



Annual Report
of the
Independent
Football
Ombudsman
2013-14

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN

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I present my sixth Annual Report to the Secretary of State for Culture Media and Sport and to the three Football Authorities (The Football Association, The Premier League and The Football League). The report is being made available to the wider public through the circulation to football stakeholders. It is also available for downloading from the IFO website, www.theifo.co.uk

This year has again seen a further significant increase in the number of supporters contacting the IFO, which received the highest number of messages (about 1500) in its six year history. This was no doubt partly due to an increasing awareness of football's Ombudsman Service and partly due to a number of high profile issues both on and off the pitch, which generated much public interest and comment. The IFO continues to be a member of the Ombudsman Association and is thus able to draw on wider complaints resolution experience. Alternative dispute resolution (ADR) schemes will soon be subject to EU regulation and there has been much discussion within the Ombudsman Association about the impact the directives will have on Ombudsman schemes generally.

As in previous years, I am grateful to the officers of all three Football Authorities, and their member clubs, who have cooperated with IFO investigations. I have again been ably assisted by my colleague Alan Watson, Deputy Ombudsman, and I thank him most warmly for his extensive contribution to the work of the IFO. I am also grateful to the Advisory Panel, whose members have placed their special expertise at the service of the IFO and who have given freely of their time to attend IFO meetings.

In order to fit more closely with the Authorities' reporting cycle, the IFO year-end was adjusted last year and so this Annual Report covers the 12 months to 30 June 2014.

A handwritten signature in black ink, appearing to read 'Derek Fraser', written in a cursive style.

PROFESSOR DEREK FRASER
OMBUDSMAN
JULY 2014

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The *IFO* & its activities in the *sixth* year

It is now six years since the Football Authorities established the Office of the Independent Football Ombudsman (IFO), with the agreement of Government. The IFO is the successor body to the Independent Football Commission (IFC), which operated from 2002 to 2008 as an integral part of football's self-regulatory system. The IFO Terms of Reference (which were revised during the year) are provided in Appendix IV. The Football Ombudsman Service is funded by an annual grant from the three Football Authorities. The IFO is supported by the Advisory Panel, whose membership is set out in Appendix III

The main role of the IFO is to investigate and adjudicate on complaints which have not been resolved within football's complaints procedure. Most complaints originate at club or local level and are soon resolved. Where complainants cannot resolve their complaints at the initial stage, they can refer to the relevant Governing Body. This would be, for example, the Football League, in the case of a complaint against a Football League club, or the FA for a complaint which arose from an FA Cup match. It is only when the complaint has been considered by the Governing Body that the IFO can act as a sort of court of appeal. The IFO is designated as the final stage of football's complaints procedure and there is no right of appeal against IFO findings.

In establishing the IFO, the Football Authorities confirmed that they were "committed to the highest standards of self-regulation" and that "the creation of an Ombudsman would maintain a position as the independent and final arbiter of football complaints." The IFO operates a form of non-binding arbitration, though the Football Authorities have stated that they would normally expect to implement the Ombudsman's recommendations. Where they felt unable to uphold the IFO's findings, they are committed to publishing their reasons. All IFO Adjudications are published in full on the IFO website (www.theifo.co.uk). It was agreed that they would also be featured on the website of the relevant Governing Body.

Last year, the Football Authorities suggested additional IFO responsibilities as part of their response to concerns by the Department for Culture, Media and Sport about governance. The Authorities proposed that Club Forums would have the right to refer to the IFO where they believed that a Club was acting outside its policy and they were unable to resolve the matter with the Governing Body. More significantly for the IFO's role, it was proposed that "the IFO will be tasked with meeting club supporter groups and trusts on an annual basis and reporting the prioritised and relevant issues back to the Leagues and Professional Game Board". This has now been incorporated into the IFO Terms of Reference and the relevant meeting was held in June 2014. The report of the meeting (on which the Authorities have had the opportunity to comment) is provided at Appendix II.

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[THE IFO & ITS ACTIVITIES IN THE SIXTH YEAR]

In addition to this annual joint meeting with supporters groups, the IFO holds a number of stakeholder meetings to keep abreast of current issues and concerns. During the year meetings were held with the Football Supporters' Federation (FSF) and the Sports Grounds Safety Authority (SGSA). Through its membership of the Ombudsman Association, the IFO is able to draw on the experiences of other Ombudsman schemes in both the public and private sectors. The IFO may soon be required to respond to an expected EU Directive on Alternative Dispute Resolution (ADR). ADR bodies will have to meet certain criteria and it is likely that some Ombudsman schemes, which do not meet these, may be re-classified as "Complaint Handlers".

The IFO's sixth year of operation began in July 2013 just before the start of the new season. It was agreed last year that the IFO reporting year would be adjusted to fit in better with the Governing Bodies' cycle of meetings, so this report covers the 12 months to the end of June 2014. During that period, 92.5% of those who contacted the IFO did so by email and a further 5.5% by phone, with just 2% by letter. In the year as a whole, over 900 people made contact with the IFO, which received some 1500 email messages. This was a 25% increase over the previous year and the highest since the IFO was established. In addition to the dozens of letters sent and phone calls made, the IFO issued around 1000 email replies to those who had contacted the Ombudsman Service. The increase in correspondence reflects wider awareness of the IFO and, no doubt, the incidence of some high profile issues both on and off the field.

As in previous years, there was a significant volume of messages about grassroots football and the world of the County FAs, which accounted for 25% of all messages received (compared to 22% in the previous year). Many of these were from angry parents, who complained about shortcomings or unfairness in the practices of their local clubs and county associations. It was necessary to explain to such aggrieved parents that the IFO has no direct remit for children's or grassroots football and might become involved only after a complaint had been dealt with by the FA. Even then, an IFO investigation would necessarily focus mainly on the role of the FA itself and not on the original incident. One such case did lead to a formal Adjudication (IFO 13/11), while others were dealt with by letter and some of these are discussed in the case studies below (p.9).

