



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 10/01

**EJECTION OF FANS AT THE FULHAM_v_LIVERPOOL MATCH ON
31 OCTOBER 2009**

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. 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. The IFO has received full cooperation from Fulham Football Club and the Premier League.

The complaint

3. A man complained that he, his father and son, and a friend had been unjustifiably ejected from Craven Cottage, and that his subsequent complaints were mishandled.

The complainant's account of events

4. On 1 November 2009 the complainant, a Fulham membership card holder, wrote to Fulham. He gave the following account. He had bought four tickets for the home game against Liverpool on 31 October to celebrate his 43rd birthday. He had invited his 77 years' old father (a Sunderland fan) across from Ireland for the game, his son (a Bristol City fan), and a friend (a Liverpool fan). From previous games he knew that fans are not allowed to wear away colours in the home end, and are not allowed to shout for the away team; that had been pointed out to him by a helpful steward. The party's seats were in the Johnny Haynes stand; they had an elderly Fulham fan on one side, and mother and daughter Fulham fans on the other side.

5. At half-time, with the score 1-1, the complainant, his son and the friend went to the concourse. When he returned with tea for his father, the mother and daughter were asking stewards to remove Liverpool fans sitting beside them. When the match restarted the mother and daughter made further complaints and pointed out the complainant's party to stewards, who asked the complainant, his son and friend to leave their seats. They went to the lobby and exchanged words with the stewards who said that they were Liverpool fans who had stood when Liverpool scored, which they had not done. They had not stood and applauded when Fulham scored either. The only reason they had been removed from their seats was because of the women's insistence. The steward pointed out that they could be barred and they followed him outside the gates. The complainant informed the steward that his father was still in the ground and they would have to throw him out as well; the stewards took his son up to escort his grandfather out. The elderly Fulham fan asked where the complainant's father was going, to which he replied "Apparently I am being removed". The son looked at the women who found that amusing.

6. After more heated words and a change of steward, the party was allowed to watch the last 15 minutes of the match from a different part of the ground, but only because of the age of the complainant's father and the stewards "realising the stupid mistake they made". The complainant was not looking for a refund but wanted an apology. He was returning his Fulham membership card and hoped that the Irish Football Association would change their venue the next time they arranged an international friendly in London.

Fulham's response

7. On 13 November Fulham's Supporter Relations Manager wrote to the complainant, referring to a telephone conversation he had had with him. He had examined the match day log and had discussed the complaint with the Stewarding Manager and the Safety Officer; the complainant's party had been ejected from the stadium in accordance with section 8 of the Ground Regulations which stated:-

"Any individual who has entered any part of the Ground designated for the use of any group of supporters to which he does not belong may be ejected from the ground either for the purposes of his own safety or for any other reason".

The Manager said that the Ground Regulations were designed principally as a mechanism to ensure that the club is able to police the stadium in such a way that the wider health and safety of the crowd is assured. As a consequence there were certain stipulations placed on entry, including the proviso that **no** away supporters should be seated in officially designated home stands. Stewards were trained to remove any away supporters from home stands if they felt that their presence might be likely to cause a health and safety risk to either themselves or other supporters.

8. The Manager said that he appreciated that the complainant's party was in the ground merely to enjoy the match and was not seeking to antagonise or threaten home supporters. He was also sorry that the complainant's father had been left shaken by the incidents leading to the ejection. He said, however, that unfortunately they could not take into consideration the age or behaviour of supporters in cases where the Ground Regulations had been breached; and that held particularly true when a formal complaint had been received from a home supporter. The club had always to consider the potential impact of flashpoints in the stands and actively seek to ensure that there is no escalation of problems. The Manager recommended that if returning to the stadium, the complainant should look to purchase tickets in the neutral area, which was open to supporters of any team.

9. The Manager was pleased that the stewards had been able to re-house the complainant's party; the stewarding supervisor had used his own initiative to arrange that, no doubt having taken into account the make-up of the party. In most circumstances re-admission would be refused. The Manager said he had relayed to the Stewarding Manager the complainant's concerns over the handling of the ejection and asked that she ensures that all members of the team are aware of their roles and the need to show tact and discretion when dealing with challenging situations. The Manager expressed his regret that the party had missed part of the match, but hoped the complainant could appreciate the need for the club to work strictly within the procedures laid down in the Ground Regulations and operating licence.

