



GRASSROOTS DISCIPLINE COMPLAINTS PROCESS



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INTRODUCTION

- 1.1** This document outlines The FA's ("The FA") commitment to dealing with disciplinary complaints that fall within the remit of the Grassroots Division. It also provides information as to how the complaints process is managed, responded to and how we will reflect upon complaints when periodically reviewing our disciplinary processes.
- 1.2** The Grassroots Division oversees the national disciplinary strategy from National League System Step 5 and below, including youth football. A fair and transparent complaints process will help us to ensure we capture stakeholder feedback within our process.
- 1.3** The FA takes all disciplinary complaints seriously and commits to ensuring that complaints, concerns and issues raised by stakeholders are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner.
- 1.4** The outcome of any complaint made to The FA, along with any resulting actions, will be explained to the complainant in writing. If the complaint falls under the jurisdiction of a County Football Association ("CFA"), then they will be in touch with the outcome. If the complaint is not resolved and is further escalated to The FA from a CFA, then The FA will explain the outcome of the investigation.
- 1.5** *This Grassroots Complaint Process aims to:*
- provide a quality and responsive service; and
 - acknowledge that all people who are involved in the Disciplinary Process have a right to complain if they are unhappy about the process or an aspect of the process.





2. AIMS

- 2.2 The Grassroots Division is committed to achieving a fair and transparent disciplinary process. This will be achieved by promoting a clear structure for Participants (as defined in The FA Handbook) and their representatives, who are involved in the disciplinary process, to provide feedback or register complaints.
- 2.3 *When handling complaints, the Grassroots Divisions will:*
- ensure complainants are treated fairly and provided with a transparent, simple service to assist them in making their complaint.
 - ensure complaints are received in good faith and investigated thoroughly, in accordance with procedure and in a timely manner.
 - ensure that the outcome and resolution of complaints are used to monitor and improve The FA's Discipline Process;
 - promote The FA's Discipline department desire to maintain a fair disciplinary process for all.
- 2.4 The Grassroots Division will strive to ensure that complainants receive appropriate help and guidance to aid them in making a complaint or understanding the procedure.

3. VALUES

There are certain values that are central to this process:

- i. That information about the disciplinary process and how it is structured should be clear and accessible;
- ii. That complainants have an opportunity to tell us about their experiences in order to better services; and
- iii. That the Disciplinary Process is transparent and able to account to complainants for all decisions made.





4. DEFINITION OF A COMPLAINT

A **complaint** can be defined as a statement of dissatisfaction, provided in writing, from a person or company, about the provision of, or failure to provide a service.

5. DEFINITION OF A SERIOUS CASE COMPLAINT

A Serious Case (as defined within FA Regulations) relates to a Misconduct (as defined in The FA Handbook) case which involves:

- any act of discrimination in accordance with the Equality Act 2010;
- any form of physical contact; or
- an assault on a Match Official(s).

AN EXAMPLE OF A CASE INVOLVING DISCRIMINATION WOULD BE A PARTICIPANT WHO HAS BEEN CALLED A RACIALLY AGGRAVATED WORD, OR A HOMOPHOBIC COMMENT HAS BEEN USED TOWARDS THEM, EITHER ON OR OFF THE FIELD

6. DEFINITION OF A NON-SERIOUS CASE COMPLAINT

A Non-Serious Case relates to a disciplinary case or processes in respect of any other Misconduct which has taken place in accordance with FA Regulations.

Examples of a Non-Serious case may be, but is not limited to:

- A player charged with Misconduct following being sent from the field of play. For example, a player is sent off for violent conduct (receiving the standard three match ban), and before leaving the field of play used abusive/ insulting comments towards a Match Official.
- A group of spectators and players are involved in a mass confrontation during a match.

7. WHO CAN MAKE A COMPLAINT?

Those directly involved in the Disciplinary Process can raise a complaint. If the complainant is a minor, a responsible adult can or must bring the complaint on their behalf.