As before, many used the IFO to comment on the state of the professional game and on-field incidents. Some 15% of all messages were in this category, but this figure needs to be augmented by a further 160 messages (11% of the overall total) on a single issue. The IFO was the recipient of this torrent of mail because of an online petition, launched to protest about an alleged act of simulation by a Swansea player in a match at West Ham. The petition demanded that the FA should take retrospective action on simulation, just as it is permitted to do in the case of violent conduct unseen by the referee. Many comments about on-field incidents were prompted by specific events and, for example, the high profile match between Liverpool and Chelsea in December 2013 alone produced over 30 messages, divided between adverse comments on individual players and criticism of the referee. Referees' shortcomings were again a common topic for correspondents and in the year as a whole over 50 messages were delivered, many in colourful language, about what were perceived to be serious errors by referees. Some of these were sent within an hour of a match finishing and it would appear that some people were using the IFO as an alternative to a football phone-in radio programme.

The IFO was again the recipient of some very specific personal concerns. In a wide ranging list of issues raised, the most outrageous was a demand that the FA should compensate a supporter for a lost bet because of a faulty penalty decision in the last minute of a Conference game; the most bizarre was an offer by a young Malaysian student to manage the England team with the guarantee that England would win the next World Cup; the most humorous was a request to have Peruvian not Brazilian music at the England v Peru game at Wembley, "because we have had enough of

dancing feathers”; and the most worrying was a call from a mother concerned about the persistent predatory sexual approaches to her 14 year old daughter from nearby young professional footballers.

Other matters raised by single individuals included:

- *Unpaid players’ wages at a non-League club*
- *Delays in the registration of an English youth player returning from residence overseas (because of the impact of FIFA child trafficking rules)*
- *The balls used in the Isthmian League*
- *Empty seats in the corporate areas of Wembley after the half-time interval and the consequent bad impression created on TV*
- *The lack of provision for bicycle storage at Wembley events*
- *The distasteful practice of players spitting frequently during matches, which does not occur in other physically demanding sports*
- *First aid training requirements for football coaches already qualified through previous roles and experience*
- *Proposed changes in the laws of the game*
- *The removal of the concession to a long standing supporter to travel to away games on the Workington Town team bus*
- *The foul language and public nuisance of teams playing on pitches adjacent to otherwise quiet residential areas*
- *Ticket prices at Brentford and the finances of Ipswich Town*

Other contacts raised issues prompted by the news of the day and there were several messages about each of the following:

- *Political slogans displayed by Manchester City players relating to the break-up of the former Yugoslavia*
- *Ownership issues at Birmingham City, Leeds United and Manchester City*
- *Discriminatory and offensive chanting at Leeds United, Manchester United and Burnley*
- *Disorder and verbal abuse at the England v Ireland match at Wembley*
- *The problems caused to the grassroots game by the FA requirement for video evidence to support an appeal against a red card*
- *The colour of the balls used in this season’s FA Cup matches*
- *The perceived favourable treatment meted out to Sunderland after playing an ineligible player in the Premier League*
- *The wearing and not wearing of poppies by players to mark Remembrance Day*
- *The availability and cost of tickets for the FA Cup Final*
- *As every year, the difficulty in contacting the FA by email and through the website*
- *Conversely, the inability to stop unwanted emails being received from the FA, especially regarding ticket sales*
- *Alleged sexism at the Premier League*
- *The selection of players for the England World Cup squad*
- *Unacceptable on-field behaviour by high profile players, such as Fernando Torres and Luis Suarez, and of the manager Alan Pardew*

Many of these issues recur in the discussion of specific cases in the following section.

Investigations & Adjudications

Most correspondence discussed in the previous section did not produce any follow up, either because the person was satisfied with the IFO's response or because their complaint had been referred to one of the Governing Bodies. It is common for complainants to approach the IFO prematurely, some treating the IFO as the first instead of the last stage in the complaints procedure. In such cases the complainant is advised of the proper recipient for the complaint and a few of these complaints are returned to the IFO at a later stage. Before a complaint is investigated an evaluation takes place to determine whether it has been considered by the Governing Body, whether it falls within the IFO remit and whether it has merit. A number of complaints were deemed suitable to be responded to with a simple letter explaining that no further action was called for, perhaps because the case had little merit or because the Governing Body response was deemed sufficient. In others an investigation took place which determined that the matter could be concluded by an extensive reply to the complainant, rather than with a formal Adjudication. By way of example, the following eight case studies illustrate the nature and variety of complaints handled in this way:

The mother of a boy who played at the Charlton Athletic Academy complained that he had been badly treated and was not properly supported by the coaches. She also alleged that the boy had been injured, as a result of a violent assault by another boy at the club. The complaint dragged on for some two years and had involved the county FA and the Football League's child protection officer. When it eventually reached the FA there were delays in the issuing of the investigation report due to staffing difficulties and the prioritising of urgent at risk cases. The IFO agreed that the delays were unacceptable, for which the FA apologised, but found that the report was thorough and did address the issues raised. It was pointed out to the complainant that such grassroots cases do often take a long time to reach the FA and in such circumstances it was not possible for the FA to mediate because of the passage of time.

A Stoke City supporter, who had previously been banned by the Club for 5 years for ticketing offences, complained that he was not being reinstated and that the Club refused to answer his calls or letters. He had approached the Premier League which had concluded that the Club was within its rights to refuse to reinstate the supporter and, as a private entity, was not obliged to give reasons for its actions. The IFO found that there was some confusion over the timescales involved in the ban and there was difficulty in

locating the original correspondence. Following IFO intervention, the supporter accepted that he had not yet served the full term of his ban.

A supporter, who is aiming to visit all 92 club grounds, decided to attend the 2014 Johnstone's Paint Trophy at Wembley, although he did not support either of the competing clubs. He complained that his enjoyment of the day was impaired by his inability to buy a £20 ticket as had been advertised and further complained that the Football League had not properly addressed his concerns. He had pursued his complaint vigorously and had sent multiple messages to many League officers, including the Chairman and Chief Executive. In this case, unusually, it was the Football League who referred the case to the IFO. The IFO found that, although £20 tickets had been advertised, they were few in number and had been taken up by the two clubs. The supporter had been charged £36 which was the cheapest ticket available for walk up supporters on the day. The IFO also found that the Football League had responded appropriately and within acceptable timescales.

