



I present my fifth 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 seen a significant increase in the number of supporters contacting the IFO, which received the highest number of messages (well over 1200) in its five year history. This was no doubt partly due to a growing 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 the IFO was featured in the May issue of the Association's magazine, *The Ombudsman*.

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.

In order to fit more closely with the Authorities' reporting cycle, the IFO year-end has been adjusted and so this Annual report covers the 11 months to 30 June 2013.

PROFESSOR DEREK FRASER

Surfaces

OMBUDSMAN

JULY 2013

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The IFO & its activities in the fifth year

t is now five 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 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 rulings.

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 DCMS concerns 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". The IFO has held the first of such meetings and the report of the matters discussed (arising from the work of the IFO) is provided at Appendix II.

In addition to this annual joint meeting with supporters groups, 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), Level Playing Field, Kick It Out, the Sports Grounds Safety Authority (SGSA) and Supporters Direct (SD). 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's fifth year of operation began in August 2012 at the start of the new season. It was agreed that the reporting year would be adjusted to fit in better with the Governing Bodies' cycle of meetings, so this report covers the 11 months to the end of June 2013. During that period, 93% of those who contacted the IFO did so by email and a further 6% by phone, with just 1% by letter. In the year as a whole, some 750 people made contact with the IFO, which received well over 1200 email messages. This was a 50% increase over the previous year and in a shorter reporting period. In addition to the dozens of letters sent and phone calls made, the IFO issued over 800 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. Many of these were from parents, who complained about shortcomings or unfairness in the practices of their local clubs and county associations. Child protection and safeguarding issues were more in evidence this time round, and one of these led to Adjudication IFO 13/04. The FA's regulatory role was sometimes questioned and challenged. One particularly complex case involving the application of the Standard Code of Rules was comprehensively investigated. This resulted in Adjudication IFO 12/13 (all Adjudication Reports are summarised in Appendix I). Matters relating to grassroots football accounted for 22% of the total IFO correspondence.

As before, many used the IFO to comment on the state of the professional game and on-field incidents. Some 28% of all messages were in this category. Of these, over 40 were complaints at what was perceived to be poor referee performance. Two high profile violent tackles on the field generated much protest, particularly about the failure of the FA to take further disciplinary action. The incidents by a Wigan and then a Chelsea player attracted about 30 messages each and a similar number commented on other individual Premier League players. The then Manchester United manager continued to be the subject of comment, along the lines that he was above the law, and one wonders who will take his place as the managerial bête noire in the popular mind.

The IFO was again the recipient of some very specific personal concerns and issues raised by single individuals included:

- Crime in Mexico and its link to the transfer of a player to Manchester United
- The club colours worn at the FA Cup Final
- The failure of England to place a man on the line to face a free kick
- The exclusion of Billy Wright's name from the commemorative brochure to mark the FA's 150th celebrations
- The refusal of a player to wear a poppy to mark Remembrance Day
- The price of away tickets at Torquay
- A bad customer experience at the U-21 game at Wycombe
- The insensitivity in awarding a bottle of champagne to the Man of the Match, when the recipient
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- Improper and over exuberant goal celebrations
- Delay in the registration of a youth player on relocating to Britain from overseas
- The imposition of a county FA written warning for an incident which occurred in a supermarket
- Foul and abusive language used by a manager during a game
- (and worth recording amongst the mostly negative comments received), a commendation for the good customer service response received from the FA

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

- Fixture changes (mainly for TV schedules) and the consequent inconvenience and costs incurred
- Ownership issues at Blackburn Rovers, Birmingham City, Leeds United and Coventry City, with the last named the subject of fans' concern over the location of next season's home fixtures
- Discrimination issues, including the John Terry case, anti-semitic chanting at and about Spurs, racism in Serbia and at the England v Ireland game, and offensive singing at Manchester United
- FA fines on grassroots players and the revised FA rules concerning red cards in local football, especially the requirement to produce video evidence at appeals
- Problems with women's football and particularly the treatment of the Doncaster Belles
- The favourable treatment meted out to Bradford City after playing an ineligible player in the FA Cup
- The date and especially the kick-off time for the FA Cup Final, viewed as pandering to the power of television schedules
- The improper behaviour of players in the closing minutes of the Barnsley v Huddersfield match on the last day of the season
- The removal of West Ham to the Olympic Stadium and its adverse effect on the fortunes of Leyton Orient

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

At the meeting with supporters (see report at Appendix II), it was suggested that some fans were unwilling to refer cases to the IFO because it was perceived as "a toothless watchdog" without the requisite powers. The second report of the Parliamentary Select Committee addressed this very issue. In its report, *Football Governance*. *Follow Up* (2013), the Culture Media and Sport Committee concluded (Recommendation 24):

"The existing powers of the Independent Football Ombudsman to address complaints against leagues and clubs are unsatisfactory, particularly in the light of the Football League's own inability to enforce judgements on its clubs. We recommend that the Independent Football Ombudsman should be given the power to enforce its adjudications after upholding complaints against the leagues and their clubs".

