

9 March 2017

Dear Ms Aluko,

INTRODUCTION

On 15 December 2016, I was instructed by the Football Association ('the FA') to conduct an independent external investigation into the allegations you had made in your 8-page document entitled 'Written by Eniola Aluko 26 May 2016' as well as the further matters contained in a letter dated 25 November 2016 from Nick Cusack ('NC'), Assistant Chief Executive of the Professional Footballers' Association ('the PFA') acting on your behalf.

Although I was instructed by the FA, I considered myself to be fully independent and my role was strictly limited to independently investigating the allegations you had raised and reaching conclusions based on the evidence before me. I was not and have not been providing any legal advice to the FA. I interviewed 10 individuals, 3 of whom described themselves as being of BAME ethnicity. I also read a considerable amount of documentation (including the attachments to your 26 May 2016 document) as well as viewing the China Cup 2015 video of the midfield unit meeting, prior to reaching my conclusions.

I had very much hoped to meet with you as part of my investigation, so that I could go through the allegations with you in detail and hear directly from you in respect of the matters of concern you had raised. However, I was informed that you had declined to participate in the investigation. As a result, I based my understanding of your complaints on the contents of the documents you had written (or had been written on your behalf by the PFA) as well as the record of the meetings you had attended with Rachel Brace and Dan Ashworth in August and October 2016.

On 2 March 2016, I sent my 57-page report to Farrer & Co, the lawyers acting on behalf of the FA. In my report, I had made the point that you had not received a full response to the concerns raised in your 26 May 2016 document. On 3 March 2016, I was instructed by the FA to provide you with such a response in the form of a letter containing a summary of my conclusions in relation to the allegations contained within the 26 May 2016 document. The purpose of this letter is to provide you with that response.

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



THE ALLEGATIONS

Having carefully considered the 26 May 2016 document, I concluded it was necessary to determine whether you had been undermined, belittled and at times bullied by Mark Sampson and/or whether Mark Sampson had a negative personal bias against you that may have been based on your race, as demonstrated by the following alleged incidents¹:

1. The Replay Analysis incident in February 2014, where it is alleged that after inflammatory and inappropriate comments were made about you during an England match, Mark Sampson publicly downplayed and misrepresented the nature of a meeting between you and him to discuss the issue;
2. The alleged behaviour by Mark Sampson in a team meeting during the Belarus World Cup qualifier in June 2014 in response to you staying up late to watch Argentina play in a World Cup Match;
3. An alleged statement made by Mark Sampson about you in front of teammates and staff after the Montenegro World Cup qualifier in September 2014 where it is alleged Mark Sampson said *'we all know Eni is a pain in the arse but she did well to score a hatrick after I gave her the target of scoring 5 goals today'*;
4. An alleged comment made by Mark Sampson to you at the Cyprus Cup 2015 of *'oh you would remember you scored wouldn't you'* when you reminded him that you had been a scorer in the game against Finland the previous year;
5. An alleged comment by Mark Sampson to a mixed race player during the China Cup 2015 in relation to being cautioned by the police *'haven't you been arrested before then, 4 times isn't it'*
6. Alleged inconsistent treatment of you in relation to your 100th cap at the She Believes Cup 2016;
7. Alleged manipulation of the game review of the Euro qualifier against Belgium in March 2016;
8. Alleged unsubstantiated allegations made at the Chelsea training ground on 21 May 2016 by Mark Sampson about your behaviour in the England team environment and the decision to drop you from the squad.

¹ I have summarised these allegations for the purposes of this list, but the full details of the allegations are set out in the conclusions paragraphs below

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



The standard of proof I have applied with regards to each of the allegations is the civil standard namely the balance of probabilities. The approach I have taken is to make findings of fact in relation to each incident before concluding whether I consider the broader allegation has been made out, namely whether or not you were subjected to bullying or conduct which had the effect of making you feel undermined and belittled and/or whether you had been discriminated against on grounds of her race.