An Everton supporter complained about restrictions on the number of away tickets made available by Arsenal for the 6th round FA Cup tie. He was dissatisfied with the Club's statement about the safety concerns which led to the restriction and complained that the FA's requirement of 15% for away supporters was not being enforced. The IFO found that the supporter had received satisfactory explanations from the FA about the primacy of safety and fan segregation, but agreed to approach the Club for a fuller explanation. Arsenal explained that the Emirates Stadium was perfectly capable of accommodating the full 15% (and had done so on many occasions) so long as fans behaved reasonably, particularly in the upper tier. Where, as in the case of Everton supporters previously, there was persistent standing, this created a safety hazard because of the steep rake of the upper tier. The limit on the away tickets had been agreed by the Safety Advisory Group, following a risk assessment.

A Chelsea supporter had attended an FA Cup final at Wembley in one season and a semi-final in the following season and on both occasions he had been prevented from seeing the full match because of standing supporters. He had been conducting a long correspondence with the FA, particularly related to the failure of stewards to take any action to get the supporters to sit down, which was particularly galling as he had been accompanied by his grandson. The IFO explained that stewarding at Wembley was indeed a matter of concern and that a meeting was to be held with Wembley Safety Officers to discuss standing and stewarding (which are more fully discussed below (p.12)). Following the escalation of the complaint to the FA General Secretary the complainant received a call from a Wembley National Stadium director, who discussed the issues at some length with him. This and the assurance that the matter would be highlighted in this Annual Report persuaded the supporter that his concerns were being addressed.

A mother complained that her young son had been racially abused while playing in a local league. In her view, neither the club nor the County FA had taken the case seriously or investigated properly. She had referred her case to Kick It Out, asking for support. In due course the case was submitted to the FA by Kick It Out and a letter was sent to the mother, confirming that the CFA had been at fault, particularly in not interviewing the son. Dissatisfied with the FA's response, the mother requested an IFO investigation. It was pointed out to her that the FA had offered to meet with mother and son together and that invitation had not been taken up. Since the invitation was still open, the IFO advised that the FA stage had not been fully completed and suggested that the mother reconsider her decision not to meet with the FA. In the event the FA meeting did take place and a Kick It Out officer also attended.

Many Coventry City supporters complained about the Football League decision to allow their club to play its “home” matches at Northampton, because of an unresolved and bitter dispute over the Ricoh Arena. The IFO responded by pointing out that the League had exercised its legitimate discretion in dealing with a unique set of circumstances. Given the volume of protests and the wider interest in the case, the IFO requested a special meeting with the Football League. From the discussion the IFO was satisfied that the Football League Board had acted flexibly to ensure that Coventry City was enabled to fulfil its fixtures and that without the League dispensation the club would have folded. The IFO noted that this was a temporary arrangement and that the League was to use its best endeavours to attempt mediation to secure the eventual return of the club to Coventry. The IFO found that the League had kept supporters apprised of developments within the limits of confidentiality.

A father complained that his daughter had been peremptorily dismissed from her team without warning to the parents and without a proper explanation. He was wholly dissatisfied with the response of the club and the county FA had been unhelpful. The case was referred to the FA and the father received a letter explaining the limits on what the FA could do. The complaint was referred to the IFO who found that the FA letter had been sensitive and had offered helpful advice. The IFO agreed with the FA that the club’s behaviour had not conformed with good practice, but that it could not have been expected to provide the specialist help the daughter may have needed. The early stages of the complaint had been conducted by text messages and it was difficult to decide whether the correct procedure had been followed or to resolve factual contradictions between the two sides. The IFO advice was that the daughter should find another team whose procedures were more acceptable to the father. The complainant remained dissatisfied and proposed to make a personal data request to the FA and pursue alternative avenues to seek a resolution.

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In nine other cases the investigations led to a published formal Adjudication Report. [There would have been a tenth report, but the parent in a safeguarding case requested that the report be not published.] Five of the reports related to Premier League clubs, three to Football League clubs and one involved the FA in the exercise of its regulatory role. In each case the full Adjudication Report has been published on the IFO website, www.theifo.co.uk, and a summary of each report is provided at Appendix I.

Adjudications Reports 2013-14

- **13/06 Stewarding at Queens Park Rangers**
- **13/08 Ejection at Queens Park Rangers**
- **13/05 Ejection at Brighton & Hove Albion**
- **13/11 The FA’s Handling of a County FA Warning**
- **13/13 Ejection at Leeds United**
- **14/01 Lifetime Ban for a Manchester United Supporter**
- **14/05 An Accident at Southampton**
- **14/08 Ticket Prices for Away Fans**
- **14/09 Verbal Abuse at Arsenal**

Complaint 14/05 was undoubtedly the most challenging of the investigations. It involved an accident at Southampton which befell a 93 year old Stoke City supporter, who sadly died after a stroke a month after the incident. The complainant argued that the accident was the result of lax stewarding and the investigation involved a wide range of evidence, including visual records, a variety of witness statements, the deliberations of official bodies and club data. A summary of the Adjudication is at p.19. It will be noted that four of the Adjudications arise from ejections and this contentious issue, along with others emerging from IFO adjudications and investigations, is discussed in Section 3.

Issues & Recommendations

Under the terms of reference, the IFO is invited to identify “broader issues... which should be addressed by the authorities” and the investigations and adjudications this year have again raised a number of matters which would merit attention by the Governing Bodies.

Undoubtedly the issue which has been most prominent this year has been **stewarding**. There were two distinct phases during the year, with the earlier adjudications responding to allegations of aggressive stewarding, while the later ones related to complaints about over-lax stewarding. The QPR Adjudications (IFO 13/06 and 08), together with the Leeds ejection (IFO 13/13) and the Manchester United ban (14/01) all involved allegations that stewards were hostile and aggressive. Indeed, it is commonplace to find supporters claiming that some stewards were little more than “nightclub bouncers” with an undue propensity for violence. A quite different set of descriptions emerged from the Southampton case and from several complaints arising from matches at Wembley. In these examples, it was argued that the stewards had not been proactive enough in confronting rowdiness and anti-social behaviour, nor in enforcing the ground regulations. Level Playing Field identified cases where stewards were often reluctant to deal with complaints from disabled supporters, particularly in relation to away supporters, and characterised the stewarding as “disappointing”. In the annual meeting with supporters’ groups (reported in Appendix II) the discussion concentrated on the training and qualification of stewards and the development of the necessary skills, including disability awareness. The Football Supporters’ Federation suggested that at least one senior steward at each club should be trained in conflict resolution and argued that insufficient attention was given to overall crowd management.

