

Terms of Reference relating to the Appointment of Clive Sheldon QC on the Review into Child Sexual Abuse Allegations (“the Review”)

General

1. In November 2016 disclosures began to be made in the media relating to child sexual abuse which is alleged to have been carried out by Barry Bennell and others against a number of professional footballers and former academy scholars at various professional clubs. The precise number of players, alleged abusers and clubs as yet is unknown;
2. The FA has determined that it is necessary to instruct external leading counsel to conduct a review into what if anything The FA and clubs knew about these allegations at the relevant time, what action was taken or should have taken place;

Purpose

3. To consider the extent to which The FA was aware of any of the issues relating to non-recent child sexual abuse which have been brought to light in the press relating to the 1970’s, 1980s and 1990s, and [up until around 2005];
4. To consider what steps The FA took to address safeguarding/child protection issues in the sport up until 2005, and to consider any failings by The FA at the time, in particular whether it failed to act appropriately to anything raised with it relating to child sexual abuse, in relation to any football club (at any level of the game including grass roots clubs) or alleged abuser that may come to light.
5. To consider the steps those clubs (that is any club at any level of the game including grass roots clubs) which are identified as linked to alleged sexual abusers took at the time of any incidents, and are taking to investigate what that club did or did not know and/or did or did not do in relation to child sexual abuse which have been brought to light in the press relating to the 1970s, 1980s and 1990s, and up until around 2005; in the event the Review finds such steps to be lacking the Review will look to extend its scope.
6. To consider what lessons can be learned by The FA and/or the clubs arising out of the investigations that are taking place/have taken place.
7. To make recommendations as appropriate;

Agreed Principles

8. The Review will have access to all the materials it seeks and which are within The FA’s possession; where any material is not in The FA’s possession, it will take all reasonable steps to obtain such material;
9. The overriding objectives of the review are to ensure that any possible failings by The FA and clubs at the relevant time are brought to light and to ensure that lessons are learned such that any identified failings are not repeated;

10. To liaise with any other relevant ongoing inquiries and investigations with a view to ensuring that relevant information is shared but at the same time respecting the wishes and orders of criminal authorities in relation to their respective inquiries and investigations;

11. The Review will not cover any areas where The FA does not have jurisdiction but in the event information comes to light affecting or relating to other regulatory bodies (e.g. other sports or professions), such information will be passed on either to the Police or where appropriate to those bodies provided data protection and confidentiality principles allow; and for the avoidance of doubt any allegation of child abuse received by the Review will be referred to the Police;

12. It is not part of the Review's function to determine civil, regulatory or criminal liability of named individuals or organisations; however if any potential regulatory breaches of any football rules and regulations come to light these will be referred to The FA who will take whatever action it thinks fit.

13. These terms of reference may be amended by mutual agreement between Clive Sheldon QC and The FA in the event they need to be widened at any time.

14. The review will be conducted in such a way as to be as transparent as is possible within the scope of these terms of reference whilst having regard to all the relevant duties of confidentiality, security and data protection protocol;

15. Where possible, The FA wishes any reports to be transparent and to be published. The Review will therefore consider what should be published and at what stage and will liaise with The FA and other appropriate authorities, bodies and enforcement agencies in relation to what can be published once the Review is complete.

16. All Participants requested to assist the Review may be compelled to do so by The FA in accordance with The FA's Rules and Regulations;

Responsibility for the Review

17. The Review will be led by Clive Sheldon QC, a barrister in private practice at Chambers. A secretariat, to be agreed with The FA, will be appointed to assist Clive Sheldon QC which will be an external firm or company and the secretariat will liaise with members of The FA Executive as necessary. The FA will consider appointing other external assistance for the Review as required including any wing men/women to provide expert assistance to the Review to form a panel chaired by Clive Sheldon QC ("The Review Panel) Clive Sheldon QC (and any members of the Review Panel) will act with independence in the interests of justice. The Review's conclusions and recommendations will be theirs alone.

Timetable

18. The Review will commence immediately. The findings of the Review will be reported to The FA Board. It is accepted that no final date can be agreed at this

stage given the passage of time and the time it will take to recall files for review and to locate all those relevant people to interview who no longer work for The FA.