



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 13/06

STEWARDING AT QUEENS PARK RANGERS

The Role of 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. 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 must make clear at the outset that he has received full cooperation from Queens Park Rangers (QPR), the Premier League and the complainant in investigating this complaint.

The Complaint

3. A long standing QPR season ticket holder complained that during the 2012-13 season, he was being victimised by stewards at the Club. He alleged that stewards deliberately positioned themselves to block his view and adopted an intimidatory manner which disturbed himself and his party, which included his son and a friend. The persistently hostile attitude of the stewards severely impaired his enjoyment of the game and he and his son felt threatened in anticipation of some aggressive action against them. He believed that this policy of harassment was the result of a previous complaint against the Club which he is pursuing in court.

The Facts of the Case

4. In March 2011 when Queens Park Rangers were in the Football League, the complainant was ejected from the ground for allegedly throwing something on to the pitch. He claimed that during the ejection he was assaulted by stewards and wrongly arrested and prosecuted by the police on the basis of evidence fabricated by QPR stewards. Charges against him were eventually withdrawn by the police and the complainant is pursuing civil action against the Club which will come to court. (The IFO has explained that court action precludes IFO involvement in this matter. However this previous case provides essential background to the current complaint).

5. On the opening day of the season in August 2012 the complainant wrote to the QPR Operations Manager to complain that stewards were harassing him. He alleged that they had deliberately blocked his view and one in particular had stared at him continuously. His son was so concerned that he took photographs and four were included in the letter to support his complaint. On 17 October the Manager replied, denying that he had been targeted by stewards, but pointed out that "there will always be stewards and given where you sit they will always be in close proximity to you". She referred to his belief that this was linked to his previous complaint and maintained that "this is not the case, nor will I allow this to be the case". Having met the complainant some time earlier, the

Manager reiterated her invitation to him to contact her directly if there were concerns during a match. She provided him with her personal mobile phone number which he could use at any time and warned him that because of incidents at a previous game, there would be extra stewards in his area of the stadium. On the same day the complainant replied that he did not believe that she had addressed his concerns and cited a further example of harassment. He asserted that "the stewards are trying to bait me by their obstructive and threatening behaviours". The Manager replied immediately to express her frustration that having warned him about an increase in stewarding, he had interpreted this as an accusation that he personally had been involved in previous misbehaviour. She had thought it would be helpful and courteous to warn him about the increased stewarding "NOT because at any stage have I indicated, hinted, or said I believed you or your party had anything to do with it".

6. The Manager replied further on 29 October. She believed that this was a case of the Club trying to reassure the supporter and the supporter not feeling that his expectations had been met. She repeated that the Club "have not and do not target you or any of your family and associates". She explained that appropriate stewarding might cause a temporary obstruction in sightlines, for which she apologised, but this was a necessary part of securing public safety in the stadium. On 1 November the complainant replied, claiming that the Club had not investigated the behaviour of the stewards as requested. He gave further details of the second incident in which two stewards stood in front of him and one of them had been abusive when he had asked them to move. A photograph was included. This time the Club replied through its solicitors who confirmed on 27 November 2012 that the Club "does not in any way seek to intimidate you" and that the Club was "satisfied that none of the stewards on duty at Loftus Road are seeking to intimidate you". In relation to the second incident the Club gave a different version of events. Where the complainant said that he had tapped the steward to gain his attention, the steward reported that he had been "aggressively shoved ...which could constitute a physical assault" and the steward maintained that it was the complainant who had used the foul and abusive language. The solicitors noted that the complainant's continued

attendance at Loftus Road undermined the claim "that you genuinely fear for your personal safety".