The response of the Football Authorities to this recommendation is awaited. The implementation of IFO Adjudications is discussed below (p.13)

Investigations & Acjudications

uch of the correspondence discussed in the previous section did not produce any follow up, either because the person was satisfied with the response or because their complaint had been referred to one of the Governing Bodies. This might be because matters such as referee performance or on-field incidents do not fall within the IFO remit, or because the complaint had been addressed to the IFO prematurely and needed to go through the Governing Body stage of the complaints procedure. Complaints which reached (or returned to) the IFO after having been considered by the Governing Body were closely scrutinised and a judgment was made about how to proceed. A number were 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.

The case studies below give a flavour of the variety of complaints which were dealt with in this manner.

A local referee in Cumberland complained about intimidation and maladministration by the County FA and that the FA had failed to act properly in reviewing his complaint. He alleged that a hearing by the County FA had been improperly conducted, that there had been delay by the FA in dealing with his case, that the FA had bullied and threatened him and that he had received no refereeing appointments since submitting his complaint. The IFO discussed the matter with the head of the FA discipline department and found that, while there had been delay, the FA had thoroughly investigated his concerns and had initiated a training programme to assist the County FA to improve its procedures. There had been confusion over arrangements to make telephone contact, but there was no evidence that he had been bullied by the FA. The matter of refereeing appointments was not within the IFO remit.

In a long running dispute, a Fulham season ticket holder complained that the Club would not allow her to pay for her ticket in her preferred way and objected to handing over her money four months before the season started. She believed that, as a loyal supporter of many years standing, she should have been treated flexibly by the Club. The IFO discussed the matter with both the Ticket Office Manager and the Premier League. The IFO found that Fulham had a variety of payment methods and quite reasonably wished to treat all



fans equally. While the Club was not able to meet her payment preference, it did treat her sympathetically by offering complimentary tickets to one match and seeking to identify suitable seats for her and her partially disabled father. Having declined to purchase tickets because of her grievance, she was offered the opportunity to purchase a pro-rata season ticket during the season should she change her mind.

A Ukrainian supporter living in the UK complained that he had not been allocated tickets in the away section for the England v Ukraine match at Wembley. He further complained that he had not been treated with respect by the stewards, citing for example that instructions had been given in Russian. Upon enquiry, the IFO found that the FA could produce a transcript of his conversation when booking the tickets. At no time did he identify himself as a Ukrainian supporter and because he booked a large number of tickets on the day of the match there was a restricted choice of sections available. A strict enforcement of the rules about segregation would have permitted the stewards to eject the party, but instead the complainant's group was moved to a nearby section containing a predominance of Ukraine supporters. The IFO found it impressive that Wembley should provide Russian speaking stewards. Although Ukraine was no longer within the Russian Federation, its former membership of the USSR meant that Russian is still widely spoken in the country.

The same match produced a different though related complaint. An England supporter complained that he had been allocated seats in the "Ukraine section" and that the away supporters stood throughout the game, restricting his view. In fact, tickets in the away section were not sold by the FA, but by the Ukraine FA, and the complainant was perhaps in the same section as the Ukraine supporters mentioned in the previous case. By his own admission the complainant accepted that the fans were well behaved, but he alleged that the stewards made no effort to get the fans to sit down. The FA pointed out that he was in Row 2, concluding that his inconvenience was minimal, and that he neither approached a senior steward nor reported the problem via the text service. The IFO was sympathetic and standing is a continuing problem which is discussed more fully below p.14. This case was not as clear cut as some others investigated and the IFO did not believe that a case for a refund could be fully substantiated.

A retired lieutenant colonel complained that the late postponement of the Notts County v Leyton Orient match in December 2012 caused great inconvenience and cost to both sets of supporters. He alleged that the weather forecast indicated that the game could have been played, as agreed by the groundsman and both managers. He further complained that the FA had not addressed his concerns. The IFO found that although the complainant had described the FA's response as "unsatisfactory and evasive", it was factually correct that the referee is the sole arbiter of postponement. With hindsight, the decision may have been both too late to prevent away supporters travelling, yet too early to allow the match to start if conditions improved. The IFO agreed that referees should take account of the impact on supporters when calling off a game and proposed to discuss this with the FA. This did not satisfy the complainant who referred the issue to the Parliamentary Select Committee for further consideration.

A disabled Wigan supporter was involved in a long running dispute with the Club over what he deemed to be hostile and unsympathetic stewarding. There was an extensive correspondence between the supporter and the Club, and in turn with the IFO. After reviewing the evidence, the IFO found that there had been one unfortunate incident when the supporter had been wrongly accused of being in the wrong section. On IFO advice the Club apologised for the distress caused. Otherwise, Wigan had done all they could to meet the supporter's needs, even personally involving the Club Chief Executive. The Club Secretary confirmed in the warmest terms that the supporter would be welcomed back and offered every assistance to identify suitable seats which took account of the supporter's special needs.