Those involved in the Disciplinary Process may include but is not limited to:

- Complainant (Over/Under 18)
- Witnesses (Over/Under 18)
- Participant Charged (Over/Under 18)
- Appellant (Over/Under 18)
- Case Representative (acting on the instruction of the complainant)
- Responsible Adult (including a Parent, Guardian or Carer)
- Panel Members
- Hearing Secretary

¹ The Case Representative who acted on behalf of the participant charged during the Disciplinary Process





8. COMPLAINTS THAT CANNOT BE DEALT WITH VIA THIS PROCEDURE

There are occasions when this procedure may not be appropriate. For example;

- A complaint about or involving a Referee (unless the Referee has an individual misconduct charge and/or is involved in the disciplinary process); For more information on how to make a complaint, you can contact the referee development staff at your local County Football Association, details can be found using: www.thefa.com/get-involved/referee/referees-key-contacts.
- A complaint about the way a safeguarding concern has been managed (further details contained at [Safeguarding Children and Adults at Risk](#));
- The raising of a safeguarding concern unless the concern relates directly to the disciplinary process;
- The complaint has already been dealt with by this Complaint Procedure;
- The complaint is more than 12 months old and it would not be possible for The FA to consider the complaint effectively and fairly; (further detailed contained at [Timescales of Making a Complaint](#)); or
- A complaint in relation to any disciplinary sanctions imposed by a Regulatory/Disciplinary Commission or any Appeal board which have been addressed in line with FA Rules and Regulations. This does not prevent a complaint being raised in relation to the process (not outcome) of how a decision was made.

9. COUNTY FA EXPECTATIONS

- 9.1** County FA's must deal with each complaint in a prompt and courteous manner, taking due care and consideration to follow the procedures set out within this document.
- 9.2** County FA's will use best endeavours to:
- acknowledge all complaints within 5 working days;
 - respond to all stages of the Non-Serious Cases and Administration within 10 working days;
 - respond to all stages of the Serious Cases within 5 working days;
 - resolve all complaints within 12 weeks of acknowledgement .
- 9.3** Should the County FA not be able to fulfil the timeframes outlined in 9.2, this will be communicated to the complainant with an estimated date of resolution and the reason for delay.
- 9.4** If any additional information has been requested or if the complainant's written agreement to contact a third-party is required, the County FA will respond within 30 days upon receipt of such details from the complainant.

