



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 16/19

A SEASON LONG BAN AT NEWPORT COUNTY

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 Newport County FC and the EFL. The club's landlords are

not within the remit of the IFO and their actions and decisions are referred to solely to put into context the actions of the football club.

The complaint

3. A Newport County supporter complained that the Club had been unable to overturn a disproportionate season long ban on him attending matches at Rodney Parade, imposed by the Club's landlords.

The complainant's account

4. The complainant had attended all home games since the Club moved to Rodney Parade, normally accompanied by his partner and grandchildren. At the first game of the season on 6 August 2016 there was what he termed "normal football banter" going on between rival supporters which got "a bit heated but nothing over the top". Two stewards approached him and asked for a chat. He said that "Words were exchanged" after he was told that he was being ejected. When he left the stadium he told police what had happened. He and his partner went to a pub used by Newport fans and stayed there for the evening. On the way home later had a chat with a former Newport player. On the following Tuesday he took his two grandchildren to the next home match but a steward told him that he was banned, which left the children distraught and crying; none of them entered the ground. As he had had no notification of a ban he contacted the Club's Director of Operations. The complainant offered to apologise in person for his "unfortunate use of language", to visit the ground only if accompanied and to sit only where instructed. Despite efforts by the Director to have the ban reduced the landlords have refused and they did not respond to the Club's request to meet with the complainant. The Director told the complainant that one of the stewards involved in the ejection had been threatened at his place of work in town on the evening of the match on 6 August and the landlords had presumed that the complainant was involved. The complainant strenuously denied that he had been involved and, by the complainant's own account, the steward had admitted that it had not been him. On 20 September the landlords' Safety Manager wrote to the complainant informing him that he had been banned for the rest of the season "as a result of the incidents at Rodney Parade and the subsequent threats made to one of our staff members (both at the ground and at his place of work later that evening)." The complainant has made

strenuous efforts to offer apologies but has had no further correspondence from the landlords.

The investigation

5. The Deputy IFO met with the Club's Director of Operations. The Director explained that the Club lease Rodney Parade for home matches and the landlords hold the safety certificate and provide all stewarding and safety services at the ground. He said that on the day in question, away fans had caused problems in the city before the match and there had been further problems caused by them within the ground, including the throwing of a flare. After verbal exchanges between away and home fans, including the complainant, stewards had ejected the complainant and two or three others. The Director said that the complainant's unseemly behaviour towards the stewards had been a heat of the moment reaction, with extenuating circumstances, and he had been contrite afterwards. The Director was also satisfied that the complainant had not gone to the steward's place of work on the evening of the match; indeed, he said that the landlords had subsequently acknowledged that fact. When the Director was made aware of the length of the complainant's ban, he asked the Safety Manager to review it as he regarded it as excessive; he believed that the conditions agreed with the complainant for future attendance were a sensible precaution. The Director thought that a three match ban would have been sufficient and he asked the landlords to meet with the complainant, but got no response. He was concerned that the landlords had not followed due process in the imposition of the ban and that there had been no right of appeal or opportunity for the complainant to discuss the matter. The Director understood that the Safety Manager had been in touch with the EFL's Safety Adviser about the ban, and that Cardiff City had given the opinion that the length of the ban was appropriate. When the Director subsequently discussed the circumstances of the ban with the Security Adviser, he had thought that three months would have been appropriate for the altercation when being ejected. As the complainant has already served over four months, the Director maintained that his punishment had been more than enough. The Deputy IFO examined all the communications which the Director had sent to the Safety Manager, confirming the lengths to which he had gone trying to get the ban reduced to what he regarded as proportionate to the offence.

6. The Deputy IFO discussed the case with the EFL Security Adviser. He had been contacted by both the Safety Manager and the Director and had received contrasting versions of the circumstances surrounding the complainant's ban. He was in a difficult position as he had not received any substantive evidence. However, he was concerned that the severity of the ban may have been based on two separate events – the ejection and the alleged threatening of the steward in the evening, which did not appear to have been committed by the complainant, although it **might** have been one of his friends. The Security Adviser had said that although he could not disagree with a ban, the length of it should be reconsidered. He had sent the EFL's good practice advice to the Safety Manager. The Security Adviser was prepared to attend any meeting between the Club and the landlords to discuss security and disciplinary arrangements.

7. The Sports Ground Safety Authority Inspector who had attended the game contacted the IFO to confirm that the safety certificate was held by the owners of the ground rather than the Club, and that the Safety Manager was responsible for ensuring a safe environment at the stadium.

The Findings

8. Because the ban was imposed by the Club's landlords, it is not for the IFO to pass judgement on its severity. Nor has the IFO had access to any reports by the stewards involved, who are employed by the landlords rather than the Football Club. It is, however, fair to record that the Safety Manager's letter of 20 September imposing the ban, refers to threats to a member of staff "both at the ground and at his place of work later that evening". The latter part of the statement has been quoted as a fact which appears not to have happened.

9. The prime focus of the IFO's investigation has been on whether the Club have acted appropriately, given that the landlords and their employees are not within the IFO's jurisdiction. The IFO is satisfied that the Director looked into the circumstances surrounding the incident leading to the ban, concluded that the ban was excessive and tried his utmost to have it reduced, including agreeing with the complainant quite stringent conditions should he be allowed to return. The Director pointed out that the Safety Manager's letter imposing the ban had

detailed as a fact the alleged evening visit to the steward's place of work, that the complainant had apologised over what had happened and that he was prepared to accept conditions to allow future attendance. Despite the Director's efforts he was unsuccessful. In such circumstances, it is difficult to see that the Club could have done more.

10. The IFO has noted that in the past four seasons the EFL have twice issued to their clubs seminar guidance regarding complaints procedures, supporter bans, appeals and good behaviour agreements, and are looking at ways to provide further guidance for clubs and safety officers. In the case of Newport County, however, control of safety and security, and supporter bans for stadium offences, lies with the landlords rather than the Club.

11. Although the IFO is satisfied that the Club were not at fault, he nevertheless recommends that the Club meet with their landlords to discuss formally the disciplinary process followed, the lack of any right of appeal or opportunity to meet, the fact that the complainant was blamed for something he did not do and the compromise solution offered. In doing so the Club should aim to have the landlords put in place proper disciplinary procedures along the lines of the EFL guidance. In that context the IFO also recommends that the EFL Security Adviser be invited to any such meeting to advise on best practice. Finally, the IFO recommends that, should the complainant be reinstated either as a result of a reduction in the ban, or for next season, the Club should seek his consent to signing a "good behaviour agreement".

Conclusion

12. This is an unusual case in that the underlying complaint is against a body outside the IFO's jurisdiction. The complaint that the Club should have done more to have the ban reduced to a more acceptable level is not borne out, but the IFO nevertheless recommends the Club take steps to ensure that proper procedures are put in place, not only to help the Safety Manager and stewards to operate more effectively, but also to ensure that justice is seen to be done.

Professor Derek Fraser, Ombudsman

18 January 2017

Mr Alan Watson CBE, Deputy Ombudsman

APPENDED STATEMENT – 29 March 2017

The IFO and Deputy subsequently met with officials from the club’s landlords. They viewed CCTV footage of the complainant’s ejection and events outside the stadium immediately following the ejection. They also viewed evidence concerning the complainant’s actions after the imposition of the ban. The IFO is satisfied that the landlords investigated matters very carefully and acted proportionately. The officials provided a copy of their “Stadium Bans and Policy Procedure”, which is based on EFL guidance. It is comprehensive and provides for a right of appeal and the IFO is satisfied that it already conforms to what the IFO recommended in paragraph 11 of the Adjudication Report.