The IFO is well aware of the problems facing stewards in dealing with sometimes unruly supporters, with the added recent challenges of pyrotechnics. In the light of the steady stream of complaints about stewarding at Wembley, the IFO was invited to see at first-hand how the safety and security staff prepared for and managed a major event. The Deputy Ombudsman spent many hours in the company of senior staff at the England v Poland match and both the Ombudsman and Deputy met with the recently appointed Safety Officer to discuss stewarding at Wembley. The FA makes the very valid point that with crowds of some 80,000 at most Wembley games the number of complaints is actually relatively quite small. The Safety Officer makes much of the fact that nearly all supporters coming to Wembley, particularly for cup ties and play-off matches, are in a sense away supporters and hence unfamiliar with the ground and its access arrangements. The IFO agrees that the volume of Wembley complaints is not large, but there is a regularity and consistency about the issues raised. Nor is this exclusive to football events. For example, a recent high profile boxing match produced a complaint, which cited the same features of lax stewarding in the face of anti-social behaviour including smoking. **In the light of the prominence of stewarding issues in this year’s IFO investigations, the IFO recommends that Safety Officers build on the undoubted good practice which already exists to ensure that their stewards are well qualified and skilled to deal with the crowd management challenges which they regularly face.**

As in the previous three Annual Reports, attention must be drawn to the continuing problem of **standing in seated areas**. Neither the IFO, nor the IFC before it, has ever received any complaint from a supporter who wished to stand and was prevented from so doing. All complaints, whether leading to a formal adjudication or not, come from supporters who are inconvenienced by those who stand. Children, people of short stature and those unwilling or unable to stand are regularly deprived of a clear view of the pitch by persistent standing. This particularly impacts on disabled supporters whose sightlines can be adversely affected by fans standing in front of them. The IFO detects that opinion is moving on this question. Already some clubs have informal “singing sections”, where standing is tolerated. The Football League has formally agreed to explore possible schemes and a number of Premier League clubs have indicated that they would support an experiment in Safe Standing at their grounds. Safety Officers and Match Commanders have a preference for watchful monitoring of standing supporters rather than active intervention to persuade supporters to sit down, for fear of provoking a public order incident. In the IFO’s opinion this renders the ground regulations in effect unenforceable. Hence the IFO receives regular complaints from supporters who are mystified and frustrated by the apparent unwillingness to ensure that those who have bought a ticket for a seat are actually able to view the match from a seated position. The supporter referred to above (p.10) who has been in dispute with the FA about the problem of persistent standing at Wembley, suggests that a warning about the risk of ejection for standing be printed prominently on the face of all tickets.

Previously, the IFO had recommended that the various football and government agencies seek to address the problem, without suggesting a particular remedy and notes that the three previous Annual Reports have produced no apparent action. The IFO feels that more could be done by clubs themselves to manage the situation better from a customer service point of view. For example, clubs could warn their travelling supporters about the safety hazards of standing, as well as the risk of ejection and future limits on ticket sales. When selling tickets, particularly for away matches, specific customer enquiries could establish whether individual supporters required a seat near the front because they did not wish to stand. In the light of the clear evidence that the problem is becoming more widespread and of the prominence of standing in IFO investigations, such as those at Southampton and Wembley, the IFO now recommends something more specific. The introduction of properly designed and constructed safe standing areas would assist in the stricter enforcement of the ground regulations in other sections, while giving supporters a clear choice between standing and sitting. **The IFO therefore recommends that the Football Authorities discuss with the SGSA and the DCMS the mounting of an experiment in “Safe Standing”. This would permit the gathering of evidence to judge whether the all-seater policy should now be reviewed and how the provision of a standing option might affect supporter behaviour.**

The standing and stewarding issues are closely related to those of **ejections**. It will be noted that four of the adjudications arose from disputes about alleged injustices in ejecting supporters at Queens Park Rangers, Brighton, Leeds United and Manchester United. Understandably, supporters who were sufficiently aggrieved to pursue their cases through the whole complaints procedure, strongly contested the justification for the clubs’ action and, in the case of Manchester United, the severity of the punishment. As in many previous similar investigations, the facts of the case were hotly disputed and it was often impossible to resolve the contradictions in the accounts. Unusually, in two of the cases (13/05 and 14/01) there were CCTV records of the misdemeanours, though their interpretation was disputed. While the IFO did not uphold any of the complaints (for example, the evidence at Brighton and Manchester United fully justifying the ejections), there was some disquiet about certain aspects of the cases. At Queens Park Rangers the complainant alleged undue violence in the ejection, which had been a feature of the pre-history of the second complaint at the Club (13/06). The IFO has been informed that a similar QPR case involving a

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Sunderland supporter is being pursued through the courts and there was an altercation at the last home match of the season, which, according to press reports, arose from resentment at aggressive stewarding. The IFO notes that unusually the Club uses 100% agency stewards and consequently has somewhat less direct influence over stewarding than some clubs elsewhere.

The Leeds United case also raised some concerns, not least about the shortcomings in the handling of the complaint. In this case a home supporter was ejected for allegedly making a racist remark. It is the Club's policy in such cases to hand the supporter to the police immediately, since this is a potentially criminal offence. As a consequence the supporter had the distressing experience of being held in a cell under the stadium, spending the night at the police station and missing the next day's work. The supporter vehemently denied the allegation and the IFO found him a credible witness. Yet on the other hand, the experienced steward who initiated the case, in whom the Club had full confidence, was equally adamant that he had seen and heard the supporter making the remark. The supporter complained that no attempt was made to seek corroboration from those sitting nearby and the IFO is concerned about the potential for injustice when it is just one person's word against another. No doubt there will be times when the pressures of the moment will make it impractical to seek corroboration. However, at this particular match the complainant was the only person arrested and it would have been possible for the Club to have sought corroboration before handing the supporter to the police. In the light of the disquiet raised by some aspects of these investigations, **the IFO recommends that where an ejection is based on an allegation by a single steward, clubs should use their best endeavours to seek corroboration and, in the case of a potentially criminal offence, before handing the supporter to the police. The IFO further recommends that clubs should ensure that when ejections are deemed to be fully justified, they are implemented with proportionate force.**

