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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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**IFO COMPLAINT REF: 12/02**

**A demand for compensation from Manchester United after  
being unable to see because of fans standing**

**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 Manchester United and the Premier League.

## **The complaint**

3. A Norwich City fan, who was pregnant at the time, complained that she had been unable to watch her club's match at Old Trafford because the spectators in front of her had stood persistently and, despite her protests to stewards, they had neither attempted to rectify the situation nor agreed to her requests to be re-seated.

## **The events in question**

4. On 1 October 2011 the complainant, her husband and her father attended the Norwich match at Old Trafford with seats in the away end, as a present for her father's birthday. On 3 October she complained to Manchester United that neither she, at under 5 feet tall, nor her father, who had foot problems, had been able to see the match as everyone in front of them had stood the whole time; they had been able to see only one quarter of the game. She had taken photographs which she would be happy to send to the club. If they looked at CCTV they would see that she had spoken to a large, bald male steward, then a blonde lady steward, then another male steward, none of whom had done anything to rectify the situation, nor met her request to be moved. She said that the last time they had gone to Old Trafford to watch Norwich they had had a great day. According to the club's ground regulations people should have remained seated. As they had been able to see only one quarter of the pitch, she asked for a refund of £119.25, three quarters of the cost of the tickets.

5. On 4 October the club replied asking the complainant to provide details of her tickets and a description of herself in order to help trace any CCTV material. That same day the complainant replied giving relevant details and adding that she was pregnant. The club said that they would investigate the complaint, including consultation with the Stadium Safety Office who were in charge of the match day stewards. On 6 October a customer care officer emailed the complainant saying that the club was sorry that she had experienced difficulties with Norwich fans standing. The issue of standing was not exclusive to Old Trafford. Stewards made every effort to get fans to sit but it appeared that they had not been successful. The stewards had a difficult job. Concerns regarding standing were always monitored and risk assessed to ensure that safety is never compromised. At the Norwich match, although some spectators had been

inconvenienced, safety had not been an issue as gangways and vomitories had been kept clear at all times. As the majority of Norwich fans had chosen to remain standing, it would have been inflammatory to force them to sit or to eject the majority of away fans. The club was sorry that her enjoyment and view of the game had been reduced but did not consider a refund due. The complainant replied immediately saying that the situation was very black and white; the ground regulations had not been adhered to and she had not got what she had paid for. She asked for a customer service manager to review her case. In a further email the complainant said that trading standards had told her that the club was in breach of contract. She said that she would not have gone to the match had she thought that would be allowed to happen. She pointed out that her ticket was subject to the match day rules and regulations which, according to the club's website, said:

"Nobody may stand in any seated area while play is in progress. Persistent standing in seated areas whilst play is in progress is strictly forbidden and may result in ejection from the ground."

She said that the situation was very black and white – people were standing and no effort was made to ask them to sit.

6. On 24 October the customer care officer told the complainant that her case had been escalated to the Senior Management Team but the club's decision not to refund any of the cost of the tickets still stood. If she was dissatisfied with the way in which her complaint had been handled, she could refer to the club's Director of Communications, who would review her complaint and respond within 15 days. The complainant duly complained to the Director. She said that she was very disappointed that, after three weeks in the hands of the club, there had not been a satisfactory outcome to her complaint. She referred to the breach of the ground regulations; her visit had been a birthday present but, in her pregnant condition, she would not have gone had she known she would have had to stand to be able to see. She had seen only about one quarter of the game and asked for a refund of three quarters of what she had paid, or tickets for Norwich's next game at Old Trafford. She had complained to three different stewards, all of whom had said that they could not get people to sit. Trading standards had advised her that the club were in breach of the conditions of sale. She was still waiting for an explanation of why people had not been asked to sit, made to sit, and if not, ejected. The only other answer she had got was that other clubs do not make away fans sit. She had

not been affected by standing fans at other away Premier League games she had attended.

7. As she did not receive a reply, she wrote again. On 29 November the customer care team told her that they would chase up the matter with the Director. On 12 and 15 December she again asked for a reply from the Director. On 16 December the club told her that the Director had her complaint and they were assured he would be in touch with her soon. On 16 December the Director emailed the complainant apologising for the delay in replying. His view was that the club's replies had been consistent and had set out what they regarded as a reasonable case for the way in which the stadium was managed to maximise public safety. The club tried to get fans to sit where possible but when the majority of fans refuse it can be inflammatory to intervene. She remained dissatisfied and complained to the Premier League. She outlined what had happened and stressed that she would not have gone to the game had she known that she would have to stand to watch the match.

