



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 14/09

VERBAL ABUSE AT THE ARSENAL v EVERTON

CUP TIE IN MARCH 2014

The Role of the Independent Football Ombudsman (IFO)

1. The office of the IFO was established by the three English football authorities (The Football Association (FA), The Premier League and The Football League) with the agreement of Government. The IFO has been designated as the final stage for the adjudication of complaints which have not been resolved within football's complaints procedure. The IFO operates a system of non-binding arbitration. IFO Adjudications will normally comprise two parts: an impartial assessment of the substantive complaint and a review of the procedure by which the complaint was handled. The IFO's role is to investigate the complaint and judge whether it was dealt with properly and whether the outcomes were reasonable for all parties concerned. Under the procedure agreed by the Football Governing Bodies, the adjudication of the IFO is final and there is no right of appeal against IFO findings.

2. The IFO confirms that in investigating this complaint he has received the full cooperation of the Arsenal Football Club.

The complaint

3. An Everton supporter now based in the south of England complained that he had been verbally abused by Arsenal supporters, causing great distress to his party. He claimed that the Club had not investigated the case properly and had failed to discipline the miscreant home fans.

The facts of the case

4. On 8 March 2014 the complainant attended the Arsenal v Everton 6th round FA Cup Tie at the Emirates Stadium. He was accompanied by his brother, his son and his son's girlfriend and they were seated in the Diamond Club section of the ground. The Diamond Club is the most prestigious corporate area of the stadium and the Everton party were the guests of the Diamond Club member who had provided the tickets, but who was not himself present. The complainant maintains that within a few minutes of the match starting he made an innocuous comment to his brother about an Everton player, which prompted a torrent of abuse from two supporters seated in front of him. The aggressively delivered tirade was full of expletives and contained derogatory remarks about "scousers" who should not have been permitted to sit in that area. The complainant argues that the reaction of the two supporters was unjustified by anything he had done, though he did admit to jumping up when Everton scored later. Half way through the first half he was invited to leave his seat to speak with a steward who had been made aware of the altercation. The steward suggested that he should tone down his vociferous support for Everton. During the interval the matter was discussed further with stewards who offered to remove the party to other seats, which the complainant accepted on the advice of his son. At the end of the match the complainant registered his concern over what had happened which had caused great distress to his party and confirmed to stewards that he wished to make a complaint.

5. On 10 March the complainant contacted Arsenal by phone and email and the Head of Premium Operations agreed to look into the incident, noting the complainant's view that Club staff had dealt with the incident well. On 19 March the complainant expressed his disappointment at the delay in resolving his complaint. The Club informed the complainant by phone that, as a gesture of

goodwill, the Club wished to invite him back to the Emirates as Arsenal's guest. He declined this offer, though he did later request assistance in obtaining tickets for the Everton v Arsenal match. These were eventually supplied and offered to the complainant as complimentary, which he again declined, paying for them himself. On 7 April the Head of Premium Operations phoned the complainant to relay the outcome of the Club's investigation. It was the Club's view that both the complainant and the home supporter had been carried away by the emotion of the occasion and both had over-reacted. The complainant disputed this version of events and said that he had felt humiliated by the way he had been treated. On 10 April the Club confirmed that no CCTV record of the incidents existed. The complainant subsequently made a formal subject access request to be provided with all information which the Club held on him and he received Arsenal's response on 9 May. On 21 May the complainant called the Head of Premium Operations and now expressed deep concern over the behaviour of the stewards and reiterated his view that he had been abused by the members, possibly racially, a matter that he was considering reporting to the police.

6. On the same date the complainant contacted the FA as the relevant Governing Body (although both Arsenal and Everton are Premier League Clubs, this was an FA Cup match). He complained that the Club had done nothing about his complaint and asked the FA to intervene. On the advice of the Senior Manager, Stadia Safety & Security, the FA replied that this was a matter solely between the complainant and the Club, in which the FA had no role. When expressing surprise that the FA was unwilling to act about an FA match, the complainant was advised that he could refer his case to the IFO. On 29 May the complainant spoke with the IFO by phone and on 5 June he submitted his evidence to the IFO and the investigation began.

The investigation

7. The IFO carefully reviewed the complainant's submission, which comprised the correspondence between himself and Arsenal FC and with the FA, including the documentation which he obtained via his subject access request. The IFO met the complainant on 12 June to discuss the case face to face. Some two weeks later the IFO and Deputy visited the Club and met with the Club Secretary, Safety Officer, Head of Premium Operations and Legal Counsel.