SUMMARY OF MY CONCLUSIONS IN RESPECT OF THE ALLEGATIONS

Allegation 1: The Replay Analysis incident following the Cyprus Cup 2014

The background to this allegation was that this was the second camp since Mark Sampson had become the Manager. Mark Sampson had encouraged his staff to consider whether any steps could be taken or changes made to improve performance in their particular area. The analysis team suggested 'mic'ing up the bench, the intention being to check that what the staff were saying on the bench was the right thing and being understood by the players.

This was done during a match against Finland in the Cyprus Cup 2014. You were in the starting 11. Both Lee Kendall and Naomi Datson had microphones on during the game. The intention was that the video would be available to the players but without the sound, and a link was sent to a site which enabled them to watch the match. However, on this occasion the analyst responsible made a mistake and put the sound on the video. This meant that all those who used the video replay link were able to hear what was said by the bench during the game.

Whilst reviewing your performance on replay analysis, you heard on the microphone audio during a moment in the game when you were in play *'Her fitness results are good (Naomi) yeah but she's lazy as fuck (Lee Kendall)*. Prior to this *'LK had been heard saying 'Fuck off Eni'* after you lost possession of the ball. As this video was accessible by all players in the team, any player could have heard these comments made about you. However, I was told that the system had been checked and that fortuitously only you had in fact watched the game back and heard the comments.

Your concern about the incident was communicated to Mark Sampson by Emma Hayes, the Chelsea Head Coach. She advised Mark Sampson to speak with you face to face and talk. This was the purpose of the meeting at Wembley. Mark Sampson also spoke to Lee and told him it was not acceptable to use such language and I understand Lee subsequently apologised to you.

Your complaints in respect of this incident as they related to Mark Sampson appeared to be threefold. Firstly you have concerns as to Mark Sampson's culture of 'sharing information' which you considered

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



may have influenced staff to make such negative comments about you; secondly the reference to you being lazy; and thirdly the tweet sent by Mark Sampson after your Wembley meeting which you say 'publicly downplayed and misrepresented the true nature of the meeting between [them]'.

With regard to the culture of sharing information, I found that such a culture does exist in relation to sharing information with the technical staff. Having spoken to a number of individuals about this, I concluded that Mark Sampson's approach of sharing player information with his technical team is a wholly appropriate way to conduct matters. All of those involved in making decisions as to a player's fitness etc need to be able to share such information freely in order to ensure that the right decision is made for the team. I do not consider there is any evidence to support the suggestion that such an approach influences or encourages staff to make negative comments about you or indeed any other player.

Turning to the reference to you being 'lazy', I conclude that Lee should not have referred to you as 'lazy as fuck', and it was inappropriate of him to do so. However, Mark Sampson dealt with this at the time and conveyed clearly to Lee that it was inappropriate. At the Wembley meeting, you asked Mark Sampson whether there was a perception that you were lazy. Mark Sampson responded by saying that to be honest you could work a bit harder. I make no findings at all as to whether or not this was a legitimate conclusion for him to reach; however I do consider this to have been his genuinely held belief based on his observations of you at that time. Furthermore, I do not consider that his view was limited to you; rather he considered a number of players (of varying ethnicities) to be lazy. I do not consider you have been singled out at all in this regard whether on grounds of your race or otherwise.

With regards to the 'tweet', you and Mark Sampson had met at Wembley to discuss the incident. I accept your assertion that the meeting lasted approximately 1 hour and 15 minutes. Subsequently Mark Sampson tweeted that you and he had had a catch up at Wembley. I have seen the tweet posted at 7:21 on 27 March 2014 which states *'real good day today ☺ great Catch up with @EniAlu New @FA suit fitted and ready to wear plus a fun interview with @FIFACom.'*

I considered your concerns about this tweet to be two-fold. Firstly you stated that you would rather the meeting have been kept private and confidential. Secondly, you stated that the meeting was not a catch up and had been called specifically to address the statements made as well as move forward to review what you could do to improve as a forward. You allege that the tweet was calculated and intended to publically downplay or misrepresent the serious nature of your meeting.

