

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
Standards Institute
ADR Competent Authority

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: 19/24

INTRUSIVE SEARCHING BY

STEWARDS AT DONCASTER ROVERS

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 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 had the full cooperation of Doncaster Rovers FC.

The complaint

3. A Fleetwood Town supporter complained that he had been subjected to an intrusive search at the away match at Doncaster on 17 August 2019, as a result of which his mobile phone had been damaged, and his two sons, aged 14 and 12, had been searched despite his having denied permission.

The facts of the case

4. On 18 August the complainant emailed the Club complaining about his experience at the match. He said that on arriving at the away end he was met by an intimidating "Response team". One searcher said he would have to "pat me down". The complainant pointed out that he was wearing shorts with two pockets, a shirt with no pockets and carrying a sweatshirt with no pockets; as such, it would have been difficult to have concealed anything. The searcher asked him to empty his pockets which contained his car key, phone, wallet and some loose change. As he was already carrying his sweatshirt and the match tickets it was difficult to hold everything, particularly when he underwent what he deemed to be an "intimate search", which resulted in him dropping his phone onto hard ground, rendering it unusable. The searcher then asked him to open his wallet. As it contained £500 in cash, £200 in foreign currency, and debit and credit cards, the complainant regarded such a request as improper and unsafe. The searcher then said "Are you happy for me to search your children?" Despite the complainant saying that he was not, the steward searched the children out of view of the complainant.

5. When inside the ground the complainant explained to the supervising steward that he took exception to the sort of search which had taken place. The steward explained that the "orders" had come from "upstairs" in direct response to an incident the previous year when some Fleetwood fans had been ejected for drug use. The complainant said that he had not seen any home supporter subjected to a search such as he had experienced.

6. On 20 August the Club's Safety Officer, who had not been at the match, replied saying that he had started to review the CCTV of the match and believed that he had identified the complainant and his sons entering the stadium, but the actual searching process had not been picked up by the camera. He said that he would respond again after speaking with the searching team at their next match. On 29 August the Safety Officer emailed the complainant. He said that he was sorry that the additional security measures had affected his enjoyment; it had certainly not been the Club's intention to significantly impact genuine fans, but had been in response to a high volume of issues at the previous visit when there had been large scale open drug use. The police had required the Club to demonstrate how they intended to prevent a similar occurrence. Due to a low expected attendance, the Club had not considered a drug dog operation proportionate; instead they had agreed with the police to conduct enhanced searching procedures, which would include juveniles. The Ground Regulations provided the right for the Club to search any person entering the ground and to

refuse entry to any person refusing to be searched. The searching had been done by trained and licensed SIA staff, rather than stewards, and searching was provided for in the ground regulations; anyone refusing a search would have been denied entry to the ground. Due to the small size of the items being searched for, the searching of pockets and wallets was seen as proportionate. The Club had reviewed the manner and approach of searching staff on the away turnstiles and were happy that they had followed the correct procedures.

7. The Safety Officer said that he had spoken to the search team and to the stand supervisor to whom the complainant had complained. Following receipt of the complaint, the stand supervisor had immediately gone to discuss the complaint about the conduct of the search with the searchers; none had seen a mobile phone dropped and no mention of it had been made to the stand supervisor. The Safety Officer said that the type of search being carried out was not intimate; the procedure had been agreed with the police in pre-match discussions, and the searching of wallets and small bags was necessary to mitigate the risk of entry and use of illegal substances. None of the searching staff could recall the complainant, or asking to search his sons. In terms of safeguarding, staff are trained in the procedure for searching juveniles. Finally, the Safety Officer said that home fans had been subject to searching procedures on the day.

8. The complainant remained dissatisfied and on 11 September asked the IFO to investigate his complaint. He said that he had never been in trouble at a football match, having attended some 1600 games, and it was the first time he had felt the need to complain. He considered that, given the Club's need for additional security measures, it was surprising that there was no CCTV evidence from the searching area, that the searchers had not had body cameras and that there was no police presence at the turnstiles. He attached a copy of a facebook posting from a fellow fan which said "Don't agree with your stewards going through my son's pockets on the way to the ground he is only 12 and could quite clearly see he had nothing in them bit over kill for me felt like airport security" (sic). The complainant was adamant that his sons had been searched despite him having expressly denied permission.

The investigation

9. The IFO examined the correspondence between the complainant and the Club and also received a detailed report from the Club in regard to the complaint. The police had queried the number of arrests at the previous match against Fleetwood. As the Club's Safety Officer did not regard it as proportionate to have police present on the day, with the agreement of the police, they had decided to conduct an enhanced level of searching, which would include high profile home supporters. They deemed it necessary and proportionate to search items such as wallets and handbags for banned substances. The Club did not believe that the searching had been inappropriate or intimate; the complainant's search could have been conducted in a discreet area had that been requested. The Club said

that there was no evidence to confirm or dispute whether the children had been searched, with or without permission, but the Safety Officer had reiterated to searching teams what was expected of them. The Club said that there was no evidence to prove or disprove that the complainant's phone was damaged as a direct result of the searching process. The complainant would have been asked to empty his pockets and control of his property would have remained his responsibility; by his own account, the phone remained in his possession and the Club concluded that any damage would have been his responsibility. In conclusion, the Club said that after a full investigation, they had not found issue with the manner of, or approach to, the searching of Fleetwood fans; the Safety Officer had however spoken to the staff responsible to ensure that expectations and procedures are clear.

Findings

10. Given the problems encountered with the use of drugs during the corresponding fixture last season, and the concerns expressed by the police, the IFO can well understand the decision to introduce enhanced searching procedures for the Club's match against Fleetwood. Such action is catered for within the Club's ground regulations and a failure to comply can lead to the refusal of entry to the ground. Clearly the enhanced level of searching was likely to be unpopular, and the IFO appreciates that the complainant may have found it intrusive, particularly when compared to what he has experienced at other grounds. However, the IFO is satisfied that the Club had trained staff dedicated to the exercise and properly laid down procedures for the searching, which were proportionate and not intended to be intimate. Although the complainant was clearly dissatisfied with what took place, the IFO has seen no evidence that there was any irregularity in the process, and can draw no conclusion as to whether the sons were searched without permission.

11. With regard to the alleged damage to the complainant's mobile phone, the IFO accepts, as the Club contends, that it was his own responsibility to safeguard his possessions. If he had difficulty in holding everything, presumably he could have asked his sons to assist. The IFO does not hold the Club responsible for whatever may have happened to the phone. The IFO can understand the complainant's sensitivity over the search of his wallet, given the value of its contents, but again it does not appear to have left his possession.

Conclusion

12. The IFO finds it sad that because of the behaviour of away fans at last season's match against Fleetwood, the Club, at the insistence of the police, found it necessary to introduce enhanced searching procedures, which had an adverse affect on the enjoyment of the complainant. That was unfortunate but the IFO finds that the Club were justified in the action they took and were not culpable over any damage which may have occurred with his mobile phone. The

IFO is satisfied that the Club have taken the complaint seriously and that the Safety Officer has reminded staff of the appropriate procedures and responsibilities.

Professor Derek Fraser, Ombudsman

25 October 2019

Alan Watson CBE, Deputy Ombudsman