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2010-11

Annual Report

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OF THE
*Independent Football
Ombudsman*
2010-11

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



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I present my third 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

The third year of operation of the Ombudsman service has been characterised by a further increase in the number of people contacting the IFO and by an even wider range of issues identified by those correspondents. As in previous years, I wish to place on record my thanks to officers of all three Football Authorities, and their member clubs, who have cooperated with IFO investigations.

I have 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.

PROFESSOR DEREK FRASER
OMBUDSMAN
AUGUST 2011



C O N T E N T S

<i>section</i>		<i>page</i>
1	The IFO and its Activities in the Third Year	6
2	Investigations and Adjudications	10
3	Issues and Recommendations	13

appendices

I	Adjudication Summaries	18
II	The IFO Terms of Reference	22

THE IFO AND ITS ACTIVITIES IN THE THIRD YEAR

The Independent Football Ombudsman (IFO) was established in the summer of 2008 by the English Football Authorities (the Football Association [FA], the Premier League and The Football League) with the agreement of Government. The IFO has a clear remit to receive and adjudicate on complaints which have not been resolved at an earlier stage and acts as the final stage in football's complaints procedure. 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 are provided in Appendix II. The Football Ombudsman Service is funded by an annual grant from the three Football Authorities

The vast majority of complaints are resolved at an early stage, but those dissatisfied with the outcome of a complaint can refer it to the relevant governing body. This, for example, would be the Premier League if the complaint arose from a service provided by a Premier League club. It is only when the complaint has been considered by the governing body that it can be referred to the IFO. For many complaints there will be a 3 stage process (club, governing body, IFO), though where a complaint relates to a governing body itself (eg the FA for an England game), there would be 2 stages (governing body, IFO).

Those wishing to contact the IFO may do so by phone, letter or email (directly or via the website). Where individuals contact the IFO as the initial recipient of a complaint, they are informed that the IFO can investigate only those complaints which have already been dealt with by a governing body. They are then advised to refer their complaint to a club or governing body, as appropriate.

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.

THE IFO AND ITS ACTIVITIES IN THE THIRD YEAR



Where they felt unable to uphold the IFO's findings, they are committed to publishing their reasons. Under the agreed procedure, there is no appeal against IFO Adjudications. 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.

In order to fulfil its remit the IFO held a number of stakeholder meetings to keep abreast of current issues and concerns. The IFO, as part of its regular work, meets with the football authorities, clubs and complainants; additionally this year there was again a most helpful briefing on the FA's disciplinary policies, supplemented by discussions with the General Manager of the referees' body, the PGMO. Two meetings were held with the Football Supporters' Federation (FSF) to discuss specific complaints and the IFO welcomed the FSF survey on the effectiveness of Club Charters. The IFO also met with the Minister for Sport and the Football Licensing Authority (FLA). Through its membership of the British and Irish Ombudsman Association (BIOA), the IFO is able

to draw on the experiences of other Ombudsman schemes and the Football Ombudsman was himself featured in the December 2010 issue of the BIOA magazine, *The Ombudsman*.

The Independent Football Ombudsman's third year of operation began in August 2010 at the start of the new season. During the year, about 92% of those who contacted the IFO did so by email, with just 3% by letter and a further 5% by phone. In the year as a whole, over 500 people made contact with the IFO, which received about 900 email messages, a 50% increase over the second year. In addition to the dozens of letters sent, the IFO issued over 700 email replies to those who had contacted the Ombudsman Service (a 55% increase over the previous year). There has, thus, been a significant increase in both incoming and outgoing correspondence since the office of IFO was created. It is a sign of the increased awareness of the Ombudsman Service that the volume of messages from overseas has also increased.

Also increasing was the number of messages about grassroots football and the world of the County FAs. A perhaps surprisingly strident approach was generated by coaches, managers, parents

THE IFO AND ITS ACTIVITIES IN THE THIRD YEAR

- and aggrieved clubs who complained about shortcomings or unfairness in the practices of their local leagues and county associations. Some 20% of contacts (about a third more than in the previous year) emanated from this sector of the national game. It was explained to all such correspondents that their world did not fall within the primary jurisdiction of the IFO. However, where a complaint had been considered or reviewed by the FA itself, then it might come within the remit of the IFO, if it was alleged that the FA had not handled the case properly or was itself in breach of its own policies and procedures. While most of the grassroots complaints remained within the county FA remit, a number did merit IFO investigation and two led to full adjudications (IFO 10/10 and 11/01) which are summarised in Appendix I.

