

Dear Ms Crouch

FA MISGOVERNANCE OF FUTSAL

I am writing to you about the way in which The FA misgoverns the sport of futsal because it illustrates some of the wider problems with the FA's governance model that you have recently been asked to review.

The FA is responsible for several versions of "football", including futsal, which is the FIFA recognised indoor five-a-side version of football. Currently over 17,000 FA-affiliated players of all ages play the sport across England and it is one of the fastest-growing sports worldwide. However, over the past three years the FA has imposed several catastrophic governance decisions on the sport with neither stakeholder consultation nor consent.



FA senior management and Council have delegated the governance and organisation of futsal to a "Futsal Committee" in the belief that this committee will support The FA's stated values and deliver progress for the futsal community. However, it is now clear that the interests of the futsal community have been seriously damaged by the actions of this Committee.

Some examples of the destructive activities presided over by the FA's Futsal Committee since 2018 will illustrate this:

- The launch at St George's Park of a new "National Futsal Series" (NFS) in March 2019 without *any* formal stakeholder consultation about these major proposed changes, leading to a rancorous split in the futsal community which remains to this day. The Futsal Committee Chair, unelected by futsal stakeholders, refused to take any questions from club representatives at that meeting, instead dismissively telling the audience that he was "cleverer than them".
- Refusal by the FA's Futsal Committee to publish any research in support of the major changes imposed on futsal league organisation in 2019 and a subsequent lack of clarity about whether this research even exists in a coherent written form that could be published and independently assessed. It appears that the structural changes imposed on the futsal community were simply invented between September 2018 and March 2019 by a small group of unidentified "experts" led by the Futsal Committee Chair, with no publicly available record of discussions within this group, some of whom are very likely to have had a conflict of interest.
- Support from the FA's Futsal Committee for the creation of the NFS as a wholly FA-controlled and owned entity with no democratic input from FA-affiliated futsal clubs, no elections for its first entirely FA-appointed management committee, almost no club support for its unusual central venue structure, and no sporting integrity in relation to the teams selected for inclusion in the series. This had the extraordinary effect of promoting third division teams to the first division and relegating first division teams to the third, based simply on written club applications and not results on the court.
- FA sanctioning of, and provision of match officials for our league was withheld in 2019 with the support of the Futsal Committee unless we accepted demotion to a previously unknown and hastily invented Tier 3, in order to favour the FA's preferred NFS competition. This was clearly an abuse of a dominant market position and therefore in breach of the Competition Act 1998. We can supply you with legal opinion on this if you wish.
- Support from the FA's Futsal Committee in 2020 for formation of a new limited company for the FA-owned and controlled NFS with neither Member Club consultation nor an opportunity for them to subscribe as members/shareholders/guarantors of this new company. It currently remains unclear who actually owns the NFS competition. Is it the

CONTACT

LNFS England
23 London Street
Faringdon
Oxfordshire
SN7 7AG

WEBSITE:
www.lnfsengland.org

EMAIL:
chair@lnfsengland.org

FA or the National Futsal Series (NFS) Ltd (Company number 12673416) which is itself owned by just its four FA-appointed Directors, two of whom are bankers with no known previous experience of, or interest in, futsal? New NFS competition rules accepted by its Member Clubs at a Special General Meeting in September this year state that NFS Ltd. now owns all intellectual property in the competition, but these rules remain silent on other ownership rights. As a result of The FA's support for this unusual business model, NFS Member Clubs find themselves in the curious position of playing in a league owned by individuals whose identities remain unknown to them.

- Refusal by the FA to publish Futsal Committee agendas or minutes, despite many requests to do so. As a result of this there is no transparency about, or accountability for, the business transacted during these meetings which often has major effects on the futsal stakeholders with whom the committee is obliged to engage according to the Sport England Code of Governance.
- No Futsal Committee communication with clubs, players, or *LNFS England* other than instructions imposed by the Committee Chair (often via third parties) with neither stakeholder consultation nor consent. There is neither a webpage nor social media presence for the Futsal Committee and requests to attend committee meetings or receive minutes have been consistently rejected by its Chair on spurious confidentiality grounds. The Committee Chair has also refused to allow representatives from the independent English Futsal Clubs Association to present the findings of their 2021 survey to the Futsal Committee. In that survey, EFCA Member Clubs who represent approximately 8000 futsal players and most of the clubs playing in both the NFS and *LNFS England* expressed the following views:
 - Over 60% were *dissatisfied* with The FA continuing as futsal's National Governing Body.
 - Over 68% were *dissatisfied* with the FA Futsal Committee's communication, decisions, transparency, and leadership of futsal.
 - Over 41% of all clubs were *dissatisfied* and just under 21% were *satisfied* with the leadership of the current FA Futsal Committee Chair, with over 37% expressing a neutral or "no view", several of whom commented that they had no knowledge of him. Amongst *LNFS England* and NFS clubs (who would have had greater contact with the activities of the Futsal Committee Chair) the figures were 53% *dissatisfied* with his leadership and just 13% *satisfied*.
 - Almost 94% of clubs would support the formation of a new futsal committee elected by futsal stakeholders.
 - 79% would support the formation of an autonomous sub-NGB for futsal, operating with a high degree of autonomy, but reporting to the FA.
- In his additional role as Chair of the FA Futsal Cup Technical Committee, the Futsal Committee Chair placed obstructions in the way of all non-NFS teams wishing to enter the 2019 competition in order to favour NFS teams, and subsequently expelled several teams from the Cup on 21st February 2020 on spurious grounds. This decision was later overturned on appeal on 20th April 2020, with the appeal board stating that the decision to expel teams had been "unreasonable and excessive" (Letter from Mark Ives, Head of FA Judicial Services, 28th April 2020).
- Expulsion of *LNFS England* from the futsal competition pathway on 16th April 2021 by the Futsal Committee Chair and FA Executive without warning or charge, and subsequent leaking of news of this expulsion to "The Futsal Independent" website before *LNFS England* was aware of it (the expulsion letter having been emailed by The FA to the wrong address). A subsequent investigation by the FA's Integrity Unit concluded in a letter dated 29th September that "there is insufficient evidence of a breach of FA Rules for The FA to proceed with any disciplinary action." Our league's planning was therefore disrupted from April this year until the start of the current season