A Millwall supporter complained that the Wembley stewards had been unsympathetic and unresponsive when he had requested that his party of 29 supporters be relocated from the very top section of the stadium at the FA Cup Semi-Final. He also complained that the FA had not addressed his specific complaint in the responses made. The IFO discussed the specific case with the Wembley Safety Officer, as part of a general review of the disturbances in the Millwall section during the match. The Safety Officer explained that the ground regulations did not permit supporters to be moved between levels and that there were procedures for the electronic exchange of tickets through the Wembley ticket office, which would not have required the complainant to visit Millwall. The IFO noted that neither of the responses from the FA addressed the specifics of the complaint and this aspect is discussed more fully in Section 3.

In eight other cases the investigations led to a published formal Adjudication Report. Four of these related to the Football League and its Clubs, two to Premier League Clubs and two 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.

ADJUDICATION REPORTS 2012-13

•12/08 Cancellation of a Membership Card at Liverpool

•12/10 Disturbances at the Championship Play-Off Match at Wembley

•12/11 Restricted View of Wheelchair Users at Bristol City

•12/12 Ejection at Birmingham City

•12/13 Withdrawal of a Season Ticket at Everton

•13/01 Stewarding at Middlesbrough

•13/03 The FA's Implementation of its Own Rules

•13/04 The FA's Handling of a Safeguarding Case

From a technical point of view Complaint 13/03 was the most complex of the cases, because it required a detailed analysis of FA rules, their interpretation and the FA's communications about them. The report will be of interest to local club, league and county FA officials, but will probably not register greatly with the wider football public. The case which undoubtedly had the most general supporter impact was that involving the disturbances at the Championship Play-Off match in May 2012, where large numbers of West Ham supporters acquired tickets in the Blackpool sections of Wembley Stadium (Complaint 12/10). This investigation was the most challenging for the IFO so far, because it involved a split or shared responsibility between three organisations. The IFO concluded that the source of the problem was the lax ticket selling arrangements by Blackpool (in line with the results of both the Football League and police investigations). Yet Blackpool sold their allocated tickets merely as the agents of the Football League, whose event this was. There were those who believed that, since the League organised and promoted the match as the culmination of its Championship competition, it was primarily accountable for the problems which occurred. However, in turn the League had minimal influence on the day of the match, when responsibility for safety, stewarding and security were in the hands of the FA and the Wembley stadium authorities. The IFO recommendations as a result of this investigation have been accepted by all three parties (see p.13)

The issues emerging from these adjudications and other investigations are discussed in Section 3.

Issues & Recommendations

nder the terms of reference, 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. The additional duties imposed on the IFO have been discussed above (p.5) and it will be important to know going forward whether the Authorities are satisfied that the new arrangements meet their requirements. If so, the new responsibilities should be incorporated into a revision to the IFO Terms of Reference, which the Governing Bodies agreed to review at its meeting with the IFO in October 2012. This is brought into sharp focus by the recommendation of the Parliamentary Select Committee that the IFO "should be given the power to enforce its adjudications" (see p.9).

It is, therefore, timely to discuss how far IFO rulings have been implemented under the current arrangements. Sometimes there has been quite a delay before it becomes clear to what extent IFO recommendations have had any influence. For example, in January 2013 a letter was received from the Crystal Palace solicitors relating to an ejection of a Watford supporter which had been adjudicated by the IFO (IFO 11/04). This was over two years after the original incident and over one year after the Adjudication Report had been published. The Club offered a full apology to the complainant both for the ejection and for the way the complaint had been handled. This was in line with the IFO findings and, furthermore, the letter stated that, as a result of the IFO Report, the Club had "improved its procedure for ejections through better and more comprehensive evidence gathering and by retaining appropriate records including CCTV". On the other hand, to its credit Bristol City acted promptly in implementing the IFO recommendation that the disabled supporters be relocated, because their sightlines were obstructed by substitutes warming up (IFO 12/11). The facility has been constructed in time for the new season and has been warmly commended by the disabled supporters themselves.

Other recent cases may be cited where IFO recommendations have been implemented:

- The FA agreeing to apologise for the delay in dealing with a safeguarding case
- Liverpool restoring a membership card and amending the wording of the standard letter to fans who have offended against ticketing regulations
- Manchester United compensating a family unable to see because of fans standing
- Birmingham City making a goodwill payment to an away fan wrongly ejected
- Wigan offering an apology to a disabled supporter who had a distressing experience at the hands of stewards
- The Football Association giving complimentary tickets to supporters who had a bad experience at the Championship Play-Off at Wembley
- Blackpool apologising to fans for its mishandling of its ticket sales for the Championship Play-Off match
- The Football League comprehensively reviewing and then changing its procedures for ticket distribution for play-off matches

However, the ambiguity over the powers of the IFO was sharply illustrated by the case at Southampton (IFO 10/11) where the IFO found that the Chairman of the Supporters Trust had been discriminated against by the refusal to allow him to buy a season ticket for no reason. The Club ignored the IFO recommendations, refusing to reinstate the supporter as a season ticket holder, and the Football League was unable to enforce the judgement. The IFO recommends that after five years the Authorities should now review the IFO Terms of Reference, both in relation to the additional duties required of it and in response to the Select Committee's belief that the IFO should have powers to enforce its rulings.

