

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 18/25

AN EJECTION FOR PERSISTENT STANDING AT WEMBLEY

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 acknowledges that in investigating this complaint he has received the full cooperation of the Football Association.

The Complaint

3. A Chelsea supporter complained on behalf of himself and two others that they had been unfairly ejected from Wembley Stadium during the FA Cup Semi-Final in April 2018. [*He also complained about shortcomings in the FA's response to his Subject Access Request and that he was allegedly assaulted by a steward. The former is matter for the Information Commissioner and the latter has been reported to the police. Neither falls within the IFO remit and are not considered in this report.*]

The Facts of the Case

4. On 22 April 2018 Chelsea played Southampton in the FA Cup Semi-Final at Wembley. The complainant attended as a Chelsea supporter and was seated low down in Row 5 near the touchline. After a few minutes he was in discussion with those seated behind him in relation to his standing and hence blocking their view. He was spoken to by a steward a couple of times and after about 25 minutes he, along with his two companions, was invited by stewards to leave his row and accompany them to the concourse. There an extended discussion took place with a senior supervisor, during which time the complainant, accompanied by a steward, re-entered the terraces in order to retrieve his bag. After a further discussion the three supporters were instructed to leave the stadium which they did peaceably. Two days later the complainant approached the FA to complain that he had been unfairly ejected for persistent standing. The complainant emailed and phoned the FA on several occasions. The FA confirmed that the matter was being investigated and requested a photograph of the complainant so that he could be identified on the CCTV record. This was supplied on 17 May and, following a review of the video evidence, the FA advised the complainant on 30 May that there was no case to answer and that he had been properly ejected for just cause. There continued a fraught dialogue with the FA which left the complainant aggrieved and on 3 July the complainant approached the IFO, initially by phone. After some further correspondence with the FA the complainant supplied written commentary to the IFO on 1 August and the investigation began.

The investigation

5. The IFO carefully reviewed the oral and written evidence supplied by the complainant. He also viewed some 20 minutes of CCTV evidence from the visual record taken by Wembley officials on the day and studied the steward's report on the ejection. The FA also supplied a full report on the incident and the subsequent responses to the complainant. On 23 August the IFO and Deputy visited Wembley and met with the Head of Customer Service, the Public Affairs Manager, the Head of Crowd Safety and the Deputy Safety Officer. They were able to discuss the specifics of the complainants' ejection in the context of the overall safety policy at the Stadium.

The findings

6. Persistent standing is a major problem for safety officers and stewards to deal with. Apart from the possible risk of injury (not relevant in this case), there is the regular inconvenience to those seated behind the standing supporters whose view is impaired. The IFO has received many complaints from supporters who are aggrieved by the failure of stewards to protect the interests of those who wish to remain seated. The widespread policy of watchful monitoring in response to large scale standing may be justified in the interest of overall stadium safety and security, but it leaves supporters puzzled about why the ground regulations on standing are not enforced. Indeed, the IFO adjudicated a complaint arising from the other semi-final on the previous day (**IFO 18/24**), in which it was alleged that stewards did nothing to get supporters to sit down. In the light of that complaint the IFO is not minded to criticise Wembley officials for taking early action to deter persistent standing.

7. However, the policy must be fairly enforced and the complainant maintains that he and his friends were unreasonably ejected. The Head of Crowd Safety explained to the IFO the extended briefing which is given to stewards, with the clear objective of preventing persistent standing by regular patrolling, particularly dealing with supporters standing near the front. Where supporters located in the lowest rows of seats stand, then as a result rows behind them stand and this ripples upward. Hence, stewards are instructed to take early action seeking to encourage those near the front to remain seated. This is sharply relevant to this complaint. As the CCTV shows, the complainant was seated in Row 5 near the front and the complainant is seen to be standing, right from the beginning of the match. Although there is no audio, the complainant appears to have an altercation with the party immediately behind him, which prompted the initial steward's intervention. The complainant denies that he was in discussion with those behind him. The CCTV also shows the steward speaking with the complainant with the clear intention of persuading him and his neighbours to sit down, during which the complainant appears to respond aggressively. This is confirmed in the Ejection Report which records that "they were spoken to by a steward who reported that he was verbally abused by the three men." The complainant correctly reports that at the time of his removal he was sitting down and he maintains that as a result the ejection was unjustified, as he had heeded the steward's warning. However, he had clearly been standing for much of the first quarter of the match and his behaviour was being monitored from the control room where the decision was taken to remove him for persistent standing. There was a short interlude while the response team was convened before action was taken. **The IFO finds that the stewards had ample evidence to justify his removal and the decision to eject was not vitiated by the complainant having been seated for the few minutes before his removal.**

8. The complainant was incensed by what he viewed as discourteous and rude behaviour by the supervisor in the concourse, who made what the complainant called a "racist remark". He also maintains that the stewards' party was unnecessarily large and dealt with him in an aggressive manner. Without audio evidence it cannot be ascertained what was said, but the visual record does not reveal any untoward aggressive action by the stewards. Indeed, the complainant was permitted to return to the stadium bowl to retrieve his bag, which the Safety Officer identified as a sign of a flexible approach, since he could have been held in the concourse while a steward fetched his bag. The supervisor was highly experienced and completely trusted to carry out his duties in a professional and efficient manner. He allowed a period of discussion before the ejection, even though he might have been more peremptory since the decision to remove the party had already been made. When the three supporters were eventually ejected two of them walked freely through the exit, while the complainant initially refused to leave. He was escorted through the exit and was firmly but not forcefully shown the door by several stewards. The complainant asserts that he did not display any physical opposition to his ejection. Nevertheless, **the IFO is unable to uphold the complaint.**

Conclusion

8. Most complaints submitted to the IFO about standing concern the alleged failure of stewards to confront standing supporters and it is, therefore, unusual to consider a case where stewards did take pre-emptive action in the interests of those whose view was blocked by the complainant and his neighbours, who stood for the early part of the match. The IFO accepts that the CCTV record shows that the complainant was seated at the time of his ejection, but is satisfied that the control room had sufficient previous evidence to justify the action to remove him. The IFO concludes that the Wembley authorities acted reasonably and that the FA considered his complaint properly.

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

14 September 2018