During the year a number of cases related to the treatment of **away supporters**. One of these, involving allegations that visiting supporters were charged more at Walsall than home supporters, was dealt with in a formal adjudication (IFO 14/08). In another case an away supporter complained that a previously advertised discounted ticket was not available on matchday. Additionally, many supporters contacted the IFO to complain about restrictions imposed on away ticket numbers by Arsenal for FA cup-ties, discussed in the case study above p.10. Generally, in recent years there have been fewer complaints relating to away supporters, because commendably both the Premier League and the Football League have introduced regulations which require their member clubs to charge the same to both home and away supporters for comparable accommodation. Of course, the term "comparable" is open to interpretation and may sometimes be contested and the Walsall case revealed an ambiguity over family tickets. **The IFO recommends that the Premier and Football Leagues ensure that the equal treatment of home and away supporters includes family tickets and that the FA requires appropriate justification from clubs which feel that they cannot implement the 15% rule for FA Cup matches.**

The last discussed issue apart, there is a continuity in the concerns expressed by supporters in the investigations conducted by the IFO during recent years.

Appendices

APPENDIX I**SUMMARIES OF ADJUDICATIONS 2013-14****IFO ADJUDICATION 13/06
Stewarding at Queens Park Rangers**

A longstanding QPR season ticket holder complained that during the 2012/13 season stewards at the club had victimised him by deliberately blocking his view and adopting an intimidatory manner. He believed a policy of harassment was the result of a previous complaint he had made against the club, which he was pursuing in court. (In March 2011 he had been ejected for allegedly throwing something onto the pitch. He claimed that he had been assaulted by stewards and had been prosecuted on the basis of evidence fabricated by stewards.)

During 2012/13 season the man complained about the actions of stewards. The QPR Operations Manager provided him with her personal mobile phone number so he could contact her if problems arose during a match, but he did not avail himself of that. In relation to one incident the club's solicitors wrote to him saying that he had aggressively pushed a steward and had used foul and abusive language, both of which he strenuously denied.

The IFO accepted that the position of the complainant's seat made it inevitable that normal stewarding activities would cause some disruption to his sightline. The IFO found the complaint of victimisation not proven but recommended that the club assist the complainant in locating alternative seating where disruption would be less likely; if the complainant chose to retain his seat the club should ensure that stewarding activity in the vicinity should be kept to the minimum necessary. The IFO also recommended that the club write formally to the complainant withdrawing the allegation that he assaulted a steward and used foul language.

**IFO ADJUDICATION 13/08
An ejection at Queens Park Rangers in January 2013**

A visiting Manchester City supporter complained that he had been unreasonably ejected by stewards who had used undue violence and handed him to the police, falsely charging him with assault. He denied that he and his father had been intoxicated and he also complained of delays in dealing with his complaint.

According to the club, the son smelled of alcohol and was unable to stand properly when trying to fix a flag to the wall. When asked to leave, the son had refused and had struggled violently, kicking one steward and punching another, while shouting obscenities. The complainant strongly disputed the club's version, maintaining that he was not drunk, that the ejection had not been justified and had been unduly violent. What was not in dispute was that a steward required medical attention after the incident and the son accepted a police caution. The IFO found no compelling evidence that the ejection was unjustified, or was unduly forceful.

The IFO found shortcomings in the way in which the club had handled the complaint and recommended that the club review their complaint handling process to ensure that a clear and consistent procedure is adopted.

**IFO ADJUDICATION 13/05
Ejection at the Brighton v Bristol City match 27 November 2012**

A longstanding Brighton season ticket holder complained that he was unjustly ejected at the home match against Bristol City. He contended that he had been victimised and discriminated against by the club.

During the second half, when the complainant went to the concourse, stewards warned him

about his behaviour. The IFO found that because of his own observation of the complainant, the Safety Officer had directed stewards to give him a warning when the opportunity presented itself away from other fans. Toward the end of the game stewards sought to eject the complainant for persistent standing. He refused to leave and a confrontation with the lead steward ensued, during which the complainant admitted having sworn at the steward. On 1 February, after exchanges of correspondence, the club imposed a ban on the complainant until 2015/16 season and said that he would not be allowed to return to a seat in the north stand.

The IFO was satisfied that, in arranging a warning, the Safety Officer was trying to avoid the complainant being ejected a second time. (He had been ejected at a match against Derby.) Although the IFO could sympathise with the argument that other fans standing were not treated the same, it was unwise for the complainant to have continued standing after the warning. It was clear from CCTV evidence seen by the IFO that the complainant was standing when asked to leave, even though those in front of him were seated, and that he aggressively pushed the steward, causing him to fall backwards over the seat in front.

The IFO found that the complainant had been left in limbo for an unnecessarily long period between the ejection and the imposition of a ban, and that his attempt to appeal had been further delayed. The IFO recommended that, provided the complainant signed a behavioural agreement, the club should either review sympathetically the ban on a return to the north stand, or discuss suitable arrangements for the complainant and his family to sit together elsewhere. In response, the Safety Officer said that he was prepared to meet the complainant to discuss a return to the north stand for 2014/15 season.

IFO ADJUDICATION 13/11

The FA's handling of a warning over a non-footballing incident.

A football referee complained that the FA had failed to explain to him why he had been issued with a severe warning over a non-footballing incident and had not dealt with his subsequent enquiries fully or correctly.

The complainant reported to his County FA (CFA) an incident which had occurred in a supermarket. He had been shopping with his mother when he met a man whom, in his capacity as a referee, he had reported to the CFA previously for threatening and insulting behaviour at a match. The man submitted an entirely different report from his perspective. Police subsequently warned the man not to have further contact with the complainant or his mother.

The IFO found that the FA's Disciplinary Manager had decided that no charge should be brought against either party and that the CFA should give severe warnings to both. That was a decision he was entitled to take. The complainant later told the IFO that, although he did not agree that he was equally responsible for the incident, he was content that the decision to warn was primarily with a view to preventing future incidents.

