



**THE INDEPENDENT
FOOTBALL OMBUDSMAN**

IFO ADJUDICATION 12/10

DISTURBANCES AT THE CHAMPIONSHIP PLAY-OFF MATCH, WEMBLEY 19 MAY 2012

The Independent Football Ombudsman (IFO)

1. The office of the IFO has been 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. In exercising its jurisdiction, the IFO does not seek to question the merits of judgements made by properly constituted Regulatory Commissions and Appeal Boards, unless there were shortcomings in the administrative processes which led to those judgements. It is not the role of the IFO to retry cases, but it is its role to explore and review the procedures under which complaints have been decided 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. In investigating this complaint, the IFO has received full cooperation from the Football Association, the Football League and Blackpool FC.

The Complaints

3. Two Blackpool supporters, Ms A and Mr B, complained that their day at Wembley for the Championship Play-Off match (between Blackpool and West Ham United) was ruined by the behaviour of West Ham fans who were seated in the Blackpool sections of the stadium. Both demanded a refund of their ticket price for the whole of their party. Ms A (whose party comprised 5 adults and 1 child) laid the blame for the disorder on the failures of the Wembley stewards to maintain order and enforce the segregation policy and looked primarily to the FA for compensation. Mr B (a supporter of 50 years standing) argued that the tickets, which West Ham fans had obtained, had originally been sold by Blackpool FC and he, therefore, held the Club responsible for the "fighting, abuse and intimidation" which he and 3 family members endured from West Ham supporters. These two complainants are but examples of the large number of Blackpool fans who reported and complained about similar experiences to the IFO, the FA, the Football League and to the Club itself. In adjudicating the specific complaints, the IFO necessarily has had to investigate the overall arrangements and circumstances relating to the complaints.

The Context: The Arrangements for the Championship Play-Off Match

4. The Championship Play-Off match brings together two clubs which have come through the competition for the right to take the third promotion place and to play in the Premier League during the following season. It has always been a high profile game and attracts a capacity or near capacity crowd at Wembley. The profile of the game has been heightened by the ever increasing financial benefits of playing in the Premier League and the match has been dubbed in the media as the one with the biggest prize in the whole football calendar, estimated in 2012 to be worth some £90m to the winning team. Though played at Wembley, the home of the Football Association, the match is a Football League event and it is the Football League which is responsible for arranging the event, including ticketing regulations and sales policy. The difficulty in resolving the large number of complaints which emerged was compounded by the complex relationship between the three principal partners. It was Blackpool FC which sold the tickets for the designated Blackpool sections, yet they did so, in a sense, as the agents for the Football League whose prestigious event this was. Moreover, while League officials were present at Wembley on the day itself, they

had no control over events, since the staging of the match, including responsibility for safety and stewarding, lay with Wembley National Stadium Ltd (WNSL) (owned by and part of the Football Association). Many whose enjoyment of their day at Wembley was allegedly ruined by the presence of West Ham fans in the Blackpool sections, complained that it was impossible to pin down precise responsibility, because of this split responsibility between the three agencies. This arrangement is characteristic of matches at Wembley where clubs are allowed to sell their own tickets.

5. Undoubtedly one of the contributory factors in the way events unfolded was the short timescale between the semi-finals and the play-off match itself. There is a gap of no more than 9 or 10 days, far less for example than in the case of the FA Cup Final or the final of the League Cup competition. Because of this, the Football League sensibly holds early meetings with all four semi-finalists to make contingency plans for the putative selling arrangements for the successful clubs. Sometimes this means that clubs have to make arrangements which do not reach fruition because they lose the semi-final match, but early planning is vital if the large number of tickets is to be successfully processed in a short space of time. Prior to the semi-finals the Football League issued a comprehensive 43 page briefing document which covers all possible aspects for the preparation and staging of the match. For the purposes of this investigation, the key sections are those relating to ticket sales. The finalists are required to "give a written commitment to the League to sell/distribute its allocation of tickets in a responsible manner". The League briefing document specifically refers to the ground regulations which include requirements on segregation of fans and the proscription on the resale of tickets. Clubs are advised, though not required, to have a ticketing policy and the use of an approved ticket agency is recommended, though again not required. Both Clubs opted to take their maximum allocation of some 38,000 each; the lower option was 25,000, with nothing available between these two figures because of segregation constraints. The printed tickets were delivered by the League to the venue of the home club in the second leg. It so happened that West Ham's fixture occurred first, on 7 May, and the club began to sell its allocation on the following day, before the identity of its opponents was known. West Ham quickly sold out its allocation. Blackpool played its match on 9 May, held a ticketing policy meeting the

following day and put tickets on sale on 11 May. They realised some 5 or 6 days before the match that they would not sell out, even though they had done so two years previously. This differential level of demand was another critical factor in leading to the presence of West Ham fans among the Blackpool supporters and this is discussed more fully in the paragraphs which follow.

