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THE SOCIETY OF BLACK LAWYERS, NIRVANA FC, AND THE ASSOCIATION OF BLACK COACHES TODAY PUBLISH THEIR JOINT REPORT ON THE FUNDAMENTAL FAILINGS AND MISSED OPPORTUNITY PRESENTED BY THE FOOTBALL ASSOCIATION IN THEIR SO CALLED “92 POINT PLAN”

On the 26th of November 2012, the Society of Black Lawyers (SBL) sent a letter of complaint to the FA in regards to a number of high profile racial incidents and the on-going issue of racism and anti-Semitism that continues to plague English football. In its letter, the SBL highlighted key failures of the FA and various football institutions in relation to their effectiveness to safeguard the game against hate crime, and urged them to produce and implement a clear and consistent charter of anti-discrimination measures. To date no substantive reply has been received.

In December 2012, some ten months after the Downing Street summit on racism in football, the FA produced a “92 point plan” highlighting what the Football Association, the County Football Association, the Premier League, the Football League, the Professional Footballers Association (PFA), the League Managers Association, the Professional Game Match Officials Ltd and the Referees Association will do to manage the issue of racism, anti-Semitism, and promote diversity in football. The report, whilst high on rhetoric, falls far short of the action that is required for the game. Given the failure to consult with BAME players, staff, managers, coaches or any BAME or Jewish groups, it is hardly surprising that the FA’s plan is fundamentally flawed on multiple levels.

The SBL is extremely disappointed to report that after studying the document, it has proved to be nothing more than a repetitive set of “cut and paste” promises and already attempted and failed initiatives. The FA has failed to outline any radical changes, provide reassurance on their accountability, strengthen enforcement measures, or demonstrate real leadership on race and diversity. In short, the plan is an embarrassment to football given the scale of the problem that exists within the national game.

The analysis of the FA plan, led by Ms Hannah Dingley, Lecturer in Sports Coaching at the University of Wolverhampton and Nirvana football coach, Colin King, Chair of the

Association of Black and Asian Coaches Association, and supplemented by Peter Herbert O.B.E. Chairman of the SBL, has benefited from comments from a number of football experts and identified the following deficiencies in the FA document:

1. The FA has failed to demonstrate within this series of documents a clear commitment to conduct a fundamental reform of its approach to hate crime and racial discrimination within the game in the UK omitting any reference to the Macpherson definition of racial hatred and pushing the primary responsibility for hate crime and anti-Semitism onto the police and CPS;
2. It presents as a “92 point plan” but it is effectively only “28 points” that are then repeated on an ad hoc basis, with some key omissions by the Premier League, Professional Footballers Association, League Managers Association and Referees Association. The latter only adopts three action points from the original 28 proposed by the FA in its list for instance;
3. The absence of any clear timelines for achievement is a significant feature of the paper which all too often only commits to “review” matters or “consider” action. There are no clear aims and objectives featured anywhere within the document;
4. There was no mention of any real consultation with the Black and minority players, managers, coaches, referees or even organisations that deal with equality in the game so it is hardly surprising it remains devoid of any real meaningful proposals;
5. The targets that are set only represent a small proportion of what is required. The lawful use of “Positive Action” under the Equality Act 2010 is wholly ignored. The Equality Act of 2012 is cited repeatedly which does not even exist (It should have been the Equality Act 2010);
6. The FA fails to provide any clear direction to the governing bodies within the sport. If judged objectively, the FA and other signatory organisations do not appear to have committed any time, resources or real thought into what they have produced. This looks like a simple PR exercise designed to give the impression the FA were serious in tackling racism;
7. The document shows little unity amongst the different participating groups. For example, the Premier League has agreed to “Working with black players and their representatives to identify their educational and career progression needs. However either the PFA or the Football League has agreed to this, and only signed up to “supporting and implementing programmes such as COACH to capacity build coaches from within Black, Asian, and Minority Ethnic communities”;
8. There is a failure in the whole document to promote academic qualifications, excellence and life skills within football academies and within football clubs generally. The failure to promote education is a major disadvantage for all players, and especially for BAME players given the racism they face in the football employment market;
9. The general theme relies heavily on Kick It Out and the PFA to develop programmes, continue programmes and enhance programmes. Very few recommendations in the

92 point plan appear to be mandatory, with many voluntary. There are low targets set even where there is some focus, and there is no mention of sanctions where set targets have not been met;