The IFO recommended that the FA discuss the case with the CFA to try to improve the quality of CFA correspondence and to clarify their advice as to what the complainant should do if he encounters the man while refereeing. The IFO also recommended that the FA review their Customer Relations Team's handling of the complainant's enquiries with a view to improving their own correspondence and apologise for how they handled it. Finally, the IFO recommended that the FA assure the complainant that there is nothing on his disciplinary record which would adversely affect his refereeing career.

IFO ADJUDICATION 14/01

Lifetime ban for a Manchester United supporter

A longstanding Manchester United supporter complained that the club had withdrawn his season

ticket, without giving a refund for games missed, and had given him a lifetime ban from attending Old Trafford for any form of event.

On 7 November 2013 solicitors wrote to the complainant saying that he had been viewed several times engaging in disorderly, aggressive and illegal behaviour which had culminated in his arrest in matches on 9 and 13 October. On the first occasion he had been observed smoking and when approached by security had been abusive; on the second occasion he had indecently exposed himself, to which he had pleaded guilty in court. The club had decided to retain his season ticket and ban him from Old Trafford for the duration of his lifetime, a decision which was final and not appealable.

The IFO was satisfied from CCTV evidence that the complainant had been smoking and had argued and struggled aggressively when asked to leave; on the occasion of the second ejection he had left peaceably. The IFO found that, had the complainant heeded a warning given to him by the club on 22 October, that would have been the end of the matter and it was foolish in the extreme for him to have transgressed again a mere two days later.

The IFO recommended that in a case where the proposed punishment is so severe, there should first be an opportunity for the transgressor to answer the accusations. The IFO also recommended that there should be a right of appeal and the ban to be “indefinite” rather than “lifetime”. The club agreed to review their disciplinary procedures and will consider the introduction of a right of appeal where a lifetime ban is imposed. The IFO was satisfied that the club had acted in accordance with the terms and conditions of season tickets in refusing a refund, but the club subsequently decided to make a refund in relation to those matches where they were able to re-sell the ticket.

IFO ADJUDICATION 13/13

An ejection at Leeds United 12 March 2013

A longstanding Leeds supporter, who travels to Elland Road from his home in Grantham, complained that he had been wrongly ejected at the evening match against Peterborough. The complainant travelled by car with two colleagues. In the second half, at the request of a steward, he went to the concourse where he was arrested by police for allegedly making a racist remark. He was unable to tell his colleagues what had happened and spent the night in a police cell. He denied having made a racist remark and was released without charge at noon. He travelled home by train and missed a day's work. Leeds suspended him from all fixtures but invited him to offer an explanation. He strongly denied the accusation, cited character information and claimed compensation for his rail fare and lost wages. Having heard nothing for a month, he sent three further letters to the club before they replied, saying that they were taking no further action and were lifting the suspension. As they made no mention of compensation he wrote to the club a further three times but got no reply.

The IFO found the complainant to be a credible witness but the steward who had reported the alleged misdemeanour was equally certain that the complainant had made a racist remark. In the absence of any corroborative evidence it was impossible for the IFO to resolve the differences in the respective accounts.

The IFO recommended that Leeds incorporate into their security procedures the requirement, where there is only one witness to an offence, to seek immediate corroboration before handing someone to the police. The IFO found that the complainant's correspondence was handled badly by the club and recommended that they review their complaint handling procedures to ensure that correspondence is handled promptly and in line with the club charter. The IFO recommended that the club write formally to the complainant apologising for their poor customer service, reimbursing his postal costs and explaining that they were unwilling to meet his other costs because they had arisen through police action. The IFO hoped that the club would supplement the postal costs with a modest goodwill payment.

IFO ADJUDICATION 14/05**An accident at the Southampton v Stoke City match in May 2013**

A Stoke City supporter complained about an accident which befell her late mother at St Mary's stadium while attending the last match of the 2012/13 season, and that neither the accident nor her subsequent complaint had been investigated fully.

The mother, aged 93, had been sitting in the front row. She was leaning against the back of her seat as her view was obstructed by pitchside photographers. A number of youths engaged in horseplay which spilled across the aisle, causing a domino effect of fans falling forwards. The man behind her was pitched forwards and she went headlong onto the concrete track, suffering cuts around her eyebrow and severe bruising. She spent the night in hospital. Sadly, the mother died four weeks later from a stroke.

The complainant wrote to Southampton asking why fans had been allowed to stand in the aisles, which had caused the accident. She was dissatisfied with Southampton's reply, which included the offer of hospitality at the next match between the clubs. She enlisted the help of the Football Supporters' Federation who sent Southampton anonymised copies of 15 witness statements from Stoke fans who had been at the match. In further correspondence the club maintained that they had investigated the accident fully. The complainant did not take up offers from either Southampton or the Premier League to meet to discuss the matter. The incident was discussed at two successive meetings of the Safety Advisory Group who concluded that it had been an "unfortunate accident". An inspector from the Sports Ground Safety Authority, who had attended the match, told the IFO that at the pre-briefing one of the key messages to stewards had been to keep the aisles clear. In his report he said that the aisles had been kept "predominantly clear" by which he meant that there was a lot of movement of away fans, but no blocking of the aisles. A police witness said he did not recall there having been people in the aisle at the time of the accident, but the away fans had stood all the time. The IFO's examination of CCTV evidence confirmed what the inspector had said about a lot of movement in the aisles; there was no evidence of standing in the aisle on the few occasions when the area of the accident was recorded. Stewards patrolled up and down the aisles every 15 minutes.

The IFO found inconsistency in the 15 witness statements, most claiming that stewards took insufficient action, but some saying that stewards had tried to keep the aisles clear. The IFO was satisfied that the incident which caused the accident was sudden and difficult to predict, and was unable to conclude that there was inadequate stewarding. The IFO found that, while standing was not the prime cause of the accident, a domino effect was unlikely to have occurred had fans been seated. The IFO found that there had been a full and proper investigation of the matters raised by the complainant.

The IFO recommended that Southampton learn from the incident to improve stewarding practice further in relation to the management of unruly fans and in the protection of elderly fans; and that they review their arrangements for photographers to ensure they do not block the view of fans. The IFO also recommended that the Football Authorities encourage the education of fans about the standing issue and explore urgently the idea of an experiment in "safe standing". Also, when clubs are selling away tickets they should proactively encourage those who wish to stand to buy tickets at the back of the stadium and assist those who cannot or do not wish to stand to acquire tickets at the front.

