

## The FA, Sam Allardyce and The Telegraph - what employers need to know

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The lesson for employers from Sam Allardyce's departure as England manager is that when an organisation holds itself to higher standards of behaviour and propriety, it can require its employees to do the same.

That's the view of Ogier employment lawyer Helen Ruelle, who says that while Allardyce's comments may have been uncontroversial had he been a Premier League manager or a football fan, the fact that English football's governing body explicitly and publicly holds itself to higher standards meant that they had a legitimate expectation that its employees would meet those standards.

The FA's 'DNA' resource lays out those standards clearly - saying that: "We strive for the highest standards on and off the field. Nothing less is acceptable." - and that point meant that comments that may have been acceptable in other roles were not acceptable in the £3 million per year job of England Manager.

Helen said: "His comments on the apparent mental fragility of the England football team, the cost of the Wembley Stadium redevelopment and his predecessor were, if anything, fairly bland compared to what you could hear from any English football fan, anywhere, at just about any time.

"But the culture and function of an organisation is a relevant factor when considering the behaviour of employees - and coming from the mouth of an England Manager, the comments on third party ownership and agents fees were clearly deeply embarrassing for the FA.

"Ultimately, the question of how far an employer's culture can inform its treatment of employees comes down to a question of degree.

"Certain businesses can justify having a low threshold for unacceptable conduct. For instance in a Jersey Employment Tribunal case, *Fernandez v Silver Springs*, a care home could insist on very high levels of care and virtually zero tolerance threshold to breaches of policy.

"The lofty of ambition of the FA would have to be matched by the reality of what it does.

"It is important to remember that the FA is not just the governing body for football, but also the regulator when it comes to disciplinary sanctions for footballers and for clubs. Given this dual role, it is imperative that it and its staff are beyond reproach. Otherwise any disciplinary process could be undermined."

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