As in previous years, many used the IFO as an outlet for strong views about the state of the game. Much comment was offered about on-field matters, such as disputed refereeing decisions, goal-line and penalty incidents, injuries caused by serious foul play, intimidation of referees, alleged differences between FA and FIFA rules on red and yellow cards and what was perceived to be the inconsistent response of the authorities to high profile misdemeanours. Some 30% of those who contacted the IFO (a 20% increase on the previous year) raised on-field issues or professional game concerns. In this context Manchester United figured prominently, particularly in relation to the behaviour of Wayne Rooney.

About 20 people wrote to the IFO about the player's alleged foul play at Wigan, which was not penalised by the referee, and a further 25 protested about his swearing on camera.

The response of the FA to these incidents attracted a dozen comments, which were followed by other complaints about player behaviour (including Ashley Cole's air gun), swearing at the Cup Final by Manchester City players and the treatment of Sir Alex Ferguson. This prompted many to complain that Manchester United were unfairly treated by the authorities, including one extensive and detailed catalogue of perceived unfairness over several seasons. This was balanced, in strength of feeling if not in numbers, by some who argued that Manchester United were treated more favourably than other clubs. None of these issues, which attracted high profile media attention, actually fell within the direct remit of the IFO and correspondents were advised to contact the Football Association as the governing body with the primary disciplinary responsibility.

Conversely, it was the Premier League which was the target of the fans' ire in the case of Blackpool. In an echo of the concerted approach of Portsmouth fans during the year before, Blackpool supporters pilloried the Premier League and complained to the IFO in large numbers about the perceived unfairness in punishing Blackpool for fielding a weakened team. Not only did this appear to undermine the manager's discretion to pursue what he believed to be in the Club's best interests, it was also deemed to be unfair compared to the way some other clubs (including Manchester United) had been treated. The IFO notes that, in the wake of the Blackpool case and that of Wolves in the previous season, the Premier League has amended its rules for the 2011-12 season, which should make a repeat of this scenario less likely in future.

THE IFO AND ITS ACTIVITIES IN THE THIRD YEAR



The IFO was the recipient of some unusual requests and comments. One person, confused by the initials, thought they were complaining to the Independent Financial Ombudsman, while more puzzlingly, another asked the IFO to provide a form to complain about an incompetent solicitor. The most disturbing was a request for assistance from someone, the victim of identity theft, whose credit card had been fraudulently used to buy a season ticket at Reading FC. Among other rather odd topics raised were the following:

- The poor TV reception in Africa which impaired the enjoyment of English Premier League football
- A mass brawl at a local deaf competition cup final
- The alleged FA endorsement of the war in Afghanistan
- Unpaid agents' commission by clubs
- The lack of a dividend to Gillingham shareholders
- The state of Asian football and the promotion of the Premier League in China
- A dispute over a charity raffle at Manchester United, where it was claimed that the prize of a signed shirt was a replica not the official club shirt

The remaining 50% of messages, which fell more squarely within the IFO's terms of reference, raised a diverse range of topics, often reflecting what might be termed the issues of the day. These included

- TV coverage of football, including the Women's World Cup games
- Fixture changes (mainly for TV schedules) and the consequent costs incurred
- 'Excessive' ticket prices, especially for away fans and disabled supporters, some of whose concessions had been withdrawn
- Access issues at Wembley and safety and stewarding concerns at other grounds
- Difficulties in communicating via the FA and Premier League websites
- Modes of payment for tickets at Fulham
- Plymouth Argyle's Administration
- The allocation and availability of tickets for Cup matches and European fixtures
- The number of overseas players in the Premier League and its effect on home youth development
- Ownership issues, particularly at Liverpool and Leeds United, the latter of which was prominently featured in the Parliamentary report on Football Governance
- Sexism at Sky and against female officials.

In this last case, not surprisingly, the shirt and the signature belonged to Wayne Rooney.