8. On 27 January 2012 the League told her that they had contacted Manchester United and would respond to her shortly. On 3 February the League replied. They said that the problem of persistent standing was not easy to deal with, as some supporters see standing as part of their enjoyment of a game. The League had taken various steps to encourage fans to sit and stewards had been properly trained to deal with supporters and encourage them to sit. However, it could be difficult to achieve when large numbers were involved, as attempting to eject so many could cause a public order situation. The League had raised the matter with Manchester United who had said that their stewards had worked hard to encourage the Norwich fans to remain seated. The complainant replied to the League immediately saying that the stewards had made no effort to get people to sit.

9. On 24 February, following a reminder from the complainant, the League told her that they were in discussions with the club and would get back to her shortly. On 3 March, at the request of the League, the complainant supplied details of her ticket so the club could ascertain from CCTV footage where she had been sitting. She complained that her complaint had been going on too long and needed to be addressed. She said that she had not got the service she had paid for, and would not have gone to stand. The last

time they had gone to Old Trafford to watch Norwich they had sat and had had a great day.

### **The Premier League's comments on the complaint**

10. The League said that they supported Manchester United's response both to the situation at the match and their replies to the complainant. The League had looked at the complaint in a number of ways:-

- a) Could a supporter have reasonably expected Norwich fans to remain seated at the match?
- b) Could Manchester United have done anything more to persuade them to sit?
- c) What should be the recourse for fans affected?

The League had looked at the frequency with which Norwich fans had stood at away matches this season; the majority of fans had stood at most away matches, and that had been likely to happen at Manchester United, traditionally one of the biggest fixtures for any club. The League had concluded that it would have been reasonable for regular travelling Norwich fans to have expected that. The League said that although ground regulations required that supporters should remain seated, there had to be a reasonable and appropriate response when supporters stand. It is a problem faced by many clubs and one that cannot be solved by strict enforcement. The League believes the problem requires a measured approach involving good proactive polite stewarding, education of fans and peer pressure. Clubs are always looking for examples of good practice and will continue to try new methods. The League are also looking at the ways in which tickets are sold for away areas so that people who wish to remain seated can be accommodated, for example at the front of a stand.

11. The League sympathised with the situation but they did not consider a refund appropriate where the only reason a fan could not see was because the majority of fans were standing. If the appropriate recourse for any fan who cannot see parts of a match due to others standing is for a refund to be offered then very few people would pay for away matches. The fact that the League did not consider a refund an appropriate measure for the complainant did not mean that they accept the situation of fans

standing, rather that they must continue to strive for better ways of encouraging fans to sit.

## **The investigation**

12. The Deputy Ombudsman visited the complainant. She explained that at her previous visit to Old Trafford, when Norwich were last in the Premier League, she had sat and had had a great time. Earlier in the current season she had gone to Norwich away games at Wigan, Chelsea and Bolton without any viewing problems. She showed the Deputy a number of photographs she had taken from her sitting position at Old Trafford, which clearly showed that at her height, even if she had been standing, she would have had trouble seeing much of the match. Her husband had wanted to intervene with the stewards but, as a woman, she had thought that she would have a better chance of getting sympathy. She had approached three stewards. She had asked the first, a large, bald man, if he could get the fans to sit. He had laughed and said that fans always stand. She had then approached a blonde woman adjacent to a refreshment stand, whom she had hoped would understand her situation of being pregnant. The woman had asked when the baby was due, but had said that she could not do anything about the fans standing. She had then approached a man, who appeared to be more senior, and specifically asked to be moved to an area where Norwich fans were sitting. None of the stewards had taken any action; they had simply said that they could not do anything about it. She gave the Deputy her match ticket which was priced £52. She had asked for a refund of three quarters of the cost of the tickets as they had been able to see only one quarter of the pitch. She also explained that as a special constable in the north west, she had regularly attended Preston matches on official duty and was au fait with the requirements of the ground regulations. Fans there had always sat at their own volition, or at the request of stewards or police.

13. The IFO visited Manchester United and met with the head of customer service, deputy safety officer and the official who had handled the complaint. Norwich had taken their full allocation of 3100 tickets. The 1200+ stewards had been briefed to try to get fans to sit, but 85% of Norwich fans had stood throughout the match. That compared to 95% who had stood at Norwich's last visit to Old Trafford in 2004. Premier League safety officers had reported that in 8 out of Norwich's first 12 away matches this season their

fans had stood, including some at 100%. [85% had stood at Bolton] There had been no other complaints from Norwich fans. Of the two sections where Norwich fans had been housed, only the front few rows had been seated. The club did not dispute that the complainant had spoken to stewards but none recalled her having done so. The senior steward had said that if the complainant had said that she was pregnant, or that her father could not stand, special arrangements would have been made for them. There was no relevant CCTV footage as there had been no crowd trouble in that area.

