

Annual Sports Conference 2026: integrity at the top – managing serious allegations

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For the purposes of this session, a case study was used which is not repurposed here – the below therefore contains a summary of the discussions had, and core principles associated with the topic.

The below note constitutes some headline points for consideration. It is not intended to constitute legal advice or be in any way exhaustive of the legal considerations in such a scenario.

Core principles

- Ensuring the safety and wellbeing of all those within, or in contact with, your organisation is paramount.
- Allegations of serious misconduct, if not handled sensitively and carefully, can (first and foremost) have a major impact on the wellbeing of those involved. It could also result in reputational harm and pose a threat to long-term stability. In addition, there can be a loss of trust, governance challenges, and in some cases, real financial exposure.

Conversely, handling allegations well helps build a safe, trustworthy organisational culture that adequately safeguards the wellbeing of all those it is responsible for, and can mitigate the impact of the allegation on the reputation of the organisation and/or credibility of those who manage it.

The immediate response

- Start with analysing the content and nature of the complaint.
- If details are insufficient, seek additional information (if the reporter is not anonymous or if the platform allows follow-up questions).
- If no further detail can be obtained and investigation is not possible:
 - You cannot ignore the issue.
 - Consider what proportionate steps might be necessary in light of the concern raised (training, safeguarding measures, or cultural changes).
- If you have the information required to investigate the complaint, begin to consider the parameters of that investigation and consider what process you would be following, and therefore which internal policies are engaged.

Suspension

- If suspension is required, there are multiple legal and practical considerations:
 - Avoid 'knee-jerk' suspensions – think carefully about whether there is proper cause.
 - Assess whether the investigation can proceed while the person remains at work (in some form – consider amended duties etc).
 - Obtain specialist reputational advice on the reputational risks of the complaint itself and what action you choose to take in respect of the reported individual.
 - If suspension occurs, a contemporaneous note of your rationale should be made (could be by way of a risk assessment) and you should consider having a clear communication plan, as internal and external leaks of information do occur, sparking speculation.

Challenges of anonymous allegations

- Anonymous complaints leading to suspension are especially challenging because:
 - you may be unable to explain why the individual is absent; and
 - internal and external speculation can escalate.
- You must carefully balance the privacy rights of all parties.
- The priority is protecting the rights of all of those involved.

Communications and trust

- Safeguards and rights must be respected, but organisations must also be seen to follow a proper process.
- Low-trust environments require an understanding of the:
 - key stakeholders; and
 - external context and pressures.
- Communications strategy must anticipate all potential developments.
- Proactive, consistent messaging is crucial; being reactive risks damaging credibility.

Managing internal dynamics

- Early in the process, it is advisable to identify the circle of trust – only those who need to know should be informed; this may even mean excluding senior members of staff. Operate under the principle of 'minimum disclosure necessary'.
- Consider risk of harm and conduct immediate welfare assessments:
 - protect reporter(s) from retaliation, especially if the reported individual is influential within the organisation); and

- support the reported appropriately.
- If the reporter is anonymous, this complicates the reported individual's right to respond.
- Confidentiality conflicts with anonymity. Investigators can reassure the reporter that confidentiality will be upheld, but anonymity should only be given in the very rarest of circumstances.
- Consider appointing an external or independent investigator. Independence is not cosmetic; it is what gives integrity to the process.

Ensure policies are robust enough to investigate senior individuals. Carry out an initial review to understand whether the policy provides what you need in the current situation or otherwise plug those gaps early so you are not making significant decisions on an urgent basis.

Conducting an independent investigation

Independence is achieved through:

- appointing the right investigator – this does not necessarily need to be an external one; and
- institutional buy-in to the process.
- The scope of investigation must specify:
 - the allegations and relevant timeframe; and
 - the precise questions being investigated.
- Create an environment where individuals feel safe sharing their account.
- It may be useful to have a purely fact-finding investigator.
- Manage logistics carefully (meeting locations, transcripts).
- The investigator should consider interviewing witnesses put forward by the reporter and the reported individual during the course of the investigation or clearly document their rationale for not doing so.
- Consider using neutral venues to help gather information from people when the reported individual is someone influential or perceived as 'untouchable'.
- Consider what other measures might be deployed to obtain best evidence from the witnesses during the investigation and in all of the circumstances (and whether there is additional support required for any party).

