



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 10/05

EJECTIONS AT MANCHESTER UNITED JANUARY 2010

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. In investigating this complaint, the IFO has received full cooperation from Manchester United Football Club and the Premier League.

The complaint

3. A long-standing Manchester United season ticket holder, who attended the match against Burnley on 16 January 2010, complained that he and his adult son (also a season ticket holder) were unjustly ejected from the ground. He sought compensation from the Club for the match they missed when their season tickets were temporarily revoked and he claimed that his complaint was not properly dealt with by the Club, nor in a timely manner.

The events in question

4. The complainant attended the Manchester United v Burnley game on 16 January on an occasion when there was considerable unrest among many Manchester United supporters over issues relating to the ownership of the Club. The attention of the stewards was drawn to the behaviour of the complainant and his son who, several supporters alleged, were acting in a manner that was causing annoyance to other supporters. The supervisor of the Response Team observed for several minutes and noted that the two individuals were standing, singing "anti-Glazer" songs and inciting other supporters to join in. According to the supervisor, those that refused to stand and join in the singing were verbally abused by the two individuals, especially the younger of the two. The supervisor warned the two supporters about their behaviour and when this produced no changes, they were asked to leave the seating areas and move to the concourse. There they were advised that their behaviour was unacceptable and, with the assistance of the police, they were relieved of their season tickets and ejected from the ground.

5. The complainant's wife telephoned the Club several times during the following week and on 20 January the complainant himself was informed by Manchester United that he would miss one game, the fixture on 23 January against Hull City. On that date the complainant wrote to the Director of Venue, complaining about his treatment by the stewards and demanding a refund for the match missed. Following further telephone calls and emails, the complainant was informed that the tickets would be returned and the complainant was able to attend the Manchester City fixture on 27 January and subsequent matches. The Club believed that the matter had been settled, but on 22 February received an email from the complainant, renewing his complaint, following an article in the *Manchester Evening News* about ownership issues and the treatment of dissenting fans. On 8 March and again on 23 March, the complainant asked the Premier League to look into his case. The Premier League confirmed that the Club had behaved properly in applying the ground regulations. Meanwhile on 17 March the Club's Customer Care and Service Manager responded at some length, reviewing the original incident and the way the Club had handled the complaint. In response, the complainant wrote to the Club's Chief Executive on 24 March re-stating his grievances and this was replied to by the Director of Venue on 31 March. On 22 April 2010 the complainant wrote to the IFO to request an investigation into his complaints and on 6 May supplied some further documentation relating to the Premier League, who in turn requested a pause while they looked at the case again. On 8 June the Premier League confirmed that their stage was complete and the IFO investigation began.

The Investigation

6. The IFO studied carefully all exchanges between the complainant and the Club and between the complainant and the Premier League. The Deputy Ombudsman spoke to the complainant by phone and the Ombudsman visited Manchester United on 17 June 2010. In a very full discussion the Ombudsman met the Customer Care Manager, the Safety Officer and the Liaison Officer, who links customer service functions with stadium security on match days. Subsequent to the meeting, the Customer Care Manager supplied on 28 June a detailed log of the complaint handling and an overview of the way the Club had dealt with the complaint.

The Findings

7. Like similar cases which the IFO has adjudicated recently, there is a sharp difference in the versions of events portrayed by the two parties. The complainant alleges that he was rudely addressed by stewards, was coerced into handing over his tickets and was unjustly ejected. Believing that he and his son were unreasonably treated by both the ejection and the subsequent withdrawal of the season tickets, he claims that they are entitled to a refund for the match missed. The Club, on the other hand, believes that the complainant and his son were behaving in an unacceptable manner, were rightfully ejected and received a modest penalty, considering the seriousness of the offences. It is difficult to reconcile these two versions. The complainant did ask on 8 April for sight of any video evidence and was informed by the Deputy Stadium Manager on 14 April that no such video record exists. This was, as explained to the IFO, the result of tension and some disorder in another part of the ground, where cameras were focussed as a priority safety and security issue.

8. The Club explained to the IFO that it will not tolerate abusive and threatening behaviour which might adversely affect the enjoyment and even the safety of supporters. The Club is clear that, on the basis of first hand evidence from both supporters and stewards, the two individuals were behaving in an unacceptable manner and refused to heed the reasonable warnings given by security personnel. The Club cites two clauses in its ground regulations as justification for its actions:

- **2.2 (a person may be ejected) whose presence within the ground is or could (in the Club's reasonable opinion) constitute a source of danger, nuisance or annoyance to any other person.**
- **13 The use of threatening behaviour, foul or abusive language is strictly forbidden and will result in arrest and/or ejection from the Ground. The Club may impose a ban for one or more matches including the removal of Season Tickets and/or membership**

9. The Club is adamant that the complainant was not ejected for singing "anti-Glazer" songs, but for serious breaches of the ground regulations. However, it admits that the strength of feeling about ownership issues did affect the atmosphere and the security challenges facing stewards at that match. It is argued that the stewards had plenty of other problems to deal with on the day and would not have been deflected to this incident had it not been serious. The action was taken only after other supporters asked stewards to "sort it out" and after a period of observation. The Club suspects that the revival of "anti-Glazer" propaganda a month after this incident explains the complainant's decision to renew his complaint even though his ticket had been reinstated. In the absence of counter evidence, it is not possible to say that the Club was not within its rights to eject the complainant and his son. If the ejection was justified, as the balance of probability suggests, then the Club is surely correct in saying that the penalty was indeed modest. In other cases looked at by the IFO the standard normal ban can be up to three matches. If the Club was behaving properly in imposing a one match ban, then it follows that there is no case for compensation. The Club argues that it has no wish to alienate long standing supporters and hopes that the two individuals will renew their season tickets for the following season.

10. The complainant has a stronger case in drawing attention to shortcomings in communication, which the Club acknowledges. Leaving aside phone calls from the

complainant's wife in the days after the incident, the bald facts are that the complainant formally registered his dissatisfaction over what had happened in a letter dated 23 January but did not receive a formal reply until 17 March. The Club cites the fact that they were in virtual daily touch with the complainant's wife and that this channel of communication absolved them from sending the complainant an interim reply. This is relevant, but a Club which prides itself on having a charter customer care standard in place will know that good practice requires complainants to be notified where there is to be a delay in reply, especially where the Club's own Charter response target is not to be met. It is accepted that a full investigation of the circumstances surrounding an ejection has to be undertaken before a substantive reply can be issued. Nevertheless, the IFO finds that the Club was at fault in not informing the complainant about the delay and the reasons for it and in the length of time (nearly two months) the Club took to issue its fully considered response. The Club did, however, respond promptly to the complainant's letter to the Chief Executive and to his request for video evidence.

Conclusion

11. The IFO finds that, as in similar recent cases, the differing interpretations of the complainant and the Club are difficult to resolve, but concludes, taking account of all the circumstances of the matchday, that the Club acted within its powers as defined in the ground regulations. Manchester United did not behave improperly in the ejections and in the penalty imposed. Notwithstanding failures in communication, on which **the IFO upholds that aspect of the complaint**, on the substantive issue of the ejection **the IFO is unable to uphold the complaint.**

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

22 July 2010