

Annual Report
OF THE
*Independent Football
Ombudsman 2009-10*

2009-10



www.theifo.co.uk

FOREWORD



I present my second 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 second year of operation of the Ombudsman service has been characterised by an increased number of people contacting the IFO and by the emergence of some significant issues arising from the formal adjudication of complaints. As last year, I wish to place on record my thanks to officers of all three Football Authorities, and their member clubs, who have cooperated fully 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. We have also had available to us the members of the Advisory Panel, with their specialist knowledge. In order to share and learn from the good practice of other Ombudsman schemes, the IFO is now an Associate Member of the British and Irish Ombudsman Association (BIOA).

PROFESSOR DEREK FRASER
OMBUDSMAN

AUGUST 2010





Annual Report

OF THE


Independent Football Ombudsman 2009-10

contents

- | | |
|--|-----|
| 1. The IFO and its Activities in the Second Year | p6 |
| 2. Investigations and Adjudications | p11 |
| 3. Issues and Recommendations | p13 |

appendices

- | | |
|-------------------------------|-----|
| I Adjudication Summaries | p17 |
| II The IFO Terms of Reference | p21 |
| Notes | p22 |



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 use any of the contact addresses listed on the back cover of this report. Where individuals contact the IFO as the initial recipient of a complaint, they are informed that the IFO can adjudicate formally only on 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. 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.

The Independent Football Ombudsman's second year of operation began in August 2009, coinciding with the start of the new season. In the second year, over 90% of those who contacted the IFO did so by email, with just 4% by letter and a further 4% by phone. In the year as a whole, there were some 350 contacts made to the IFO, which received 600 email messages, a 50% increase over the first year. Some correspondents were persistent and, for example, something over 10% of incoming emails came from one individual, whose complaint is discussed below (p.9). In addition to the dozens of letters sent by the Ombudsman, the IFO issued over 450 email replies to those who had contacted the Ombudsman Service. Taking account of multiple messages from individual contacts, the IFO estimates that there was something like a 15% increase in the number of people contacting the IFO, with a significantly greater increase in the volume of correspondence dealt with.

The IFO responded promptly to all incoming correspondence (other than a small number of offensive or obscene messages), whether or not the issue raised was within the IFO remit. In order to relate IFO activities to Ombudsman schemes of a similar scale and with a similar remit, the IFO has become an Associate Corporate Member of the British and Irish Ombudsman Association (BIOA). Through BIOA membership the IFO will be able to access and learn from best practice across a broad range of Ombudsman schemes.

- As in the first year, many used the IFO as a means of giving voice to concerns about the state of the game. Much comment was offered about on-field matters, such as violent play, sharp practice or "cheating" by individual players, provocative goal celebrations, inconsistent and allegedly poor refereeing, disciplinary issues and the response, or lack, of the authorities to high profile match incidents. A quarter of those who contacted the IFO (a 50% increase on the previous year) raised on-field issues, of which the largest single topic was related to a high profile red card event.

Fifty individuals wrote to the IFO, the highest number ever on a single topic, about the sending-off of Jon Stead of Ipswich Town over the Christmas period. Many in the press and all of those who contacted the IFO believed that the incident was hardly worthy of even a yellow card and the protest was strengthened by what was seen as a perverse decision by the FA to increase the ban to four matches for a "frivolous" appeal, more properly called one without any realistic prospect of success. The IFO made clear to all correspondents that the incident and its consequences were not within his remit. However, those who had taken the trouble to send often long and well argued submissions were entitled to a relevant reply. In this context, it was again helpful for the Ombudsman and Deputy to be given a personal briefing on how the FA handles disciplinary issues, including the fast track appeal system and the use of video evidence. Where, as in this complaint, the role of the IFO was mainly to advise the complainant of where to send the complaint, it was helpful to be able to offer a short explanation of how the procedures work, for example by outlining the circumstances in which the FA can review on-field decisions. In this case, it was relevant



to point out that Ipswich Town had used the holiday period, with its hiatus on disciplinary hearings, to pick a player for a game for which at other times he would not have been eligible. Some felt that the Club had to a degree played the system and this may have coloured the Appeal Panel's judgment.


