



***“MANY VOICES ONE GOAL”***

GUIDANCE DOCUMENT

FOR REPORTING AND TACKLING RACISM WITHIN FOOTBALL

JULY 2008



## **1. Introduction**

On and off the field of play football rules and legislation provide the framework for the effective governance of the game. Referees are charged with implementing the Laws of the game whilst members, clubs, leagues and affiliates also have a responsibility for the games good governance. The core values of our sport are underpinned by Respect, Responsibility, Equity and Fair play; in protecting these values within our game it is every person's responsibility to challenge behaviours, attitudes and beliefs that undermine these values. The follow guidance draws strongly from the UEFA/FARE 10 point plan against racism and the FAI .

### **What is 'Race'?**

Though widely used in everyday language the term 'Race' has been discredited. The term 'race' is a social construct used to classify people. Originally race was based on a false belief that biologically there were different species of humans, with the implication that some 'races' were superior to others. However, research has proved that there is no single race-defining gene and therefore no biological basis for dividing the human population into different 'races'.

The term race is still widely used in civil and football legislation. Within Irish equality legislation for example, the 'race' ground is described as "race, colour, nationality, or ethnic or national origins."

(Source National Consultative Committee on Racism & Interculturalism 2006 [www.NCCRI.ie](http://www.NCCRI.ie))

### **What is 'Racism'?**

Racism describes the negative attitudes and practices towards persons because of their membership of groups perceived to differ from the perceiver. Any distinction, exclusion, restriction or preference based on 'race', colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of human life'

Personal racism is understood as attitudes, beliefs and behaviour of individuals. For instance through verbal or physical attacks. Cultural Racism happens when the values and/or belief systems of one ethnic group (or so called "race") are considered inherently superior and the values and belief systems of minority ethnic groups are considered inherently inferior. Institutional Racism includes process that consciously or unconsciously results in the systematic exclusion of minority ethnic groups. It must be visible in the inequitable outcomes for an ethnic minority groups from the policies and practices of organisations and institutions throughout society e.g. requiring one group to take specific test that would not be apply to groups in society in general

(Sources: National Consultative Committee on Racism & Interculturalism 2006.  
B. Fanning, Racism and Social Change in the Republic of Ireland, 9)

## **2. Role of the FAI**

### **FAI Intercultural Plan**

In 2007 the FAI's launched its Intercultural Football Plan; the first of its kind to have been developed in Ireland by a National Governing Body of Sport. The Plan recognises the need for sports to proactively plan for changing cultural, religious and ethnic diversity in Ireland, whilst also acknowledging the important role that a high profile sport such as football can play in contributing towards social cohesion and interculturalism.

Below are the key overall Objectives of the Plan.

- Combat 'Racism' in football
- Promote participation among minority ethnic & multicultural communities
- Contribute to the wider process of integration

### **FAI Rules**

The FAI Rulebook clearly sets out the Associations position with regard to Racism;

#### ***FAI RULE ON RACISM (Currently Rule 73)***

- a) Any player or member of the technical staff, who publicly disparages, discriminates against or denigrates someone in a derogatory manner on account of race, colour, language, religion or ethnic origin, or perpetrates any other racist and / or contemptuous act, shall be subject to match suspension for at **least five matches at every level**. The relevant disciplinary body shall consider and have the power to impose a fine and / or other sanction as deemed appropriate.
- b) Any club official or spectator who commits such an infringement shall be subject to a stadium ban for two years.
- c) If spectators display banners bearing racist slogans at a match, the relevant disciplinary body shall sanction the affiliate or club which these spectators support with a monetary fine. If the spectators cannot be identified as supporters of one or other club/affiliate the host club/affiliate shall be sanctioned accordingly.

This Rule is also stipulated and reinforced under Part 1 Section Two of the FAI Disciplinary Rules making it a listed offence subject to sanction by the FAI Disciplinary Bodies.

### **3. Complaints Mechanisms**

#### **Introduction**

All members, clubs, leagues, divisional & national associations and other football bodies are required to ensure that they have adequate disciplinary, complaints and appeals procedures in place. Such bodies should also be in a position to deal with complaints of a racist nature either reported by a match official or made by way of complaint by any party to a football body. It is important to note that suspected racism or discrimination may also be the subject of a statutory investigation by a relevant statutory body.