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



At the time of this incident, you sent an email to Adrian Bevington on 28 March 2014 in which said with regard to MS's tweet '*...I would rather our meeting had been kept private and confidential. Although he meant it favourably towards me, the team dynamics in the women's game could swing against me if I am perceived as a 'big timer' by my peers and other professionals.*'

Mark Sampson's evidence, which I accepted, was that his office has a door where people can see in. You were at that time the only player he had ever met in his Wembley office. Unfortunately there were a lot of other staff who were aware that you had come in, although no one else was aware of the ongoing situation. Mark Sampson considered the meeting to be serious and did not want to downplay it. However, he also did not want other staff to know this or to read something else into it. The idea behind the tweet was to protect you and the team and he would not have sent it if he had known you would feel that way about it.

I considered Mark Sampson's motive for the tweet to have been a positive one in order to protect you and the team. Whilst it is right to say that it did not convey the seriousness of the meeting, the reason for that was in order to support and assist you and I do not consider this was done with mal intent.

Allegation 2: Mark Sampson's behaviour in a team meeting during the Belarus World Cup qualifier in June 2014 in response to you staying up late to watch Argentina play in a World Cup Match;

On 15 June 2014, you stayed up late to watch Argentina play in a World Cup match and tweeted about the match at 9:19pm on 15 June 2014 saying '*It's late here in Belarus but my eyes are staying open to watch the genius Messi in action!!! Worth It*'

You alleged in your document that the next morning Mark Sampson '*angrily asked the team in a team meeting 'who stayed up late last night*'. You raised your hand knowing that you had tweeted late during the match and recall being the only player to have raised her hand. You state that when you raised your hand Mark Sampson gave you a cutting look and proceeded to present an image on the projector of the advisable sleeping hours for professional athletes and commented on players not being professional. You stated that it was clear at that point that he was directing his comments to you in front of the team with likely knowledge of your tweet and after you had raised your hand. You left the meeting feeling undermined and humiliated in front of your team mates and believed that Mark Sampson could have spoken to you privately about sleeping late and avoided such embarrassment.

Having considered all the evidence in relation to this allegation, my conclusions are as follows:

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



The team had played in Belarus on the Tuesday and had a big game against Ukraine only a few days later. Rest and recovery was, therefore, pivotal. Mark Sampson had been aware there was a late game on where Argentina were playing. Although Mark Sampson would have seen your tweet, he was also sure that you had not been the only one who had stayed up to watch the game, albeit you were the only one to tweet about it. Mark Sampson was aware of this from conversations with staff in the morning and also from checking the 'samples information sheet' that the players fill in in the morning. His impression was that a lot of the players had stayed up late that night.

Mark Sampson was annoyed about this as he felt that if the players have not prepared properly they were at risk of injury if they do a big session. Mark Sampson expects the best from his players and had introduced the support team doctor, and strength and conditioning staff to check levels of tiredness and emotion. I conclude that it is likely that Mark Sampson did ask who had stayed up late last night in response to which you put your hand up. Mark Sampson did then give a cutting look, although this would have been aimed at the whole group who he considered had also been up late. Mark Sampson did then present an image of the advisable sleeping hours for professional athletes.

The reason for Mark Sampson's approach was because he considered that a number of players had stayed up late. This is why he raised the matter during the team meeting. Had Mark Sampson thought it was only you he would have taken you to one side and also spoken to one or two senior players to know it had been dealt with.

You were the only player to publicly 'own up' to staying up late at the team meeting, and I concluded you may not have known that Mark Sampson knew other players had stayed up late and that he was, in fact, addressing all those who had transgressed and not just you. As a result I can see why you may have reached the conclusion that you were being singled out in front of your teammates. However, having considered all of the evidence, I do not conclude that was, in fact, the case.

Allegation 3: An alleged statement made by Mark Sampson about you in front of teammates and staff after the Montenegro World Cup qualifier in September 2014 where it is alleged Mark Sampson said 'we all know Eni is a pain in the arse but she did well to score a hatrick after I gave her the target of scoring 5 goals today'

The context of this allegation is that prior to the Montenegro World Cup qualifier in September 2014, the team had won 9 out of 9 games. You had been playing well at this point and Mark Sampson was

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



aware that if you scored 5 goals in that game you would have been the top scorer in the whole section. As a result Mark Sampson spoke to you prior to the game to explain this to you, congratulate you on getting to that point but also to push you to go one step further by setting you a 5 goal target.