As in the previous Annual Report, 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. At the recent IFO meeting with supporters, FSF reported growing support for a trial for "safe standing", which would involve the redesign of a section of the stadium to permit supporters to stand in designated rows with appropriate safety barriers. It was reported that Cardiff City had commissioned a professional assessment which identified a section of the ground where standing would be safe, that the Football League was formally reconsidering its position and that a number of Premier League clubs now supported giving "safe standing" a trial. As the IFO has previously asserted, complaints relating to standing and the clear evidence in our stadiums and on our TV screens of large sections of standing supporters demonstrate that, in effect, the ground regulations relating to standing have become unenforceable. The IFO therefore recommends that the Football Authorities discuss with the SGSA and the DCMS how to address the widespread concerns over persistent standing in seated areas.

The standing issue is closely related to those of stewarding and security. Complaints about stewarding coming into the IFO "inbox" fall into two clear categories. Some complain strongly about over-zealous and over-forceful stewarding and this is the subject of the Birmingham City and Middlesbrough complaints (12/11 and 13/01) and of two separate and ongoing investigations at Queens Park Rangers. In such cases which sometimes lead to ejections, it would be helpful to have access to CCTV records, which are not always available. The IFO supporters meeting suggested that the Authorities should issue directives on the retention of CCTV evidence where appeals or complaints were involved. Conversely, a perhaps larger number complain about passive and inactive stewarding which fails to defuse tense situations or enforce the ground regulations. The most common complaints refer to the failure to take action on persistent standing. From discussions with Safety Officers and Match Commanders, the IFO is well aware of the belief in watchful monitoring of standing supporters and the unwillingness to take precipitate action for fear of provoking public disorder. This pragmatic approach allows most games to pass off without incident, despite persistent standing, and is the preferred solution for the safety and security professionals. Yet it mystifies fans, when the ground regulations are so prescriptive and particularly, but by no means only, at Wembley, supporters complain about the inactivity of stewards in the face of clear breaches of the regulations (see for example above p.11). This was the central feature of the 2012 Championship Play-Off complaints, when fans asked why West Ham supporters were not removed from the Blackpool section and why no action was taken on the missiles thrown from the Club Wembley seats. Some supporters reported to the IFO that the violence among Millwall supporters at the FA Cup Semi-Final might have been prevented by early intervention by the stewards when small scale scuffling began in the concourse. Current investigations involve complaints about the alleged failure to take action on anti-social behaviour in the family section or on racist chanting at the England v Ireland match. The IFO recommends that those responsible for safety and security, particularly at Wembley, review their current practice to address concerns about perceived shortcomings in stewarding (since this report was drafted the FA has informed the IFO that a review of steward training will take place and the text reporting facility will be given a higher profile at Wembley).

It is again necessary to mention communications. Concerns were expressed about three aspects; access arrangements, delays in responses and the alleged failure to address the specific points made in submissions. Some fans continue to experience difficulties contacting the FA, if they are unwilling to register as a user. The FA explained to one correspondent that the reason there is no direct email contact address is that the FA would be inundated with spam messages. Some expressed doubts about how well direct contacts through text messaging was working and one complainant reported that there was no response to a submission made via a senior steward on the day of a match. Kick It Out drew the attention of the IFO to problems in reporting discriminatory behaviour and stressed the importance of early responses to encourage public confidence in the reporting system. It is generally the case that complaints which reach the IFO incorporate dissatisfaction with the speed of responses by clubs and authorities. In some adjudications, the IFO has not upheld the substantive complaint, but has nevertheless criticised the failure to meet self-imposed targets for response times as stated in Charters. Sometimes, the delays can be substantial as in two FA safeguarding cases and in the 10 month response time in one case from Club Wembley. It is hoped that both Clubs and Authorities will monitor their response times, seeking to improve them and to ensure that complaints are dealt with expeditiously.

The most important communications dimension this year has been protests by complainants about responses which do not address the specific points made by correspondents. A few complaints of this sort have referred to the other two Governing Bodies, but the majority relate to the FA, no doubt reflecting the higher volume of correspondence. It is accepted that where a large volume of correspondence raises similar concerns, then it is likely that a common reply template will be useful, based on the specialist comments of the relevant department. Yet there is understandable frustration at what one called, "their disregard of the 'little person'...the FA should consider each case individually and not send a 'global response'." Some examples from FA correspondence will illustrate the point

- The complainant just quoted waited nearly a year for a substantive reply and was then told that a refund would not be given, when a refund had not been requested
- The Millwall supporter quoted in the case study (p. I I) received two replies both of which referred to the violent behaviour of Millwall fans, when his complaint actually referred to uncooperative and unhelpful stewarding elsewhere in the stadium
- Another Millwall supporter did refer to the violence at the Cup Semi Final and wrote to the FA some three weeks after the event and received a reply which identified the problems which occurred at Wembley "today"
- A parent who had taken his son to the England v Ireland game complained about anti-social behaviour in the family stand by young men without children, only to be told by the FA that unaccompanied adults were not allowed in the family section yet the point of his complaint was that such men were there and their behaviour distressed his son

These and similar cases gave rise to scepticism about whether the letters of complaint had actually been read and resulted in complainants feeling that they had been "fobbed off with a standard computerised letter". The IFO recommends that the Football Association (and the other Authorities) ensures that its responses to complaints directly address the points made in the submissions received from supporters.

