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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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**IFO COMPLAINT REF: 11/03**

**A FOUR MATCH BAN ON A SUPPORTER OF LEICESTER CITY**

**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 must make clear at the outset that he has received the full cooperation of the Football League, while only limited assistance from Leicester City FC.

## **The Complaint**

3. A Leicester City season ticket holder complained that he was unfairly treated by the Club in imposing a 4-match ban following his ejection from the Leicester City v Coventry City game on 26 February 2011. He contended that a written warning would have been a fairer response to the nature of the incidents involved in his ejection.

## **The facts of the matter**

4. The date of the match, 26 February 2011, coincided with the complainant's birthday. He admits to having "beer-tinted eyes" and was "determined to have a laugh and a joke with pretty much anybody who would listen". During the first half of the match, a steward warned a neighbour of the complainant for persistent standing. The complainant approached the steward and, on being informed that the supporter risked being ejected, asked "Are you going to eject all 40 of us out then?" He then put his arm round the steward and gave him what he described as "a cheeky rub on the chin". During the half-time interval, the complainant was approached by stewards, handed to the police and ejected from the ground. The complainant was cautioned by the police for common assault and released from the police station at 7.00 pm. Several days later the complainant received a letter informing him of the Club's decision to impose a four match ban.

## **The Investigation**

5. The complainant first contacted the IFO on 16 March 2011, at which stage it was not clear whether the governing body stage within football's agreed complaints procedure had been completed. He alleged that he had sought to present an appeal against his ban, which had led the Club's CEO to increase the ban by a further two matches. The IFO sought evidence from the Football League and the League eventually confirmed on 31 March that they had completed their stage of the procedure. The IFO informed the complainant on 5 April that he would begin an investigation.

6. However, the IFO enquiries were delayed by the Club's refusal to respond to his communications. Despite four email messages and two phone calls there was no response and it was only the intervention of the League which finally produced a telephone response in late May. By then staff holidays delayed substantive discussions and it was not until 8 June 2011 (some 2 months after the initial contact) that the IFO

was able to acquire some understanding of the club's position. Leicester City's view, as expressed by the Safety Officer, was that the complainant richly deserved his ban for assaulting a steward, an offence admitted and leading to a police caution. The Club did not want to give any credence to the complaint and did not believe the IFO should have been involved. Leicester City are presumably aware that the IFO was established by the three football authorities and that the League regulations specifically mention the IFO (18.4). Moreover, the Football League's *Guide to Club Customer Charters* explains that where a complaint cannot be resolved either by the club or by the League itself, "the complainant should contact the IFO ...who will investigate the complaint thoroughly". To refuse to respond because it was believed that the complainant had no case was in itself inconsistent with the procedures agreed by the Football League and discourteous to the IFO. Where a complaint is within the IFO's jurisdiction, it is for the IFO, not the club, to decide whether it should be investigated.

7. The Club declined the IFO's offer to visit the ground to discuss the complaint and stated that it did not wish to submit any further evidence for consideration by the IFO. The investigation, therefore, comprised an analysis of the complainant's several submissions (to the Club, the League and the IFO), of the responses of the Club, together with police comment, and the League's complaints resolution summary. There was no CCTV evidence relating to the complainant's behaviour.

### **The Findings**

8. The basic facts are not in dispute. The complainant admits that his behaviour was inappropriate and could be misconstrued. He explained that he sought to apologise to the steward concerned even before the ban was announced. He maintains that he was never violent with either stewards or the police. In the light of what he saw as an over-reaction, he felt that the ban was excessive and that a written warning would have been sufficient. Since the facts were not in dispute, the Club had to decide what the level of the sanction should be. Advice was taken from the police and the Club's Police Liaison Officer explained that the complainant had been "given a caution because he admitted his guilt. I certainly believe that in these circumstances a period of suspension from attending the football club is entirely appropriate".

9. In view of the admission of an assault on a steward (albeit a non-violent one) and the clear police advice that a ban would be appropriate, a 4 match ban cannot be deemed excessive and is in line with practice the IFO has found at other clubs. Moreover, the complainant had been previously sanctioned for having been ejected at an away game in January 2011 and it may have been this prior offence which led the CEO to increase the ban to six matches. However, because the Club declined to give evidence, the IFO cannot be sure what the reasons for the extra ban were, whether the increase could be considered justified, nor indeed whether the appeal was properly heard. The difficulties in getting a substantive response leads the IFO **to recommend that the Football League counsel Leicester City on the role of the Ombudsman service and the rights of complainants even where, as here, the complaint is unlikely to be upheld. The IFO also recommends that the League ascertain the reason for the increase in the ban.**

### **Conclusion**

10. The complainant contends that he was behaving in a light-hearted manner and that his actions were misunderstood. However, it is unreasonable to expect police and stewards to know what is in minds of those who behave in an aggressive or inappropriate way and they can only judge the actions. Having admitted assault and accepted a police caution, the complainant has no legitimate claim to say that he was unfairly treated in being given the initial ban. The Club will readmit the complainant to the ground, but only if he signs the Acceptable Behaviour Agreement, which has been drawn up by Leicester City and Leicestershire Police. Again the IFO finds this a reasonable condition and in line with common practice. **The IFO does not uphold the complaint about the imposition of a ban, but cannot pass judgement on whether the Club was justified in increasing the ban, because of lack of evidence.**

**Professor Derek Fraser, Ombudsman**

**22 June 2011**

**Mr Alan Watson CBE, Deputy Ombudsman**