You went on to score three goals in the game, which was your first hat trick for England. You alleged that after the match during a team debrief of the game, Mark Sampson stated in front of the entire team of players and staff *'we all know Eni is a pain in the arse but she did well to score a hatrick after I gave her the target of scoring 5 goals today.'*

You stated that the reference to 'pain in the arse' was not in the context of referring to your playing style but rather was a reference to your behaviour off the pitch. You further stated that the reference to 'we all know' made you feel insecure about the perception of you amongst the team and staff because you believed it indicated a collective negative perception of you without actually understanding why or what you had done to attract such a negative opinion of your character.

Having considered all the evidence, I concluded that it is likely that this comment was made, and that the reference to you being a 'pain in the arse' was not in the context of referring to your playing style but rather was a reference to your behaviour off the pitch.

Mark Sampson wanted to recognise you publicly for scoring the hat trick, even though in a team talk he rarely talks about individual players. However, he also wanted to 'balance the praise' in order to keep your feet on the ground. I asked a number of players, past and present and of varying ethnicities, whether they had heard Mark Sampson publicly call players a 'pain in the arse' and they all confirmed that they had. One white player confirmed he had said that about her. I do not consider any inference of discrimination can be drawn from this comment. The unanimous view of those I interviewed was, however, that when Mark Sampson makes this comment, it is not said with any malicious intent and I conclude there was no such intent behind the comment.

I am conscious that 'industrial language' is common in football albeit it appears to be accepted that there is some difference between the men's and women's game in this regard. With that in mind, I do not consider the actual language used to have crossed the line. However I do conclude that the use of the phrase 'we all know' could have conveyed to you that there was a collective negative view held about you that you were a 'pain in the arse.'

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



Allegation 4: A comment made by Mark Sampson to you at the Cyprus Cup 2015 of 'oh you would remember you scored wouldn't you' when you reminded him that you had been a scorer in the game against Finland the previous year

You alleged that during a team meeting during the Cyprus Cup in 2015, Mark Sampson referred to a game against Finland the previous year where the final result was 3-0 and he individually identified 2 of the scorers in that game (Anita Asante and Gemma Bonner) but did not mention that you had also scored in the match. At which point you state that he then asked the team 'who was the other scorer' and that after an awkward silence, you then said that you were the other scorer. Mark Sampson is then alleged to have stated 'cynically' 'oh you would remember you scored wouldn't you'. You allege that Mark Sampson presented your memory of scoring a goal a year earlier sarcastically to the team as an arrogant and self-centred trait, and that it was an attempt to present an unfavourable negative and arrogant perception of you in front of the team despite the actual example of scoring being a positive one.

Having considered all of the evidence my conclusions are as follows:

I do not consider that Mark Sampson deliberately omitted your name. I consider he genuinely could not remember that you were the other scorer. It was confirmed to me at interview that it was quite common for Mark Sampson to forget who the particular scorers were in a game and I was also given an examples of Mark Sampson being forgetful generally including leaving a goalkeeper off the team sheet.

I noted that he did remember that Anita Asante, who is of Black British ethnicity, had scored and I do not consider there is any evidence to suggest that your race was a factor in the omission of your name.

I do not consider that Mark Sampson was seeking to present an unfavourable and arrogant representation of you in front of the team. Part of his role is to build the confidence of the players and you were playing regularly at this point. Mark Sampson does not consider you to be arrogant per se, although he does consider you to have arrogance in footballing terms, which he considers is necessary to be a good centre forward.

Mark Sampson is of the view that all good strikers remember they score goals, and I consider the comment to have been no more than a light hearted reference to this, rather than a negative attack on you said with malicious intent.

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



Allegation 5: A comment by Mark Sampson to a mixed race player during the China Cup 2015 in relation to being cautioned by the police where it is alleged Mark Sampson said 'haven't you been arrested before then, 4 times isn't it?'