The Facts of the Case

6. None of the parties involved had any forewarning of the serious public order challenges which were to arise. Blackpool FC was aware of some attempts to buy tickets from people with east London addresses and rebuffed such approaches. The Football League had no intimation of potential problems, though it was aware of the sales shortfall and instructed the club to leave certain sections unsold. Neither the Wembley authorities nor the Metropolitan Police had any intelligence which led them to anticipate the difficulties which arose. The first intimation of potential problems occurred when the stadium began to fill up. Ticket holders wearing West Ham colours presented themselves at the Blackpool-designated turnstiles. The later police report from the Lancashire Constabulary states that such fans "were simply told to go to the stadium store and buy neutral clothing before being allowed into the Blackpool area". However, the Wembley log shows that it was those arriving at the Club Wembley entrance who were advised to purchase a white England shirt to cover their West Ham strip. No doubt others arrived with their colours not visible which were later displayed inside the stadium. By whatever means many West Ham fans, some without any visible team colours, accessed the stadium and occupied seats in the Blackpool sections, having been admitted with tickets which were from the Blackpool allocation received from the League. Just before the game started, Blackpool officials, seeking to identify family members in the stands, noted with some concern and puzzlement that their relatives were surrounded by fans with West Ham colours.

7. The WNSL Safety Officer soon realised from the CCTV feeds and reports from the management teams on the ground that there was clearly a breakdown in segregation and began to implement mitigation strategies. Some West Ham fans congregated together in a lightly populated section to which other fans were encouraged to move. At half-time some 150 West Ham fans from this area were

removed from the ground, with the support and agreement of the Metropolitan Police, and advised to watch the remainder of the match in neighbouring pubs. Another crowd of West Ham fans were marched around the concourse and re-seated in a section away from the Blackpool fans. In one area the segregation netting was moved to accommodate West Ham fans together. However, complainants reported that there were still a significant numbers of West Ham fans closely intermingled with Blackpool fans, which posed severe challenges for the stewards and the police. Missiles were thrown from the Club Wembley seats which were sited immediately above the Blackpool family seats. Verbal and some physical aggression were widely reported and many complained that stewards were not ejecting the West Ham fans who were clearly in breach of both the ticket and the ground regulations.

8. In the days following the match there was a steady flow of complaints, the scale of which demonstrated that something serious had occurred. Many were addressed to the FA and Wembley, highlighting the alleged failures of the stewards. Others were sent to Blackpool FC, claiming that its lax ticket distribution policies had been the origin and cause of the problems. A few came to the IFO. While procedurally a reference to the IFO was premature, a selection of comments from those received at that stage gives a flavour of what Blackpool fans experienced. One complained that his two grandchildren were in grave danger of suffocation from falling West Ham "louts who were close to squashing the children to death, not to mention injuring us too". Another reported "young fans, several of them children, distressed and crying ... many of them were sworn at, threatened, spat upon and had objects hurled at them from above, including pint glasses filled with a yellow liquid believed to be urine". Yet a third concluded that he was "totally disgusted after such hideous ticket management and stewardship", reporting that he witnessed an 8 year old boy being spat upon and that "WH fans had decided to throw urine filled bottles over the ledge to the lower tier." Complainants reported that the stewards were hostile, unsympathetic and sarcastic and in some cases allegedly swore at the protesting Blackpool fans. Conversely the senior stewards reported some occurrences of poor behaviour from Blackpool fans themselves.

9. The FA responded through its Customer Services department, claiming that “our event day stewarding team handled the situation to the very best of their ability” and regretting that “a minority of the crowd had no respect or consideration for the safety or enjoyment of other visitors”. The Football League began an immediate enquiry and it was agreed that subsequent correspondence to either the FA or the IFO would be directed to the League for reply. The Football League approached the police who commenced an investigation into whether criminal offences had been committed. The League understandably did not feel it appropriate to respond substantively until its own and the police enquiries were completed. It, therefore, sent a series of holding replies to complainants and, for example, Ms A received at least 3 such replies, while becoming increasingly frustrated by the delays. The IFO was apprised of the ongoing situation and on 28 September was confidentially informed that the Crown Prosecution Service had concluded that there was insufficient evidence to mount a criminal prosecution and that the League would issue an official statement on 1 October. Thereafter, the Football League sent some 120 letters to complainants, including Ms A and Mr B. Within days they requested the IFO to commence an investigation, since they claimed that their complaints had not been properly addressed. The IFO discussed the matter with the authorities at a pre-arranged meeting on 16 October and on 19 October (exactly 5 months after the match) the IFO confirmed that it would adjudicate the complaints.