INVESTIGATIONS AND ADJUDICATIONS

It will be clear from the foregoing discussion that a significant number of contacts did not return to the IFO once an initial response had been sent. Matters were referred to the appropriate body when they were not within the IFO's remit and complaints which fell within the IFO's jurisdiction, but had not yet been through all the stages of the procedure, were remitted to the club or governing body, as required. Where a complaint returned to or arrived at the IFO having completed the prior stages, then the Ombudsman had to decide how to proceed. Before embarking on a formal adjudication, the IFO needed to satisfy himself that the matter lay within his remit and that the complaint merited a full adjudication. In a number of cases, the first criterion was satisfied but not the second. In these complaints the IFO conducted an investigation, which sometimes involved a meeting or correspondence with the governing body and, on that basis, decided that the matter could be concluded by an extensive reply to the complainant.

This was exemplified in the complaints relating to the delayed Queens Park Rangers hearing about irregular transfer arrangements. It will be recalled that the announcement of the outcome was made on the last day of the season, with the decision potentially having a significant effect upon the Championship table and promotion to the Premier League. Several people wrote to the IFO to complain about the alleged inefficiency revealed in the FA's processes. The enforcement of transfer regulations does not fall within the IFO's remit and complaints were referred to the FA, which itself received a much heavier volume of correspondence on this matter. Two complainants remained dissatisfied and requested an IFO adjudication. While sympathising with the general proposition that the timing was perverse and the delays mystifying, the IFO felt that no further clarification would be likely once the FA had issued a detailed explanation, particularly regarding the complex process of evidence gathering and the fact that the timescale was not within the control of the FA itself but lay with the independent chair. In these circumstances the IFO decided that a full adjudication was not merited.

INVESTIGATIONS AND ADJUDICATIONS

The other main complaints which were dealt with in this manner during 2010-11 are summarised as follows:

The parents of a youth player complained about the decision of the London County FA to forbid a second transfer of their son within the same season, even though it had discretion to do so. The IFO explained that this did not fall within his remit and he could find no fault with the Football Association's handling of the case. The FA's conclusion, with which the IFO concurred, was that the London FA had followed proper procedure and had made a decision which it was competent to make.

The parents of a youth player severely injured as a result of a tackle that was not penalised at the time, argued that the county FA should have taken retrospective disciplinary action against the guilty player and that the FA had not forced the county FA to do so. The IFO found that the FA had devoted considerable time and effort in reviewing the county FA's handling of the case and acted diligently and conscientiously in considering the parents' complaint.

A suspended youth club welfare officer complained about the delay in resolving his case and the ambiguities in the FA's procedures. The IFO was satisfied that the FA's implementation of the Safeguarding Children Policy and Procedure might involve a hiatus but that reduced the risk to children's welfare. The officer was eventually reinstated and, in the light of the case, the FA has strengthened the guidance on the person specification for appointments

An Arsenal supporter ejected from the ground and handed to the police was subsequently acquitted at the magistrate's court. He complained to the IFO that this was prima facie evidence that he had been wrongly ejected and that Arsenal were at fault. The IFO met with the complainant and with the Club and would probably have completed an adjudication, but the complainant decided to withdraw his complaint and "move on".

Guildford City FC complained of inconsistency and unfair treatment in the way the FA operated its policy of ground improvements in relation to promotion to the Southern League. Their case went to appeal which upheld the original decision of the Technical Panel. The Club gave notice of reference to arbitration, which was subsequently abandoned on cost grounds. The IFO was unable to adjudicate because, in effect, Guildford City had not exhausted the opportunities for resolution within the complaints procedures. However, the IFO did meet with the FA to discuss the wider issues involved in the case.

A Doncaster Rovers season ticket holder complained that the ticket regulations were unfair in that the Club accepted no responsibility for lost tickets and refused to automatically issue replacements. The IFO found that not only had the individual accepted these terms for many years, but that they were similar to many across the Football League and a reasonable protection against fraud. The IFO was satisfied that the Club would operate the policy flexibly, so long as it could be proved that the ticket was genuinely lost and not being re-used.

INVESTIGATIONS AND ADJUDICATIONS

- In seven further cases the investigation led to a published formal adjudication report. In each case the full adjudication has been published on the IFO website, www.theifo.co.uk and a summary is provided at Appendix I.