The issues and recommendations in this report are similar to those cited in the previous year, which demonstrates that supporters' concerns remain consistent and that there are important issues for the Football Authorities still to address.





SUMMARIES OF ADJUDICATIONS 2012-13

IFO ADJUDICATION 12/08

Cancellation of a Membership Card at Liverpool

A Dublin based fan complained that Liverpool had unfairly deprived him of his membership card after it had inadvertently come into the possession of another person. For Liverpool's home game against Stoke a woman had attempted to access the ground using the man's membership card. She had paid for a ticket through the website of a travel agent in Dublin and had collected the card from a hotel. The club had denied her admittance as no ticket existed against the card. As a result the club cancelled the man's membership and the right to renew it in future. The man told the club that while he had been ill a family member had loaned the card without his knowledge. He admitted that membership conditions had been breached but pleaded absolute innocence. The club did not reply to his letter, nor to his further correspondence, until over two months later. The club reviewed his case but did not change their decisions.

The IFO found that there had been significant delays by the club and, to a lesser extent the Premier League, in responding to correspondence, and the club's reply did not address the man's plea of mitigation. What they did tell him was that the unauthorised disposal of a card was a criminal offence and details had been passed to the police. Although that sentence is contained in the terms and conditions of membership, the club has now dropped it from their standard letters. The club acknowledged to the IFO that they did not believe that the man had committed a criminal offence and apologised for any distress caused. They had not passed details to the police. The IFO did not uphold the complaint that the card had been withdrawn unfairly in light of the clear breach of conditions, but found the ban excessive. The club accepted the IFO's recommendation to restrict the ban to 12 months from the date of withdrawal. The IFO also recommended an urgent review of the club's procedures for supporter liaison to ensure that Charter commitments are met in a timely manner and to permit supporters to have an informed dialogue when disciplinary sanctions are involved.

IFO ADJUDICATION 12/10

Disturbances at the Championship Play-Off Match at Wembley

Two Blackpool supporters complained that their day at Wembley had been spoiled by the behaviour of West Ham fans seated in the Blackpool area, and the failure of stewards to enforce the policy of segregation. The IFO found that a number of factors had combined to mar the occasion for many Blackpool fans. The IFO recommended that the Football League review of arrangements for such matches should include the adoption of more prescriptive conditions for the sale of tickets, with a specific warning that breaches could lead to prosecution. The IFO also recommended that the League should obtain in advance of the semi-final matches, details of the ticketing policies of potential finalists, and should actively monitor the progress of sales.

The IFO found that two of Blackpool's sales points did not have access to the club's database, which enabled 10 tickets to be bought on the simple production of a membership card. In addition, one named individual purchaser had bought 600 tickets through the club's commercial department, and a Manchester based man had purchased 49 tickets. Most of those tickets had ended up with West Ham fans and Blackpool have since banned both men. In all, 654 Blackpool tickets were acquired by people with addresses within 30 km of Upton Park. Shortcomings in Blackpool's sales practices resulted in insufficient evidence for a successful prosecution. The IFO recommended that the club undertake a rigorous review of ticketing policies. The club also implemented the IFO recommendation that they issue a statement to supporters apologising that their ticketing arrangements contributed to the problems at Wembley.

The IFO recommended that Wembley National Stadium Limited review their ticketing arrangements for such games to ensure that Club Wembley seats are vigorously segregated and the wearing of club colours prohibited. There should be negotiations between WNSL and the Football League to ensure that family sections are located away from areas of potential missile throwing. The IFO also recommended that the FA, WNSL and the Football League review their safety and security policies to ensure that segregation arrangements are fully met, and that stewards should receive further training to promote more understanding responses to legitimate supporter requests for ground regulations to be enforced. The FA agreed to offer the two complainants goodwill gestures in the form of complimentary tickets and hospitality to a future Wembley occasion.

IFO ADJUDICATION 12/11

Restricted View of Wheelchair Users at Bristol City

A Bristol City wheelchair user complained that, following a Football League change of practice regarding where substitutes are permitted to warm up, a substantial part of his view of the pitch had been blocked off, and the club had done nothing to rectify the situation. At the start of the 2010/11 season the Football League had instructed all their clubs to ensure that substitutes warm up on the side of the pitch opposite the assistant referee, in order to avoid collisions. The fact that FIFA have directed that assistants should run only right wings meant that substitutes warm up in front of a wheelchair dugout at Ashton Gate. On 17 August 2010 the man complained to the club and over the following two years had further correspondence with the club and the League without an acceptable solution being found.