While many concerns can be dealt with in an informal manner to the satisfaction of all concerned, it is advisable that detailed records are maintained in respect of all complaints and that all parties are advised of the formal complaints and appeals procedure. All reasonable efforts to resolve matters should be exhausted at local level before accessing the appeals procedure.

Appendix A sets out a sample guideline document which may be sent to persons enquiring about the complaints process. This guideline document may be amended to suit the particular process undertaken by your club or league.

Appendix B sets out a sample club equality policy which clubs or leagues may find useful.

Appendix C sets out guidelines on age identification an issue which often causes sensitivities when dealing with children who are from a migrant, asylum seeking or refugee background.

#### **Complaints Procedure**

##### **Step One**

Any person who has a complaint or concern should bring it to the attention of the club or league secretary under the relevant rules of the body concerned. The complaint or concern should be in writing and should outline all relevant details and other parties involved in line with procedure. It is important that every complainant provides as much detail as possible about what happened. We recognise that the process can be difficult, and sometimes distressing, but it is vital that key pieces of information are captured in order to deal with a complaint properly. Some of the facts that will need to be established are set out in the list below:

- Where and when did the incident(s) take place?
- What exactly happened?
- Who said/did what to whom?
- What are the relationships/roles of the parties involved in the incident?

- How close were individuals to the incident and did they have an unobstructed view?
- Was an incident witnessed first-hand or was it reported to someone?
- What are the names and/or descriptions of those involved in the incident, including other possible witnesses?
- What happened after the incident and has it been reported to anyone else e.g. the Gardaí?
- Is there anything else relevant to the complaint– e.g. past history between the parties.

This list of questions is not exhaustive; however, it should provide a good guide to the type of information which is needed for the matter to be properly assessed.

### **Step Two**

The complaint or concern should then be brought to the attention of the Leagues/Clubs disciplinary body that should convene in accordance with their own rules and within a reasonable time period. Good practice would advise that this committee/panel would consist of three members one of whom shall be a Chairperson. If the complaint refers to a Referee the chairperson should also refer the complaint to the relevant affiliate that the Referee is a member of. The league or club should also forward a copy of any decision to the national or divisional association and the FAI Disciplinary Control Unit.

Where there are potential contentious issues, due consideration should be given to ensure the independence of the disciplinary meeting/panel and therefore, it is advisable that members of the disciplinary committee/panel should not necessarily be Officers/Directors of the body concerned as lack of independence is often cited as a ground for appeal.

### **Step Three**

The disciplinary committee/panel should furnish parties with details of any complaint being made against them and afford them the opportunity of providing a response either verbally or in writing. In the event of a complaint against a child, the parents/guardians should be informed and advised of the process.

### **Step Four**

The disciplinary committee/panel should then hear the case of all parties involved and decide if a rule or regulation has been infringed.

### **Step Five**

The disciplinary committee/panel should then inform all parties in writing in accordance with league/club rules of any sanctions that are to be imposed. This notification should be in writing, setting out the reasons for the sanction. (Written notification should be forwarded to parents if the proceedings involve a participant under eighteen years of age)

