

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



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## **IFO COMPLAINT REF: 17/16**

## **DISORDER AT THE LEAGUE ONE PLAY- OFF AT WEMBLEY, MAY 2017**

### **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 English Football League [EFL]) 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 is an Approved Alternative Dispute Resolution Body and its findings are non-binding. 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 that in investigating this complaint he has received full cooperation from the Football Association.

### **The complaint**

3. A man complained about anti-social behaviour by a group of males which impaired his enjoyment of the match at Wembley and greatly inconvenienced his party which was left distressed by the occurrence. He further complained about shortcomings in the FA's handling of his complaint and what he perceived as inadequate recompense offered by the FA.

### **The facts of the case**

4. The League One play-off match between Bradford City and Millwall took place on 20 May 2017, an EFL event held at Wembley. The complainant was one of a party of 14 who had tickets in the Bradford section of the ground (Block 243). Before kick-off the occupants of a box immediately behind the complainant's party (apparently Millwall supporters and who appeared intoxicated) began hurling abuse at the fans below, making aggressive, vulgar and offensive remarks. The complainant sought to register his concerns on the day after the match but could only locate a general comments box on the Wembley website. It was on 14 June that the complainant submitted a formal complaint about the security arrangements at Wembley, demanding that the owners of the box (thought to be 3089) refund the party their ticket costs, failing which their licence should be suspended by Club Wembley. On the same date a reply was sent saying that the matter was being investigated by the Crowd Safety team.

5. In further correspondence the complainant reported that a member of his party had been told that the occupants of the box had been evicted and arrested by the police. He asked for details of the incident and the terms of the booking. A reply was sent on 31 July which stated that "the information is correct that the group were evicted from the stadium and dealt with appropriately by the police". It was suggested that matters should have been referred to the stewards who would have been able to advise on the action taken and allay anxiety. It was not possible to reveal details of the booking and the matter of compensation was

being referred to the Club Wembley team manager. The complainant responded, renewing his request for information about the ownership of the box and threatening a legal class action.

6. On 1 August the complainant received a message which admitted that there had been confusion and it was in fact box 3090 which had been involved. The police had not been involved, but the occupants of box 3090 had been moved to an alternative box on Level 4 to defuse the situation. This had occurred shortly after kick-off. The details of the leasing arrangements were private and confidential and could not be disclosed, but the owners of the box were reminded of the need to comply with the Club Wembley Code of Conduct. The complainant asked whether there was any CCTV evidence of the behaviour of the occupants and whether anyone who made the decision to move them was professionally qualified to judge whether they were inebriated. The complainant had requested to see correspondence with the box leaseholders, which the FA declined to provide.

7. On 4 August the complaint reached a new stage by the issue of an apology and the offer of a goodwill gesture of an 8-seat box with refreshments at one of the upcoming England games. The complainant replied on 24 August that work commitments precluded attendance at these matches and pointed out that there had been a party of 14, for which a box for 8 was hardly appropriate. On 30 August the FA revised its offer to take account of the complainant's comments, comprising a choice of

- A 20-seater box for match v Slovakia
- 14 tickets in the Club Wembley section for either Slovakia or Slovenia matches
- An 8-seater box for either match

The FA pointed out that this was a goodwill gesture and that there was no legal obligation to offer compensation or to disclose confidential details relating to the leasing of the box. The complainant replied by again referring to work commitments and citing the substantial additional travel and accommodation costs, which he estimated at around £150 per person. He suggested that Wembley should sell one of the packages offered and offer compensation out of the proceeds, although "the money will never fully compensate for the dreadful

experience, which will remain with us". The FA responded that this was not possible. The offer stood of 14 tickets for a future England game (subject to availability). On 7 October the complainant confirmed that he wished the IFO to review how the FA had attempted to deal with the complaint and its processes and procedures. The IFO investigation began formally in early December when after some delay the FA submitted its evidence.