14. The Club said that they had answered the complainant's letters promptly. When the complainant threatened the club with Trading Standards they had consulted their legal department who had said that their reply to the complainant was appropriate and that no refund should be given. The complaint had then been escalated to the head of customer services and the Director of Venue. A minor delay had occurred as the reference to them had just missed a scheduled meeting. There was some delay over the reference to the Director of Communications as he was away from the club a lot. The Director had actually replied on 16 December 2011 saying that the complaint had been handled properly and that the club could not get large numbers to sit for fear of provoking confrontation.

15. The IFO and his Deputy visited the Premier League and met with the Head of Supporter Services and the Supporter Services Officer. The League officials had examined reports from the other away games which the complainant had attended. At Wigan approximately 4000 (88%) of the 4558 away fans had stood persistently. At Chelsea the whole of the upper tier, and 70% of those in the lower tier, had stood. At Bolton those in the lower tier had stood while those in the upper tier had sat. The officials maintained the view that the complainant must have expected that fans would stand at Old Trafford and that there had been nothing more that Manchester United could have done to enforce the ground regulations. The officials stood by the comments expressed in paragraphs 10 and 11 of this report. They said that as the match was a sell out, it would have been difficult to re-seat the party even if they had asked to be moved.

16. In the light of the information received from the Premier League, the Deputy IFO visited the complainant again. She said that at Wigan she had sat near the front of the stand. At Chelsea she had been in a box, courtesy of her husband's employer. She could

not recall precisely where she had been at Bolton, but had definitely sat both there and at her previous visit to Old Trafford. She said that, although she was aware that many fans stand, her own experience had always been that she could sit and, in any event, from her experience as a special constable she was aware that the ground regulations should be enforced if there were any problems. She was adamant that her expectation had been that she would be able to sit at the match. Although she had been only three months pregnant at the time, her pregnancy had shown early and was visible, and the female steward had actually asked her when the baby was due. The complainant made the point that if clubs sell seats in the full knowledge that in order to watch a match the purchasers are likely to have to stand, they should charge only standing prices (her tickets were £52 each).

## **Findings**

17. Rule 9 of the model ground regulations recommended by the Premier League states "Nobody may stand in any seated area whilst play is in progress. Persistent standing in seated areas while play is in progress is strictly forbidden and may result in ejection from the ground".

Rule 18 states "The club reserves absolutely the right to eject from the ground any person failing to comply with any of the ground regulations or whose presence within the ground is, or could reasonably be construed as a source of danger, nuisance or annoyance to any other person".

Rule 18.1 states "Entry to the ground shall constitute acceptance of the ground regulations."

By standing at Old Trafford the majority of Norwich fans were in breach of the ground regulations and whatever efforts stewards made to get the fans to sit were not successful. In relation to the complaint the questions for the IFO to consider are, therefore:

Did the complainant purchase a seat to see the match?

Did the complainant have a reasonable expectation that she would **be able to sit** to watch the match?

Should the club have taken action against those standing, thereby enabling the complainant to see the match?

Should the club have taken action to re-locate her after her complaints?

Should the club in some way compensate the complainant for what happened?

18. Clearly the complainant bought a ticket for a seat which should have enabled her to watch the match in relative comfort. As a special constable who has attended Championship matches on official duty, the complainant was well aware of the ground regulations in relation to persistent standing. By her own account, which the IFO has no reason to doubt, on her previous visit to Old Trafford and on her away trips to Wigan, Chelsea and Bolton earlier this season, she did not encounter any restriction of her view through Norwich fans standing. Given those circumstances, the IFO accepts that she had a reasonable expectation of having an uninterrupted view at the Manchester United match, or that action would be taken if she did not. That being the case, did she make reasonable attempts to have the situation resolved? Again by her own account, which the IFO accepts, she made three separate attempts, initially to have the sitting regulation enforced, and then to be moved to an area where fans were seated. The club accept that she spoke to stewards but none of those the club questioned could recall her, and at the relevant times there was no CCTV coverage of the area where she sat. Although the complainant did not mention pregnancy in her first written complaint to the club she is adamant she told stewards – particularly the woman, who actually commented on it. It seems inconceivable to the IFO that in her efforts to be able to see the match, she would not have mentioned all the reasons for wanting to be moved – the breaches of the ground regulations, her pregnancy, her stature and her father's foot problems.

