

Annual
Report
of the
Independent
Football
Ombudsman

2014-15



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IFO ANNUAL REPORT 2014-15 Foreword



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

This year has again seen large numbers of supporters contacting the IFO about a diverse range of issues. There has been a smaller proportion of messages about on-field events, no doubt partly due to an increasing awareness that such matters lie outside the remit of football's Ombudsman Service. The main external development which will impact on the role and status of the IFO has been the issuing of UK regulations on Alternative Dispute Resolution (ADR) schemes, implementing an EU Directive. I am in discussion with the Authorities and with the Ombudsman Association about the certification process for ADR bodies.

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

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2015.

PROFESSOR DEREK FRASER OMBUDSMAN

JULY 2015

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IFO ANNUAL REPORT 2014-15 Contents

Contents

SECTIONS		PAC
1	The IFO's Activities in the Seventh Year	6
2	Investigations and Adjudications	9
3	Issues and Recommendations	12
APPENDICES		
	Adjudication Summaries	16
	Annual Meeting with Supporters	20
	Membership of the Advisory Panel	22
V	The IFO Terms of Reference	23

IFO ANNUAL REPORT 2014-15 The IFO & its Activities in the Seventh Year



The IFO & its Activities in the Seventh Year

It is now seven 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. This report marks a significant milestone, in that the IFO has now been in existence longer than its predecessor. The IFO Terms of Reference (which were revised last year) are provided in Appendix IV. The Football Ombudsman Service is funded by an annual grant from the three Football Authorities. The IFO is supported by the Advisory Panel, whose membership is set out in Appendix III

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

In establishing the IFO, the Football Authorities confirmed that they were "committed to the highest standards of self-regulation" and that "the creation of an Ombudsman would maintain a position as the independent and final arbiter of football complaints." The IFO operates a form of non-binding arbitration, though the Football Authorities have stated that they would normally expect to implement the Ombudsman's recommendations. Where they felt unable to uphold the IFO's findings, they are committed to publishing their reasons. This has become an issue in relation to one adjudication report this year. (See page 14). All IFO Adjudications are published in full on the IFO website (www.theifo.co.uk). It was agreed that they would also be featured on the website of the relevant Governing Body.

Last year, the Football Authorities suggested additional IFO responsibilities as part of their response to concerns by the Department for Culture, Media and Sport about governance. The Authorities proposed that Club Forums would have the right to refer to the IFO where they believed that a Club was acting outside its policy and they were unable to resolve the matter with the Governing Body. Though not a forum as such, many Blackpool supporters submitted similar complaints and the IFO has completed its first collective adjudication (IFO 15/03). The revised

IFO ANNUAL REPORT 2014-15 The IFO & its Activities in the Seventh Year

Terms of Reference now incorporate an annual meeting with supporter organisations and the report on the 2015 meeting is provided at Appendix II.

In addition to this annual joint meeting with supporters groups, the IFO holds a number of stakeholder meetings to keep abreast of current issues and concerns. During the year meetings were held with the Football Supporters' Federation (FSF) and the Sports Grounds Safety Authority (SGSA). The Ombudsman and Deputy participated in the four regional customer service seminars organised by the Football League. Additionally, the Ombudsman made presentations at the annual meeting of the Safety Officers Association, the pre-season meeting of the Vanarama Conference and at the Peace Studies Department at Bradford University. This year two meetings were arranged with smaller clubs, Oldham Athletic and Doncaster Rovers, to explore complaint handling and engagement with fans at the local level. Such meetings, which also involved members of the IFO Advisory Panel, provided a valuable club perspective and are likely to be repeated.

As mentioned in the Foreword, there are now published Government regulations about Alternative Dispute Resolution (ADR). Consumer complainants will have the right to resort to certified ADR bodies and the IFO is discussing with the Authorities whether to seek certification through the Trading Standards Institute, the designated "Competent Authority" for the accreditation process. The IFO has access to the guidance issued by the Ombudsman Association, which has identified the impact the regulations might also have on the use of the term "Ombudsman".