Many people raised issues which initially fell within the remit of County Football Associations. Matters identified included the safeguarding of children, the training and accreditation of coaches, disciplinary exclusions of individuals, shortcomings in disciplinary processes, children's and women's football at local level, violent behaviour by players, and sometimes parents, and allegations of improper actions, often against individuals, by local teams and leagues. Some 15% of messages to the IFO, about the same as in the first year, related to what may be deemed "grassroots football", with a further 4% on non-League football, mainly concerning the treatment of Chester City and Salisbury City. In such cases the IFO has no remit to judge the merits of the original incident. However, it has been agreed (and complainants are so advised) that the IFO might become involved, where an issue has been referred to the Football Association and there were concerns about how the FA had handled the complaint. One such case this year did become the subject of a full adjudication (**Complaint 10/02**), which is summarised in **Appendix I**. ◦



◦ The remaining 55% 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. Long before we had heard of vuvuzelas, an enterprising South African had approached the IFO late in 2009 with a scheme to supply England fans with these trumpets, so that they would not feel out of place at the World Cup! Other issues of the moment included:

- TV coverage of football, particularly England games.
- Fixture changes and the consequent costs incurred.
- 'Excessive' ticket prices, especially for children / youths.
- Crowd behaviour and racist chanting.
- The 2018 World Cup bid and the inclusion of Milton Keynes as a prospective venue.
- The allocation and availability of England tickets.
- The manipulation of the player registration rules.
- The use of extra referees in Europa Cup games and the consequent impact on sight lines for supporters.
- The relationship of British Immigration rules and the registration of overseas players.

Of the issues raised by contemporary events, by far the most visible was the financial predicament of Portsmouth and the alleged unfair treatment of the Club by the Premier League. Some thirty people wrote to the IFO about Portsmouth and nearly all argued that fans' interests had been damaged by the actions of the Premier League, for example in withholding payments due to the Club and in imposing a transfer embargo. Naturally, this was a matter for supporters to raise with the Governing Body itself and complainants were so advised. In this context, several complained about the difficulty of actually submitting points to the League, whose website was judged by many not to be user-friendly. This was reported by the IFO to the Premier League and is discussed in Chapter 3.



As discussed above, all messages received by the Ombudsman service attracted a prompt reply. Many required advice on how to take the complaint further and that was the end of the contact. Others required more extensive attention. In these cases, before embarking on a formal adjudication the Ombudsman needed to satisfy himself that the matter lay within his remit, that the procedural options had been exhausted and that the complaint merited a full adjudication. In a number of cases, the first two criteria were satisfied but not the third. In these complaints the IFO conducted an investigation, which sometimes involved a meeting with the Governing Body and, on that basis, decided that the matter could be concluded by an extensive reply to the complainant. This might be because the Governing Body or club had dealt with the case properly, though the complainant did not like the outcome, or because the IFO had no means of reconciling contradictory statements of fact in the absence of corroboratory evidence.

THE MAIN COMPLAINTS WHICH WERE DEALT WITH IN THIS MANNER DURING 2009-10 ARE SUMMARISED AS FOLLOWS:

The mother of a Football League club academy scholar complained about the ending of her son's contract following injury. The IFO, having investigated this complaint during last year, was approached again, to intercede after the issue had gone to a League Tribunal. The IFO concluded that the proper procedures had been followed and there was no further avenue for the complainant, particularly since the right of appeal had not been exercised.

A long standing grievance about the conflict of interest of a Football League club chairman who retained a financial relationship with a non-League club was investigated twice by the IFO, having previously been rejected by both the Football League and the FA (the latter mainly in relation to the FA Cup). On the basis of confidential information, the IFO concluded that legally binding arrangements had been implemented which conformed to ownership regulations.

The case of a grassroots player who had a sine die ban was referred back to the FA, since new medical evidence had emerged which was not available to the County FA when the original disciplinary hearing was held.

A complaint by a charity volunteer making arrangements for the Cup Final, who alleged that he was verbally abused by a member of the FA Events staff, was investigated by the IFO, without any firm conclusions, in the absence of corroborating evidence.