19. In the light of her complaints to the stewards, should the club have taken action to enforce the ground regulations? The IFO accepts that there are public order considerations to be taken into account when a club has to decide what to do when large numbers of fans stand. In the circumstances pertaining in relation to the Norwich fans,

that meant that for fear of taking what could be seen as inflammatory action, standing was tolerated provided the aisles and vomitories were kept clear and there were no other safety issues of concern. Although that is not a satisfactory situation, the IFO accepts that that is an approach which professional safety staff deem sensible in circumstances where stewards and police are unable to encourage large numbers to sit.

20. Accepting that it was not possible for the club to get those in front of the complainant to sit, should the club have acceded to the complainant's request to be re-located? Although that would not have been straightforward given that the match was a sell-out, in the circumstances which the complainant had described to the stewards they should at the very least have attempted to see whether there were seated fans who were prepared to exchange seats. Sadly, that did not happen and the complainant's enjoyment of the occasion was totally spoiled. Although the IFO accepts the Premier League's view that, in general, fans cannot expect compensation where their view is restricted by fellow fans standing, where someone such as the complainant has exceptional circumstances, and nothing is done to alleviate the situation, the IFO considers that some form of compensation is due. It would, of course, help if when buying tickets fans make clubs aware of any exceptional circumstances pertaining so that potential problems can be avoided as much as possible. **The IFO recommends** that when selling tickets, clubs should warn purchasers about potential standing and invite them to disclose whether there are any exceptional circumstances so that appropriate seats can be sold eg at the front of a stand, thereby avoiding any potential problems from standing.

21. There is no doubt that persistent standing at matches is a problem and that it contravenes ground regulations. The Premier League view is that when fans stand there has to be a reasonable and appropriate response. Clubs are forced to consider whether tackling the problem by confronting and attempting to eject large numbers of fans could provoke a public order incident and thereby endanger the safety not only of those fans, but others who could be caught up in the action. Strict enforcement is difficult yet polite stewarding, education of fans and peer pressure does not seem to work; there are large numbers of fans, particularly away fans, who want to stand and the situation appears to be worsening. The IFO is concerned that it seems to be widely recognised that where large numbers of fans stand the ground regulations are in effect unenforceable. The result of not taking action to enforce the regulations is that those supporters who do not

want to stand, or cannot stand, or are short of stature (primarily children) are severely disadvantaged. They are effectively buying a seat which they cannot use if they wish to see the match. There are also safety issues surrounding the absence of safety barriers, having the backs of seats in front of the legs and children standing on seats. Given that there is no appetite in Government for a return to standing areas, **the IFO recommends** that the Football Authorities, in consultation with the Sports Ground Safety Authority, seriously consider how to address the problem of allowing widespread breaches of clearly laid down ground regulations.

22. Finally the IFO considers how Manchester United handled the complaint. Initially the complaint was handled promptly and given proper consideration, although not to the complainant's satisfaction. Once it was escalated there was some delay and confusion. For example, the Director of Communications' message was dated 16 December 2011, yet on 20 January 2012, the Customer Services officer reported to the complainant that the Director "will respond when he is able". Neither the delays nor the confusion reflect well on the Club and Manchester United have undertaken to examine how to avoid such delays and to resolve the relationship between the complaints team and the Director of Communications.

## **Conclusion**

23. The IFO is extremely wary of creating a precedent. As the Premier League argues, the mere fact of standing does not of itself constitute a case for a refund. Those who travel regularly as away supporters will be aware that it is highly likely that a large number of their fellow supporters will stand. However, in this specific case there are some special circumstances and, while comments have been offered in Paragraph 21, the IFO is not adjudicating about standing in general, but about this individual complaint. In this particular case there was a combination of circumstances (short stature, a pregnant woman and a father with foot problems) which made the standing problem sharply critical to these three supporters' enjoyment of the game. The complainant tried to address their inability to see by asking the stewards to enforce the ground regulations and then by requesting relocation. Neither request was acceded to by Manchester United staff. While the IFO sympathises with stewards and safety officers in dealing with large

numbers of standing supporters, in this case more could have been done to address the needs of the complainant and her party.

24. In these **very special and particular circumstances**, the IFO finds that the complainant is indeed entitled to be compensated for the unsatisfactory experiences of her party at Old Trafford on 1 October 2011. The IFO **recommends that, as a goodwill gesture, the Club should provide complimentary tickets to next season's Manchester United v Norwich City fixture.** While the Club is unable to accept this recommendation and takes issue with some of the content of this report, it has indicated that it is willing to make a goodwill gesture to the complainant.

**Professor Derek Fraser**

**20 June 2012**

**Mr Alan Watson CBE**