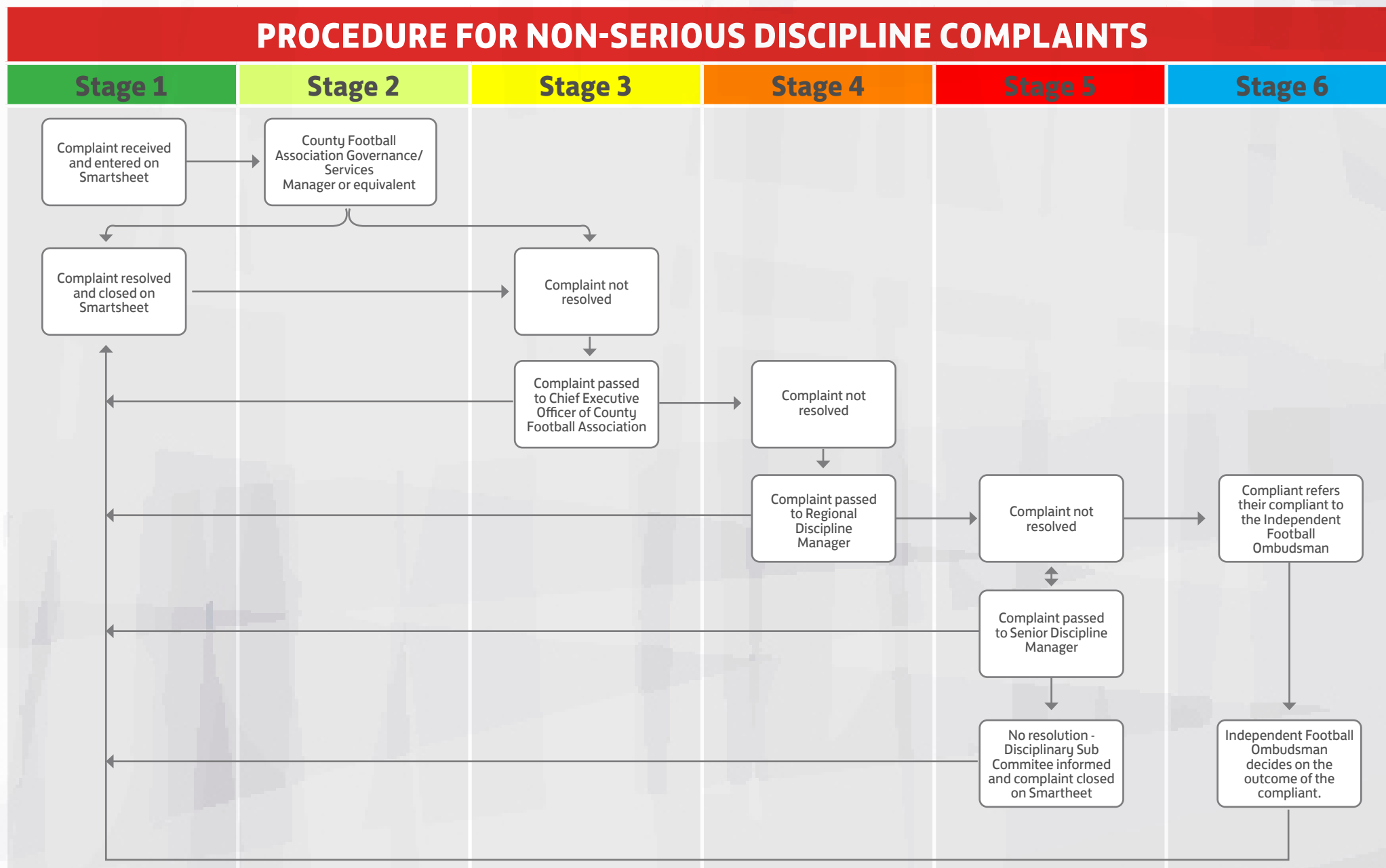
10. HOW TO COMPLAIN

- 10.1** Complaints should be sent in writing (preferably by email or using the complaint report form which can be obtained directly from your local County FA) to the relevant and appropriate body (in accordance with the stage of the complaint).
- 10.2** The nature of the complaint should be detailed along with specific examples highlighting the grounds for the complaint, such as of perceived poor practice, or any specific incidents, along with supporting evidence such as email correspondence or other documentation.
- 10.3** Once the complaint referral has been completed, the complaint process and relevant timings would commence.





11. PROCEDURE FOR NON-SERIOUS DISCIPLINE COMPLAINTS



STAGE 1

The relevant department within the County FA will log the complaint, investigate the complaint and respond to the complainant within the timescales set out in this procedure.

STAGE 2

If the complainant is not satisfied with the outcome of the investigation at Stage 1, they may request that the complaint be passed to the County FA's Football Services Manager or equivalent.

STAGE 3

If the complainant feels that the problem has not been satisfactorily resolved at Stage 1 or Stage 2, they can refer their complaint to their local County FA Chief Executive Officer.

STAGE 4

If the complainant feels that the problem has not been satisfactorily resolved at Stage 3, they can refer their complaint to the FA Regional Discipline Manager for the region the County FA is part of (for example Leicestershire and Rutland County FA is East and Kent County FA is South).

Details of the relevant FA Regional Discipline Manager can be obtained - [Click here](#), the Essential Guide Document or directly from your local County FA.

STAGE 5

If the complainant feels that the problem has not been satisfactorily resolved at Stage 4, they can refer their complaint to the FA Senior Discipline Manager.

