any aspect of football administration. He simply wishes to be allowed to play adult football with his friends, which would involve no contact with children. He approached the IFO in February 2021 and his documentation was received on 16 February, when the IFO investigation began.

### **The investigation**

5. The IFO carefully reviewed the complainant's emails to which he added a 38-page dossier on the safeguarding process, plus the formal record of his FA appeal hearing. The FA had undergone an administrative reorganisation since the appeal hearing which meant that there was some delay in responding. Given that this was a safeguarding matter, the FA was properly constrained in the information which could be disclosed.

### **Findings**

6. The IFO's role in safeguarding cases is extremely limited. Such cases are considered by a well regulated and independent judicial procedure and the IFO can only check that due process has been followed and that there were no procedural flaws. From the very full documentation provided by the complainant the IFO can confirm that the case was properly handled during the safeguarding process. The focus of the complaint is therefore on the way the FA handled the appeal stage and whether there is any merit in the complainant's assertion that he is being treated unfairly. The IFO fully recognises the need for football authorities to be diligent in protecting the interests of children and rigorously ensuring that they may participate in a safe environment. These obligations have been reinforced by the recent Sheldon Report into historic child abuse within football.

7. The IFO notes at the outset that the complainant was afforded a personal hearing at the appeal, during which he had every opportunity to argue his case and to submit further evidence. The IFO also notes the impeccable character of the Appeal Panel members, chaired by a QC and including two child welfare experts. It is clear that the Panel carefully considered the three grounds of the complainant's appeal (that he was not given a fair hearing, that the outcome was perverse and that the ban was excessive) and rejected all three. The counsel advising the Panel explained that legally the complainant's conviction was still on the record and hence they had to consider the case as if he were properly convicted, despite his assertion to the contrary. The IFO does not see how else they could have acted in this regard. The IFO finds that his appeal was conducted by a properly constituted independent panel and that there were no procedural shortcomings. While recognising the complainant's distress at the

outcome, and the obvious pleasure he gets from playing the game with friends, the IFO finds that he was not treated unfairly by the FA. At the moment there are no compelling grounds to reopen the case, but the FA has indicated that he may be able to request a review after an unspecified period. He is advised to discuss this matter, and any possible new evidence, with his safeguarding case officer.

### **Conclusion**

8. From the rehabilitation of offenders perspective, the IFO sympathises with the complainant's wish to be fully integrated into society, especially as his offence was committed when he was a minor. However, the ban has been imposed through an independent judicial procedure which the IFO is satisfied was conducted properly. Were his conviction to be quashed then that would provide a compelling reason for the FA to review the case. The advice to work with his case officer is the best way forward for the complainant.

**Professor Derek Fraser, Ombudsman**

**6 April 2021**

**Alan Watson CBE, Deputy Ombudsman**