You allege that Mark Sampson made a racist statement to a mixed race player during the China Cup 2015. The details of the allegation are that during a midfielders unit of players meeting, at which you were not present, Mark Sampson used an analogy about pressing hard in midfield and getting a caution like a police caution. Mark Sampson is then said to have addressed the player individually and said in relation to being cautioned by the police 'haven't you been arrested before then, 4 times isn't it?' The player is of mixed race and was born and raised in South London.

You allege that the comment about the player was made with derogatory racial and prejudicial connotations, in that Mark Sampson's comment indicates an assumption (conscious or subconscious) that being mixed race from South East London suggests a criminal record with the police and something worth breaching confidentiality carelessly for.

I have been provided with the video of the meeting and have watched it multiple times. Having done so, I am sure that at no point on that video is the alleged comment made, nor anything similar. The player in question is in the video as are three other white players and Mark Sampson. The sound is clear and there are no references to police cautions or anyone being arrested, let alone a suggestion directly to the player in question that she has been arrested. I have asked whether there are any other videos and have been told that there are not and that this is the video of the only meeting they had.

Mark Sampson has no recollection of making the comment and says he cannot imagine suggesting to a player that they have been arrested. Mark Sampson confirmed that he will use analogies to bring a boring concept to life, but he could not think of any scenario where suggesting someone had been arrested would bring that concept to life. Mark Sampson disputed that he stereotypes mixed race people from South London as having involvement with the police.

You were not present at the meeting and so cannot provide any direct evidence as to what was or was not said. I understand your account to be that this is what you were told by the player in question who is your Chelsea teammate.

On the basis of the evidence I have seen and heard, I do not uphold this complaint. The video does not support the allegation that the comment was made, and I have not seen or heard any other first

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



hand evidence from which I could conclude that it was. Mark Sampson disputes making the comment and you were not in the room. I do not dispute your account that the player in question was upset about something she thought had been said and conveyed this to you. However, having watched the video and heard the evidence, in the circumstances I do not consider there to be sufficient evidence to uphold this complaint. It follows that I do not consider that the allegation provides evidence to support your assertion that Mark Sampson holds a negative personal bias against you based on negative racial stereotypes.

Allegation 6: Alleged Inconsistent treatment of you in relation to your 100 caps at the She Believes Cup 2016

In your 26 May 2016 document, you complain about the manner in which your 100th cap was handled by Mark Sampson at the She Believes Cup in 2016. You allege that Mark Sampson's behaviour and lack of discretion towards you was individually targeted and indicative of a personal bias against you to undermine another event that highlighted your progress and achievement as an England player.

Before addressing this allegation directly, I consider it important to put the allegation into the correct context, which is that at this time, you were not in the starting 11. This had been the position since after the first two World Cup matches at which point Mark Sampson had decided not to start you. The team had played only circa 4 games since the World Cup and prior to the She Believes tournament you had asked to have a meeting with Mark Sampson. He agreed and you had a meeting in a coffee house in Fulham. Mark Sampson explained to you during the meeting, the areas that he considered you needed to improve to get back in to the team. At this point you were on 98 caps and Mark Sampson mentioned during this meeting that he could not guarantee that you would get your 100th cap during the tournament as he said he will just pick the best team.

Your account, as set out in your 26 May 2016 document, is that at the She Believes Tournament, Mark Sampson asked you the night before the Germany game what you wanted to do regarding your 100th cap match, and that this discussion had to be prompted by Casey Stoney. You take the view that given you had been on 98 caps for 4 months, you believed the conversation around your 100th cap game could have come much earlier than 9pm the night before the match. You allege that Mark Sampson's approach was shrouded with reluctance and lacked appropriate sensitivity and respect.

I have read the notes of the meeting attended by you, Mark Sampson and Adam Streeter and accept them to be an accurate record of what took place. You asked Mark Sampson whether it would be likely that you would make your 100th cap during the tournament so that you could potentially tell

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



your family to fly to the USA. Mark Sampson explained that if you were, in his opinion, the best player to win the game given the particular game plan and opposition, then you would start. Mark Sampson voiced that he had made a commitment to the team and that his objective is to pick teams to win. Mark Sampson apologised for the way it had made you feel but not for the selection decision process. You felt this rule was inconsistent and disrespected you on such a big occasion. Mark Sampson explained that he respected you and would not purposefully disrespect any player or staff member intentionally. Mark Sampson then apologised again for any action that had such an impact. Mark Sampson voiced your achievement of 100 caps but he emphasized his commitment to the team was to pick the best 11 players to win.