for no good reason, and County FA's have still not been informed of our exoneration by the FA, despite being requested by us to do so.

- Personal intervention by the Futsal Committee Chair to withdraw sanctioning from the Futsal Focus Street Championship shortly before it was due to be held on 17th July 2021, with the attendance of external media organisations who wished to promote the sport, and despite the fact that local London County FAs were entirely satisfied with and had sanctioned the event.
- Personal intervention by the Futsal Committee Chair in a memo purporting to be from the Futsal Committee to the FA's Sanctioning Committee meeting on 8th September 2021 asking them to withhold sanctioning from *LNFS England* on spurious grounds. We understand from Football Supporters' Association representatives on the Sanctioning Committee that this request was rejected before the meeting by Committee members and the item was then withdrawn from the meeting agenda by a senior FA Executive without explanation.
- Support in September 2021 by the Futsal Committee Chair, also purportedly with the support of the Futsal Committee, for a *reduction* in the quality of match official service to our league this season from two officials per match to just one, at the same time as an *increase* in the number of officials appointed to the FA's favoured NFS. Also, an insistence that our Board agrees to a Service Level Agreement in which an officer of the NFS becomes *our* league's referee appointments officer despite a clear conflict of interest. We have subsequently learnt from several referees that there is currently a split in the futsal refereeing community resulting from the Futsal Committee's support for a divisive and discriminatory appointments process that shuts many of them out of the game even though there are already too few qualified futsal match officials to cover all matches because of The FA's incompetence when planning for growth in our sport.
- False statements from the Futsal Committee Chair to futsal club representatives, including:
 - Falsely stating in an email to an Oxford City Futsal Club representative on 10th June 2019 that their team would not be allowed to play NFS matches in Bristol or High Wycombe, leading to Oxford City's cancellation of provisional match dates at the University of Gloucestershire, thus preventing them from applying to join the NFS. This position was later contradicted by the FA Executive in an email dated 26th June (nine days before the application deadline), and successful entrants to the NFS *were* subsequently allowed to play "home events" out of County and at distance in a similar way proposed by Oxford City.
 - Public misrepresentation of a discussion between The FA Executive, Futsal Committee Chair, and Oxford City representatives held in May 2019 in an email of June 15th, with two sets of contemporaneous notes and four witnesses to prove the misrepresentation.
 - A new open-age competition, the Regional Futsal Series, was authorised by the Futsal Committee Chair in 2020 to sit at Tier 3 of the futsal pyramid from the start of last season, without any consultation or attempt to develop a coherent strategy with other competitions previously also placed by the FA in Tier 3, as required by the FA's own regulations. The Futsal Committee Chair subsequently claimed that this was a unanimous decision of the Futsal Committee when a member of that committee told us that he spoke out strongly against the decision and, with others, voted against it. The Regional Futsal League was quite obviously authorised in a deliberate attempt to destabilise our existing league, it never attracted more than 10 teams, failed to complete its scheduled summer tournament matches, and recently collapsed into administration, owing hundreds of pounds to several amateur futsal clubs.
 - False claims by the Chair of the Futsal Committee to NFS clubs during a Zoom call on 22nd January 2021 that an *LNFS England* officer was responsible for the "collapse" of the FA's "futsal pathway group", which minutes of group meetings clearly demonstrate was not the case. In the same meeting he claimed that Baroness Sue Campbell, FA Director of Women's Football, vetoed the creation of an England women's futsal squad because she feared it would divert

talented girls and women from the FA's association football pathway. He also stated that the men's England national futsal squad may have been cut because it reported into the women's programme, which made it a relatively soft target for the FA Executive. In addition, he stated that members of the FA Executive who made budgetary decisions associated with futsal "are not informed, they are disinformed" and "I think that across our community we have been the victim of really poor leadership from within The FA." We are happy to share a full transcript of the comments made during this meeting.