Privilege considerations

- Ensure privileged channels are properly set up at the outset. Communications with the investigator will not be privileged in the case study circumstance.

- Need to be really deliberate about who is in that privileged channel, how information is recorded, and what is shared. Once privilege is lost, it cannot be clawed back, and it can be incredibly valuable in a sensitive, high-profile case.

Reputational considerations where there is an arrest

If an arrest occurs:

- The complainant may have a lifelong right to anonymity, which means that no information can be disclosed to the public that is likely to identify the person.
- The accused has privacy rights, reinforced by precedent (eg the Cliff Richard case, who sued for breach of privacy following a not-guilty verdict).
- Avoid disclosing information that could prejudice criminal proceedings and potentially result in contempt of court.
- The organisation must communicate enough to avoid a damaging information vacuum, without breaching rights.

Managing communications in escalating scenarios

- Maintain consistent messaging as the situation escalates.
- Strategy should be ready for any potential developments which could cause escalation at the outset of the issue.
- Proactive management is crucial; reactivity will not be good enough.
- Saying nothing can heighten mistrust and is even riskier in a low-trust environment.

Overlapping criminal and internal processes

There are options available depending on the circumstances:

- Allow the reported individual to continue working despite the criminal investigation.
- Suspend (but note that criminal investigations may last years).
- Make an earlier employment decision.
 - Some organisations prefer the risk of unfair dismissal over reputational damage.
 - However, the ability to buy out these claims through unfair dismissal will become harder due to the removal of compensation caps under the Employment Rights Act 2025. This change is set to be effective from January 2027.
 - Need to be cautious of potential injustice caused against someone facing unproved charges.
- Consider role changes, especially where safeguarding factors are engaged.

Confidentiality measures in proceedings

- Apply early for anonymity or restricted reporting orders in tribunal litigation.
- Balance privacy vs freedom of expression.

Ongoing safeguarding measures

- Alongside the criminal and employment processes there may also be safeguarding considerations. You need to consider ongoing protective measures. There may be a need for separation plans, risk assessments, etc.
- Internal notifications – DSO? Safeguarding leads etc.
- External reporting – consider governing body, LADO, ongoing communications with the police, Charity Commission etc.

Handling media pressure

- Ideally, the organisation has already:
 - shown empathy; and
 - established transparent processes.
- The press may access information and comment without revealing identities.
- It is hard to justify why the media should not publish, as long as they are not jeopardising criminal proceedings.
- The rights of the reporter will always be maintained, but the privacy rights of the reported individual are not always guaranteed.
- The media interest can influence stakeholder behaviour, as it becomes hard to justify retaining an individual when allegations escalate publicly.

Final considerations

- If the case proceeds, the reported individual may face disciplinary action.
- If the employer has a reasonable belief in guilt and dismissal is within the range of reasonable responses, that might be the outcome.
- Mishandling allegations of misconduct has the ability to cause further harm to those involved. It can also impact:
 - the organisation's reputation;
 - fan relations;
 - team performance;

- investor confidence; and
 - commercial partnerships.
- Conversely, handling a concern well can:
 - instil a culture of trust and transparency;
 - reinforce good safeguarding practices;
 - enhance leadership credibility; and
 - strengthen the reputation of owners/board members.
- It does not end with the complaint. It is about looking hard at culture, safeguarding processes, HR practices and leadership communication. Those structural matters will reduce the risk of such a concern happening again or determine whether the club has the practices and processes in place to withstand it and, above all else, protect those involved.

This publication is a general summary of the law. It should not replace legal advice tailored to your specific circumstances.

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