The IFO's seventh year of operation began in July 2014 just before the start of the new season. During the year 2014-15, 92% of those who contacted the IFO did so by email and a further 6% by phone, with just 2% by letter. These proportions were the same as in previous years and are an illustration of the wider social preference for electronic communication. In the year as a whole, about 800 people made contact with the IFO, which received some 1400 messages. This was roughly the same as last year, taking account of the multiple messages received last time on one single on-field incident. In addition to the dozens of letters sent and phone calls made, the IFO issued around 800 email replies to those who had contacted the Ombudsman Service.

As in previous years, there was a significant volume of messages about grassroots football and the world of the County Football Associations (CFA), which accounted for 28% of all messages received (compared to 25% in the previous year). Many of these were from angry parents, who complained about bullying or improper practices at their local clubs and leagues. There were more complaints this year about alleged regulatory failings by CFAs which disadvantaged individual coaches or clubs. It was explained to such complainants that the IFO has no direct remit for children's, youth or grassroots football or for the growing world of commercially provided small-sided football. By convention and agreement the IFO does investigate cases which have been considered by the Football Association, as the ultimate Governing Body for the national game, and where it is alleged that there have been shortcomings in FA procedures. Of necessity, the IFO would focus on the role of the FA itself and not on the original incident, though that would be an important part of the context or background of the complaint. Two such cases did lead to a formal Adjudication (IFO 14/10 and 15/01), while others were dealt with by letter and some of these are discussed in the case studies below (page 10).

As before, many used the IFO to comment on the state of the professional game and on-field incidents. This category showed a significant drop absolutely and relatively compared to the previous year, 10% compared to 26% last time. Perhaps there were fewer high profile incidents and perhaps there was a growing awareness that such matters are beyond the IFO remit. The

IFO ANNUAL REPORT 2014-15 The IFO & its Activities in the Seventh Year

numbers of comments may have dropped but their intensity was not reduced. Over half of the on-field messages related to referees and the players' relationship with them, with strong opinions on penalties, red cards, simulation and the unfair pressure put on referees by certain clubs' players. The most vitriolic messages concerned referee performance and one was logged at 10 pm on the night of a match, when the supporter must still have been leaving the ground. His comment that the referee was not fit to officiate at an under-7 game was typical of many similar messages.

The IFO was again the recipient of some very specific personal concerns and the range of issues raised illustrate the rich tapestry of matters which agitate supporters. It is important to analyse the high level issues which merit attention. Readers of IFO reports say that they are also interested in these sometimes ephemeral grievances which humanise the complaints process.

Matters raised by single individuals included:

- The status of Guernsey within the FA Cup regulations
- Racist comments by a former senior referee
- Suggestions for the improvements in the laws of the game
- The alleged pernicious role of Sports Direct
- The availability of live football coverage in the middle east
- The rules applying to girls football and the size of the ball for children's matches
- Foul language used by a manager within the hearing of supporters
- The display of political flags at grounds
- The distasteful practice of players spitting frequently which does not occur in other sports
- · The legality of watching live football in pubs
- The suitability of IFO procedures for use in dealing with complaints in the Amateur Boxing Association
- Abusive chanting at West Ham United
- A dispute over an unpaid fee at Liverpool after a coaching course
- The behaviour of Bury supporters.

Other contacts used the IFO to air their views about current events in football, sometimes prompted by media coverage. There were several messages about each of the following:

- The alleged Football League persecution of Leeds United and its owner
- The colour of the balls used in FA Cup matches, which caused difficulties for supporters and not only those visually impaired
- The availability and cost of tickets for the FA Cup Final, and its kick-off time
- The requirement for Coventry City to play their home games in Northampton (resolved after Football League mediation)
- Problems with purchase, collection or refunds of tickets at Newcastle, Chelsea, Liverpool and Manchester City
- Difficulties gaining entry to Wembley for the League Cup Final
- Stewarding at Spurs and QPR
- Variable practice in the commemoration of Remembrance Sunday
- The experience of away supporters at Scunthorpe, Walsall, Millwall and Blackpool
- Horror at the TV offer of a kidney for sale in order to get a ticket for a high profile match
- The return of hooliganism, illustrated by pitch invasions at Aston Villa, Blackpool and Norwich
- Again, the difficulty in contacting the FA (and sometimes the Premier League) by email and through the website.