### **The Investigation**

8. The IFO reviewed the extensive documentation submitted by the complainant, together with the long running correspondence between the parties. The documentation also included a substantial report from the FA which provided a detailed survey of the progress of the complaint. On 11 December and again on 31 January 2018 the IFO visited Wembley to discuss the case with the FA officials.

### **The Findings**

9. As is normal practice, the report addresses the substantive complaint and then how it was handled. There can be no doubt that the complainant and his party suffered a distressing experience which impaired their enjoyment of the occasion, which turned out to be memorable for the wrong reasons. The IFO believes that some recompense is justified to reflect the failure to provide for the supporters an environment free from anti-social behaviour. The FA accepted that the complainant's party left Wembley "with a negative memory", but it was dilatory in its offer of a goodwill gesture and the initial offer of an 8-seat box for a party of 14 was ill-judged. However, the enhanced offer conveyed on 31 July (Paragraph 7) seems to the IFO to be a reasonable list of options which reflect the level of discomfort experienced, one element of which (a 20-seater box) might be deemed generous.

10. The complainant has so far declined the FA's offers and cites the costs and time which the party will incur in travelling to Wembley from the north. It is true that all supporters are involved in costs of varying levels when they attend a match at Wembley. However, the IFO does not believe it is reasonable to expect the FA to meet the costs the party might incur if they were to accept one of the FA's goodwill offers. The FA accepted that the party had an unsatisfactory experience and it seeks to recompense by providing complimentary tickets for a

high profile match in the future. In short, it is offering to deliver a form of compensation which is within its provision and the IFO believes that the FA cannot be responsible for services outside its control. In recognition of the complainant's legitimate unwillingness to incur further costs, the IFO suggests that an additional option be added to the FA's goodwill gesture. **The IFO recommends that the FA provides EITHER 14 complimentary tickets to a future England match OR a monetary payment of £35 to each of the 14 members of the complainant's party.** The IFO is pleased to report that the FA has accepted the recommendation and that the complainant has chosen to accept the monetary option.

11. There were many shortcomings in the FA's handling of the complaint. There were delays in responding and, for example, the complainant had to wait nearly 7 weeks to get a substantive response to his original complaint, which the FA ascribes to the complainant's identification of the wrong box number. Similarly, there was a delay in the FA response to the IFO. Perhaps even more important, it appeared to the complainant that there was confusion over who was actually dealing with the complaint (though the FA asserts that the complaint was handled by the appropriate single officer). At various times there is reference to Wembley Stadium, the Crowd Safety Team, Club Wembley (and its manager) and the FA Customer Services. This complexity is illustrated in the inconsistency of the messages conveyed. On 31 July the complainant was informed that he was correct that the offenders had been ejected and dealt with by the police. Next day the FA stated that there was no ejection and the police had not been involved. It is not clear how complaints arising from matches at Wembley are to be communicated and resolved (particularly for non-FA events). **The IFO, therefore, recommends that the FA and the Wembley authorities urgently review their complaint handling procedures.** Since the initial investigation the IFO has learned that such a review is already in train, which brings Wembley complaints into the remit of the FA's Customer Services Department.

## **Conclusion**

12. The EFL play-off matches can be tense occasions since the stakes are high and supporters may get over-exuberant. It is clear, and the FA accepted, that the complainant and his party were subject to abuse and anti-social behaviour which spoiled their day at Wembley. It later emerged that the offending supporters were moved on by stewards, but this does not undermine the complainant's entitlement to a goodwill recompense. The IFO welcomes the FA's willingness to offer either complimentary tickets or, at the IFO's suggestion, a monetary alternative. The complainant has accepted the latter in resolution of the complaint. The IFO also welcomes the changes introduced by the FA which, it is hoped, will lead to a more coordinated and expeditious response to complaints, particularly those, like the present one, which arise from attending matches at Wembley.

**Professor Derek Fraser, Ombudsman**

**6 February 2018**

**Alan Watson CBE, Deputy Ombudsman**