A long running dispute between the father of a former youth player and a Premier League club involved some 65 incoming messages, a meeting with the complainant and a visit to the Club. The IFO had no remit to consider the original past grievance but did investigate how the club handled the complaint. The IFO advised the complainant that the issue had been considered over several years and that the club board had not unreasonably decided to terminate the case, because there was no prospect of a mutually acceptable outcome. The IFO concluded that the club had given serious consideration to the complaint and had not dismissed it peremptorily.

In eight 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. In contrast to the first year, six of the eight involved Premier League clubs. The IFO upheld one complaint (10/02) and upheld part of another (10/05). The investigation of these complaints has raised a number of issues for the authorities to address and these are explored in Chapter 3.

ADJUDICATION REPORTS 2009-10

- 09/03 Delayed entry at Charlton v Crystal Palace.
- 09/05 Ejection at Wigan v Manchester City.
- 10/01 Ejections at Fulham v Liverpool.
- 10/02 The Football Association's handling of a complaint relating to Bristol Rovers and youth recruitment.
- 10/03 Ejections at Manchester City v Chelsea.
- 10/04 Delayed entry at Manchester City v Manchester United.
- 10/05 Ejections at Manchester United v Burnley.
- 10/06 The complaints procedure at Tottenham Hotspur and the Football Association.

The IFO is a self-regulatory body which operates a scheme of non-binding arbitration and, as such, has no powers of compulsion. Nevertheless, the IFO notes that a number of issues raised during the first year did produce some changes. It was pleasing to find that in the light of the IFO reports and commentary on entry and ejection issues at Charlton Athletic, the Club has instituted changes in liaison with away clubs, in communication with queueing fans and in warning away supporters of security measures. The issue of fairness and consistency in the treatment of disabled supporters and their carers has been addressed by the publication of welcome guidance from the Football League, based largely on similar guidance already in place in the Premier League. The contentious issue of Cup Final tickets, which was prominently raised in 2009 (though hardly registering in 2010), has given rise to a consultation by the FA, to which the IFO contributed, on whether a bigger share of tickets can be given to the two competing clubs.

- 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 matter of **communication**, which was discussed in the first Annual Report in general terms. This year the focus has been much more about the means of communication between fans and the football bodies. This came into sharp focus during the Portsmouth financial collapse. Many supporters complained to the IFO that it was not clear how to contact the Premier League, which insisted by contrast that a formidable number of Portsmouth fans had managed to do so. At the time, it appeared that one had to scroll down through FAQs on the Premier League website before being given the opportunity to send a message. One might have expected that on the Contact Us page there would have been clearer advice on how to submit a message. There have, similarly, been a number of people who resent the FA procedure which requires a contact to register with personal details before they can send a message via the website. In a few cases, where it was deemed appropriate, the IFO forwarded complaints to the FA where the individuals would or could not use the website. The Football League has recently changed its email access arrangements and it is to be hoped that this is widely publicised. The need for good dissemination of accurate access information was illustrated by the Football League club which advised a complainant to send his complaint to the Independent Football Commission, even though the IFC had ceased operation two years earlier. The IFO warmly welcomes the recently issued Football League Guide to Club Customer Charters. This is a clear statement of requirements and includes easily understood guidance on complaints, placing the IFO within the procedure and providing accurate



contact information for both the League and the Ombudsman service. The IFO understands the need to manage the volume of often ephemeral comments and to deter offensive anonymous correspondence. At the same time, the authorities and clubs are encouraged to ensure the availability of user friendly means of communication.

It will be noted that half of the Adjudications related to ejections, which in turn involved breaches of the **ground regulations**. In none of the cases did the IFO find that the ejections were unreasonable, although all the complainants hotly disputed the Club's actions and felt they had been unfairly treated. In view of the number of CCTV cameras now installed in grounds, particularly in the Premier League, it was somewhat surprising that CCTV evidence was not available to help resolve the differences between conflicting accounts of the facts. The problem for complainants who believe that their ejections were unfair is that the ground regulations give to the clubs extensive blanket powers to exclude and discipline what they deem to be offending fans. Typically, persistent standing, smoking, refusal to obey the reasonable instructions of a steward, disorderly behaviour and actual or perceived threats to the comfort and safety of other supporters may all involve exclusion from the ground and possible suspension of season tickets. In one case, occasional supporters sitting in the wrong part of the ground led to exclusion, even though their only offence was to remain silent when the home team scored a goal. In another, “unacceptable” behaviour was punished by a subsequent ban, even though the status of the offender as a disabled carer did not lead to ejection from the ground at the time.