ADJUDICATION REPORTS 2010 – 11

- 10/08 Ejection at Crystal Palace
- 10/09 A Financial Dispute at Burnley
- 10/10 The FA and a Child Protection Complaint
- 10/11 The Refusal to sell a Season Ticket at Southampton
- 11/01 The FA's Handling of a Complaint Relating to the Enforcement of FA Rules
- 11/02 Disorder at the Southampton v Manchester United FA Cup Match
- 11/03 A Four Match Ban on a Leicester City Supporter

The IFO upheld one complaint (10/11) and achieved compensation for the complainant in another (11/02). One complaint was difficult to investigate fully because of the lack of club engagement with the IFO (11/03).

This raised issues about the role and status of the IFC which, along with others, are addressed in Chapter 3.



ISSUES AND RECOMMENDATIONS

The IFO is invited to draw the attention of the Football Authorities “where wider action is appropriate” and the investigations and adjudications have indeed raised a number of issues which would merit attention by the governing bodies. The first of these relates to the **role of the IFO** itself. In Adjudication 10/02 the IFO upheld a complaint relating to the regulations concerning the recruitment of youth players by Football League clubs. It was judged that the FA had been less than helpful in handling the complaint and had “muddied the water” by introducing extraneous and irrelevant matters. In the light of this, the IFO ruled that an apology should be given to the organisation concerned and that the FA should amend their rules on notice of approach to players. No such apology or amendment was forthcoming and the FA simply announced that the relevant committee had dealt with the issue. More significantly, Adjudication 10/11 upheld a complaint from a Southampton supporter who had been refused permission to buy a season ticket.

The Club gave no reason for this proscription and the IFO could only infer that it related to the supporter's position as Chair of the Saints Trust. The IFO found that he had been victimised and ruled that he should be reinstated as a season ticket holder. Though Southampton has made no public statement, it has informed the Football League that it proposes to take no action on the IFO judgment. League officials are seeking some resolution through discussions with the Club, but meanwhile the supporter remains in limbo. Adjudication 11/03 was constrained by the refusal of Leicester City to engage effectively with the IFO and it was not possible to rule on one part of the complaint through lack of evidence. (Subsequent to the investigation a new management team has confirmed that it wishes to adopt the best customer care practice and will work with the IFO in complaints resolution).

These three examples reveal some ambiguity about the status of the IFO.

ISSUES AND RECOMMENDATIONS



- While the IFO is mentioned in the regulation of the authorities, the relationship with clubs is not fully clarified. In addition, the IFO terms of reference (drawn up by the authorities themselves) state that where the authorities disagree with an IFO adjudication, "the football authorities will publish their reasons and their proposed alternative resolution of the issue". The above examples suggest that this is not happening as originally envisaged.

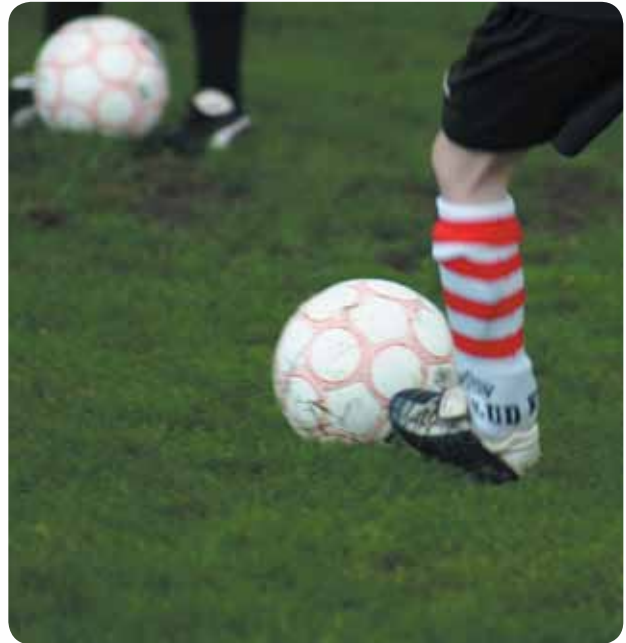
The IFO therefore recommends that the football authorities review their regulations and remove any ambiguity about the relationship between the IFO and both clubs and governing bodies.

