



EFL

COMPLAINTS POLICY

2020-2021

This policy is available on-line at www.efl.com

WE WILL CONSIDER ANY REQUEST FOR THIS POLICY TO BE MADE AVAILABLE IN AN ALTERNATIVE FORMAT OR LANGUAGE. PLEASE CONTACT: hr&businessoperations@efl.com

WE REVIEW OUR POLICIES REGULARLY TO UPDATE THEM AND TO ENSURE THAT THEY ARE ACCESSIBLE AND FAIR TO ALL. WE WELCOME SUGGESTIONS FOR IMPROVING THE ACCESSIBILITY OR FAIRNESS OF THIS POLICY.

ALL OUR POLICIES ARE SUBJECT TO EQUALITY IMPACT ASSESSMENTS*. WE ARE ALWAYS KEEN TO HEAR FROM ANYONE WHO WISHES TO CONTRIBUTE TO THESE IMPACT ASSESSMENTS.
PLEASE CONTACT: hr&businessoperations@efl.com

*Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

APPROVED BY	VERSION	ISSUE DATE	REVIEW DATE	DOCUMENT OWNER
EFL BOARD	V2	Sept 2020	Sept 2021	Alex Richards, EFL Safeguarding Manager arichards@efl.com

POLICY STATEMENT

The EFL welcomes comments and complaints from stakeholders and from the general public. We use this process to improve services for Clubs, our stakeholders and the wider community in which we exist.

We define a complaint as “an expression of dissatisfaction, however made about actions taken or a lack of action by the EFL, or someone acting on behalf of the EFL (for example a Member Club)”.

The EFL is committed to the continuous improvement of the services it provides. We recognise that, occasionally, mistakes will be made or the service offered will not meet an individual’s requirements or expectations. For these reasons it is our policy that all complaints should be:

- Treated seriously and in an open manner
- Acknowledged immediately, preferably in writing
- Investigated
- Resolved, wherever that is reasonably practicable, within no longer than 13 working weeks
- Used as feedback to improve the service which the EFL offers

SCOPE

The policy applies to all members of the EFL community but does not replace procedures for, staff grievances, scholar contract resolution/arbitration, FA case management processes. Those procedures should be used where appropriate.

RESPONSIBILITIES

All EFL Staff have a responsibility for receiving complaints, treating them seriously and dealing with them promptly and courteously in accordance with the procedure set out below.

Clubs have a responsibility for resolving a complaint, and leading or contributing to an investigation into a complaint when this is considered appropriate.

The EFL Departmental Manager is responsible for resolving complaints which have not been resolved during the previous two stages. The decision made by the Chief Executive is final.

The EFL Senior Executive Group is responsible for ensuring that the complaints policy and procedure are operating effectively and may become directly involved if a complaint is unresolved by the EFL Departmental Manager.

ACTIONS TO IMPLEMENT AND DEVELOP POLICY

Stage One A number of complaints can be resolved informally. The EFL expects complaints to be made to the Club in the first instance. All EFL Clubs are required to have their own complaints policy which outlines the stages of the process and the timelines for response detailed at each stage. Where this is not possible or does not result in satisfactory resolution, the complaint should be submitted in writing to:

HR and Business Operations
EFL House
10-12 West Cliff
Preston
PR1 8HU

hr&businessoperations@efl.com

The EFL usually expects complaints to be made by the person concerned. However it will consider complaints made by a parent or advocate.

Anonymous complaints cannot be investigated.

All comments/complaints will be forwarded to the HR and Business Operations Department who will acknowledge receipt within one working week. HR and Business Operations will then forward to the relevant EFL Departmental manager.

Stage Two The relevant EFL Departmental Manager will respond in writing within seven working days, explaining what has happened as a result of the complaint. Where this involves a member of staff, specific detail of action taken will not be made available. This is to ensure that our employees are afforded appropriate dignity at work.

If the complaint requires further investigation that cannot be carried out within seven working days a detailed response will follow within 21 working days of receipt of the original written complaint.

Stage Three If the complainant is dissatisfied with the relevant departmental manager's response then the complaint will be forwarded to a member of the Senior Management Team (SMT) to resolve.

The Senior Manager will acknowledge receipt of the complaint within two working weeks and a final reply will be completed within 8 working weeks to allow time for any formal investigations to take place.

Stage Four (final internal appeal process) If the complainant is still dissatisfied with the response then the matter will be referred to the Chief Executive. The Chief Executive will respond within three weeks. The Chief Executive's decision is final.

The total comments/complaints procedure should be finalised in no more than 13 working weeks unless there are exceptional circumstances in which case the complainant will be kept informed of progress.

If your complaint is concerning a departmental manager of the EFL then the complaint will be forwarded to the Chief Executive of the EFL who will respond within seven working days explaining what has happened as a result of the complaint. Where this involves a member of staff, specific detail of action taken will not be made available. This is to ensure that our employees are afforded appropriate dignity at work.