The Deputy IFO attended a match with the complainant and witnessed the problems. In discussions with the Deputy, the club's Supporters' Liaison Officer put forward a possible solution which the complainant considered had potential. The club accepted that they should proceed without delay to establish that their proposal conforms to legislation and that it meets the needs of those wheelchair supporters affected. In the meantime they would increase efforts to prevent substitutes from warming up immediately in front of the dugout. The IFO accepted that the matters which had created the problem were outside the club's control but found that they had been slow to rectify the situation. The IFO recommended that a satisfactory new arrangement should be in place no later than the start of the 2013/14 season and is pleased to report that this has been achieved to the satisfaction of disabled supporters themselves.

IFO ADJUDICATION 12/12

Ejection at Birmingham City

A young Huddersfield fan complained that he had been unjustifiably ejected at Birmingham City. The fan's account was that he and a friend had gone to Birmingham by train and had had a few drinks, but were not drunk. The fan had mild autism and other conditions which made him unsteady at times and while being searched by a steward after accessing the turnstiles, he had stumbled and had been ejected, despite protestations by his friend. He had tried to make his way back to the city centre, but got lost and ended up in a pub, which he described, before taking a taxi to the station to wait for his friend. The club told the fan that they had viewed CCTV evidence of a drunken fan matching his description; police had assisted him while he was lying in the car park and had discussed drunk and disorderly behaviour with him. Other club officials and a police officer had described the man as very drunk.

The club acknowledged that they could not be absolutely certain that the drunk was the complainant. The IFO found sufficient corroborative evidence to decide, on the balance of probabilities, that he was not. The most compelling evidence was by the car park supervisor who saw the drunk asleep by a coach on which he had left after the game, whereas the IFO saw the complainant's receipt for his return train ticket. The IFO accepted that the club believed in good faith that the drunk was the complainant, but they should have been alerted by the marked differences in the respective accounts, and the matter could have been solved conclusively had they not destroyed the CCTV evidence.

The club accepted the IFO's recommendation that they should apologise to the complainant and renew an offer, which they had made earlier, to make him a goodwill gesture of £100 in recognition of the fact that his afternoon had been spoiled. The IFO also recommended that the club should always retain CCTV footage while a complaint remains unresolved, and that they ensure that stewards properly understand their responsibilities.

IFO ADJUDICATION 12/13

Withdrawal of a Season Ticket at Everton

An Everton supporter complained that the club had withdrawn his season ticket even though none of the allegations made against him related to incidents within Goodison Park and he had not breached any of the ground regulations. The complainant had waged a campaign against Everton's opening of a Free School, as a result of which the club told him that it was not appropriate for him to visit Goodison Park and he should put any concerns in writing. After the complainant had made an unauthorised visit to the Free School, solicitors acting for the club told him that the club recognised and valued freedom of speech and did not wish to stop him from reasonably expressing any view he might have, but events had shown that his passion had given way to aggressive, intimidating and unlawful behaviour. They said that the club had a right to ensure that their staff were protected from harassment such as was detailed in their letter. The complainant subsequently asked a series of questions in relation to the club's newly appointed Supporters' Liaison Officer, and said he looked forward

to meeting her; and then applied to attend the club's Fans' Conference, where six club staff were to be in attendance. The club wrote to the complainant saying that his recent actions confirmed that he was not prepared to be constructive and, given the opportunity, he was likely to harass staff. They withdrew his season ticket and made him a full refund, even though he had attended three matches.

The IFO was satisfied that the club had not taken their decision lightly. The complainant was not deprived of his season ticket because of a breach of ground regulations, but because his over-forceful and aggressive behaviour had given rise to fears for the safety of club employees. The IFO found that it was not unreasonable for them to have taken account of the complainant's actions and behaviour within the club's wider sphere of influence. As a private organisation the club have the power, of course, to withdraw a season ticket. There was some confusion as to whether the complainant was banned from attending home matches. The club said that their intention was to withdraw the privileges he had as a season ticket holder, but their instructions to staff were that he was not allowed to access the stadium, and when he tried to buy a ticket after the IFO's intervention, he was told that he was permanently banned from buying tickets. This aspect of the case was not handled well by the club and the IFO considers it likely that a ban was imposed. Arrangements are now in place for the complainant to purchase matchday tickets. The IFO was disappointed that the complainant and the club had been unable to meet to try to reconcile their differences. The door is not entirely closed on the complainant, but the onus lies on him to behave in what the club sees as an acceptable and responsible manner.

IFO ADJUDICATION 13/01

Stewarding at Middlesbrough

A longstanding Middlesbrough fan complained that her son had been subjected to excessively forceful stewarding at the match against Huddersfield. She alleged he had been pushed to the ground, causing him a back injury and great distress. At the match an area next to where the boy sits had been kept sterile. When Middlesbrough had scored their second goal, home fans had surged into the gangway nearest the away fans and stewards had actively prevented them from entering the sterile area. The boy had not taken part in the disturbance but had been pushed toward the gangway, and alleged that a steward had pushed him to the ground.

The mother had two viewings of relevant CCTV footage but she and the club had different interpretations as to what took place. While the club did not believe there had been any misdemeanour, they did offer to make the boy a small goodwill gesture, such as a club shirt. The IFO viewed the footage and saw that the steward had his arms outstretched to prevent the boy from moving into the gangway, but there was no sudden movement consistent with pushing the boy, nor clear evidence of the boy falling. The IFO found that the club were entitled to conclude that the steward's actions had been "proportionate and reasonable in the circumstances".