As in previous years the issue of ejection from grounds has loomed large. Adjudications on this topic revealed shortcomings in club processes and in three of this year's adjudications, reference was made to the need for a dialogue between the club and its governing body to ensure that effective customer service procedures were in place. As before, the IFO has to express disappointment at the lack of video evidence relating to incidents, the facts of which are disputed. Indeed, the only video material studied by the IFO this year was background footage at Southampton (11/02) and that which fortuitously existed of the tackle which injured a youth player referred to on page 11. In one case, there was woeful record keeping and confusion of responsibilities for dealing with complaints. In another, the procedures for appeal were not clear. In a

ISSUES AND RECOMMENDATIONS

third case, still in train, there has been delay because of uncertainty over which department or officer of a large club had actually dealt with the complaint. There is some excellent practice within many clubs, but there is also scope for improvement and for dissemination of best practice.

The IFO recommends that the governing bodies ensure that effective customer service procedures are in place, particularly with reference to record keeping, club charters and the clarity of both responsibilities and processes for dealing with complaints.



The issue of **standing in seated areas** remains a challenge for safety officers and stewards, who need to balance the requirements of enforcing ground regulations with the risk of provoking public disorder. In Adjudication 11/02 the IFO expressed sympathy for and understanding of the stewards' decision not to seek to remove standing Manchester United supporters from the disabled seating area at Southampton for fear of creating a worse situation. The standing issue featured in the IFO discussions with both the Football Licensing Authority and the FSF, which itself has been campaigning for the return of "safe standing". Standing is particularly associated with away supporters, though it is also true that many grounds have sections where standing is common, sometimes called singing sections. The behaviour of away supporters may lead Safety Advisory Groups (SAG) and police to reduce the allocation for away supporters, particularly in the Premier League. The process by which this happens is not always transparent and it has been

suggested to the IFC that supporters should have the opportunity to input that process by submitting evidence to the SAG before a decision has been made. Sunderland has been cited as a club where this is possible and as a model which should be copied by other clubs. •

ISSUES AND RECOMMENDATIONS

- Again it is supporters of Manchester United who are most likely to be affected by a decision to reduce the allocation on behavioural or safety grounds. Previously the IFC dealt with a complaint when Middlesbrough progressively reduced the away allocation and at the time of writing Liverpool SAG has proposed that the Manchester United allocation for this high profile fixture should be reduced. The perceived misdemeanour is not only standing per se, but blocking aisles and exits. Though it may appear to be patently obvious that this practice is potentially dangerous and a risk to public safety in the event of an emergency, it is not clear whether travelling supporters are given specific advice on this matter.

The IFO recommends that clubs should provide guidance to travelling supporters on security and access arrangements (as suggested in two previous IFO reports), together with specific advice about blocking aisles and exits. It should be made clear to supporters that such action may lead to ejections from the ground and a reduced allocation in future years.



APPENDICES

SUMMARIES OF ADJUDICATIONS

IFO ADJUDICATION 10/08

Ejection at Crystal Palace, 16 March 2010

A man complained that he had been wrongly ejected from Selhurst Park, where he had attended as a Leicester City supporter, when he had been mistakenly identified as having handled a lighted flare. He had been held in police custody until 3am, when he had been released without charge. The situation had been potentially damaging to his Royal Navy career as he had been late back to his base in Plymouth. The man alleged that when the flare was set off his friend had been wrongly identified as responsible and he had gone to the concourse to enquire what was happening to his friend. Once there a steward accused him of handling the flare and the police took him away on the advice of the steward. In his report, the steward contended that when the flare went off he pushed through the crowd and saw the man pick up the flare; when spotted, the man ran off and was pursued and detained by the steward. Some time later the man complained to the club and asked to view CCTV footage of the incident. He received no response until he raised the matter with the Football League, and the club then told him that the matter was in the hands of the police and the club was advised not to respond to him.

Unfortunately, the absence of the man on duty overseas prevented the IFO from meeting with him but his representative from the Football Supporters' Federation provided the IFO with a dossier relating to the events. The IFO met with the club's Stadium Manager/Safety Officer and discussed the case with the club's Police Liaison Officer and a Senior Officer at the local police station. No CCTV footage exists as it was overwritten after 28 days.