Clearly, achieving 100 caps is a major milestone in any player's career. However, I consider Mark Sampson was entitled to conclude that his role was to win matches and that in order to do so he needed to pick the best 11 players to achieve that aim. This is elite sport and sentiment does not 'trump' that aim. At this point you were not in the starting 11 and therefore you would only come off the bench and play if the circumstances dictated that this was in the best interests of the team. Mark Sampson was not able to guarantee that you would be playing in any particular game. I do not consider that this was individually targeted behaviour against you and I consider Mark Sampson would have adopted the same approach if it had been another player in a competitive match who he did not consider was good enough to start the game.

You referred to a number of comparators, however I do not consider their circumstances to be truly comparable. You cited Karen Carney and Jill Scott and their treatment in respect of their 100 caps and Fara Williams in respect of her 150 as comparators. Karen Carney got her 100 caps against Germany in November 2014, and Jill Scott against Australia in October 2015. You state that they both knew in good time when they would make their 100 caps which meant it was possible for their families to be present. However, these were players who were in the starting 11, and therefore they knew when they would be playing. You were in a different situation as you were no longer in the starting 11 and the decision as to whether or not you would play would be taken on a game by game basis.

You also compared yourself to the treatment of Jodie Taylor and in doing so attached an excerpt from a newspaper article which had the following quote from Jodie Taylor:

I was never fit at the World Cup..But I was so focussed on getting there. I was cleared to play only 10 minutes in the last group stage match, then 30 minutes against Norway. Then it was 'fuck it let's go for it'. I shouldn't have played. It meant missing most of the rest of the club season, but I've no regrets.

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



I do not consider the circumstances to be truly comparable as if it were not for injury Mark Sampson would have picked Jodie Taylor to start; so long as she received medical clearance to play, she was going to play.

During the course of my investigation it became apparent that there was no process, procedure or set of guidelines as to how milestone events such as 50, 100 and 150 caps are to be dealt with. I have recommended to the FA that thought is given to producing a framework and/or guidance document so that everybody is aware as to what should happen. This should have the effect of ensuring consistency of approach and setting expectations.

Allegation 7: Alleged manipulation of the game review of the Euro qualifier against Belgium in March 2016.

You allege that in the forward review meeting of the France match in the She Believes Cup in March 2016, only highlights of the first half of the game were shown to the players. You state that Mark Sampson had previously presented high team performance statistics of the second half against France during which you came on as a substitute for your 100th cap. It is your view that given the strength of the team performance in the second half, the omission of any game clips from the second half seemed incomplete and deliberate. Whilst you understand that it is the manager's prerogative to select whichever match clips he deems appropriate, you question whether the omission of any clips from the second half was manipulated and was due to your contribution to the strong second half performance and an attempt to avoid praising any contribution you had made to the positive result whilst achieving her 100 cap.

Having spoken to a number of individuals about the process, it appears that the group of staff sit down and collectively identify the relevant clips. Of the 90 minutes they will select less than 5 minutes of footage to highlight key lessons. The meeting will last approximately 45 minutes and they will give the players 20 minutes to have their own review. Generally the clips are to show points that the players need to make better. At the start of the meeting they present the positives by way of statistics, but then the clips are shown, the aim of which is to show the players the message that needs to be conveyed.

It is, therefore, the whole team who select the clips and not just Mark Sampson. In the match in question, you played for about 30 minutes of the second half and the score was 0-0. If, for example, the team had won 3-0 and you had scored all three goals and there was no mention of you, then this would have potentially been a cause for concern. However, given the circumstances I do not consider

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk

the failure of the team to highlight you in a 3-5 minute clip in circumstances where it was goalless and you played for only 30 minutes, gives rise to concern.