7. The complainant replied to the solicitors on 11 December criticising their "irrational and totally unfounded comments". He reiterated his accusation that QPR had not investigated any of the well documented incidents where stewards were "playing some provocative and confrontational 'game'". He strongly disputed their version of the incident with the stewards when he was accused of assault and using foul language, pointing out that there was no evidence and if the incidents had occurred as stated he would surely have been ejected. He now proposed to refer the matter to the Premier League for an independent investigation, since he saw no prospect of getting a proper resolution from the Club. On 19 April 2013 he wrote to the Premier League supported by documentary evidence from correspondence with the Club, whose responses he deemed to be dismissive and aggressive. On 13 May the Premier League replied that, following discussions with QPR, it could be confirmed that "stewards were not targeting you in any way". It was noted that the complainant had been given the mobile phone number of the Operations Manager. The complainant replied on the same day repeating his accusations and stressing that CCTV evidence would support his case. He highlighted the accusations contained in the solicitor's letter and identified a number of disciplinary actions the Club could have taken against him had he behaved as described. On 16 May the Premier League maintained its position that there was "no clear evidence that your safety at QPR was compromised by the stewards". Once a further reply made clear the complainant's continued dissatisfaction, the Premier League referred the complaint to the IFO. The complainant confirmed on 23 May 2013 that he wished the IFO to adjudicate his complaint.

The Investigation

8. The IFO carefully reviewed the correspondence submitted by the complainant, along with the extensive exchanges between the complainant and the Club, their solicitors and the Premier League. The complainant submitted to the IFO a 250 page dossier containing all the documents relating to the original 2011 case. Although informed by the IFO that the adjudication could focus only on the past season, the complainant believed that these documents provided

necessary background to the current complaint. On 6 June the IFO met with the complainant to discuss the complaint face to face. Because of annual leave of QPR officials the meeting with the Club did not occur until 11 July. The visit to Loftus Road enabled the IFO to review documentary evidence, such as the stadium matchday logs and reports, stewarding arrangements and the location of the complainant's seats.

The Findings

9. It is often the case in IFO adjudications that there is a clash of evidence between a complainant and a club over a specific incident, an ejection for example. What makes this complaint so different is that there is a direct contradiction between the perceptions of the complainant and the Club over the events of a whole season. The Club has maintained consistently to the complainant, to the Premier League and to the IFO that the stewards are not targeting the complainant and that neither the Club nor the stewards are seeking to victimise the complainant. Conversely the complainant is adamant that the stewards are seeking to provoke him by intimidation, that the Club refuses to investigate the incidents he has reported and that this is part of an exercise in retaliation for the previous 2011 complaint. The complainant believes that CCTV evidence will support his case, but the Club has informed all parties that no such evidence exists. It is vigorously asserted by the Club that it holds no visual records of the complainant. The Operations Manager explained that, since there have been no misbehaviour incidents involving the complainant, there has been no reason to focus CCTV cameras on his specific area of the stadium. (Given the persistence of the complainant's allegations, it might have been worthwhile for the Club to have retained some CCTV record to support its case that no undue targeting of the complainant had taken place.) She points out that her over-riding concern is the safety and security of all supporters (not targeting the complainant) which means that the priorities are in the sections where problems are likely to occur, such as the away section, and on any ongoing incidents during a match. She particularly bemoans the fact that, while her responsibilities require her to make operational decisions based on safety and security assessments, the complainant views these as primarily motivated by a desire to inconvenience him. This was brought into sharp focus by the operational decision to increase stewarding in the complainant's area (on

which he was forewarned) which he interpreted as evidence of intimidation and an accusation that he had been involved in the previous misdemeanours which had provoked the changes. (see paragraph 5).

10. The IFO finds it difficult to reconcile the two views of the stewarding policies as a whole. A specific incident illustrates the chasm of interpretation between the two protagonists. The complainant reported an incident where two stewards stood directly in front of him, which the Club maintains involved sorting out a ticketing problem. The complainant reported that when asked to move, one of the stewards became abusive and the complainant quoted the foul language allegedly used. He was indignant to receive the solicitor's letter which then accused him of assaulting the steward and which claimed that it was he and not the steward who had had used foul and abusive language. The complainant has to admit that his view of the QPR world is detrimentally coloured by his experiences in the 2011 incidents. At the heart of that dispute was an alleged fabrication of evidence by stewards and on receiving the solicitor's letter he feared a rerun, where a steward was in his view lying about what had happened.