IFO ADJUDICATION 14/08**Ticket prices for away fans**

A Shrewsbury Town supporter complained that he was charged more for his tickets at Walsall than would have been charged to home fans.

On 28 March 2014, after attending the Shrewsbury match at Walsall with his son, the complainant put his complaint to Walsall, citing the fact that the family ticket available to home fans was not available to him. In a further letter he pointed out that at Shrewsbury an away fan with two children under 11 would pay a total of £17, whereas a Shrewsbury fan with two under 11s would pay £52.50 at Walsall. The complainant had paid £37 for himself and his son; he calculated that the equivalent cost for a Walsall fan had been £23.50. The club replied that their pricing structure had been approved by the Football League and family tickets were not available in the away stand. They would give consideration to the points he had made.

Although the IFO had sympathy with the complainant's well-argued case and found some ambiguity over what constitutes "comparable accommodation" at Walsall, he considered it would be harsh to find against the club when their ticketing policy had Football League approval.

The club thanked the complainant for helping to identify the ambiguity and agreed to review their ticketing policy for 2014/15. The IFO endorsed the club's intention, recommending that they bring their family tickets within the spirit of the League's requirement for home and away fans to be treated the same.

The IFO recommended that the Football League review their regulations to ensure that family tickets are included. The Football League confirmed that they will be holding discussions with their clubs on these and related matters.

IFO ADJUDICATION 14/09

Verbal abuse at the Arsenal v Everton Cup Tie in March 2014

An Everton supporter was a guest in the Diamond Club, the most prestigious area of the Emirates Stadium. He complained that he and his family were verbally abused by two Arsenal supporters, whose extremely hostile comments caused great distress to him and his party. He was moved to another section for the second half which he found demeaning. He complained to the Club, which did respond by offering complimentary tickets to a future game at the Emirates or to the forthcoming Arsenal visit to Goodison Park. He declined these offers and claimed that the Club had not investigated his complaint properly and had not disciplined the supporters who had been so aggressive. He referred his case to the FA, the relevant governing body since this had been a Cup match. The FA advised that this was solely a matter between the complainant and the Club and hence the case was escalated to the IFO for adjudication.

The IFO met with the complainant and with four senior Arsenal officials. The Club explained that while away fans were welcome in the Diamond Club they were advised to be discreet. The complainant was seen to jump up when Everton scored and stewards had sensibly removed the party to different seats to avoid a repeat of the altercation. The Club wished all visitors to the Diamond Club to have an excellent experience and regretted that this had not been the case and had sought to compensate the complainant for what had transpired. There was no CCTV of the altercation and on the basis of the limited available evidence, the Club not unreasonably concluded that both parties had over-reacted.

The IFO found that on the balance of probability the complainant had been verbally abused by aggressive remarks that went well beyond normal banter between rival fans, but that the Club had responded promptly and courteously to the complaint. On the basis of confidential discussions, the IFO was satisfied that the Club had dealt appropriately with its Diamond Club members who had behaved badly towards the complainant.

APPENDIX II

MEETING WITH SUPPORTERS JUNE 2014

ORGANISATIONS REPRESENTED:

IFO, FOOTBALL SUPPORTERS FEDERATION (FSF), LEVEL PLAYING FIELD (LPF), KICK-IT-OUT (KIO) and SUPPORTERS DIRECT (SD)

Background

The meeting was held in conformity with the IFO Terms of Reference which state, “The IFO is tasked with meeting supporter organisations on an annual basis and reporting the outcomes to the authorities”. It was agreed that the meeting would discuss the issues arising from the investigations and adjudications of the IFO during 2013-14 and that the discussion would inform the IFO Annual Report.

ISSUES FOR DISCUSSION

- **STEWARDING:** The IFO reported that there had been two distinct phases during the year, with the earlier adjudications responding to allegations of aggressive stewarding, while the later ones related to complaints about over lax stewarding. LPF reported that they have cases where stewards were often reluctant to deal with complaints from disabled supporters, particularly in relation to away supporters, and characterised the stewarding as “disappointing”. Much of the discussion concentrated on the training and qualification of stewards and the development of the necessary skills including disability awareness. The FSF suggested that at least one senior steward at each club should be trained in conflict resolution and argued that insufficient attention was given to overall crowd management. For example, stewards could move people to the front rows of seats if they did not wish to stand, but were often reluctant to do so, since this might compromise the later identification of any unruly fans who were no longer in the correct seats.
- **STANDING:** The evidence from IFO investigations showed an increase in the numbers of fans standing throughout a game, particularly in the away sections of stadiums. The preference of Safety Officers for watchful monitoring of standing supporters meant that in effect the ground regulations on standing were unenforceable. It was pointed out in discussion that many grounds had “singing sections” where standing was implicitly tolerated. The IFO confirmed that all complaints about standing came from those inconvenienced by standing, rather from those who wished to stand. The FSF reported growing support for rail seating among clubs and believed that there would be action on “safe standing” in the future. LPF reported that inconsiderate supporters sometimes stood in front of wheelchair users. It was agreed that more could be done during the ticket sale process, especially for away fans, to ensure that those who could not or did not wish to stand were sold tickets in the front rows.
- **EJECTIONS:** Two of the IFO adjudications related to ejections for which there was CCTV evidence and this tended to justify the club’s action, though in one case the IFO found that the consequent life ban was too severe. In another case, the ejection was on the basis of a single steward’s statement. While recognising that crowd disturbances pose severe challenges for stewards, it was felt that in the case of a single fan being ejected for a specific offence there really ought to be corroborating evidence. The meeting agreed that the obligation was on the club to seek corroboration, e.g. from adjacent supporters, rather than simply handing the person to the police. In the event that the police did not charge a potential offender, it was still for the club to investigate an accusation thoroughly.