Having considered the evidence and Mark Sampson's explanation I do not consider Mark Sampson omitted you deliberately.

Allegation 8: allegations made at the Chelsea training ground on 21 May 2016 by Mark Sampson about your behaviour in the England team environment and the decision to drop you from the squad.

In order to investigate this allegation, I questioned Mark Sampson closely as to his decision to leave you out of the squad and the reasons for his decision. Having done so and having tested his account, I have reached the conclusion that Mark Sampson genuinely considered that your off the pitch behaviour was having a detrimental effect on the team. In particular he considered that the major issue is your attitude and behaviour when you are not playing compared to when you are playing. It was agreed by all whom I interviewed that Mark Sampson places considerable importance on the team ethic and the team ethos and 'behaviours' generally.

Mark Sampson did provide me with specific examples including being withdrawn in meetings and/or failing to contribute positively in meetings when you weren't playing, that he had relied on in particular in reaching his decision. However, he also provided me with a number of additional examples that I am afraid I am unable to divulge the contents and details of as some of the examples refer to other players and the details were given to me in confidence.

I did not consider it any part of my remit to make findings as to whether these allegations are made out as a matter of fact, and it is not, in any event, possible to do so without having spoken to you and to have given you the opportunity to provide your response. As you had decided not to participate in the investigation, I was unable to do so. However, I did consider it was a necessary part of my remit to consider whether or not Mark Sampson genuinely believed that you had conducted yourself in the manner alleged.

Having weighed all the evidence, including the fact that I have interviewed Mark Sampson in person and tested his account, I concluded that Mark Sampson does genuinely believe this to be the case and that these genuinely held beliefs as to your conduct were the reason for your non-selection. I do not consider that these behavioural matters have been used as a smokescreen to mask unlawful conduct

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



whether it be discrimination or otherwise. You were not singled out; you were one of three players dropped for similar reasons, two of whom were white.

You further allege that the decision to drop you from the squad was retaliatory action for the concerns you raised with Owen Eastwood as part of the culture review. Having spoken to Owen Eastwood, Dan Ashworth and Mark Sampson, I do not uphold that complaint. I accepted Owen Eastwood's very clear evidence that he had never mentioned anything you told him to either Dan Ashworth or Mark Sampson, as well as accepting the evidence of Dan and Mark on the issue.

Bullying, harassment and discrimination

Having set out my conclusions in relation to the individual allegations, I turn now to the 'umbrella' allegation that Mark Sampson has subjected you to a course of bullying, belittling, and discriminatory conduct.

During the investigation, I asked all interviewees whether they had ever witnessed anything that could be deemed to be bullying or discriminatory behaviour. Without exception the answer from all interviewees was no, regardless of their ethnicity. Even those players I spoke to who had been personally disappointed and/or frustrated by some of the actions of Mark Sampson confirmed that they did not consider his conduct to constitute bullying or discrimination or unfair singling out.

Having carefully considered all the evidence, and the conclusions I have reached in relation to the incidents above, I do not consider that Mark Sampson has held a longstanding negative bias against you based on negative racial stereotypes. Nor do I consider he subjected you to a course of bullying or belittling behavior.

I should add that I consider that you genuinely believe that you have been treated in this manner; however I do not consider there is sufficient evidence to support that belief or to draw an inference of discrimination. I consider Mark Sampson has non-discriminatory explanations for his conduct, which I accept. There are a number of areas where certain matters could have been handled better and the communication improved and I have indicated above what those are.

This letter concludes my involvement in this process. Should you have any queries arising out of this letter, please contact Rachel Brace.

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk



Yours sincerely



Katharine Newton

London
10-11 Bedford Row
London WC1R 4BU
DX 1046 London/Chancery Lane

T +44 (0) 20 7269 0300
F +44 (0) 20 7405 1387

Bristol
3 Orchard Court, St Augustines Yard
Bristol BS1 5DP
DX 78229 Bristol 1

T +44 (0) 117 930 5100
F +44 (0) 117 927 3478

E clerks@oldsquare.co.uk
W www.oldsquare.co.uk

Community
Legal Service