10. The PFA has said publicly that it would press for a version of the “Rooney Rule”, however within the document there is no mention of mandatory interviews for BAME minority coaches at professional clubs or in any other sphere of employment. One of the few firm targets is that at least 10% of level 1 and 2 trainee coaches should come from BAME communities. SBL considers this to be an extremely low number given the time and effort already supposedly committed in recent years;
11. Moreover, the Premier League has not even agreed to this the SBL considers this point to fall far short of the “Rooney Rule” and fails to commit the FA to “positive action”. The phrase “positive action” does not even appear anywhere in the FA plan despite being a lawful response to combat racial discrimination that has been around since the 1976 Race Relations Act. And still permitted under the EQA 2010;
12. The FA document deliberately omits figures for BAME coaches at the higher levels 4 and 5, and fails to set any target for this. Further, no evidence was produced by the FA of participants at the higher qualifications;
13. The proposal to address issues of British cultural induction for players coming from abroad is patronising and potentially misconceived. Even partially displacing the issue of racism on foreign players does the game a disservice, and fails to address fundamental issues in regards to race with domestic supporters and players – as so spectacularly highlighted by individuals like John Terry. The training required on race and diversity for all professional players, managers, coaches and referees is notably absent from the entire document;
14. The necessary sanctions promoted by the SBL, namely at least a six month ban and significant fines for clubs whose staff or players engage in racial or anti-Semitic abuse are not given any specific commitment by the FA or Premier League.
15. The FA proposes only outdated platitudes for increasing the number of Asians at all levels of the game without acknowledging what has already been tried and failed;
16. The SBL is also concerned about the FA’s broad stroke approach to anti-discrimination. While many forms of discrimination overlap and are interconnected, they also have distinct elements and issues that this tick-every-diversity-box approach fails to acknowledge. Multiple forms of discrimination are inattentively given a single bullet point, which leaves SBL to question the FA’s commitment to any one of these discrete issues;
17. The FA report is silent on the need for the Premier League to adopt a mandatory code that racial abuse and other forms of unlawful discriminatory, which must be treated automatically as gross misconduct by each club. This would avoid the shambolic and disgraceful conduct of Chelsea FC and Liverpool FC failure to support possible victims of race hate, whilst openly supporting the alleged perpetrators of racial abuse, as well as the failure of the FA to intervene and discipline those clubs;

SBL notes that all the “point plans” in the world will not work unless the leadership within English football actually commits to implement change in practice. To date the words are only empty rhetoric. The Society of Black Lawyers will continue to work together with our partners, Nirvana FC (Leicester), *The Voice* newspaper, and The Association of Black Coaches, to advocate for effective change to combat race hate crime, anti-Semitism, and all forms of unlawful discrimination.

The “Race for Football” network will work to establish a support network for black players, coaches, referees, managers and staff throughout Europe where hate crime and discrimination can be exposed, the perpetrators challenged and the victims supported wherever possible. We recognise the significant contribution made by the Community Security Trust and Maccabe (GB) on anti-Semitism, and regret that these organisations were not even consulted by the FA in preparing their plan.

D. Peter Herbert O.B.E. Chair of the Society of Black Lawyers, commented,

“We hope that this document will provide a wake up call for those in football to take the concerns of our communities seriously. It is time that the FA and other football authorities listened to the needs of the Black and minority who make such an important contribution to football in the UK and around the world. The actions of Kevin-Prince Boateng demonstrated what conscious black football players can achieve if they are prepared to exert the power that lies in their hands. We are simply here to lend our support.”

Kirk Master, the Chair of Leicester Nirvana FC commented that:

“In 2005 a report, supported by Kick it Out where Leicester Nirvana made numerous contributions to '*Asians can Play Football*' <http://www.kickitout.org/227.php> was launched at the old Arsenal FC ground, Highbury the second such report. In this report there were numerous recommendations which over the last 7 year period have not been delivered on. The FA has failed across the board on numerous delivery initiatives in recent years and has simply dusted off old initiatives and recycled them once again.”

Colin King, Chair of the Association of Black and Asian Coaches Association commented:

After many years of working with the F.A. and the other Football Agencies I welcome a critical open debate to develop a more elaborate, strategic, bottom upwards approach that is truly inclusive of all parties. This a critical moment in the institutional history of football to change the cultural and institutional landscapes to really empower B.M.E. coaches with realistic targets within a National Race Equality Plan to address under-representation in coaching, management and administration. It is important that Football Agencies use the skill sets within the Black and Asian

communities to develop new democratic processes and equality competences that safeguard and protect BME communities and enhance the impact of Equality Policies for both individuals and institutions and enable prevailing forms of whiteness to recognise their role to change and be more inclusive.

Hannah Dingley, Nirvana FC coach and Lecturer in Sports Coaching commented:

BAME footballers are not engaged fully with the existing FA initiatives as many are run by coaches they can't relate to in areas they find difficult to access. Considering the high participation rate of BAME football players within Leicester, it is a sad fact that all of the FA Skills coaches are white. The FA, PFA, and Premier League institutions all show a dramatic under representation of Asian and African-Caribbean staff, especially at a senior level which must change.

Note to Editors: The SBL is the oldest and radical group of Black Lawyers having been founded in 1973 by Sigbat Kadri Q.C, and the late Rudy Narayan. The term "Black" is used politically to mean all people of colour. The website is at www.blacklawyer.org

For further comments:-

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