The IFO does not in any way condone behaviour in breach of ground regulations, nor does the IFO question the need to have such all-embracing regulations which give to the clubs, as private bodies, almost unfettered powers.

However, in the light of the adjudications both in the current and in the previous year, the IFO recommends that the authorities and clubs monitor and keep under review how their safety and security policies operate in practice and that they actively promote further training for stewards, for example in relation to racial or disability abuse.

Two of the adjudications related to delayed entry. The first was at Charlton, due to crowd congestion at a match that was widely discussed in the first Annual Report. The second was concerned with an automated ticket which malfunctioned because it had been folded. Two things emerged during the investigation: first, that there was no specific warning on the ticket about folding and second that the club involved did not normally send specific advice about ticketing procedures to the visiting supporters. It has been decided that tickets will now contain warnings about damage, including folding, which might impair the functionality of the computer chip embedded in the ticket. This is to be welcomed and should minimise the risk of the problem recurring.

To reinforce the points made last year about seeking to have “no surprises” when away fans arrive at a ground, the IFO reiterates its recommendation that clubs liaise with visiting clubs, so that adequate warnings can be given to supporters about the access arrangements, including ticketing technology, they may expect on arrival.

One investigation concerned alleged conflict of interest over the **ownership of clubs**, while another tangentially involved fans' protests about ownership issues. A further complaint, still within the complaints procedure, alleges that a prominent club chairman has a conflict because of his interest (in both senses of the word) in another club.

Similarly, supporters have questioned why, for example, the Football League was satisfied about the ownership of Notts County or Leeds United, when the actual identity of the owners was not in the public domain. The argument that the technical Governing Body regulations have been met has not allayed the concerns of supporters about who actually owns their beloved football club. ◦

The IFO recommends that the authorities seek to make more transparent the ownership rules and to clarify for supporters who are the ultimate owners of a club, when that is uncertain.

Quite different **regulations** were at the centre of an investigation into youth recruitment practices, where it was alleged that the FA had failed to deal with a complaint properly, when it was referred from the grassroots to the centre. The IFO discovered that the FA rules and the County FA rules were inconsistent on the requirements for notice of approach to be given when a professional club wanted to sign a player registered with a youth club. Moreover, there appeared to be an arcane distinction between Saturday and Sunday clubs. This was the reason cited by the FA, only after persistent questioning by the IFO, as to why the League club concerned had not been required to give due notice of approach to the youth player's original local team.

The IFO finds this situation unsatisfactory and recommends that the FA regulations be clarified, that the distinctions between Saturday and Sunday clubs be removed and that all three Governing Bodies encourage clubs to act courteously and sensitively when recruiting young players from locally based youth teams and leagues.





appendices

SUMMARIES OF ADJUDICATIONS

IFO ADJUDICATION 09/03

Delayed entry at Charlton 27 January 2009

A man, who had arranged for several members of his family to attend the Charlton Athletic v Crystal Palace match, complained about undue delay in gaining admission through the away turnstiles, about the failure to explain why, and about both Charlton and the Football League being slow to respond to his concerns. The IFO knew from a previous investigation involving the match that, in light of police intelligence, there was considered to be a high risk of planned or spontaneous disorder and the Club had decided to search away fans. That, coupled with transport problems at London Bridge, had resulted in a large number of away fans turning up shortly before kick off time.

The IFO found that members of the complainant's family could have entered before kick off, but had waited while the complainant parked his car, which took 15 minutes. The evidence suggested that he sought entry only a couple of minutes before kick off which, crucially, left his party behind the large group of delayed fans. To that extent he contributed to his own misfortune. The IFO recommended that Charlton review their practices and make every effort to communicate with fans should such circumstances recur, and to remind fans to arrive in good time when a large crowd is expected. The IFO reminded both Charlton and the Football League that good complaints resolution practice requires prompt and accurate response to those who complain. The IFO did not uphold the substantive complaint.

