

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
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The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

IFO COMPLAINT REF: 18/19

AN ACCIDENT AT THE MIDDLESBROUGH V WOLVES MATCH, 30 MARCH 2018

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 the full cooperation of both Middlesbrough FC and Wolverhampton Wanderers FC.

The Complaint

3. A Wolverhampton Wanderers supporter complained about an accident to her mother while they both attended a match at the Riverside Stadium. She claimed that there were insufficient stewards in the vicinity of the incident and was dissatisfied with the response of Middlesbrough FC. She was also disappointed that Wolverhampton Wanderers failed to take any action against those she deemed responsible.

The facts of the case.

4. On 30 March 2018, Good Friday, Middlesbrough played Wolves in a Championship fixture with a 17.30 kick-off. Some 1700 away supporters attended and the match was designated by the club and police as Category A, a low risk fixture. The home club deployed 24 stewards in the away section and a further 36 stewards on the segregation lines, which was somewhat higher than normal in view of the large number of away fans. Police officers, including "spotters" from West Midlands Constabulary, were also located in the away section, but did not have their attention drawn to the incident complained about. The excellent CCTV record, retained by Middlesbrough, shows that virtually all the away supporters (including the complainant, her mother and the men in the row behind them) remained standing throughout. In common with many clubs, Middlesbrough pursue a policy of watchful monitoring of standing supporters and the stewards do not intervene unless there is something untoward.

5. After about 30 minutes Wolves scored and in the ensuing celebration two young men in the row behind the complainant spilled over to the row of the complainant, who later complained to the IFO that this excessive celebration should have alerted the stewards that there was a potential problem. The Club Safety Officer noted that the complainant and her mother could have moved to nearby free seats had they wished and the CCTV record shows that they made no attempt to contact stewards at that time. Five minutes after the first goal, Wolves scored a second and in the exuberant celebration which followed three men toppled into the mother, pushing her into the row in front of her, the force of which broke the seat back. The pair walked down the gangway and were met by a first aider who had been summoned by a supervisor steward. The senior steward remained with the mother throughout her time in the first aid room. After about half an hour of treatment the supervisor steward took the party to a quieter lower tier area of the stadium where a female steward offered any further assistance that might be required. They watched most of the second half seated and walked for the final few minutes to an adjacent block where they stood until the final whistle. They left the stadium on foot at 19.26.

6. The complainant states that the trip was part of a Mothers Day gift and a visit to Newcastle had to be abandoned because her mother was in such discomfort. She complained to Middlesbrough in writing and by phone on 3 April and again

during the week of 9 April. During that week the Safety Officer spoke with the mother by phone at some length and at the end of the conversation believed the matter to be closed. The complainant remained dissatisfied with the Club's response, particularly in the refusal to supply the stewarding plan for the match. She also contacted her home club who sent a bunch of flowers to the mother and asked how she was progressing. She appreciated this gesture but remained disappointed that Wolves had taken no action against the young men who had caused the accident. Though neither the complainant nor her mother believed that the men had intended to do harm, their thoughtless behaviour should have been followed up. Concerned that neither club had satisfactorily responded to her, she submitted her complaint to the IFO on 11 May.

The investigation

7. The IFO carefully reviewed the complaint submitted. Middlesbrough were involved in the play-offs followed by annual leave, so there was some delay before the Club Safety Officer responded to the IFO. He sent two detailed reports which drew heavily on the CCTV record which revealed to the exact second when the accident occurred. He also submitted the steward's report on the incident. The IFO also contacted Wolverhampton Wanderers, whose Safety Officer explained that it had not been possible to identify the names of those involved. The IFO spoke with the mother by phone after the draft report was made available to the parties.

Findings

8. The IFO sympathises with the mother who has experienced continued discomfort from the bruises she suffered in the incident. The IFO is persuaded that this unfortunate accident was largely the result of **standing in seated areas**. Had the young men been seated at the time the goal was scored they would have no doubt risen in unison to celebrate, but it is doubtful if they would have then toppled into the row in front. Similarly, if the mother had been seated she would not have been pushed forward with such force as to have broken the back of the chair in front. This is not in any way to attach any responsibility to the mother who was blameless. It is, however, to ascribe the accident to the potential risks of standing in seated areas and to add another small piece of evidence to the case that the issue of standing needs urgently to be addressed.

9. The IFO finds that there was little the Club could have done to prevent the accident, which could not have been foreseen. The IFO is satisfied that the Club had an appropriate stewarding plan in place, although the mother continues to assert that there were no stewards visible to her at the time of the accident. The IFO is also impressed with the speed with which stewards and first aiders came to the mother's assistance. The mother entered the first aid room, accompanied by several staff, less than three minutes after the accident. After half an hour's treatment in the first aid room a senior steward led the party to another section which did not involve climbing stairs and deployed a female steward to assist them. The Club's subsequent action was not quite so

impressive. There was some delay in responding to both the complainant and to the IFO and the complainant asserted that the Club did not respond to her as promised, though there was a phone call to the mother. Although the IFO finds no fault with the Club's actions in the stadium, it would have been appropriate for the Club to have offered some small goodwill gesture in recognition that the accident had occurred on its premises. In such circumstances the IFO would have been minded to recommend a complimentary ticket to a future game, but this is not relevant since the clubs now play in different divisions. **The IFO recommends that the Club provides a goodwill gesture to the mother in recognition of the discomfort which she continues to experience as a result of her injury.** [It has been indicated to the IFO that the complainant's mother is not interested in financial recompense and it is therefore suggested that a non-monetary goodwill gesture, such as a bouquet of flowers, would be more appropriate.]

10. The complainant was disappointed that Wolves took no action against the men involved, although she described them and the clothes they were wearing. There seems some confusion about whether it was intended that Wolves should receive CCTV evidence which was requested from Middlesbrough but never supplied. The Wolves Safety Officer was understandably reluctant to take action on the basis of hearsay verbal and social media evidence. Since the visual evidence still exists it is not too late for this to be supplied to Wolves and the IFO recommends that it is done so forthwith. [*The IFO understands that this has happened*] If, on the basis of this visual evidence, the Safety Officer is able to identify those involved, then at the very least they should receive a written warning about their behaviour. The mother is very keen that this should happen.

Conclusion

11. The injury the complainant's mother suffered was closely associated with standing in seated areas and it is to be hoped that this small piece of further evidence will encourage clubs, authorities and government to address the problem as a matter of urgency. Middlesbrough FC responded quickly and effectively in giving first aid assistance and the IFO is satisfied that the accident was not the result of shortcomings in the stewarding arrangements.

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

13 July 2018