If the complaint requires further investigation that cannot be carried out within seven working days a detailed response will follow within 21 working days of receipt of the original written complaint.

Complaints against the Chief Executive should be addressed to the Chair of the EFL Board.

IFO (Independent Football Ombudsman) The IFO was established by the football authorities to receive and adjudicate on complaints which have failed to be resolved by football clubs or football authorities. Furthermore, if the football bodies have dealt with a complaint in full, then the IFO can review whether due process was followed and the complaint handled properly. In these circumstances, the IFO does not offer an alternative interpretation of the rulings, but an examination of whether a complaint has been handled appropriately.

The vast majority of complaints are resolved at an early stage, but if you feel dissatisfied with the outcome of a complaint you have submitted to a football body, such as a football club or governing body, then you can refer it to the IFO for investigation. Supporters can refer any complaints straight from club to IFO stage, removing the requirement for a formal governing body stage. Should the IFO consider a complaint warrants further investigation, it will still then seek information from the relevant football governing body concerned in considering any potential adjudication. The IFO has no remit for incidents which occur on the field of play or for referee performance. Its coverage is limited to the Premier League and English Football League clubs and to the competitions organised under the aegis of the three English Football authorities.

You may wish to communicate your concerns to the IFO by post, phone or email, using any of the contact details below:

The Independent Football Ombudsman
Suite 49
33 Great George Street
Leeds
LS1 3AJ

Telephone: 0800 588 4066 Email: Contact@TheIFO.co.uk

MONITORING & EVALUATION

The HR and Business Operations Team will maintain a confidential record of complaints dealt with to feed into the EFL's quality improvement processes. The HR and Business Operations Team will maintain a record of all complaints, appeals and outcomes and produce a quarterly report for analysis by the Board.

SAFEGUARDING/WELFARE CONCERNS

A concern would be classified as safeguarding when it relates to either:

- A child or adult at risk identified as suffering or likely to suffer significant harm
- A concern in relation to a member of EFL or Club staff abusing or causing harm either physically or emotionally to a child/adult at risk within their care

If your complaint is of a safeguarding/welfare nature then you should refer to the EFL Safeguarding Children or Adults at Risk policy available on our website. Further advice can be sought by contacting the EFL Safeguarding Manager Alex Richards on 01772 325940 or by emailing safeguarding@efl.com

PROCESS FOR DEALING WITH UNACCEPTABLE BEHAVIOUR FROM COMPLAINANTS

EFL aim to provide a service that is responsive to the complaints made by fans, customers, young players, parents and carers or any other person who may use our services. However, EFL retains the right to respond appropriately, where we consider any person(s) behaviour to be unacceptable. We need to ensure that EFL staff, other users of our services and member clubs do not suffer any disadvantage from complainants who act in an unacceptable manner.

This section of the policy sets out the approach which will be taken in circumstances where the actions or behaviour of an individual are considered to be unacceptable. This applies to anyone who is interacting or communicating with EFL and their subsidiary agencies, including complainants or their representatives.

EFL recognises that sometimes mental ill health or disability may make it difficult for people to express themselves or communicate clearly. EFL will always consider making reasonable adjustments for the individual if we are asked to do so – but we may still need to manage contact in these circumstances if considered necessary.

DEFINITIONS AND EXAMPLES OF UNACCEPTABLE BEHAVIOUR

EFL is often a route for complaints that are considered not to have been dealt with fully at club level. We understand that bringing a complaint can be a stressful experience. People may act out of character in times of frustration or distress. Our staff recognise this and, as such, would not necessarily

view a complainant's actions or behaviour to be unacceptable solely because they appear to be assertive or determined.

However, the actions of complainants who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, EFL staff. It is these actions or behaviour that we consider unacceptable and aim to manage under this guidance. We have grouped these actions or behaviour under two broad headings: 'aggressive, offensive or abusive actions or behaviour' and 'unreasonable demands or persistence'.

All of our staff have the right not to be subjected to aggressive, offensive or abusive actions; language; behaviour; or aggressive, belligerent or threatening emails or communications regardless of the circumstances.

Examples of actions or behaviour grouped under this heading include any actions or behaviour that may have the potential to cause staff to feel intimidated, threatened or offended. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can amount to abusive actions or behaviour. It is possible to commit offences online and via social media, and/or incur civil liability in respect of, for example, defamation, and there have been a number of high profile legal cases in sport.

EFL has a responsibility to ensure that our work is undertaken in an efficient and effective manner. It is for the EFL to decide what information it requires and when. On occasions, customers or complainants may make what we consider to be unreasonable demands on the EFL or its staff, through the amount of information they seek or provide, the nature and scale of service they expect, or the frequency of requests for contact. This will be assessed on a case-by-case basis.