10. As the complainant did not receive Fulham's letter of 13 November, he wrote to the Football Supporters' Federation on 24 November. After outlining his complaint he said that he had had an unpleasant telephone conversation with a Fulham customer services officer. By his own account, she had not believed his account of events; she had said that he had broken Fulham's policy in taking an away fan; that he, rather than Fulham, had ejected his father; and she had become confrontational when he had asked for compensation. She had asked why he wanted a refund when he had seen the match. . She had asked for the names of Fulham fans who said that the ejection was a disgrace, and had said that the women were within their rights in asking for ejection as he had not stood when Fulham scored. He said that he wanted a refund because of the way in which stewards had treated him.

11. On the advice of the Football Supporters' Federation, the complainant emailed the Premier League on 30 November. He said that he had originally sought only an apology from Fulham, but that had not been forthcoming and he had had a rather unpleasant conversation with a Fulham customer service officer who had telephoned him in an attempt to resolve the situation, and who had refused either to accept his version of events, or to believe that the members of his party were mature adults who had behaved perfectly. In light of all that he was seeking compensation. He said the correct action for

the stewards would have been to tell the ladies who complained that the party was doing nothing wrong and not interfering with their enjoyment of the game. He also complained about the lack of a response from Fulham.

12. On December 15 the Premier League replied to the complainant saying that they were sorry to hear of the problems he had experienced. They said that it is unfortunate when home fans object to away fans, but clubs have to ensure that Ground Regulations are not broken. The League had spoken to Fulham and obtained a copy of their letter of 13 November to the complainant. They were surprised that he had found the telephone conversation unpleasant as that was not the officer's recollection. The League said that Fulham staff were sympathetic with the complainant's situation and the Supporter Relations Manager's letter conveyed that.

13. That same day the complainant emailed the Premier League saying that he had not received any letter from Fulham. He believed that Fulham had been prompted into a response only after the League's involvement. The League copied to the complainant Fulham's letter of 13 November.

14. The complainant emailed the Premier League. He said that when ordering his tickets he had made clear that he was taking a Liverpool fan with him. On 4 January 2010 the League emailed the complainant. They said that his ticket purchase had been dealt with by an external call centre, rather than by Fulham's own ticket office, and it would be unusual for the call centre to deviate from the script they are asked to follow. It would be against policy and training for them to say that away fans could go into the home area. Such calls are not recorded so it was not possible to verify precisely what was said. The League supported Fulham's stance in not compensating away fans who have been properly identified and removed from a home stand. The League said that if he was still dissatisfied they would contact the IFO.

15. That same day the complainant emailed the Premier League. He said that any outsourced ticket facility should be as equally responsible as Fulham's own ticket office for supplying accurate information; that was particularly important as the club was using small print to deny his complaint. The League replied. They agreed that Fulham had overall responsibility for all ticket sales, but the club was not trying to avoid that; it was simply that calls taken externally meant that it was harder for Fulham to control the situation and they were unable to give a full account of a call. The League said that they would pass on his complaint to the IFO.

The investigation

16. The Deputy IFO visited the Premier League. The League's view was that it was disappointing that Fulham fans around the complainant's party had objected to their presence, but stewards were expected to remove away fans from home areas; and it was unfortunate that the complainant's father had got caught up in it. The League felt that in re-seating the party Fulham had handled a difficult situation as well as could be expected. The League considered that as Fulham had apologised for the inconvenience, there was no need for any further recourse. The League supported Fulham's actions and response.

17. The Deputy IFO spoke with the complainant. He conceded that he is basically a Liverpool fan but described himself as a fan of all football. He said that after he had gone

to Craven Cottage to watch a Republic of Ireland international, Fulham emailed him offering membership, which he had taken up. He subsequently took his brother, an Everton fan, to watch Fulham against Everton. A steward had told the brother to cover his Everton shirt as that was not allowed in the home stand. The complainant's mother had died in April; he invited his father, who had never seen a Premier League match, over from Ireland for the Liverpool match. He also invited his son and a Liverpool fan friend. He ordered tickets by telephone. He asked for the neutral zone but it was sold out. He explained that he was taking a Liverpool fan; the ticket office said that would be ok provided away colours were not worn. The complainant bought four £63 tickets.

18. The complainant said that during the match none of the party had worn colours, or had jumped up in celebration of either goal. The complainant felt that a young steward had been bullied by the women who complained. His original intention had been to use his membership to take a succession of friends to Craven Cottage, but since the Liverpool match he had returned his membership card. He said that originally he had been seeking only an apology from Fulham for what had happened, but the way in which they had handled his complaint had encouraged him to seek compensation.