11. What may be inferred by this part of the dispute? The solicitor's letter certainly contains serious allegations and the complainant is surely right to point out that were the allegations well founded he would have been disciplined by the Club, which in fact took no action. The complainant points out that he has devoted considerable resources to sending his son to a public school and he would not wish to set a bad example by using foul language in front of his son and the friend. The lack of CCTV evidence cuts both ways – the complainant cannot use it to support his case but then neither can the Club cite it to prove the allegations. The IFO believes that it was just as likely for the steward as for the complainant to have used the foul language and one may envisage a scenario in which the steward became impatient when interrupted from his duties by the complainant. The IFO has been provided with no corroborating evidence and finds that on the balance of probabilities the complainant was probably innocent of the charges against him as contained in the solicitor's letter. Both parties claim to wish to restore harmonious relations and the IFO believes it would assist this process if the Club were to withdraw the charges.

The IFO recommends that the Club writes to the complainant formally

withdrawing the allegations that he assaulted a steward and used foul and abusive language.

12. The wider question is less easy to resolve. The complainant's seat is adjacent to a vomitory and near the touchline. The rake of the seating is relatively shallow which means that a steward positioned at the pitch edge is bound to cause a visual obstruction, albeit temporarily. The logistical requirements and physical arrangements of the stadium result in the inevitable positioning of stewards in the immediate vicinity of the complainant's seat. The Club has explained and the IFO accepts that this cannot be avoided. The Club points out that no other supporters in nearby seats have complained and even when it was asserted that disabled supporters were being inconvenienced none complained. The complainant was provided with the Manager's mobile phone number, though he has never used it to report immediate concerns during a match, partly because he does not wish to be distracted while watching the game and partly because he has no faith in the willingness of the Club to resolve his concerns. The IFO notes from the dossier on the previous case that the complainant was in dispute with the Club about stewards blocking his view during the 2010-11 season. Indeed, the very incident which provoked his ejection arose from stewards standing in front of supporters during a highly charged local derby. This tends to suggest that the stewarding problem is intrinsic to the location as much as a personal policy aimed at the complainant. The Club has confidence in the security company involved and has commissioned extra duties in the coming season. It has been pointed out to the complainant that the company is not the one that was involved in his original ejection. No doubt his previous experience has made the complainant highly sensitive to perceived threats to his safety, but the IFO finds that the case that he is subject to victimisation is not proven. The IFO believes that there is a clear way for this dispute to be resolved. The complainant enjoys the matchday excitement which his proximity to the pitch provides, and being a large man it provides him with good leg room. Yet if he is genuinely fearful, particularly for his son's safety, then he should seriously consider moving his seat to a location where the stewarding will be less obtrusive. This will probably mean moving to an upper tier of the stadium. **The IFO recommends that the Club should assist the complainant in locating alternative seats where it will be less likely that**

the positioning of stewards will affect the sightlines of his party. The IFO also recommends that if the complainant chooses to retain his present seats, the Club should ensure that stewarding activity at the front of the stand is confined to the minimum necessary.

Conclusion

13. The IFO understands the complainant's sensitivity to perceived threats to his safety and wellbeing because of his painful previous experience, which has led him to pursue legal action against the Club. This provides the context for the current complaint of harassment which on the basis of the IFO investigation is not proven. It is to be hoped that the IFO recommendations that allegations against the complainant are withdrawn and that he be assisted in relocating his seat will lead to a more harmonious relationship, which could be further encouraged by a meeting between the parties.

Professor Derek Fraser
Alan Watson CBE

3 September 2013