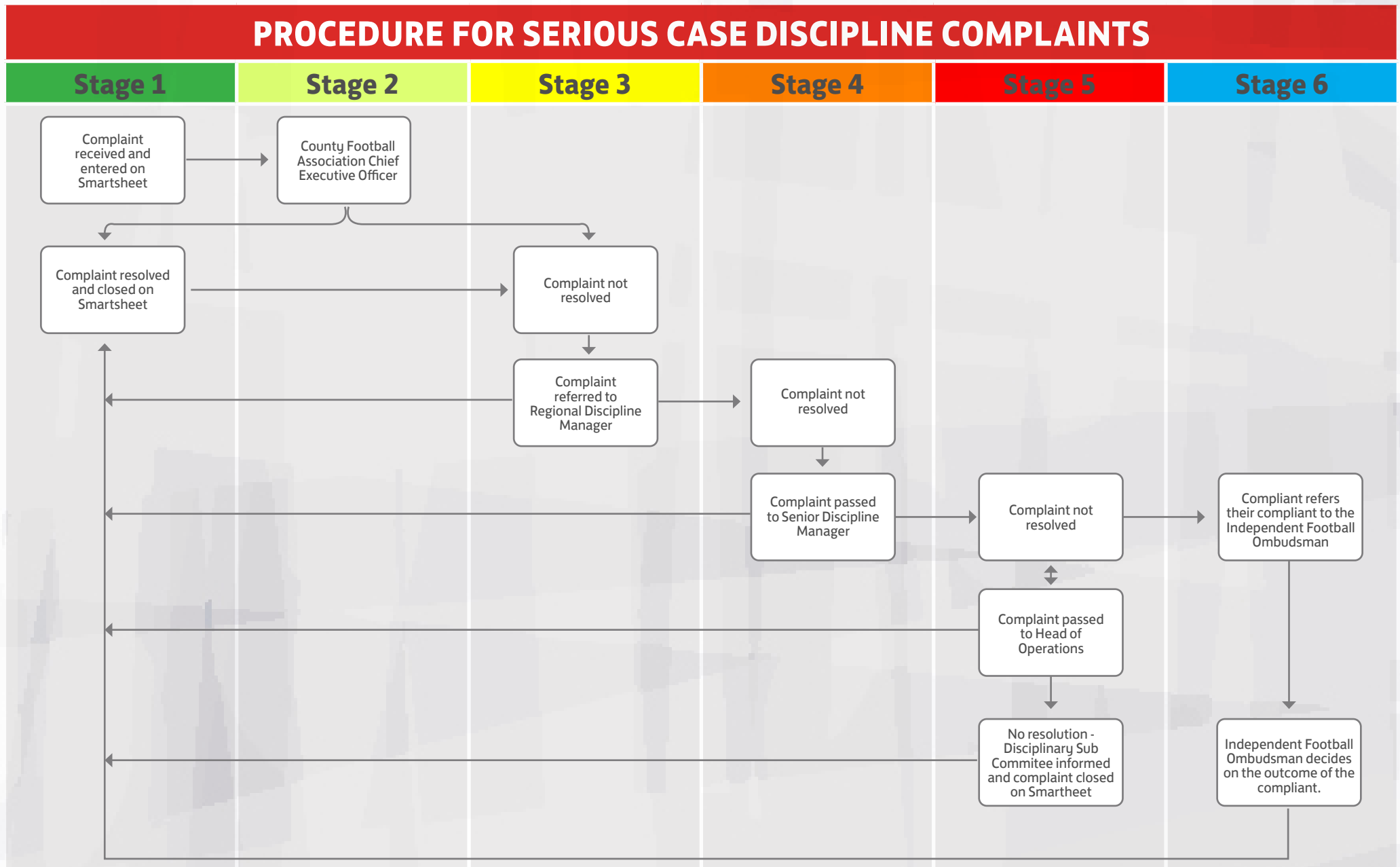
Details of the FA Senior Discipline Manager can be obtained from the Essential Guide Document or directly from the relevant FA Regional Discipline Manager.

STAGE 6

Please refer to section 13 of this document.



12. PROCEDURE FOR SERIOUS CASE DISCIPLINE COMPLAINTS



STAGE 1

The relevant department within the County FA will log the complaint, investigate the complaint and respond to the complainant within the timescales set out in this procedure.

STAGE 2

If the complainant is not satisfied with the outcome of the investigation at Stage 1, they can refer their complaint to their local County FA Chief Executive Officer.

STAGE 3

If the complainant feels that the problem has not been satisfactorily resolved at Stage 1 or Stage 2, they can refer their complaint to the FA Regional Discipline Manager for the region the County FA is part of (for example Leicestershire and Rutland County FA is East and Kent County FA is South).