IFO ADJUDICATION 09/05

Ejection at Wigan 18 October 2009

A 60 years' old professional gentleman, a Manchester City fan, complained that Wigan stewards and police had not taken appropriate action on his complaints about racist chanting by Wigan fans, and had then unjustifiably ejected him from the ground. In the face of accounts which conflicted in some respects, it was not possible for the IFO to determine precisely what had taken

place, but the main facts were not in dispute. The complainant asked stewards and police to take action on what he regarded as racist chanting by Wigan fans. Apparently a police sergeant regarded the chants as offensive, rather than racist, but that was not conveyed to the complainant at the time. When no action was taken over the chanting, the complainant left his seat on further occasions to continue his protest, and refused to return to it, which resulted in his ejection.

The IFO could well understand the complainant's frustration at what he saw as an unwillingness to act on his complaints. However, although the IFO abhors racist and offensive chanting, he accepted that to try to eject a large number of offenders has the potential to cause a public order incident. Despite his good intentions, the complainant was in contravention of the ground regulations in not remaining seated and in not conforming with the instructions of stewards. However much sympathy the IFO felt, it was not possible to say that Wigan had not been entitled to take the action they did. The IFO did not uphold the complaint.

IFO ADJUDICATION 10/01

Ejections at Fulham 31 October 2009

A Fulham membership card holder complained that he, his father (a Sunderland fan), his son (a Bristol City fan) and a friend (a Liverpool fan) had been unjustifiably ejected from Craven Cottage when they had attended the match against Liverpool. From previous games they had known not to wear away colours or to shout for the away side. When they had returned to their seats at half-time, a mother and daughter were asking stewards to remove Liverpool fans sitting near them. After the match restarted, the ladies again complained and stewards asked the complainant's party to leave their seats. The party denied any wrongdoing and stewards allowed them to watch the last 15 minutes from a different part of the ground. Fulham's Supporter Relations Manager wrote to the complainant explaining that the party had been ejected in accordance with the ground regulations which stated that "Any individual who has entered any part of the ground designated for the use

of any group of supporters to which he does not belong may be ejected"

The IFO found it sad that segregation of fans is necessary but accepted it as a requirement to ensure the safety of spectators. The complainant admitted to the IFO that he is a Liverpool fan and clearly, once complaints had been made – however unjustified – the stewards had little option but to remove the party. The IFO welcomed the fact that Fulham recognised that the party had been well behaved, even when being ejected, and allowed them to see the end of the match. The IFO found no fault in Fulham's handling of the complaint. The problem was that the complainant did not receive their original reply. The IFO did not uphold the complaint.

IFO ADJUDICATION 10/02

The FA and a complaint about the recruitment of players

An independent commercial organisation offering specialist coaching to young players aged five to under eighteen complained about the way in which the FA had handled their representations about the recruitment of their players by Bristol Rovers. The initial investigation of the complaint was undertaken by Gloucestershire FA, until they realised that, as a full member club, Bristol Rovers was not within their jurisdiction. The FA took over and wrote to the complainants saying that they were satisfied that Bristol Rovers had adhered to the FA rules concerning approaches to youth players. They went on to say "While you seem to have historical issues with the club, there is a clear difference between teams playing on different days. There are also anomalies affecting the registration processes deployed by the Midland Junior Premier League" [where the complainants' teams play]. The FA explained to the IFO that because Bristol Rovers' youth teams up to under 16 level play on Sundays, while the complainants' teams play on Saturdays, they are not, in accordance with FA rules, required to give notice of approach to players. In discussions with the IFO, Bristol Rovers agreed in future, as a matter of courtesy, to give the complainants notice of any approach.

The IFO found that the FA rules make clear that there is no strict requirement for a Sunday club to give notice to a Saturday club of an approach for a player, but the Gloucestershire FA version of the rules needs to be made clearer. In order to avoid the sort of difficulties experienced by the complainants when they lost several players from their teams, the IFO recommended that the FA amend the rules so that all clubs with whom players are registered should be given notices of approach. The IFO also recommended that the FA should be clearer in their communications; the distinction between Saturday and Sunday clubs became clear to the complainants only in discussions with the IFO and the unnecessary references to alleged historical differences and registration processes served only to confuse matters. The IFO upheld the complaint.