These issues and others feature in the discussion of specific cases in the following section.

IFO ANNUAL REPORT 2014-15 Investigations and Adjudications



Investigations and Adjudications

The correspondence reaching the IFO broadly falls into three categories and all three are used in the analysis presented in this report, enabling the IFO, so to speak, to take the pulse of the football nation.

- I. The sort of issues discussed in the previous section involving individual concerns, sometimes outside the IFO remit. Supporters often approach the IFO prematurely, treating the IFO as the first instead of the last stage in the complaints procedure. They might wish to register concerns about the running of individual clubs, or about perceived transgressions in local weekend football, or about the latest highly paid player's misbehaviour. All these and similar issues are not directly within the purview of the IFO, but they do add to the overall picture of what is sufficiently important to supporters to take the trouble to contact the IFO. While many supporters have never heard of the Ombudsman, the cases cited here and in previous reports show that many both here and abroad use the IFO as a sounding board for registering concern.
- 2. Complaints which have been to the appropriate body are evaluated in order to determine whether they fall within the IFO remit and whether they have merit. Like other Ombudsman schemes, the IFO receives a few complaints which are frivolous or vexatious. Having passed the IFO's threshold, a number of complaints are deemed suitable to be responded to with a letter explaining that after investigation it was judged that no further action was called for. Often in these cases the complainants had not got the outcome hoped for, but the complaint might nevertheless have been properly handled. Examples of complaints concluded by an extensive reply to the complainant, rather than with a formal Adjudication, are given below.
- 3. A small number of complaints (usually 6-10) lead to a full Adjudication, where it is judged that the issues raised are sufficiently weighty or raise policy concerns to justify an extended investigation. The IFO aims to finalise the report in such cases within 30 to 60 days, though it sometimes take longer because of the need to arrange personal interviews with both parties and to receive full documentation. The Adjudication reports issued this year are summarised in Appendix I and have all appeared in full on the IFO website, (www.theifo.co.uk)

Examples of cases in category 2 are summarised in the paragraphs which follow and they give the flavour of complaints handled by the IFO in this way:

IFO ANNUAL REPORT 2014-15

Investigations and Adjudications



A Bury supporter complained to the FA about perceived inconsistencies in the treatment of clubs which had played an ineligible player. It was claimed that Bury had been treated more harshly than other clubs which had committed the same offence and that the FA response was "mere waffle". The IFO found that the initial FA response had not provided sufficient detail, but eventually the differences between the cases were explained. The minutes of an FA hearing on a comparable case were sent to the complainant, together with a letter from a senior official pointing out the reasons for the apparently differential treatment. In the Bury disqualification, a critical point was the failure to obtain written permission from the parent club to play a player who was on loan.



A partially disabled supporter complained about access difficulties at Wembley when his ticket for a play-off match malfunctioned. He was required to walk long distances and found the staff unhelpful in meeting his needs. The IFO supported his case and would have recommended an apology and a complimentary ticket for a future game. However, when the full documentation was studied, it emerged that the FA had already done this and offered two complimentary tickets to a future England game. Since the outcome which the IFO would have recommended had already been implemented, the complaint was not upheld. Both the FA and the IFO suggested that he might have warned Wembley beforehand and taken advantage of Wembley's wheelchair scheme. He strongly objected to this and decided to take further legal action under the Equality Act.