The IFO found that the matter of the ejection was impossible to resolve in the face of conflicting accounts and the absence of visual evidence. The man and his representative put forward cogent arguments, and delays by the club weakened its case, which was based solely on a post-hoc report by one steward. If the club had addressed the complaint at the outset CCTV footage would still have been available, although it cannot be certain that the incident was recorded as there was no mention in the steward's report to his having alerted the control room. In the event that the man is able

to produce corroborating evidence of his claim that another man had physical evidence of the flare on his hands, the IFO will consider the matter.

The IFO found that the club's handling of the man's complaint was quite unacceptable from a customer care perspective. The IFO recommended that the club apologises to the man for the way in which it handled the complaint and that the Football League discusses the issues with the club and disseminates to it ideas on best practice in complaints resolution.

IFO ADJUDICATION 10/09

A Financial Dispute and its Consequences at Burnley

A long-standing Burnley supporter complained that under the terms of a pledge made by the club Chairman, he should have been refunded the full cost of his ticket for the "100 club", a ticket scheme giving access to a special lounge with catering, instead of the cost of a basic season ticket. In round terms the 100 club ticket cost £1100 and the basic ticket £400. As a result of his stance he had unreasonably been banned from attending the ground.

As a means of encouraging supporters to buy season tickets, the Chairman had made a verbal offer that should the team win promotion to the Premier League, the club would provide a free renewal ticket for the 2009/10 season, or refund the cost if a ticket had already been purchased. The pledge cost the club over £2 million to fund. The man conducted an extended campaign trying to obtain the full refund and eventually issued proceedings against the club. In light of that, the club refused to sell him any match tickets while the dispute was ongoing. The IFO found that the man had taken a rather legalistic view in the belief that he had an entitlement to a full refund, even though the club maintained that his stance was causing them damage. The fact that the man had commenced court proceedings took the matter outside the IFO's remit. While recognising the man's right to pursue such action, the IFO noted that he had rejected what was, in effect, a windfall of £400. The club denied that a ban was in place. Their view was that the man had challenged the integrity of both the club and the Chairman, and as such was not welcome at the ground while

SUMMARIES OF ADJUDICATIONS

the dispute continued. The IFO found it hard to differentiate between a ban and the refusal to sell the man a ticket, but accepted that the club, as a private entity, had a right to refuse the man admission. However, the IFO had sympathy for the view put forward by the Football Supporters' Federation that bans should be imposed only for gross misdemeanours, such as criminal violence or racist abuse, rather than for a civil dispute. In the circumstances, the IFO found that a limited ban might be reasonable but a long term or sine die ban would be excessive.

IFO ADJUDICATION 10/10

The Football Association's handling of a child protection complaint

A woman complained about the way in which the FA had handled her complaints about the actions of a youth football club, for whom her 12 years' old son played, and about the way in which the County FA had dealt with the matter. She contended that the FA's policy and procedures on child protection had not been followed, and that it had taken an unacceptable period of three months to deal with the case. The crux of the complaint, which was made to the County FA in May 2010, related to the behaviour of the manager of the youth club, in particular that he had allowed the boy to play only seven minutes of one cup final, and had not selected him in the squad of 14 players for another. The County FA's welfare officer supported the club's view that there was no evidence to support the woman's grievance. In June the welfare officer held a two hour meeting with the boy's parents to discuss the matter, and in July he wrote to the parents with details of a meeting he had held with club officials.

On 6 August the FA received the complaint. On 17 August the FA concluded that the County FA had investigated the complaint appropriately, that the club had acted reasonably and that the issue did not contravene the safety principles required by the FA. The IFO found that, given the size of the dossier received by the FA, and the need to discuss the matter with the welfare officer, the FA had taken the complaint seriously and had given it prompt and proper attention. The IFO accepted that there was no evidence to support the contention that the symptoms of unhappiness and dejection exhibited

by the boy resulted from bullying or abuse by the team manager. As the FA guidance makes clear, signs which may indicate bullying or abuse may be due to other issues, such as severe disappointment at not being selected for a cup final.