The Investigation

10. The IFO carefully reviewed all the correspondence to and from the complainants, the FA, the Football League and Blackpool FC. The IFO was provided with a copy of the League briefing document and was given sight of the report of the Lancashire Constabulary, following its investigation. The IFO and Deputy attended a meeting at the Football League on 1 November. In attendance were the Chief Operating Officer, the Events Officer, the Security and Operations Advisor and two members of the Customer Services Department. On 15 November they met with the FA Head of Public Policy, together with the WNSL Safety Officer and the Wembley Ticketing Manager. On 4 December, they visited Blackpool FC and met with the Club Secretary. At all these meetings officers were open and willing to share fully the facts of the case and the IFO is grateful for this helpful attitude.

The Findings

11. In so complex a case, the findings are organised in relation to the different parties to the complaints. It is best to start with the **Football League**, whose event this was. On the face of it the preparations were well thought out, the briefing comprehensive and the primary responsibility of the League clearly identified in statements such as, "all tickets will remain the property of the League at all times." However, in the light of subsequent events it has to be asked whether the advice and guidance given by the League needs to be transformed into mandatory requirements. Indeed, the League admits in its briefing document that there had been "a serious breakdown in segregation arrangements at a previous final which resulted in a number of outbreaks of disorder". Clearly the review following those events, caused largely by excessive allocations of tickets to players and directors, did not address the weaknesses revealed by the current complaints. Although the League's experience in staging such events was invaluable in issuing advice, it appeared to take a *laissez-faire*, hands-off approach once the guidance document was issued. To take one small example, the briefing document includes a copy of the "disclaimer pro-forma" required to be used in the case of multiple purchases, with the aim of ensuring that any person purchasing a block of tickets is authorised to dispose of the tickets subsequently. However, there is neither a specific instruction that this form was to be copied, nor were bulk copies issued along with the parcel of tickets, nor did the League seek to approve any club designed pro-forma. The police concluded that the pro-forma had not in fact been used as it should have been, so the issue is not simply academic. Assumptions that a club like Blackpool, with recent previous experience of a play-off at Wembley, would ensure proper control over ticket sales proved to be not well founded. Events suggest that the League should have monitored developments more closely, particularly in the light of the differential demand for tickets. The League has already stated that a review is under way and the IFO **recommends that the review should include the adoption of more prescriptive conditions for the sale of tickets, which should be included on the mandatory disclosure proforma, with a specific warning that breaches could lead to prosecution. (The League would need to have appropriate sanctions to deal with clubs failing to meet League requirements).** The IFO also

recommends that the Football league requires details of ticketing policies in advance of the semi-finals (to ensure minimum delay in putting tickets on sale) and that the League should actively monitor the progress of sales.

12. Turning to **Blackpool FC** and the sale of tickets, in hindsight the Club admits that it could have done things differently. It was a perfectly reasonable assumption that Blackpool would sell its allocation, given the experience of only two years earlier and there can be no criticism of the decision to take the full allocation. The ticketing policy, adopted the day after the semi-final victory, involved selling half the tickets through the agency partner and half at the Club. Though the ticket agency had direct access to the Club membership database (which required a potential purchaser to have bought tickets for at least one home Blackpool match) which should have precluded dubious sales, the police concluded that "the registration method for verification...would appear to have some gaps in it". However, it seems that the main source for the mis-sold tickets was the Club rather than the agency. Three areas of Bloomfield Road were designated as sale points, but only one of which, the Ticket Office itself, had access to the database. In the other two, the simple production of a membership card entitled the holder to purchase up to 10 tickets. A supply of tickets was made available to the Club's commercial department, again a not unreasonable strategy, with the aim of supplying corporate sponsors and customers with a track record of dealing with the Club. Here was the most visible example of mis-selling where one named individual purchased some 600 tickets, largely in two batches on 14 and 15 May, which on the evidence of what transpired at Wembley on 19 May finished up in the hands of West Ham supporters.