Also at Wembley (and in a case similar to one cited last year) a supporter complained about standing at the League Cup Final which marred his view and enjoyment of the game. The FA did respond to his complaint, explaining that while no refund was due in his individual case, the Wembley authorities took the matter seriously and stewards were instructed to try to get supporters to remain seated. The complainant disputed this and argued that the stewards had taken no action despite his requests. He conducted an extensive correspondence with both the FA and the IFO. It was pointed out that the issue of standing had been highlighted in the Annual Report and was the subject of an ongoing dialogue across football. He remained dissatisfied and intended to take the matter further with the local authority. [This case and others about Wembley are more fully discussed in Section 3]



A father complained to the FA about the treatment his son had received from his local team and about the failure of the CFA to deal with his case properly. The complaint focussed on confusion at the time his son was transferring from one club to another, though the father maintained that this was the occasion of the dispute and not the underlying feature which was bullying. The case had been considered by the CFA and had then been the subject of a special report from a member of the FA disciplinary team. The IFO found that the case had been properly handled by the FA according to its procedures. The parent argued that the FA should have intervened more actively in the affairs of the CFA, to which the IFO responded that the FA could only act within its rules and powers and that there was a balance of responsibility between central and local bodies. The complainant was unhappy with the IFO's findings and vowed to go to the media with video evidence which supported his case.



A club official complained that his youth team had been unfairly dismissed from a county cup competition and that the CFA had been unhelpful in dealing with the case. The ejection was related to an unfulfilled fixture and the selection of an ineligible player, but the full reasons had never been provided by the CFA. This was a key part of the complaint. The official contacted the IFO to complain about the CFA and about the denial of a right of appeal to the FA. The FA's Head of Judicial Services explained that under FA rules there was indeed no right of appeal against ejection and the CFA had the discretion not to disclose the reasons. The IFO found that the FA had not refused to investigate the complaint, as had been alleged, it was simply applying the FA rules. A different scenario might have arisen had the club complained about poor service and inefficiency at the CFA, which could have been subject to review, not appeal, by the FA.

IFO ANNUAL REPORT 2014-15

Investigations and Adjudications



A father complained that his son had been fined and suspended for a dismissal of which he was unaware. The situation had arisen after the referee suspended a game because of fighting. His report stated that he had dismissed the son and another boy for violent conduct, but the family had not been informed until after the 14 day period for appeals had elapsed. No red card had been shown. The FA reviewed the case and quoted the rule which made clear that a dismissal could take place without a red card being shown. The key evidence was the referee's report. It was also pointed out that the FA handled some 40,000 disciplinary cases each year and the 14 day rule had to be strictly enforced. The IFO had some sympathy for the father's plea for a common sense approach which would have allowed a retrospective appeal, but there is no provision for this. There might have been some discretion if the family had appealed on receipt of the notice. Understandably they referred to the CFA and were wrongly informed that video evidence was needed, which had caused further delay.

In seven other cases the investigations led to a published formal Adjudication Report. [There would have been an eighth report, but this was delayed by differences of opinion between the FA and the IFO about the provenance of the complaint]. Three of the reports related to Premier League clubs, two to Football League clubs and two involved the FA in the exercise of its regulatory role.



ADJUDICATION REPORTS 2014-15

- •14/10 The FA's Handling of a Complaint against a Referee
- •14/16 Restricted View Seats at Walsall
- •14/17 Renewal of a Five Year Ban at Stoke City
- •15/01 The FA's Handling of a Parent's Complaint
- •15/02 Everton's Fans Forum
- •14/15 A Five Year Ban at Arsenal
- •15/03 Season Ticket Refunds and Customer Service at Blackpool

Complaint 15/03 had by far the longest gestation and involved the most fans. In late July 2014 the IFO received two messages from Blackpool supporters complaining that they had been misled into buying season tickets. Since then the IFO has received over 80 messages complaining about a variety of problems with the club and its Chairman. 50 of these came from a single supporter and this sets a new IFO record (the nearest any previous complainant got to this number was an irate parent who conducted a long campaign about alleged cruelty to his son). The problem for the IFO was that the complaints were largely about matters which were beyond the IFO remit and were for the Governing Bodies to address. After the end of the season it was agreed that the IFO would investigate five cases where supporters had unsuccessfully sought a refund and who had then appealed to the Football League. This is the first time the IFO had reported on a multiple or collective complaint. The other complaint which had a longer than normal history was the investigation into a five-year ban for an Arsenal supporter (IFO 14/15). The issues arising from this report are discussed in the next Section.