It has become increasingly clear that the FA's Futsal Committee has been acting outside the stated policies and values of The FA in a way that threatens both the public image and integrity of futsal and its governance. The behaviour of the Committee also fails to comply with the Sport England Code of Governance requirements for NGB transparency, accountability, and stakeholder engagement.

We have repeatedly drawn this to the attention of the FA and been either ignored or fobbed off. In the most recent example of this we requested the following from FA management in a letter to its CEO sent on 26th September which contained the evidence above:

- To place on record *LNFS England's* lack of confidence in the Chair of the Futsal Committee and, if they genuinely supported his actions, other members of the FA Futsal Committee. We believe that on many occasions the Committee Chair has acted *ultra vires* or with the support of only a minority of committee members. The cumulative evidence shows a pattern in which he has serially abused his position as Futsal Committee Chair. He should not therefore be allowed to occupy any position of control or governance in relation to our sport. We therefore requested that The FA commission its Integrity Unit to investigate the Futsal Committee Chair with a view to instigating disciplinary proceedings against him if he is shown to have abused his position.
- We urged The FA to consult confidentially with the truly *independent* English Futsal Clubs Association (www.efca.co.uk), formed to represent the interests of all English futsal clubs, and with no league affiliation, in order to seek their views on the Futsal Committee and its Chair and the best way forward for English futsal. Mark Pacitti is the EFCA Chair and can be contacted at mark@mcpacitti.com. Mr Pacitti has extensive high-level business experience, including as a partner at Deloitte, and can provide an informed, authoritative, and independent point of view on the best way to address the challenges currently faced by English futsal.

The FA's Director of Football Development, Grassroots Division, responded to our letter to the FA's CEO on 26th October as follows:

"Thank you for your letter dated 26th September 2021 to Mark Bullingham which he has asked me to respond to. My apologies for the delay. Whilst a number of issues are raised in your letter, I note that you essentially make two separate requests, one in relation to an investigation by The FA's Integrity Team, and the other regarding consultation relating to futsal governance.

To the extent that you believe there has been a breach of FA Rules or Regulations, I suggest that you send any correspondence direct to the Integrity Team (integrity@thefa.com) who will be able to respond as appropriate and request further detail if necessary. This is the appropriate way in which any such concerns should be dealt with.

Regarding your request that The FA confidentially consults with the English Futsal Club Association, The FA's Futsal Committee is the appropriate body to direct your feedback regarding the future of futsal governance in the first instance. This is the body which has been properly established to deal with such matters."

We regard this response as both a complete abdication of managerial responsibility for the governance of our sport and a farcical suggestion that we deal directly with the very body about which we have made the complaint. This type of inane response from The FA is

typical of those we have received over the past few years, when we receive any response at all.

There are clearly systemic flaws in the FA's governance model that inevitably lead to the poor governance and administration of futsal that we outline above.

These systemic flaws are:

1. The FA is the Football Association and not the Futsal Association and futsal forms a very small part of the FA's overall business. FA management has therefore perhaps understandably delegated the governance and organisation of futsal to a small Futsal Committee in the mistaken belief that this committee will support The FA's stated values and deliver progress for the futsal community.
2. The Futsal Committee members are all appointed by the FA and none was elected by futsal stakeholders (which are primarily amateur clubs and players). The committee is very susceptible to capture by one or more energetic individuals with an agenda that is not shared by the wider community, without the existence of any democratic checks or balances from that community.
3. There is no transparency in relation to the business transacted by the FA's Futsal Committee and the current Chair refuses to i) allow independent observers to attend meetings, or ii) release any meeting minutes.
4. The FA is a monopoly, and this has bred an arrogance amongst its staff that they can insist on compliance with their will without any fear of competition or corporate consequences. They seem both surprised and remarkably offended when we politely tell them that we will not do their bidding if it contradicts the law, Sport England's Code of Governance, or their own regulations.

In summary, the FA's governance of futsal is undemocratic, autocratic, and opaque because senior FA managers show little interest in meeting their futsal governance responsibilities and have outsourced this to an unelected and unaccountable subcommittee vulnerable to regulatory capture.

LNFS England supports The Peoples Football Association/FA Equality Now vision of an open, independent, democratic, and unified board for football and futsal, based on one person - one vote membership (as detailed in their blueprint), with the FA reconstituted as a public body and therefore operating under the Freedom of Information Act. We also agree with the proposal by The Peoples Football Association/FA Equality Now and The Fair Game UK group that an FA reform commission should be an immediate first step towards constructive change in football and futsal governance. We hope that this will be included as a recommendation in your final report.

I am happy to provide you with any further information on request and I look forward to reading your report when it is published later this month.

Yours sincerely

A handwritten signature in blue ink that reads "Albano Gusso". The signature is written in a cursive style.

Chair, *LNFS England*