**Step Six**

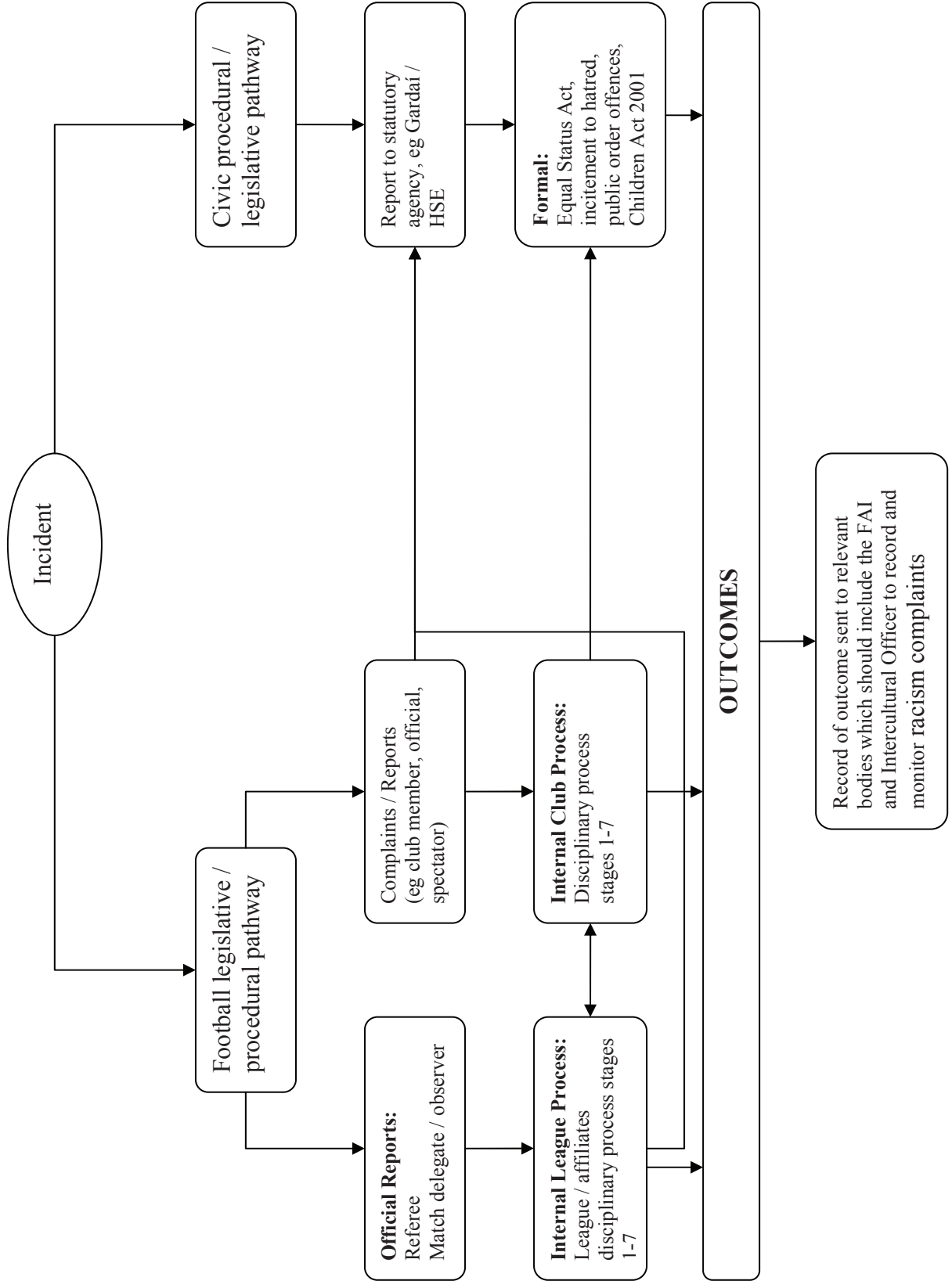
Any party unhappy with the findings of the disciplinary committee/panel may be able to appeal the decision in writing to their respective superior body as per rules. Clubs, Leagues, Divisional and National Associations and other football bodies should review their rules to ensure they contain a provision that facilitates an appeals procedure in this respect.

**Step Seven**

The appeal body should then hear the case and should uphold or reject the appeal or vary, alter or set aside any sanction imposed by the disciplinary committee/panel.

Written confidential records in relation to disciplinary proceedings should be safely and confidentially kept on file (procedures should clearly define the possession of such records in the event of election of new officers)

# Complaints Process Diagram





## **4. Other important factors to consider**

### **Confidentiality**

Confidentiality is about managing information in a respectful, professional and purposeful manner. It is important that the rights of the complainant and the person about whom the complaint has been made are protected. Therefore, appropriate confidentiality will be maintained in respect of all issues and people involved in concerns about the welfare of the complainant or bad practice within the club/league.

### **Anonymous Complaints**

Anonymous complaints can be difficult to deal with, however they cannot be ignored. All complaints relating to inappropriate behaviour/poor practice should be brought to the attention of the Chairperson/Secretary of the Club or League. All complaints should be checked out and handled in a confidential manner. It is important to record all such complaints and actions taken. Specific advice on dealing with anonymous complaints can be got from the FAI Intercultural National Coordinator, your

### **Rumours**

Rumours should not be allowed hang in the air. Any rumour/s relating to inappropriate behaviour/s circulating in the club should be brought to the attention to the Chairperson and checked out promptly. All ensuing information should be handled confidentially and with sensitivity.

### **Referral to FAI**

Where complaints are not processed and dealt with in a timely manner the FAI may be requested to intervene and investigate a complaint under its rules.