13. It is perhaps a little surprising that the commercial department was not more sceptical about the potential for 600 travel packages (the stated reason for the bulk purchases) to be sold to Blackpool supporters when sales were clearly flagging. [Subsequently the Club admitted to naivety and flawed thought processes on this matter.] On the other hand, the purchaser was well known to the Club, as someone who had previously purchased matchday hospitality packages and had arranged group travel for Blackpool away matches. The IFO

shares the disappointment of both the Football League and the Club that the advice of the Crown Prosecution Service was that there was insufficient evidence to prosecute the individual who, to the layperson's eyes, had clearly breached the terms of Section 166 of the 1994 Criminal Justice and Public Order Act. However, it is instructive that one of the main reasons for not being able to mount a successful criminal prosecution was the shortcomings in Blackpool's sales practice. The police concluded that the bulk purchase proforma had not been properly filled in nor had the purchaser been given a copy of the terms and conditions. Blackpool FC has now banned the individual from purchasing tickets or hospitality packages, along with a Manchester based purchaser who had bought 49 tickets which again were acquired by West Ham fans. The Club believes that these two purchasers accounted for the main concentrations of West Ham fans in the Blackpool sections.

14. There remains the question of the clusters of fans whose presence in small numbers in different parts of the ground caused real difficulties for the stewards, who were not able to resolve so wide a dispersal of problems. Football fans are very resourceful when seeking ways to acquire tickets when their own club's allocation is exhausted. Rumours were rife on internet chat sites that it was easy for West Ham fans to subvert the sales restrictions and get tickets from Blackpool. Such rumours were relayed to the IFO by the Football Supporters Federation, citing evidence from their own members. The Club Secretary flatly denies that this happened. From the Club's point of view, it is unfortunate that the police enquiries revealed that 654 tickets were sold to 170 individuals with a home address within 30km of Upton Park. One may question whether all of those could have been from the London branch of the Blackpool Supporters Club. No doubt individual Blackpool supporters were induced by the heavy demand from West Ham to sell on their tickets and the Club has stated that it will discipline any fans so identified. This will be made the more difficult by the Club's decision to use the multiple ticket proforma for sales of 25 tickets instead of the 10 required by the League. All of the evidence suggests that in the interests of selling tickets quickly, given the tight timescales, Blackpool officials were insufficiently vigilant in their sales policy and practice. The IFO **recommends that the Club undertakes a rigorous review of its ticketing policy and issues a statement to supporters admitting that its own**

ticketing arrangements did contribute to the problems experienced at Wembley on 19 May. [On receipt of a draft copy of this report, the Club did indeed issue a statement apologising to its supporters for its “errors of judgement in respect of sales”.] In the event that Blackpool reaches a future play-off final, then it should have its ticketing policy agreed before the semi-final (an IFO recommendation for League regulations as proposed in Paragraph 11).

15. The responsibility of the **FA, through its subsidiary WNSL**, was mainly concentrated on the day of the match, though there were two prior issues within its remit. The sale of Club Wembley tickets led to particular problems, again reflecting the differential demand, and the siting of the Blackpool family section turned out to be unfortunate. Club Wembley tickets are separated into three blocks, with 5000 tickets for each club and 4000 for a neutral area, sold by the FA and by the debenture holders through a partner agency. There is a fundamental flaw in that most of the tickets acquired by the debenture holders (who are entitled to purchase tickets for “non-core” events) ended up with West Ham fans and there is no segregation in that part of the Club Wembley area. The demand for Club Wembley tickets was distorted by West Ham’s sell-out and Blackpool’s surplus unsold tickets. The result was that many West Ham fans were seated among Blackpool supporters and adjacent to the Blackpool sections. Some of the bitterest complaints came from those in the three Blackpool family sections, who were subjected to a barrage of missiles from the Club Wembley area above. One might well agree with the Blackpool Club Secretary that better behaviour should have been expected from those who had paid up to £100 per ticket and who were in one of most prestigious corporate areas. It is also pertinent to ask why there was not preventative action by stewards in those sections. In the light of the special problems experienced in the Club Wembley seats, the IFO **recommends that WNSL ticketing arrangements ensure that the Club Wembley seats are rigorously segregated and that no club colours are worn. Negotiations between the FA/WNSL and the Football League should locate the family sections away from possible missile throwing as experienced in the 2012 final.**