IFO ADJUDICATION 10/03

Ejection at Manchester City 5 December 2009

A long-standing Manchester City season ticket holder complained that in December 2009 he had been unjustly ejected from the City of Manchester Stadium, that his representations had not been considered properly, and that the conditions imposed for reinstatement were unreasonable. The complainant, his partner and son had become involved in a heated exchange with neighbouring fans over persistent standing, which had developed into physical confrontation. The complainant's party and three others were ejected and had their season tickets confiscated. Having reviewed the evidence, the Club found that those involved had been in breach of the ground regulations and suspended their season tickets. At the end of January the complainant returned "good behaviour agreements" which the Club required as a condition for the return of tickets, but he had deleted the references to persistent standing and good behaviour.

The IFO found that the Club had taken the evidence and representations seriously and, on the information available, it was not possible for him to corroborate the complainant's version of events or to say that the ejections had not been justified. The IFO did not find the requirement to sign a full good behaviour agreement onerous or an admission of guilt; it is simply an agreement to conform with the ground regulations. The IFO endorsed the Premier League's advice to the complainant to sign the agreement. The IFO did not uphold the complaint.

IFO Adjudication 10/04**Delayed entry at Manchester City 19 January 2010**

A Manchester United supporter who had attended the Carling Cup semi-final at Manchester City complained that his entry to the stadium had been delayed by a malfunction in the access system. His legitimately purchased ticket had failed to open the turnstile and he had missed nearly all the first half. He had been asked to stand aside and, after failing to get assistance from nearby stewards, he had been directed to the ticket office, where staff had confirmed his ticket as valid. He was admitted 35 minutes into the match. Manchester City considered the complainant's representations and claim for compensation, but concluded that the ticket had been damaged while in the complainant's possession.

The IFO's examination of the ticket, which the complainant admitted having kept folded in his wallet, showed that it had been folded across the microchip, rendering it inoperable. The IFO was also satisfied that, as a result of police intelligence about potential trouble on the night, the Club had faced special challenges which had meant that issues of safety and security had taken precedence over the difficulty experienced by the complainant. The IFO sympathised with the complainant but did not uphold the complaint as he had inadvertently caused the problem himself.

IFO Adjudication 10/05**Ejections at Manchester United 16 January 2010**

A long-standing Manchester United supporter complained that he and his adult son had been unjustly ejected from a match at Old Trafford, that they had missed a league match while their season tickets were temporarily revoked, and that the Club had not dealt properly with his subsequent

complaint. According to the Club, the complainant and his son had been standing, singing "anti-Glazer" songs, inciting others to join in, and abusing those who did not. The IFO found that although the different versions of the events in question portrayed by the complainant and the Club were difficult to resolve, evidence from stewards and other supporters suggested, on the balance of probability, that the complainant had been acting in an unacceptable manner and had not heeded reasonable warnings. The IFO found that in ejecting the complainant the Club had acted within their powers as defined in the ground regulations. The IFO upheld only that part of the complaint related to failures of communication by the Club in its handling of the complaint.

IFO Adjudication 10/06**The complaints procedures at Tottenham Hotspur and the Football Association**

A long-standing Tottenham Hotspur supporter had her season ticket suspended for the rest of the season following her behaviour when acting as a carer at a cup tie against Fulham. The complainant had become involved in an altercation with Fulham fans after what she alleged was their "foul mouthed abuse which amounted to disability hatred" toward disabled home supporters. Following her appeal to the Club and a review by the FA, the Club accepted that something offensive had been said which had provoked the extreme response of the complainant, who had admitted using inappropriate language. In light of the mitigating evidence, the Club rescinded the suspension, apologised to the complainant and made a refund for a match she had missed. Although the complainant was satisfied with the outcome, she remained dissatisfied with the complaints procedures of both the Club and the FA. The IFO found that the successful outcome of the appeal, and the FA review, suggested that both complaints processes had worked well. The IFO did not uphold the complaint.

THE IFO TERMS OF REFERENCE

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.

NOTES





THE INDEPENDENT
FOOTBALL OMBUDSMAN

THE INDEPENDENT FOOTBALL OMBUDSMAN
Suite 49
57 Great George Street
LEEDS LS1 3AJ

TELEPHONE (VOICEMAIL)
0800 588 4066

EMAIL
contact@theifo.co.uk

WEBSITE
www.theifo.co.uk