### **Sharing information**

Information may be shared with other organisation including the FAI. Equally an investigation may be put on hold pending the result of another inquiry – this is most likely when the Gardaí are involved in the matter.

## **APPENDIX A**

### **QUICK GUIDE MAKING A COMPLAINT - Your Questions Answered**

This guide is designed to give some general information and assistance to people who are thinking about reporting, or have already reported, an incident of ‘racism’ or discrimination in football. We hope the information provided answers any questions you may have about reporting ‘Racism’ or discrimination.

**Q: Can I make a report anonymously?**

A: Yes. You do not have to give your name when reporting an incident of racism or discrimination. However, if an anonymous person is the only witness or other witnesses fail to get involve, the investigating body (Club, League, Divisional or National Association, or the FAI) is likely to find it difficult to take formal action against the alleged offender.

**Q: Once I make a report, what happens next?**

A: The details reported should be assessed by the Chairperson or Secretary of the relevant club/league divisional or national association who should review the information provided and decide on the appropriate course of action. The relevant football body should deal with the complaint in accordance with their own rules in a timely fashion.

**Q: Who will contact me once my report has been reviewed?**

A: The relevant Chairperson or Secretary will contact you in the first instance. If you have a preferred method for communications (i.e. telephone, letter etc.) please advise the relevant person.

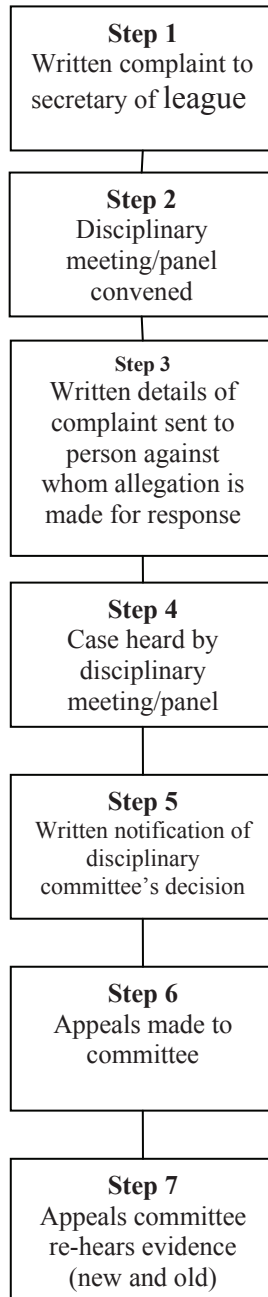
**Q: What does ‘giving a statement’ mean?**

A: Giving a statement means that your version of events is written down and you sign the document as an accurate record of the incident you witnessed. When you provide a statement, it enables the investigator to rely on the evidence provided in a disciplinary hearing that may be brought against the alleged offender. It is an important part of the process, and reliance is placed on people willing to provide statements to enable us the investigator to tackle the problems being reported. You should note that providing a statement may mean that they will need to attend a hearing in person.

**Q: What is likely to happen to the alleged offender?**

A: Every case is different. Only if any Club/League/Football Rules have been breached and there is sufficient evidence, will disciplinary action be taken, which may lead to some form of sanction or penalty as provided under relevant rules including the FAI Rules. The first step is for relevant body to assess the information available and decide on the most appropriate course of action.

## 7 steps to reporting and resolution of a complaint



## **Appendix B**

### **Sample Club Equality Policy**

The aim of this policy is to ensure that everyone is treated fairly and with respect and that **\*\*INSERT CLUB NAME HERE\*\*** is equally accessible to all.

**\*\*INSERT CLUB NAME HERE\*\*** is responsible for setting standards and values to apply throughout the club at every level. Football belongs to, and should be enjoyed by, anyone who wants to participate in it.

Our commitment is to confront and eliminate discrimination by reason of gender, sexual orientation, marital status, 'race', nationality, ethnic origin, colour, religion or belief, ability or disability and to encourage equal opportunities.

This policy is fully supported by the club officers who are responsible for the implementation of this policy.

**\*\*INSERT CLUB NAME HERE\*\***, in all its activities, will not discriminate, or in any way treat anyone less favourably, on grounds of gender, sexual orientation, marital status, 'race', nationality, ethnic origin, colour, religion or belief, ability or disability. This means that **\*\*INSERT CLUB NAME HERE\*\*** will ensure that it treats people fairly and with respect and that it will provide access and opportunity for all members of the community to take part in, and enjoy, its activities.