We recognise that some customers or complainants will not or cannot accept that the EFL is unable to assist them further or provide an unrealistic level of service when dealing with their complaint. Customers or complainants may continue to disagree with the action or decision taken in relation to their case or the frequency or level of contact they expect from EFL and persistently request further correspondence on the same issue.

Examples of unreasonable demands may include: requesting responses within an unreasonable timescale; insisting on seeing or speaking to a particular member of staff; continual phone calls, emails, or letters; repeatedly changing the substance of the complaint, or raising unrelated concerns. We consider it unreasonable for customers and complainants to attend our offices without an agreed appointment, unless they are delivering documents to our reception desk only.

Examples of unreasonable persistence include: continual refusal to accept a decision made in relation to a complaint; persistent refusal to accept explanations relating to what EFL can or cannot do, or continuing to pursue a case once it has been closed by EFL. The way in which these customers or complainants approach the EFL may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

We consider that the level of contact has become unacceptable where the amount of time spent speaking to or corresponding with the customer or complainant, either by telephone or dealing with written correspondence, negatively impacts on our ability to deal with that complaint, with other complaints or to draw the matter to a close.

EFL PROCEDURE FOR HANDLING UNACCEPTABLE BEHAVIOUR

When we consider that the actions or behaviour of a customer or complainant is unacceptable we will tell them why we find it unacceptable and we will give them the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, we will take appropriate measures.

EFL staff who experience unacceptable behaviour over the telephone have the right to either place callers on

hold or end telephone calls. Staff are accountable for their actions and are required to log all instances of when calls have been terminated, noting the reason(s) for ending the call.

We have to take action when unreasonable actions or behaviour impair the functioning of the EFL. We aim to do this in a way that, wherever possible, allows a complaint to progress through our process. We will try to ensure that any action we take is the minimum required to address the unacceptable actions or behaviour, taking into account any relevant personal circumstances of the customer or complainant.

It may be necessary to apply restrictions to the customer or complainants contact with the EFL or its staff. A decision in this regard may be taken by The Executive or Senior Management Team.

EFL will take any action(s) that it considers to be appropriate in relation to any unacceptable actions or behaviour. Normally we will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action. Some of the options that we are likely to consider are:

- Limit a customer or complainant to making telephone calls on a specified day and time per week;
- Require that contact is with a specified member of staff only;
- Decline to accept any further telephone calls from a customer or complainant while still maintaining at least one form of contact.
- To require a customer or complainant to communicate with the EFL through a representative. Alternatively we might require a customer or complainant to appoint a different representative.
- Read and file future correspondence but acknowledge or respond to it only if the customer or complainant is raising new information or making a new complaint.
- To terminate or suspend consideration of a complaint in accordance with the EFL complaints procedure. The customer or complainant may appeal a decision to suspend or terminate consideration of a complaint. In exceptional cases, we also reserve the right not to consider a future complaint from a customer or complainant when we consider the customer or complainant to be a vexatious complainant. We will take into account the impact on the customer or complainant and also whether there is a broader public interest in considering the complaint further.
- Where appropriate, to report the matter to the Police, appropriate governing body or take legal action. In such cases, we may not give the customer or complainant prior warning of that action.

We will record all incidents of unacceptable actions or behaviour by a customer or complainant and any action taken by the EFL to address these.

VEXATIOUS COMPLAINANTS

The English Football League (EFL) may reject a complaint at any time if, in the reviewer's opinion, the complaint is considered "vexatious". A frivolous or vexatious complaint can be characterised in a number of ways:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious (repetitious would include, for example, that after appropriated procedures have been followed and a full and final judgement has been provided the complainant continues to pursue the complaint)
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason

- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value

Deciding whether a request is vexatious is a difficult task EFL will take into account all the circumstances of the case and, if a final judgement has already been confirmed as part of the complaint's procedure. Our main consideration will be the issues raised in the complaint however consideration will be given to the behaviour of the customer or complainant bringing the complaint if it is felt that their behaviour has become unacceptable.

If we decide that a customer or complainant's complaint is vexatious, we will write to the customer or complainant explaining that we are terminating our consideration of the complaint or further correspondence on the issue under the EFL Unacceptable Behaviour Policy. We will give reasons for our decision and we will send a copy of our letter to the subsidiary organisation, partner agency or member club which is the subject of the complaint.

Any customer or complainant who is unhappy with the EFL terminating consideration of a complaint due to unacceptable behaviour/vexatious reason has the right to submit a complaint to The Independent Football Ombudsman as detailed in section 5 of this policy.

RELATED POLICIES/DOCUMENTS

[EFL Customer Charter](#)

[EFL Safeguarding Children's Policy](#)

[EFL Safeguarding Adults at Risk Policy](#)