- **AWAY FANS:** The IFO had received a number of complaints relating to the treatment of away fans. In one case there had been a formal adjudication on the issue of whether away fans had been treated equally by not being able to purchase a family ticket which was available to home fans. Other complaints concerned the restrictions on the number of away tickets available for sale, particularly for FA Cup matches. Clubs cited safety concerns in justification of the reductions, which were often due to alleged bad behaviour by fans during previous visits. FSF did not believe the restrictions on away tickets addressed the problem of a sometimes hard core of problem supporters. Some clubs were refusing to sell away tickets to those identified as misbehaving during away visits, which the meeting believed was a reasonable policy, so long as there were safeguards for those identified. FSF thought that much could be achieved through self-regulation by supporters themselves. It was noted that the Football League has been running a seminar aimed at improving the experience of away fans, which was a welcome initiative.

- **DISABILITY ISSUES:** As previously, the IFO noted few complaints relating to disability and it was agreed that most disabled supporters turned to LPF who had a good track record of successful mediation. LPF referred to a case where it appeared that there were different ticketing policies for disabled supporters of the clubs playing in a Wembley play-off final. LPF advised they had been approached for comment during the BBC's investigation and news story and the House of Lords debate, which highlighted clubs' failure to meet the minimum requirement for the number of wheelchair user spaces at Premiership grounds.

- **DISCRIMINATION ISSUES:** The IFO had issued an adjudication report on an ejection because of a racist remark and had been involved in a grassroots case which had been initially handled by KIO. In the case of the ejection, it was not KIO's wish to criminalise supporters and KIO supported the need for corroboration. As a result of the KIO App, there had been a significant increase of reporting, both from the grassroots and the professional game. 66% of reports alleged racial abuse and a further 20% related to anti-semitism. Particularly at the grassroots, delays and lack of action undermined public confidence in the process and led to a "why bother" attitude. Social media was of increasing importance and a new version of the KIO App would increase the capacity to report, including the submission of video evidence. The availability of text reporting at grounds had increased and any such reports would only be known to KIO much later. The IFO had been informed that the newly introduced text service at Wembley regularly displayed in a ribbon round the ground has so far been little used.

ANY OTHER BUSINESS

- SD noted that the IFO Terms of Reference included specific reference to "supporter and other stakeholder involvement" and enquired whether this had featured in the work of the IFO. Though there had been such cases in previous years there had been no cases during 2013-14.
- IFO referred to the growing correspondence from the grassroots, particularly from aggrieved parents. In such cases the IFO could only investigate the role of the FA itself and not the bodies involved in the original complaint. These cases were often characterised by long delays due to the multiple layers in the process.
- FSF had sought counsel's opinion on behaviour agreements which many clubs required some supporters to sign. It was agreed that these should be kept as simple as possible and should not include unreasonable restrictions such as gagging clauses.
- As requested in the previous year's meeting, the IFO identified some adjudications which had produced positive outcomes. The Authorities had confirmed that they would normally expect to implement IFO findings and where they did not, they are required to publish their reasons and suggested alternative remedy.

APPENDIX III

THE IFO ADVISORY PANEL

NICOLA WALDMAN: *LEGAL ISSUES*

PHIL GOLDSTONE: *SUPPORTERS*

ARTHUR SELMAN: *CORPORATE GOVERNANCE*

PROFESSOR TOM WOODHOUSE: *COMMUNITY*

GRAHAM COURTNEY: *MEDIA & COMMUNICATIONS*

APPENDIX IV

THE IFO TERMS OF REFERENCE

1 March 2014

I. Preamble

The Independent Football Ombudsman (the IFO) is appointed by the Football Association, the Football League and the Premier League (hereafter, the football authorities), in consultation with the Department for Culture, Media and Sport (DCMS). The IFO provides independent external scrutiny of complaints within a transparent, accountable and effective system of self-regulation by the football authorities. This includes commitment to the Customer Charter process and recourse to PL, FL and FA Rules where necessary.

The football authorities are committed to providing robust and open complaints procedures, widely publicised, taken seriously by the Clubs, reinforced by the PL, FL and the FA and subject to external appeal. The IFO will also provide an external and independent voice in discussions within football on issues which affect the public

2. The Independent Football Ombudsman's Terms of Reference

(i) The IFO acts as the final appeal stage within football's complaints procedures and its adjudications will be published. These adjudications shall be final and the football authorities expect that normally IFO recommendations will be implemented. If, in exceptional cases, there is a failure to agree, the football authorities will publish their reasons and their proposed alternative resolution of the issue.

(ii) The IFO will have regard to best practice in commercial matters within professional football, particularly with regard to customer service. The IFO will be consulted and will advise on:-

- * Codes of Best Practice relating to supporters and customers in general, and customer charters issued by each of the football authorities, and by individual clubs;
- * the football authorities' operation of the complaints resolution hierarchy based on the Codes of Best Practice, with the Independent Football Ombudsman as the final step in that hierarchy; and
- * the football authorities' procedures for review and monitoring of commercial and customer matters

In this, the IFO is to have particular regard to:-

- * Ticket prices
- * Accessibility of matches
- * Merchandise; and
- * Supporter and other stakeholder involvement.

(iii) Where complaints resolution indicates wider action is appropriate, to recommend changes to Codes of Best Practice and Customer Charters, to request review of the rules and regulations of the football authorities relating to commercial and customer-related matters and to request research or other investigation into policy relating to those matters.

(iv) The IFO will be consulted by the football authorities on proposed programmes of research into supporter and customer matters.

(v) The IFO will be consulted by the football authorities on significant changes to regulation or practice in the areas of supporter and customer relations.

(vi) The IFO is tasked with meeting supporter organisations on an annual basis and with reporting the outcome to the authorities. The IFO will produce an annual report to be submitted to the football authorities and to the DCMS. The published IFO annual report will identify broader issues arising from its investigations and adjudications which should be addressed by the authorities. The work of the IFO will be reported in Club, League and FA annual reports as applicable and any public policy implications will be reported to the DCMS by the football authorities at the existing established and regular meetings between football and the Department

3. The Constitution of the IFO

The office of the IFO will consist of the Ombudsman and a Deputy. An Advisory Panel will be appointed by the IFO so that, according to the requirement for particular expertise, a Panel member can sit with the IFO and/or Deputy IFO to advise on complaint adjudication or on issues arising from complaint investigations.

4. Appointments

The Ombudsman and Deputy will be appointed by the football authorities in consultation with Government.



IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN

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