**\*\*INSERT CLUB NAME HERE\*\*** will not tolerate harassment, bullying, abuse or victimisation of an individual, which for the purposes of this policy and the actions and sanctions applicable is regarded as discrimination. This includes sexual or racial harassment or other discriminatory behaviour, whether physical or verbal. **\*\*INSERT CLUB NAME HERE\*\*** will work to ensure that such behaviour is met with appropriate action in whatever context it occurs.

**\*\*INSERT CLUB NAME HERE\*\*** is committed to taking positive action where inequalities exist, and to the development of a programme of ongoing training and awareness-raising events and activities in order to promote the eradication of discrimination and promote equality in football.

**\*\*INSERT CLUB NAME HERE\*\*** is committed to a policy of equal treatment of all members and requires all members to abide by and adhere to the policies and the requirements of the relevant legislation: Equal Status Act, 2000-2004; Employment Equality Act, 1998 and 2004; Prohibition of Incitement to Hatred Act, 1989 as well as any amendments to these acts and any new legislation

**\*\*INSERT CLUB NAME HERE\*\*** commits itself to the immediate investigation of any claims, when it is brought to its attention, of discrimination on the above grounds and where such is found to be the case, a requirement that the practice stop and sanctions imposed as appropriate. (Further information on the FAI Anti Discrimination Rule 71 can be found in the FAI rule book)

## Appendix C

### **Guide to acceptable documentation for age identification**

#### **Introduction**

This document provides members with important information on acceptable forms of age identification documentation; has been produced to enable grassroots football to deal effectively, inline with recognized good practice and standardized approaches to age identification.

Issues of age identification that might may occur with children who are from a migrant, asylum seeking or refugee background should be handled sensitively. The guidance document has been made available having consulted with statutory and non statutory agencies working in the area of integration and migration, including NCCRI, Immigrants Council of Ireland and the HSE?

The cultural landscape of Ireland has changed significantly over the last 10 yrs; we now have a more diverse society than ever. With change comes responsibilities, opportunities and challenges; soccer the most popular sporting language in the world is well placed to allow all people regardless of age, sex, disability or ethnicity the chance to engage on a even playing field to build new friendships and work together in cooperation and tolerance.

Ireland is home to many different nationalities, ethnic and cultural groups as well as Irish nationals with mixed ethnic and or cultural backgrounds. We would pride ourselves on always seeking to be an open and inclusive association of late, we have been faced with requests by some clubs and leagues in relation to the issue of age identification, particularly in relation to some immigrants, including unaccompanied minors, who may or may not be able to prove their exact age by traditionally recognised means. The issue of age identification is key to football where a player's age must be verified.

It **must** be noted that the protection of the child must be paramount at all times and due sensitivity and good practice with regards to child protection must be followed when dealing with the issue of age identification. According to recognised best practice in terms of working with age disputes of unaccompanied minors, the FAI tries to follow recommended best practice in the area, and allow any child or young person the benefit of the doubt in terms of age where such age cannot be proved by traditional means. It must be remembered that all unaccompanied minors or other immigrant children are first and foremost children and should be treated as such.

This guidance document sets out acceptable documentation issued to children who are seeking asylum and children of migrants from EU and Non countries (including 3<sup>rd</sup> Country Nationals).

## **Unaccompanied/Separated Children/Minors**

“Unaccompanied children” (also called unaccompanied minors) are children, as defined in article 1 of the UN’s Convention on the Rights of the Child (UNCRC), who have been separated from both parents and other family members/relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

The Irish refugee council reports that separated children may seek asylum because of fear of persecution, armed conflict or disturbance in their home country. They may be victims of trafficking for sexual and/or other exploitation or they may have traveled to Europe to escape conditions of serious deprivation.

## **Children of Migrants/Non Irish Nationals**

Children of migrants who have moved to Ireland for economic, educational or other reason but are not seeking asylum Citizenship (includes EU and Non EU Citizens and 3<sup>rd</sup> Country Nationals).

### **Acceptable forms of identification:**

- Birth Certificate
- Passport/Green Card (over 16yrs economic migrants)
- Garda National Immigration Bureau Card
- Health Service Executive issued identification (unaccompanied minors in the care of the HSE)
- Sworn affidavit stamped by a solicitor/embassy







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