IFO ADJUDICATION 13/03

The FA's Implementation of its Own Rules

The Chairman of a local football league complained that the FA had failed to implement their own Standard Code of Rules (SCOR) fairly, as a result of which his league had been treated less favourably than other leagues. With County FA approval the league had been allowed to play two teams from the same club in the same division, but were told they could not do so for season 2012/13. After his league had lost an appeal on the matter, the Chairman continued to maintain that the SCOR allowed the practice.

On 10 April 2012 the FA issued the SCOR for 2012/13 which said specifically that no more than one team from a club could play in the same division. On 24 May 2012 the FA Sanctions and Registrations Committee recommended further revision so that two teams from the same club could be allowed "where there is no viable alternative", with approval from the FA. That recommendation was not implemented until 2013/14, with approval delegated to County FAs. However, the FA led the Chairman to believe that the 24 May recommendation had been implemented for 2012/13 and, in fact, in the course of that season the FA did allow several dispensations under the "no viable alternative" provision. The Chairman was aggrieved that his league had not been given the opportunity to gain such a dispensation, but the IFO was satisfied that dispensation would not have been given on the criteria being applied at that time. The IFO accepted that it had never been the intention of the SCOR to allow two teams to play in the same division, but found that the wording of the 2011/12 SCOR was so deficient as to have misled the Chairman. However, the league had lost a binding appeal on the matter. The IFO also found that the Chairman was left confused by events surrounding whether dispensations were available for 2012/13 under the "no viable alternative" provision. The FA are making arrangements to clarify the rules where shortcomings were identified and the IFO recommended that the FA apologise to the Chairman for the confusion caused.

IFO ADJUDICATION 13/04

The FA's Handling of a Safeguarding Case

A parent who wished to assist in the running of his son's football team complained of inordinate delay and unfairness in the FA's handling of his application for approval to become involved. A CRB Disclosure had identified two significant and relevant historical allegations against the man and a further concern brought to the attention of the FA by the police. The man explained that he had not been convicted of any offence and was disputing the allegations. On 10 October 2010 the FA imposed an interim suspension on the man. There were changes of case officer within the FA and some 18 months elapsed before a new case officer suggested the man apply for a fresh CRB check, which he did in October 2012. In January 2013 that was returned clear of any allegations, which enabled the FA to prepare a submission to the Safeguarding Children Review Panel. The Panel made it a requirement that the man attends a Safeguarding Children Workshop prior to gaining full clearance.

The IFO found that although it was necessary for the FA to make extensive enquiries, there were long periods when the case was dormant. The IFO considered that the FA should have in place contingency plans to ensure that cases are not unduly delayed, and an effective monitoring system to identify such situations. The FA have put in place a progress chasing system which should address those aspects. The FA have apologised for the delays caused by staff changes. The IFO recommended that they issue a more general apology for the delays. The IFO found that the condition imposed before full clearance could be given was by a Panel which is independent of the FA; the condition is not a punishment, but a normal requirement for those wanting to work in children's football.



MEETING WITH SUPPORTERS JUNE 2013

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 response to the Joint Proposals put to the DCMS by the three Football Authorities, in the wake of the Select Committee report into Football Governance. The paper announced 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 the Professional Game Board". It was agreed that the meeting would discuss the issues arising from the investigations and adjudications of the IFO during 2012-13 and that the discussion would inform the IFO Annual Report.

Issues for Discussion

- STANDING: The IFO reported that the complaints received on this topic were always from those who were inconvenienced by fans who stood and hence blocked the view of those unable or unwilling to stand. Though persistent standing was prohibited in the ground regulations, the de facto tolerance of standing was rendering the ground regulations effectively unenforceable. FSF confirmed that it was concerned about the rights and customer care issues of both those who were unable or unwilling to stand, as well as those who wished to stand. FSF reported that there was a growing willingness to contemplate an experiment in safe standing and the Football League had passed a resolution at its AGM supported by 55 clubs in favour of the concept of pilot projects. Some clubs had "singing sections" where standing was tolerated and Cardiff City had done an assessment which identified one section of the ground which was suitable for safe standing. LPF emphasised that in this debate the needs of disabled supporters' sight lines should be kept in view and that clubs should at least "net off" rows of seats and manage the area to ensure unobstructed views if fans stood. It was clear that this was a continuing problem which required urgent attention by the authorities.
- STEWARDING & EJECTIONS: Comments to the IFO fell into two distinct categories. Some complained of over-zealous or aggressive stewarding, while others pointed to the inability or unwillingness of stewards to take a proactive role, for example in enforcing the ground regulations. The FSF stressed the need for fair procedures in dealing with ejections and the importance of having a proper appeals procedure involving an independent element. Some felt that when complaints were investigated prior to the IFO stage, there was more emphasis placed on the behaviour of the individual fan than on the effects of particular crowd management strategies of the stewards. The FSF questioned the standard of steward training at some clubs, particularly where agency stewards are used, and warned of the dangers of over-estimating the implications of stewards' NVQ qualifications. It was noted that the IFO only rarely had access to useful and relevant CCTV evidence and the meeting recommended that the authorities should issue guidelines on the retention of CCTV records, as soon as it was known that an appeal or a complaint was involved. LPF expressed concern over the apparent lack of disability awareness and training of stewards at many clubs.
- WEMBLEY: Many of the issues discussed at the meeting also emerged at Wembley matches, reflecting the high profile of games and the large attendances. The Championship Play-Off game in 2012 had been especially challenging, because of lack of segregation, as had the 2013 FA Cup Semi-Final, involving violence among Millwall supporters. In these and on other occasions supporters questioned whether stewards could not have done more to prevent trouble and to respond to supporters' concerns at the time. KIO reported that it had received complaints about homophobic and travellers' abuse. While LPF had concerns about the allocation of tickets for play-off matches, it placed on record its appreciation of the FA's dedicated team who dealt so effectively with the needs of disabled supporters at Wembley