16. There can be no doubt that WNSL's safety and security arrangements were put under the severest strain at the Championship Play-Off match. WNSL argues that "the stewards actually acted in an exemplary and efficient way...despite some extreme pressure and provocation". It is also stressed that the stewards had the full support and cooperation of the police. As discussed in Paragraph 7, a significant number of West Ham fans were relocated or removed from the ground, which contained the most obvious and visible sources of tension. The strategy for dealing with the more dispersed West Ham fans was somewhat less successful. The "watch and wait" tactics annoyed many Blackpool supporters who questioned why stewards were not enforcing the ground regulations. The WNSL Safety Officer points out that Blackpool fans were also ejected: on the basis of the submissions to the IFO, a large proportion of those will have probably been the result of too vigorously protesting about the unwillingness of the stewards to remove the West Ham fans. The widely reported instruction to West Ham fans to go to the shop to purchase a plain shirt to cover their colours, (viewed with scepticism by FA officials other than for fans with tickets in the unsegregated area of Club Wembley) seems to have permitted improper access to the Blackpool end of the stadium. It has to be agreed that the problems were just about contained (though to the detriment of many Blackpool fans) and the game ended without any major disorder. The latter point may well have had much to do with the result (West Ham won), since the presence of so many West Ham fans among the Blackpool supporters would surely have posed severe problems had there been a Blackpool victory. The IFO sympathises with WNSL having to deal with problems which were not of its own making. Nevertheless, a more proactive strategy could have been adopted and the IFO **recommends that the FA, WNSL and the Football League review the safety and security policies for such games, to ensure that the segregation requirements are fully met. Given the scale of the criticism of the demeanour and language used by stewards, it is also recommended that the FA/WNSL give further training to the stewards to promote a more understanding response to legitimate supporter requests to enforce the ground regulations.**

17. Having reviewed the part played by the three responsible bodies, attention must now turn to the two complainants themselves. The foregoing discussion

makes it abundantly clear that the veracity of their accounts of what happened cannot be doubted. Their enjoyment of what should have been a memorable sporting occasion was severely impaired by the disorder, resulting from flawed ticketing arrangements and what seemed to the complainants to have been inadequate stewarding. The IFO and Deputy have every sympathy for the complainants and what follows should not be taken to indicate any doubt about the legitimacy of their complaints. The findings have to be based upon practicality. The complainants seek compensation in the form of a refund of the cost of their parties' tickets. But who should compensate them – Blackpool who sold the tickets, the Football League whose event it was or the FA/WNSL who hosted the match? As will be clear from Paragraphs 12-14, the IFO finds considerable shortcomings in Blackpool's sales policy and practice and it might be thought reasonable for Blackpool to refund Ms A and Mr B. Yet there can have been few, if any, Blackpool fans who did not suffer some inconvenience on the day, so a refund for the two complainants would legitimise a further perhaps 25,000 claims. It is simply not practical to impose a refund on the Club or for that matter the Football League or the FA. Although the IFO is adjudicating these two specific complaints, the overall context requires a generic and systemic not an individual response. The complainants can see that their persistence will undoubtedly lead to major changes, which will seek to prevent a recurrence of what they and many others experienced. The cases they have brought will be conducive to the benefit of the wider football community's enjoyment of future high profile Wembley occasions.

18. The match on 19 May 2012 was sullied for Blackpool supporters, already disappointed by the outcome, by a combination of permissive governance arrangements, lax ticketing policy and insufficiently vigorous stewarding. Perhaps WNSL security arrangements could have addressed the segregation breaches in a more comprehensive manner, which might have mitigated further the distress suffered by the two complainants. In that sense the IFO finds that it would be reasonable for some measure of recompense to be offered by the stadium authorities. Without legitimising any consequential claims from other supporters or assigning sole responsibility to WNSL, the IFO **recommends that the Football Association offers the two complainants a goodwill gesture in the form of complimentary tickets and hospitality to a future**

Wembley occasion, in recognition that their enjoyment of the Championship Play-Off match was seriously impaired on the day.

Conclusion

19. The Blackpool FC statement issued on 21 December 2012 apologised “to those supporters who will remember their 2012 Wembley trip for all the wrong reasons”. An unfortunate combination of lax ticketing policy, permissive regulation and shortcomings in segregation and stewarding produced a highly charged atmosphere in many areas of Wembley Stadium. All three parties (Club, Football League and FA/WNSL) have much to learn from the events surrounding the 2012 Championship Play-Off final. The IFO hopes that the recommendations in this report will assist the reviews which are in train, to ensure that there will be no recurrence of such events, for the benefit of all supporters attending future matches at Wembley. The IFO trusts that the two complainants will be given the opportunity by the Football Association to enjoy a future Wembley occasion.

Professor Derek Fraser, Ombudsman
Mr Alan Watson CBE, Deputy Ombudsman

31 January 2013