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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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**IFO COMPLAINT REF: 13/01**

**THE ALLEGED USE OF EXCESSIVE FORCE BY A STEWARD AT  
MIDDLESBROUGH, NOVEMBER 2012**

**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 full cooperation from Middlesbrough FC and the Football League.

### **The complaint**

3. A long standing Middlesbrough supporter complained that her 13 year old son had been the subject of excessively forceful stewarding at the Football League match versus Huddersfield Town in November 2012. She alleged that the boy had been pushed to the ground, causing him great emotional distress and physical injury to his back. She wished the Club to issue an apology for the way her son had been treated.

### **The events in question**

4. The complainant and her extended family have 5 season tickets at the Riverside Stadium and have supported Middlesbrough for many years. Until recently the son sat with his mother. The season 2012-13 was the first when the mother allowed her son to sit with his friends in another section. She did this on a trial basis and reported that there had been no problems either before or since this incident. The section where the boy now sits is high up above the corner flag and is almost wholly occupied by young males between the ages of about 12 to 20. The Club reports that there have been a few incidents in this section, where supporters tend to stand throughout the match, and a number of youths have been required to sign a behaviour agreement following disturbances. None of these has involved the complainant's son.

5. On 27 November 2012 Middlesbrough hosted Huddersfield Town, who brought the highest number of away supporters the Club had received up to that point in the season. Mindful of this and in line with normal practice, an empty section adjacent to where the boy sits was designated as a sterile and empty area to ensure segregation of home and away supporters. When Middlesbrough score a goal the young fans tend to drift into the gangways to celebrate and on this night when Middlesbrough scored their second goal there was a general surge into the gangway nearest to the away supporters. The stewards actively prevented the fans from moving into the empty section and there was an altercation in which two fans were handed to the police for ejection. The son did not take an active part in this disturbance. However, he claims that fans behind him pushed him towards the gangway and he came face to face with a steward. It is then that he alleged to his mother that the steward pushed him violently to the ground. When the

mother met the son after the game she reported that he was in tears and that his back was hurting from the fall.

6. On 29 November the complainant contacted the Club to complain about what she deemed to be an assault on her son by a Middlesbrough steward. In the following days she discussed the case by phone and email with both the Head of Supporter Services and the Safety Officer. It was agreed that she should have access to the CCTV record and, though she arrived without an appointment, she was able to view the footage on 11 December. A second viewing was arranged on 28 December and it became apparent that the complainant and Club officers had different interpretations of what the CCTV record showed. On 17 January 2013 the Head of Supporter Services informed the complainant that the actions of the steward were, in the Club's view, "proportionate and reasonable in the circumstances". Dissatisfied with this outcome, the complainant contacted the Football League on 24 January. Following enquiries and correspondence with the Club, the Football League supported Middlesbrough's position and concluded that the complaint had been properly dealt in accordance with the Customer Charter. The complainant was informed of the League's position on 19 February and on the following day requested that the complaint be referred to the IFO. On 5 March the Football League informed the IFO that the governing body stage of the complaints process had been completed.

### **The investigation**

7. The IFO carefully reviewed the correspondence to and from the complainant, Middlesbrough FC and the Football League. Also considered were a summary dossier produced by the Club and the Football League's Complaint Resolution Form. The IFO visited the Club on 13 March where he met the Head of Supporter Services, the Safety Officer and the recently appointed Chief Operating Officer. In addition to discussing all aspects of the case at the meeting, the IFO was able to view the CCTV footage. On the same day a meeting with the complainant took place.