IFO ADJUDICATION 10/11

Refusal to sell a season ticket at Southampton

A man who had been a season ticket holder at Southampton for some 30 years complained that the club had refused to allow him to purchase a season ticket for the 2010-11 season, that the club had given him no reason for the refusal and had failed to meet its own Charter obligations in responding to him. In June 2010 the man had bought a season ticket for the coming season at the club's ticket office, but the club refunded the money to his bank. On several occasions the man contacted the club by telephone, email and letter seeking an explanation, but received none. In response to an enquiry from the Football League, the club simply asserted its right not to sell its goods or services to "any individual at the Club's sole discretion". The club pointed out that the man had not been barred from the ground and could buy match day tickets.

The IFO found that the man, in his role of Chair of the Saints Trust, had sought to meet with the club to express the concerns of supporters over changes to season ticket prices and arrangements. No meeting had taken place but the club had subsequently threatened legal action over the Trust's use of the club's crest, imagery and kit. The man had also frequently been interviewed by the media in relation to fan issues. At a meeting with club officials, the IFO sought to explore the club's actions but no explanation was forthcoming. The IFO was left with no alternative but to infer that the man's position with the Trust and his role in putting forward the views of fans were the reasons for the refusal to sell him a season ticket. The IFO concluded that the club had discriminated against and victimised the man and recommended that the club reinstates him as a season ticket holder. The IFO also found that the club had patently failed to fulfil its Charter pledges, and did not have the Charter on its website. The IFO recommended that the club apologise to the man and explain to the Football League how it proposes to uphold its Charter obligations in future.

SUMMARIES OF ADJUDICATIONS

IFO ADJUDICATION 11/01

The FA's handling of a complaint about a failure to enforce FA rules

The secretary of a local football club complained that in his dealings with his local league and County FA there had been an almost complete lack of enforcement and a lack of comprehension and application of statutory FA rules relating to player qualification, and that when he referred the matter to the FA's Registration Department, the FA's Disciplinary Department wrongly took on the matter and incorrectly associated it with the football debt recovery (FDR) system.

In July 2010 the secretary wrote to the league and the County FA (CFA) regarding debts totalling over £1000 owed to his club by 14 former players. The earliest debt related to September 2007. The CFA replied that under the FDR system the secretary had had 28 days from the date payment was due to write to the players concerned. The CFA was not permitted to suspend players for match subscriptions or disciplinary money relating to a previous season. The club could ask the league to assist by using the rule which provided that a currently registered player could not register with another club until he satisfied that club that all reasonable liabilities have been discharged to the club with whom he was registered. Between August and November the secretary had numerous exchanges of correspondence with the CFA and the league but became frustrated by what he perceived as a failure to apply the rules.

On 3 November the secretary complained to the FA. The FA's Registrations Manager replied saying that the issue was strictly a matter for the CFA. In reply to further correspondence the Manager said that the FA would do all it could to assist the club and the CFA in drawing matters to a mutually beneficial conclusion. On 6 January the secretary emailed the FA's Disciplinary Manager complaining that neither the league nor the CFA seemed able to separate the FDR system and the player qualification rules. The Manager replied that the matter was clearly a FDR, rather than a player qualification, issue. The FA's Sanctions and Registrations Committee concurred that the debts referred to in the FA rule related solely to debts referred to in the FDR system. That meant that the club needed to satisfy the terms of

the FDR system in order to "enforce the point of suspension". The rationale behind the system was that clubs should not continue to use players who build up debts. The Manager outlined the provisions of the FDR procedures.

The IFO found that an early meeting of the secretary, the CFA and the league and clear, definitive advice on the interpretation of the rules should have prevented the situation from escalating as it did, although the sheer volume of the secretary's correspondence had not helped. The IFO found that although the secretary insisted that the matter was one of player qualification, there was no doubt that it had started regarding the recovery of debts, and changed only when the provisions of the FA rule emerged. The IFO accepted that it was quite proper for the FA's Disciplinary Manager to have become involved; he, in turn, obtained endorsement of his view from the FA Sanctions and Registrations Committee. The FA responded promptly and courteously to the many contacts from the secretary and provided a clear, definitive interpretation of the situation, albeit one with which the secretary did not agree. The IFO found no fault in the process followed by the FA. The IFO welcomed the fact that the FA will be making clearer the link between the rules on player qualification and the FDR system and will be meeting the CFA's Chief Executive to review the handling of the case and the way in which complaints are handled.