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- SUSPENSIONS & EXCLUSIONS: The IFO had investigated a number of complaints relating to either temporary exclusion or suspension, including loss of a season ticket. The points made above about procedures and appeals were relevant here also. The FSF drew attention to the financial penalty when tickets were suspended and also expressed concern about the failure to comply with the Data Protection Act when sharing information about fans, with some clubs' apparent ignorance of what the DPA says. The FSF reiterated its view that suspensions and exclusions should only be as a consequence of breach of ground regulations, not because of disagreement about the way the club is run. KIO identified the beneficial effects of the rehabilitation of fans found guilty of discrimination, such as meetings with players.
- COMMUNICATION & RESPONSES: Most, if not all, complaints identified delays in response times and the IFO had often criticised clubs and Authorities for not meeting their own Charter objectives, even when a substantive complaint was not upheld. The FSF expressed concern, particularly with complaints involving the Football League, which, it was alleged, acted more as a post box than as a complaint resolution or adjudication body as outlined in IFO procedures. The meeting asked how many complaints were resolved at the Governing Body stage which did not, therefore, come to the IFO. KIO explained that reporting abuse was likely to be undermined if people did not get a timely and constructive response, particularly when individuals needed to show personal courage to report in the first place. LPF reported that when members notified problems to them, the way forward was often a direct approach to the club and/or Football League, which had normally responded effectively. LPF often acted as a mediator for disability and access related issues with successful outcomes.
- DISABILITY ISSUES: The IFO reported that there had been only two investigations relating directly to disabled supporters, no doubt reflecting the preference of disabled supporter to approach LPF, rather than take complaints to the IFO. The main concern continued to be the lack of wheelchair spaces at grounds, particularly for away fans. Many disabled away supporters are often seated with home fans and some report to being victims of abuse. The meeting agreed that this was not simply a club concern but that the Leagues themselves should require member clubs to have a proper access audit and to ensure adequate improvements.
- DISCRIMINATION ISSUES: The IFO had received an extensive correspondence on the high profile player racism incidents and had been approached about two grassroots allegations, both of which were resolved by the FA. KIO pointed out that they were concerned with all forms of discrimination, not just racism. There were issues about grassroots reporting and KIO had received reports from individuals about concerns that not all county FA panels understood the issues within their local communities. KIO identified abuse via social media as a growing problem with the attendant difficulties of identifying perpetrators. A fans survey has indicated a growing belief that discriminatory chanting and behaviour was unacceptable and a willingness to engage in self-policing activity. LPF noted the increased incidents of disability related abuse at football matches and on fans forums and called for education in this area. The meeting noted a recent incident (in which a deaf player had been abused based on his disability) in which neither club had understood that the abuse was discriminatory.

ANY OTHER BUSINESS

During the meeting, LPF pointed out that one of the reasons why fans were reluctant to refer cases to the IFO was the perception that the IFO lacked powers. The FSF pointed out that when the IFO was established, the football authorities stated that "only in exceptional circumstances" would the IFO's findings not be implemented. It was relevant, therefore, that extracts of the Select Committee's Follow Up report had been tabled, since the Committee had recommended that "the Independent Football Ombudsman should be given the power to enforce its adjudications". The Football Authorities had not yet responded and it was hoped that this would be included in the response to the Minister for Sport's requirement that the FA should make its proposals known by the beginning of the next season.

The meeting suggested that when the IFO made recommendations, such as the issue of an apology, there should be a time scale set for implementation and a follow up process.

APPENDIX III

APPENDIX IV
The IFO Terms of Reference
Terms of Reference

I August 2008

THE IFO

ADVISORY PANEL

GRAHAM COURTNEY

MEDIA & COMMUNICATIONS

NICOLA WALDMAN

LEGAL & GOVERNANCE ISSUES

BRIAN LOMAX

SUPPORTERS

ARTHUR SELMAN

PROFESSOR TOM WOODHOUSE

FINANCE & COMPLIANCE COMMUNITY

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 foot ball 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 onsignificant changes to regulation or practice in the areas of suporter 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.



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