



THE INDEPENDENT  
FOOTBALL OMBUDSMAN



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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 18/20**

### **AN ALLEGATION OF IMPROPER BEHAVIOUR DURING THE U-17 WORLD CUP**

#### **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 acknowledges that in investigating this complaint he has received the full cooperation of the Football Association.

#### **The Complaint**

3. A man complained of improper behaviour towards his 6 year old son by members of the England U-17 party while staying in a hotel in Goa. He claimed

that neither at the time nor when back home did the FA or its employees handle his complaint properly.

### **The Facts of the Case**

4. This is an unusual complaint in that the events complained about occurred overseas and involved a six year old boy. Children's football does not fall within the IFO remit and events overseas do not normally come within the IFO purview. However, the complaint relates to the activity of the England U-17 team management and the FA itself in response to the complaint.

5. In October 2017 the complainant was on holiday at a hotel in Goa, with his young son and his son's tutor. Unknown to him the hotel was the designated base for the England U-17 team which were competing in the U-17 World Cup, which was being played in India. On the arrival of the team, the complainant and his son enjoyed cordial relations with some of the players and photographs were taken and autographs obtained. On 18 October an incident occurred at the hotel which is the subject of the complaint. The precise facts are disputed, but the kernel of the case is that a member of the coaching staff allegedly offered a glass of red wine for the boy to smell. The father judged this to be wholly unacceptable behaviour and the following day sought to register a complaint with the England team management. This proved to be no easy task and he found himself to be subjected to a three way interrogation, by FIFA, the FA and the hotel management. He was forbidden to approach any member of the England team and felt highly intimidated after learning that the football authorities were seeking to have him removed from the hotel. He claims that the power of FIFA (who had booked 140 rooms at the hotel) might have prevailed, were it not for the fact that he had stayed at the hotel several times before and was known to the hotel management. The FA claims that the England team management did conduct an inquiry and interviewed several of the coaching staff. This led to a report which concluded that the England team had done nothing wrong and that the matter was regarded as closed. This report was presented to FIFA.

6. Having requested on 23 October that someone from the FA should contact him, the complainant submitted a formal complaint to the FA on 29 October. This was referred to the FA's Head of Development Teams who conducted a further inquiry, receiving evidence from several people including the England team manager. He concluded that the England staff had conducted themselves in the right manner and that the alcohol policy had not been breached. The complainant resubmitted his complaint on 21 and 27 November and on 30 November the Head of Development Teams sent the complainant a three page letter, intended to conclude his case. On 22 December the complainant responded, indicating his continued dissatisfaction and on 7 January provided the names of three hotel staff who had evidence relating to the events of 18 October, advising that the FA should contact them. On 15 January the

complainant received a letter from the FA's lawyers, stating that the FA would be conducting no further investigations and that it declined to contact the hotel staff as suggested by the complainant. On 3 April the complainant referred the case to the IFO.

### **The investigation**

7. The IFO carefully reviewed the voluminous submission made by the complainant and subsequent comments which he sent to the IFO during the investigation (there are over 50 entries in the IFO database relating to this complaint). There was some delay in the receipt of the FA's commentary due to staff absences. Eventually the FA provided a detailed chronology of the complaint, together with a helpful selection of the key documents.

### **The findings**

8. There are three main elements in the complaint: the original incident; the registering of the complaint in Goa; and the FA's response to the subsequently submitted complaint. This report deals with each in turn.

9. Some of the facts of the case are disputed, such as who joined whom at the bar in the hotel and at what stage and who initiated the wine incident. The FA also pointed out that the boy remained in the party for some ten minutes after the incident, which did not provoke any comment from the father at the time. The complainant was particularly incensed by the suggestion that his son had requested to smell the wine, an assertion he found outrageous. He submitted a copy of his son's school report to both the FA and the IFO to support his contention that his son would never have made such a request of an adult. He also asserted that the England management member who placed the wine glass under his son's nose had been drinking previously and was possibly inebriated. Despite the different version of events between the parties and the FA's conclusion that "it is inconclusive as to exactly what took place", it was accepted that what happened was "inappropriate...even in the context of an amicable conversation in a bar setting". The FA apologised "on behalf of the England team staff involved for any offence or discomfort caused to you and your son". Though the complainant had to wait some time, he did receive the apology he sought and deserved. The IFO finds that the FA acted reasonably in this regard.

10. The IFO is not so favourably disposed to the treatment of the complainant when seeking to register his complaint during his time in the hotel. As a concerned parent he was fully entitled to make the England staff aware of his concerns, but found this extremely difficult to do. It appears to the IFO that he was given contradictory advice as to who was the relevant officer to approach and it is not at all clear why FIFA or the hotel staff were involved, though there is a suggestion that the complainant was haranguing a member of the England team staff. The complainant claims that he was even interviewed by the police, though he had surely committed no offence. It is understandable that the

complainant felt intimidated when he learned that the England party was seeking to have him removed from the hotel. He remains aggrieved by what he saw as pre-emptive action by team officials to bring in both FIFA and the hotel management before he could properly register his complaint. The IFO finds that the England team officials were heavy handed in their treatment of the complainant and did not appear to have a clear procedure for dealing with what was a legitimate complaint. Even accepting that the priority for team officials was to ensure that the players' preparations should not be disrupted, it seems to the IFO that the FA representative could have dealt with the matter without having to refer the case to FIFA and the hotel management. Though it is highly unlikely that a similar complaint will recur, it is possible to foresee circumstances where the behaviour of England team members or officials might give rise to complaints. **The IFO, therefore, recommends that the FA provides clear guidance to its officials travelling with England teams as to how complaints should be handled and by whom.**

11. It took a full month for the FA to respond formally to the complainant and the IFO believes that the complainant was entitled to a speedier response. The IFO is impressed with the FA's reference to an appropriately senior official who clearly conducted a thorough enquiry and sent the complainant a full explanation of the FA's conclusions. The complainant was disparaging about the involvement of lawyers, but the FA wished to make it abundantly clear that the matter was concluded and that no further investigation would take place. Apart from the delay the IFO finds that the FA handled the complaint with due diligence. The complainant did get his apology, though he had to wait for it, but he was subject to some intimidation while in the Goa hotel. **The IFO recommends that a goodwill gesture should be made in the form of a children's replica England shirt, to be sent to the boy, if possible with his name inscribed on the back.**

### **Conclusion**

12. The IFO has some sympathy for the complainant, who feels that the intimidating behaviour he suffered ruined his holiday. Team officials should have been able to resolve the complaint at the time and their failure to do so led the complainant to escalate his complaint to the FA, which in turn dealt with the matter effectively, apart from an initial delay. The IFO hopes that the goodwill gesture suggested will draw the matter to a satisfactory conclusion.

**Professor Derek Fraser, Ombudsman  
Alan Watson CBE, Deputy Ombudsman**

**21 June 2018**