## **Findings**

8. It is not disputed between the parties that there was a confrontation between the son and the steward. The questions at issue are whether that contact was reasonable or unreasonable and whether the stewarding was over-physical in regard to a 13 year old boy, taking account of the difference in build between the two. Helpfully, there is CCTV evidence available and the Club is to be commended for retaining this and for making it available to both the complainant and the IFO. (This is not insignificant in the light of previous IFO investigations where CCTV evidence has been destroyed prematurely.) It was agreed that the IFO should view the footage in real time without commentary from Middlesbrough's Safety Officer. It is noteworthy that on completion of the 5 minute viewing, the IFO had to ask for clarification of what the incident was which had been the subject of this complaint. The video was then re-viewed in slow motion and freeze frame mode and the son was identified, not without difficulty because of his dark clothing. There is evidence that the steward has his arms outstretched to prevent the son from moving into the gangway, but the video is inconclusive. There is no sudden movement by the steward consistent with a violent push, nor is there clear evidence of the boy falling. The mother asserts that there is a short period when her son is not visible which proves that he had fallen. However, this view cannot be substantiated from the CCTV record and the mother admits "the number of bodies obscured clear footage". There is no evidence of the nearby spectators reacting to a person falling, though the mother comments that others would not have noticed a fall since they had their backs to her son. What the video evidence does demonstrate is a general surge of bodies towards the gangways and a concerted attempt by several supporters to enter the sterile area with the intention of goading the away supporters. A line of stewards successfully prevented this happening and it was during this quite proper security operation that the son, apparently being pushed from behind, was confronted by the steward. He may well have fallen, but there is no evidence that this was the result of any action by the steward, rather than the pushing from behind. Since the purpose of the stewarding was to prevent encroachment into the gangways, then the action of the steward in blocking the son's way appears to be reasonable. The Club invited an outside conflict expert to view the footage and he concluded that there was no evidence of assault on the son, a view with which the IFO concurs. While recognising the maternal concern of the complainant for

her son's welfare, the IFO finds that the visual evidence does not support the mother's claims and that the Club was entitled to conclude that the action of the steward was "proportionate and reasonable in the circumstances".

9. During the exchanges between the complainant and the Club, there was an assertion that there had been delay in the Club issuing its substantive conclusions. Hence it is worth reviewing how the complaint was handled. Both parties appeared to start the proceedings with a commendably open minded attitude. The mother accepted that teenage boys in a crowd might behave in a boisterous manner and was intending to require her son to apologise, if it turned out that he had misbehaved. For its part Middlesbrough FC prided itself on being an open and accessible community club with a strong relationship with its supporters. It claimed that it was not its style to defend its staff come what may and it would have admitted that the Club was at fault if there was any wrong doing. As will be clear from the foregoing narrative, both sides hardened their position as a result of their differing interpretation of the CCTV evidence. The Club handled the complaint promptly and seriously, mounting a full investigation into the incident. Access was freely given to the CCTV evidence, though the mother complains that the Club refuses to give her a copy of the video record (a matter to be taken up with the Data Commissioner). The mother also complains that she should have been present when the independent security expert viewed the footage and have been given a copy of his report. While the Club did not believe there had been any misdemeanour, it did offer to make a small goodwill gesture to the son, such as the gift of a club shirt, in recognition of the family's longstanding support. The complainant cites this as evidence that the Club knew it was at fault, whereas the Club believes it was simply a means of retaining goodwill in line with its previous interaction with the family (when the Head of Supporter Services arranged for the manager to send a 70<sup>th</sup> birthday greeting to the complainant's mother). There was a short delay in issuing the final response, but this was not unreasonable in the context of the full enquiry which the Club had instigated. Moreover there was frequent telephone and email contact with the complainant. The IFO finds that there were no serious shortcomings in the handling of the complaint and that the Football League was entitled to conclude that the Club had dealt with the complaint properly "as per its Customer Charter". The IFO suggests that the Club consults with its security expert to seek permission to make his report available to the complainant.

## **Conclusion**

16. The IFO fully appreciates the strong feelings of the complainant for her son's welfare, given that he suffers with a back problem. (It is possible that this was aggravated by the crushing he experienced from the crowd pressure behind him.) It is to her credit that she is not seeking any financial compensation, merely an apology. She persists in her condemnation of what she terms "excessive force being used on a minor for no good reason". Since the Club believes that the steward behaved reasonably in merely fulfilling his duty to prevent encroachment into the gangway, then, understandably, it is wholly unwilling to issue an apology. Both parties wish to re-establish their previous relationship and the IFO hopes that this might be achieved by the Club offering the complainant some expression of regret that she has been disappointed by the Club's actions. **In the light of the investigation, the IFO is unable to uphold the complaint.**

**Professor Derek Fraser**  
**Mr Alan Watson, CBE**

**3 April 2013**