Details of the relevant FA Regional Discipline Manager can be obtained from [link to the attached regional structure document to be inserted here], the Essential Guide Document or directly from your local County FA.

STAGE 4

If the complainant feels that the problem has not been satisfactorily resolved at Stage 4, they can refer their complaint to the FA Senior Discipline Manager.

Details of the relevant FA Regional Discipline Manager can be obtained - [Click here](#), the Essential Guide Document or directly from your local County FA.

STAGE 5

If the complainant feels that the problem has not been satisfactorily resolved at Stage 4, they can refer their complaint to the FA Head of Operations. This is the final level at which the complaint can be heard internally and the FA Head of Operations decision is final.

Details of the FA Head of Operations can be obtained from the FA Senior Discipline Manager. The complaint will also go to Discipline Sub-Committee for a discussion to see if a procedure needs to be amended.

STAGE 6

Please refer to section 13 of this document.



13. INDEPENDENT FOOTBALL OMBUDSMAN (IFO)

- 13.1 The final option for any complainant, who is unhappy with a decision made by The FA, is to submit a complaint to the Independent Football Ombudsman (IFO). The IFO has a clear remit to receive and adjudicate on complaints from Participants which have not been resolved by The FA and other football authorities.
- 13.2 Complaints should be made in writing and may be submitted by post to:
The Independent Football Ombudsman
Suite 49, 33 Great George Street, LEEDS LS1 3AJ.
or by e-mail to: contact@theifo.co.uk
or via the website: www.theifo.co.uk
- 13.3 You may initially register your concerns by phone and may wish to leave a message on the IFO Voicemail 0800 588 4066.

14. TIMESCALES FOR MAKING A COMPLAINT

- 14.1 The timescales for making a complaint will depend on whether a Charge has been raised by the County FA and what stage the case is at:
- If a Charge has been raised, a complaint must be raised within 90 days of conclusion of the case. For the avoidance of doubt, the conclusion of the case takes the meaning after the Hearing.
 - If the case is taken to a Board of Appeal, the complaint must be raised within 90 days of the Board of Appeal decision.
 - If a Charge has not been raised and the complainant wish to raise a complaint, such a complaint will need to be raised within 90 days after the conclusion of the matter (case closure email from the County FA).





14.2 The total complaints procedure should be finalised in no more than 90 days unless there are exceptional circumstances in which case the complainant will be kept informed of progress.

14.3 Complaints about issues or events that occurred more than 12 months prior to the date of the complaint will not normally be considered unless any of the following circumstances apply:

- The complainant was incapacitated by ill-health beyond the 12 month period which prevented him/her from making a complaint within the timescales permitted and provides proof of this;
- It would have been unreasonable for the complaint to have been made earlier than it was made. Similarly, there will be no review of a complaint that was dealt with more than 12 months ago.

15. ANONYMOUS COMPLAINTS

Complaints received anonymously will be recorded and considered, but action may be limited if further information is required to ensure a full and fair investigation.

16. SAFEGUARDING CHILDREN AND ADULTS AT RISK

All safeguarding concerns outside the disciplinary process about the welfare of a child or adult or the behaviour of an adult towards a child or young person under 18 years of age in football should be reported in one of the following ways:

- To your club or league Designated Safeguarding Officer – please find out from your club who these people are;
- To your County FA Designated Safeguarding Officer. Click www.thefa.com/about-football-association/who-we-are/county-fas for a list of County FA contacts;
- By emailing The FA Safeguarding Team at safeguarding@TheFA.com;
- If urgent and you cannot contact your club, league or County FA Designated Safeguarding Officer, then call the NSPCC 24-hour helpline on 0808 800 5000;
- If it is an emergency because a child or children are at immediate risk, then call the Police or Children's Social Care in your area.

Please note that there is no time limit on reporting a safeguarding concern.

