



THE INDEPENDENT  
FOOTBALL OMBUDSMAN

**IFO COMPLAINT REF: 13/08**

**AN EJECTION AT QUEENS PARK RANGERS**  
**IN JANUARY 2013**

**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 properly dealt with 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 and the Premier League in investigating this complaint.

### **The Complaint**

3. A visiting Manchester City supporter complained that he was unreasonably ejected by Queens Park Rangers stewards in January 2013. He alleged that the stewards used undue violence in the process of ejection and wrongly handed him to the police, falsely charging him with assault. He and his father, who also complained of rough treatment by the stewards, denied being intoxicated, the nominal reason for the ejection. They further complained that there were delays in the Club responses to their complaints.

### **The Facts of the Case**

4. On 29 January 2013 Queens Park Rangers played Manchester City in a Premier League fixture. A 47 year old man accompanied by his son aged 24 visited Loftus Road as away supporters. They had brought a flag with them which they had no trouble in bringing into the ground. Before the match began they tried to drape the flag over the hoarding at the front of the upper tier, but were informed by the senior steward that this was not permitted and they could only display the flag at the back of the stand. They claim that they did this without any problem (the Club disputes this, see below paragraph 7).

Thereafter the pair entered the concourse beneath the stand in order to purchase refreshments. They maintain that, without warning or reason, they were surrounded by stewards who accused them of being drunk. They were informed that they were being ejected for being intoxicated. Both father and son were then taken down the stairs, with stewards on each side of them. During this process, which both allege was unduly violent, a steward was injured in the face for which he required first aid. The son was handed to the police and was charged with assault. He was taken to a police station and released at 1.40 am after having accepted a caution for common assault.

5. Some three weeks after the game the father wrote to the QPR Customer Services Manager to complain about his treatment at the match he had attended "on 9 March", (which was in fact the date of the QPR v Sunderland game). He claimed that he had been "forcibly restrained, physically hurt, sworn at and had threats made against my person". On 27 March the son followed this up with

an email which claimed that he had been physically and verbally abused by the stewards. He maintained that there was no need for the stewards "to be as physically aggressive as they were. We're both law abiding people who've never been in trouble at football or anywhere else." There was also comment on the hostile attitude of the stewards. After a series of email exchanges querying the lack of progress, the Club's Safety Officer issued a substantive reply on 17 April. Although he had not been present at the match, he was satisfied from his enquiries that there was no evidence that "the stewards used excessive force". He reported that the Safety Officer on the day had confirmed that "the steward behaviour was proportionate". The father replied that he strongly refuted the Club's version of events and would be making a data request to see all documentation. He was advised to direct this request to the Club's lawyers. On May 23 the complainant received a further reply from the Matchday Resource Manager who pointed out that an ejection would have to have been sanctioned from the control room and repeated that matters relating to data requests would have to be referred to the lawyers. The complainant replied that there had been inordinate delay and that under the Data Protection Act he was entitled to receive the relevant information.

6. As he had previously warned the Club, the complainant then approached the Premier League. The League supported the Club's stance that the supporters had both been drunk and that the complainant had become violent during the ejection. The League also pointed out that once an external body such as the police had become involved, it was very difficult to take further action, a conclusion which the complainant disputed. The Club's lawyers wrote on 14 June that they stood by their version of events and denied the complainant's allegations. They offered a meeting with the Club to seek to resolve the matter. The complainant declined the meeting as there seemed no prospect of QPR changing its position, as the solicitor's letter had indicated. The complainant's father referred the complaint to the IFO on 18 June 2013 and the IFO investigation began.

### **The Club's Version of events**

7. The ejection was initiated, implemented and supervised by the most senior steward in the away section, who was also a director of the contracted security company. She personally dealt with two male supporters who were attempting to place a flag over the upper tier balcony hoarding. She advised that this was not allowed and although she suspected that drink had been involved, she took no further action at this stage. (In retrospect and in view of the way things escalated and her employee was injured, she expresses regret that she did not eject the son at this early stage as she smelt alcohol on his breath.) Some 30 minutes later she was summoned to the upper tier seating by a steward who pointed out that the young man trying to position the flag was unable to stand properly and was clearly intoxicated. She therefore invited him to come down into the concourse and his manner convinced her that he had consumed further alcohol and was definitely drunk. (The complainant maintains that the flag had already been fixed and they went to the concourse of their own volition.) She informed him that he would be ejected for being drunk and asked him to leave peaceably. (Another fan was later ejected for the same reason and accepted his fate and walked out without fuss.) It was during the consequent altercation that it emerged that the two males were father and son and it was the former who produced tickets when asked. As the conversation got more heated it became clear that the son was not going to comply with the instruction to leave. The senior steward and another steward then took hold of his arms and led him down the stairs.

8. The senior steward maintains that the son was thrashing about and shouting obscenities. Part way down the stairs he lifted his feet off the ground which caused all three to stumble and fall. The second steward reported that the son complained that his arms were hurting and so he relaxed his grip. At that point the son hit out, kicking one steward in the leg and punching another in the face. As a result other stewards then restrained the son and led him to the police who had been summoned to the exit. The senior steward claims that the father was not ejected, but chose to leave with his son. The matchday log indeed refers to only one person being ejected in the incident at 19.10 hours, 35 minutes before kick-off. The father was accompanied by two stewards as he walked down the

stairs; the senior steward described him as having been very vocal, but not violent. The Club denies that the father was manhandled roughly, as he claimed.