IFO ADJUDICATION 11/02

Disorder at the Southampton v Manchester Utd FA Cup Match, 29 January 2011

A woman complained that when she took her disabled sister to see Manchester United (Man U) at Southampton the stewards had failed to prevent their view from being obstructed by Man U fans standing in front of them. She said that as the game started about 100 fans had come and stood at the front of the stand in front of the disabled fans. Despite her complaints, stewards had said there was nothing they could do. After Man U had scored, fans were jumping into and abusing them, breaking signs and ripping out seats, but the stewards just stood and watched. Southampton's Safety Officer replied promptly to the woman's complaint. Although the club had taken precautions for what was deemed a high risk match, they had not expected the

SUMMARIES OF ADJUDICATIONS

blatant disregard which Man U fans had had for the police, stewards, property and, indeed, their own fans. Stewards had had to prioritise, which meant containing the fans as best they could. The Safety Officer apologised for the day having been spoiled and offered to refund the cost of the woman's tickets.

The IFO collected evidence from the Safety Officer, the police, the Football Licensing Authority Inspector and the FA's Safety Inspector, both of whom had attended the match, and the local Safety Advisory Group. The IFO was satisfied that Southampton had planned carefully for the match and allocated significant additional resources, including 80% more stewards than their safety certificate requires for a capacity crowd. A significant minority of Man U fans had caused problems for stewards and police, much worse than had been expected, which prevented them from enforcing the provisions of the ground regulations. The IFO understood the woman's view that the stewards should have done more to help, but accepted the evidence of the FA's Senior Safety Manager that, once the stewards had been unable to get the fans to move, there could have been significant danger of serious public disorder in engaging police to remove them. The policy of containment was an operational decision viewed as the best way to avoid escalation of the situation. That meant, however, that the enjoyment of fans such as the woman and her sister was spoiled. In light of the part played by Man U fans, Man U offered to provide the lady and her sister with complimentary tickets for a match at Old Trafford next season, and Southampton offered to refund the cost of the tickets and make a contribution toward travelling expenses.

The IFO welcomed the fact that the Safety Officer had agreed with the Safety Advisory Group certain additional safety measures for future high profile matches. In addition, the IFO made two recommendations about the sale of tickets in the disabled areas.

IFO ADJUDICATION 11/03

A four match ban on Leicester City supporter

A Leicester City season ticket holder complained that he had been unfairly treated by the club in imposing a four match ban following his ejection from the Leicester v Coventry game on 26 February 2011. The day was his birthday and he admitted to having had "beer tinted eyes" and was "determined to have a laugh and a joke with pretty much anyone who would listen". When a steward warned a neighbour of the man about persistent standing, the man asked the steward "Are you going to eject all 40 of us then?", and he put his arm around the steward and gave him what he described as "a cheeky rub on the chin". The man was handed to police, and cautioned for common assault. The club imposed a four match ban on the man. His subsequent bid to appeal the ban led to the club increasing it by a further two matches.

The IFO's enquiries were delayed by the club's failure to reply to enquiries until the help of the Football League was enlisted. The club's view was that the man deserved the ban for the assault which had led to a police caution; they declined a visit from the IFO to discuss the case.

The IFO found that, in light of the man's admission, and police advice that a ban would be appropriate, a four match ban was in line with practice found at other clubs. The fact that the man had been sanctioned for being ejected at an away game in January 2011 may have led to the club increasing the ban, but because they refused to give evidence, the IFO could not determine whether the increase in the ban was justified. The IFO recommended that the Football League ascertains the reason for the increase and counsels the club on the role of the IFO and the rights of complainants, even where a complaint is deemed unlikely to succeed.

TERMS OF REFERENCE

1 August 2008

1. 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. 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. The football authorities agree that these adjudications should be final. 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 football authorities will publish at least annually their responses to the work of the Ombudsman. The IFO will be consulted on those responses prior to publication. The work of the ombudsman will be reported in Club, League and FA annual reports as applicable and any public policy implications will be reported to the Department of Culture, Media and Sport 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 will be appointed in consultation between the football authorities and with Government. In the first instance Professor Derek Fraser is the appointed Ombudsman, with Alan Watson appointed Deputy.



IFO

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