17. DATA PROTECTION AND CONFIDENTIALITY

- 17.1 To process a complaint The FA will hold personal data about the complainant, which the individual provides, and which other people give in response to the complaint. The FA will hold this data securely and only use it to address the complaint in accordance with the [*FA Privacy Policy*](#).
- 17.2 The identity of the person making the complaint will only be known to those who need to consider the complaint and will not be revealed to other people or made public. However, it may not be possible to preserve confidentiality in some circumstances, for example, where relevant legislation applied or allegations are made which involve the conduct of third-parties.
- 17.3 The FA will normally destroy complaints files in a secure manner six years after the complaint has been closed.

18. COMPLIANCE AND REVIEW

- 18.1 Complaints are an important tool which, alongside data provided by exit surveys, stakeholder surveys, user feedback and focus groups, will allow us to learn about the services we provide. They provide a useful source of information about how individuals see our services and how we are serving them.
- 18.2 The FA will monitor the volume and subject matter of Discipline complaints in order to:
- help maintain standards of fairness and equality whilst delivering a game free from discrimination;
 - identify the cause of complaints;
 - implement preventative measures to reduce the risks of recurrences;
 - take corrective action where Regulations allows;
 - optimise procedures for dealing with complaints which will assist with The FA's culture of continuous improvement;
 - be responsive to the needs of those affected by the work of The FA.



19. QUALITY ASSURANCE

19.1 To ensure that The FA can learn from complaints, the following data will be collected:

- Name and address (unless it is an anonymous complaint);
- Name of person dealing with the complaint;
- Date of complaint and response;
- Nature of complaint;
- Action(s) taken/recommendations made in response to the complaint lessons learnt.

20. PERSISTENT AND/OR UNREASONABLE CONTACT

20.1 Wherever possible The FA will do everything in its power to investigate complaints fully and resolve our customer's issues.

20.2 However, there will be occasions in which The FA are unable to meet customers' expectations or that the complaint itself does not justify further investigation. This may be for example, because the complainant is unreasonable or persistent in nature, or a combination of the two.

20.3 It is the role of the FA Senior Discipline Manager to determine whether a complainant is unreasonable and/or persistent if they meet any of the following criteria:

- Persistence in pursuing a complaint after the full complaint's procedure has been exhausted;
- Continually changing the substance of the complaint or continually raising new issues about the complaint;
- No precise issue has been identified in the complaint;
- Threats of intimidation, physical violence or other abusive language or behaviour ;
- Participant has an excessive number of contacts with The FA amounting to harassment;
- Harassed or been abusive towards members of staff;
- Displayed unreasonable or unrealistic demands and fails to recognise these requests are unreasonable;
- Making a request that is outside The FA's remit.

- 20.4** If the Football Service / Governance Manager or the FA Regional Discipline Manager deems that the complaint is unreasonable or persistent in nature, the case history will be passed on to the County FA Chief Executive (Non-Serious discipline complaints) / FA Senior Discipline Manager (Serious Case discipline complaints) who will review the entire details of the complainant record and correspond with the complainant as to why the complaint was deemed to be unreasonable or persistent, if he or she is in agreement.
- 20.5** Following this the appropriate Manager will inform the complainant of the action The FA has chosen to take against them. This will include any or all the following:
- Refuse to accept any further phone calls from the complainant or anyone calling on the complainant's behalf;
 - Terminate any calls made to The FA by the complainant;
 - Refuse to grant any further meetings with the complainant;
 - Allow limited contact with a nominated person;
 - Limit the type of correspondence the complainant can make;
 - Where appropriate, to report the matter to the Police, appropriate governing body or take legal action. In such cases, we may not give the complainant warning of that action.
- 20.6** All future correspondences that the complainant makes to The FA have to be kept on record.
- 20.7** The FA will advise the complainant that should they be unhappy with the decision The FA they can contact the Independent Football Ombudsman to review their case.
- 20.8** The FA's Discipline Complaints Team will review all future correspondences with the complainant to evaluate whether limited contact remains appropriate. Due consideration will be given if:
- the complainant provides new, important information which merits a reassessment of the complaint;
 - the complainant issues a separate complaint which warrants the use of the general complaints procedure;
 - the complainant displays a change of attitude/behaviour when dealing with The FA.
- 20.9** If a complainant is categorised as 'unreasonable and/or persistent', their access or ability to make contact will be limited. This will be reviewed and the complainant will be advised accordingly.





TheFA



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