### **The Investigation**

9. The IFO carefully reviewed the correspondence submitted by the complainants, together with the exchanges between the complainant and the Club and their solicitors. The IFO visited Loftus Road on 11 July and met the Operations Manager. Although she had been in charge on the day in question, she had not personally been involved in the ejection. It was agreed that a meeting with the senior steward would be arranged. On 2 August the IFO and Deputy met the director of the security company who had both asked the complainant to move his flag and had effected the ejection, having been in touch with the control room. They were able to inspect the matchday log and files and view the seating and concourse where the events took place. The complainants were offered the opportunity to meet the IFO to discuss the complaint and instead chose to discuss the case by telephone.

### **The Findings**

9. It is sensible to divide the findings into two parts, the way the complaint was handled and the substantive issues. The complainants allege that there was undue delay in the Club's response to their expressed concerns. Having submitted the complaint on 27 March, there were holding replies from the Customer Service Officer and the Matchday Resource Manager, but no substantive response until the Safety Officer's letter of 17 April. Again the complainant's letter of 23 May did not produce a reply until the solicitor's letter of 14 June. At each stage it took some three weeks to elicit a substantive response and it is clear from this that the complaint was not handled expeditiously, nor did the Club meet its Charter commitments. The IFO finds other shortcomings in the complaint handling. The lines of responsibility and communications between the customer service function, the matchday organisation, the Safety Officer and the Operations Manager were blurred. It was inappropriate that both substantive replies came from Club officers who admitted that they had not been present at the match. In the light of the delays and shortcomings **the IFO recommends that the Club reviews its**

**complaint handling process to ensure that a clear and consistent procedure is adopted.**

10. The IFO is faced, as in previous cases, with diametrically opposed versions of events. The complainants argue that they were not drunk, that the events in question were provoked by aggressive stewarding and that they were subjected to unwarranted violence. The father asserts that he was forcefully ejected before his son was handed to police. The Club, by contrast, maintains that the son was ejected legitimately for being drunk, that his refusal to leave the stadium required proportionately forceful action and that he had become violent, injuring a steward in the process. The Club also points to the police involvement which led to the son being held in police cells and then accepting a caution for assault. The Club disputes the father's version and claims that he was not ejected and was not treated violently. He left the stadium of his own accord and was subsequently assisted by a steward who retrieved the flag.

11. The question of whether the son was drunk is a matter of the subjective judgement of the senior steward. Both father and son admit that they had consumed alcohol (3 cans on the coach), but dispute that they were drunk. The senior steward reported a strong smell of alcohol during the first interaction with the complainant over the positioning of the flag. Then, observing the son's unsteady gait while repositioning the flag convinced her that the level of intoxication was serious enough to warrant ejection. It is not possible to determine whether the son was indeed drunk, but if the senior steward, drawing on her long experience, was convinced that he was drunk, then she was entitled to eject him in accordance with the ground regulations.

12. The process of ejection also produced widely differing interpretations. Both sides claim that obscenities were used. The father reports that they were called foul names, while the ejecting steward quotes the son as threatening to kill him amid a stream of foul language. It seems clear that the son resisted being ejected and in the process no doubt there was forceful action by both parties. In his written report, the steward who was injured claimed that so great was the violence of the son that several stewards had to restrain him until he was handed to the police. The son claims that he was held with his arms behind his

back and even if he was deemed to be drunk, there was no cause for the stewards to use such force. Among the disputed testimony two salient facts stand out – the steward required medical attention after the event, which prevented him from completing his shift, and the son accepted a police caution, having received legal advice at the time. The father informed the IFO that subsequent and alternative legal advice suggested that the son should not have accepted the caution and requests the IFO to consider this as a “grey” area rather than in “black and white” terms. The Office of the Football Ombudsman is not a judicial tribunal and it is for the complainant to seek alternative legal remedies if he wishes to challenge the caution. It is on the record that by accepting the caution he admitted an assault which the steward’s physical injuries corroborate.

13. The IFO respects the intensity of the complainants’ assertions that they are the innocent victims of over-zealous and forceful stewarding. However, there is no compelling evidence to counter the Club’s view that a justified ejection took place which then escalated into violence. The Club has assured the IFO that there was no relevant CCTV record, even though the complainant was told at one stage that CCTV evidence would be provided. The IFO checked specifically and it has been confirmed that neither the Matchday Resource Manager nor the Duty Safety Officer has any relevant visual evidence. There is a camera in the concourse, which was crowded at the time during an evening match, but there is no camera in the stairwell, where the main physical altercation started. In the case of the father it is not possible to say whether he was roughly treated or simply was accompanied as he left the ground and hence his part of the complaint is not proven. The son was judged to have been drunk and was asked to leave. When he refused to leave, a degree of force was evidently used and perhaps because of it he reacted forcefully himself. In so doing he injured a steward and later accepted a simple caution for common assault. Because of this, and the fact that there is no substantive evidence to the contrary, the IFO cannot conclude that he was wrongly ejected. **The complaint against the ejection is not upheld.**

**Conclusion**

13. The IFO finds that the Club did not handle the case well and there are shortcomings in its complaints procedures which the Club admits need to be addressed. The facts of the case are strongly disputed, but it is not possible to determine after the event whether the complainant was indeed drunk. The senior steward was within her rights to eject the complainant under the ground regulations. The complainant and his father continue to maintain that they were unreasonably and forcefully ejected, while the Club argues that it used proportionate force to effect the ejection. The IFO finds that there is not a sufficiently compelling case to uphold the complaint.

**Professor Derek Fraser****16 September 2013****Alan Watson CBE**