19. The Deputy IFO visited Fulham and saw the Supporter Relations Manager and the Ticketing Manager. The Ticketing Manager explained that Fulham is the only Premier League club which has a neutral area, where fans of any club can buy tickets. She produced the complainant's ticket purchase records which showed that he had first bought two tickets for a Republic of Ireland international. As a Fulham member he had then bought two home tickets for the Everton match, but in a stand where there were less home season ticket holders than the Johnny Haynes stand; for the Liverpool match he was in an area with a high preponderance of season ticket holders, who tended to be more passionate and less tolerant of non-Fulham supporting spectators. The Manager had checked with the call centre and was satisfied that staff there are instructed in what they can and cannot do and that where any doubts exist about whether to sell tickets, the matter should be referred to Fulham's own ticket office for guidance. As it is clear that home tickets should not be sold for away fans, she thought it unlikely that the call centre would have knowingly done so.

20. The Supporter Relations Manager said that there was no evidence of untoward behaviour by any of the complainant's party, either during the game or during the ejection, although the complainant had said that he would be making a complaint about what had happened. The Manager explained that once Fulham fans had raised the issue with a steward, the club had had no option but to act in accordance with the Ground Regulations, as there was a danger of escalation into a threatening situation. One of the party had admitted to being a Liverpool fan. In taking the action which they had, stewards had consulted with the safety officer and the stewarding supervisor, who had taken the exceptional decision to let the party return to another part of the ground. The stewarding log showed simply that four Liverpool fans had been ejected from the Johnny Haynes stand. It also showed that other Liverpool fans ejected from home areas had not been allowed to relocate within the ground. There was no CCTV footage of the events surrounding the complainant's ejection, as the cameras range around different parts of the ground.

21. The Manager pointed out the wording on the reverse of tickets:-

"This ticket is issued by the Club subject to the Terms & Conditions of Entry (which are available from the Club). The use of this ticket to enter the Club's Stadium constitutes acceptance of the Club's Terms & Conditions of Entry. If the ticket is used in breach of the Terms & Conditions of Entry it will be automatically void. The bearer will be refused entry and, if already in the stadium, will be ejected, in either case without refund."

22. The Manager had discussed the matter with the customer service officer who had spoken with the complainant by telephone. She did not consider that there had been anything untoward in the conversation. The complainant had asked for compensation; the officer had basically explained that the complainant should not have taken an away fan, and that he was not entitled to a refund.

Findings

23. It is sad that it is necessary to have to segregate football fans, but the IFO accepts that in the circumstances prevailing at most football grounds, it is a requirement to ensure the health and safety of spectators. As such it is built into the Ground Regulations. The IFO is pleased to note that Fulham, unique in Premier League terms, have a "neutral" stand, which is available to fans of any club. Unfortunately, there were no tickets available there when the complainant telephoned the call centre. According to the complainant, when buying his tickets, he told the operator that he would be taking a Liverpool fan to the match. Fulham maintain that instructions to call centre staff should have prevented the sale of a home ticket to an away fan and staff would not knowingly have done so. In the absence of corroborating evidence it is not possible for the IFO to determine precisely what took place during the complainant's call.

24. The main issue for the IFO to consider is quite straightforward. In ejecting the complainant and his party were Fulham acting in accordance with the Ground Regulations? Clearly they were. The secondary consideration for the IFO is, whether in the circumstances surrounding the complainant's party, it was necessary to operate the letter of the law and eject them. That is a more difficult question as by all accounts the party was well behaved, even as they were being ejected. However, the party did contain Liverpool fans and should not have been in that stand; and no matter how good their behaviour, once Fulham fans had complained, the club was left with little option but to remove the group from the stand. Not to have taken such action was, as the Supporter Relations Manager explained, to risk escalation into a threatening situation.

25. The IFO welcomed the fact that Fulham recognised that the complainant and his party had been well behaved, and that his elderly father had to be removed to join the others, by allowing them back into a different part of the ground. Although the complainant appreciated that this was an exceptional act, it did not remove the sense of injustice he felt over what had happened. Unfortunately he did not initially receive the thorough explanatory reply which the Supporter Relations Manager promptly sent to him (following a telephone call to the complainant), saying that he was sorry that the complainant's father had been shaken by the events and expressing regret that the party had missed part of the game. There is no evidence to show why the complainant did not receive that letter. The copy seen by the IFO was correctly addressed and the IFO has found no reason to doubt that Fulham issued it on the date recorded on it.

Conclusion

26. Although the IFO can sympathise with supporters who want nothing but to be able to watch and enjoy a match, the fact is that there were away fans in the party and they should not have been in a home stand. From a health and safety perspective, and in accordance with the Ground Regulations, Fulham were within their rights to eject them from the stadium. In the circumstances, **the IFO does not uphold the complaint.**

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

25 February 2010