The Findings

8. As is normal IFO practice the findings will be divided into two parts, the substantive complaint and how it was handled. It has to be said that it is unusual (though not unprecedented) for an IFO complaint to be related to a corporate area of the stadium. It is common and perfectly legitimate for Diamond Club members to invite guests (sometimes their clients or customers) who are supporters of away teams. In the wake of some internal complaints, Arsenal reminded members in January 2014 that "any guests who wish to support the opposing team do so discreetly". However, Arsenal reported that there was no precedent for a formal complaint originating in the Diamond Club. Banter between rival fans is a common feature of football matches and frequent attenders at games, such as the complainant and members of his party, will not be surprised to encounter forceful comments about their club. The question at issue is whether the "banter" exceeded what was reasonable and crossed the boundary into unacceptable abuse. As in many previous IFO investigations, there is a conflict between the rival views of events. The complainant maintains that he expressed his support in a modest way and points out that he was summoned to speak to the steward well before he jumped up to celebrate Everton's goal. On the other side the Diamond Club member reported to the Club that the complainant had shouted out "break his leg" when an Everton player made a tackle (this is strongly denied by the complainant). Even after consulting other members, Arsenal officials were unable to be certain what had actually transpired. There was no CCTV record and the heated exchanges were not heard by stewards, who were first alerted to the problem when they heard the member shout "get them out".

9. Clearly something out of the order occurred for the complainant to feel so threatened and his party so distressed, though it was not unreasonable of the Club to conclude that both parties had over-reacted and that it would indeed be distressing to see two mature adults shouting at each other. On the balance of probability, the IFO finds that the member's tirade with its apparent expletives and venom was excessive and did constitute verbal abuse, unjustified even if the complainant was deemed to have been supporting his team in too visible a manner. The IFO also finds that Club staff dealt with the incident in a sensitive

and efficient manner. The complainant was spoken to privately both in the first half and during the interval and the offer to remove the party to different seats was a sensible and pragmatic means of defusing the situation. The complainant claims that it was humiliating and demeaning to move seats, but such feelings were not justified by the events. The new seats were in the same general and premium location, offering the same view of the match, and the removal separated the warring parties and made a repeat of the first half altercation unlikely.

10. The second part of the complaint asserts that the Club did not take the case seriously enough and did not discipline the offending Diamond Club member. The former can hardly be supported by the facts. The complainant was treated promptly and courteously, for example receiving personal phone calls from a senior official. The Club made clear that it wished any visitor to the Diamond Club to have a premium experience and immediately expressed regret that this had not been the case for the complainant. The Club quickly invited the complainant to a future game as their guest and offered complimentary tickets to the Everton v Arsenal fixture. Although the complainant took up neither of these offers, they appear to the IFO to be genuine attempts to promote goodwill in the aftermath of a less than happy experience. The complainant was upset by the Club's formal response on 9 April, which the IFO finds difficult to reconcile with conciliatory statements such as the following

"we were at great pains to deal with the incident professionally on the day...subsequently we issued several apologies to you for the impact on your experience...I appreciate that a thorough investigation was important to you and I'm confident that this has been done to the best of our ability"

The complainant informed the IFO that he had not received a formal apology, notwithstanding the statement above. Following the meeting between the IFO and Club officials, the Club wrote to the complainant saying "We would again like to apologise and express our regret that your experience at the Match was not as positive as we would have hoped". The IFO finds that the Club handled the complaint in a professional and sympathetic manner

11. The complainant expressed frustration that he was unable to ascertain what the Club had done about the members who had abused him and told the Club that he believed that there had been a cover-up, a claim he repeated to the IFO. While the Club discussed the incident and the investigation with the complainant at some length, it judged that its relationship with the Diamond Club member was a private matter. The Club took the perfectly reasonable position that on data protection grounds and the requirements of confidentiality, it would not disclose the transactions between the Club and its Diamond Club members. Understandably, the complainant is seeking some confirmation from follow up action that Arsenal has recognized that the abuse meted out to him by the members was unacceptable. On the basis of confidential information which cannot be quoted, the IFO is satisfied that the Club dealt with its members in an appropriate manner.

Conclusion

12. Many IFO investigations reveal that sometimes supporters behave at a football match in an out of character manner and in a way they would never behave elsewhere. The emotion of the occasion can cause fans to become over excited and somewhat aggressive. In this case what should have been an enjoyable experience in a premium environment turned out to be memorable for all the wrong reasons. The complainant was verbally abused, but Arsenal FC responded positively and efficiently to the complaint and sought to recompense the complainant for his unfortunate experience in the Diamond Club.

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

30 July 2014