Issues and Recommendations

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

The coincidence of two cases of **five year bans** in quick succession brought a number of disciplinary issues into sharp focus. The two cases were very different. At Stoke City (IFO 14/17) a supporter, who had been previously banned for abusing the disabled ticketing system, had his ban extended for a further five years for obtaining and selling complimentary tickets. The IFO was provided with clear and compelling confidential evidence of the supporter's guilt and upheld the Club's action, rejecting the complaint. At Arsenal (IFO 14/15) a fan was banned on police advice, following his conviction for an offence after a fight in a pub. The ban was initially for an indefinite period, later defined as five years. The IFO judged that Arsenal FC had been justified in banning the supporter, who had been banned previously by the club and who 10 years earlier had received a Court Banning order. The IFO believed that the ban should be suspended after two years subject to good behaviour and disagreed with the Club over whether the offence which had led to his ban was football related. What linked the two cases was that neither complainant had been given a personal hearing nor granted the right to appeal. In both cases the club

disciplinary process was unclear and it was admitted that supporters guilty of lesser offences were sometimes spoken to by phone or invited into the club for a discussion. It seemed anomalous that a personal hearing was granted in the case of minor transgressions, but not when fans received a severe punishment.

Arsenal has agreed to review its disciplinary processes in the light of the IFO Adjudication.

Drawing on the two investigations, the IFO recommends that clubs develop codes relating to sanctions which should include the right to a personal hearing or an appeal for serious cases (bans of one year or longer). The Governing Bodies are invited to assist in this process by drawing up guidelines for such codes.

[The meeting with supporters, as reported in the minutes at Appendix II, endorsed this recommendation. This is also supported by the Football Supporters Federation who are developing a model code for discussion with several clubs].

Page 12

IFO ANNUAL REPORT 2014-15

Issues and Recommendations

As last year, the IFO received several **Wembley complaints**. It is accepted that with some 80,000 at most Wembley games the number of complaints is actually relatively quite small. Nevertheless, there is a regularity and consistency about the issues raised, most frequently regarding standing and a lack of response from stewards to anti-social behaviour. At the League Cup Final there was a turnstile failure at one of the entrances

which caused some delays. The Safety Officer was able to show that this was dealt with promptly and the entry data demonstrated how quickly supporters had been able to enter the stadium by the

remaining turnstiles.

The most common complaint is about standing and the Safety Officer attributes this partly to the expectations fans bring from their own grounds where they are allowed to stand. Standing is most pronounced among away fans and in effect all fans at Wembley are away fans. The Wembley team distinguish between safety aspects which will not be compromised (eg by keeping gangways and vomitories clear) and the customer service dimension where supporters who wish to remain seated are inconvenienced.

The Ombudsman spent the whole day of the Cup Final in the company of the Safety Officer and her team, observing at first hand the massive security and stewarding operation.

This was most impressively handled and the Safety Officer cites the reduced need for police officers within the stadium as evidence of the improved efficiency of the

Wembley team. At the Cup Final the Ombudsman did observe large numbers of fans standing, though without too much inconvenience to others since the standing fans were in the rear higher rows. The Safety Officer reports that efforts are made by stewards to get fans to sit down, particularly if other supporters have complained to them. The Wembley practice is similar to that at most grounds in adopting a watchful monitoring approach, for fear of provoking disturbances in response to more forceful action by stewards.

The IFO is asked to have "particular regard to...supporter and stakeholder involvement" and a number of complaints fell into this category. In the early part of the season Coventry City fans continued their campaign against having to play home games at Northampton. They believed their interest as supporters had not been protected and alleged they were not receiving full information from the Club or the Football League. The IFO was persuaded that the solution agreed exceptionally by the Football League did prevent Coventry City from going out of existence. In the event League mediation allowed a return to the Ricoh Arena. The IFO Adjudication on the Everton Fans Forum (IFO 15/02) raised issues about how fans can maintain an open dialogue with their clubs. The membership of the Everton Forum was enlarged by a

IFO ANNUAL REPORT 2014-15 Issues and Recommendations

democratic process, though the outcome was not to the taste of the complainant. The visits to Oldham and Doncaster revealed very imaginative ways in which these clubs used their community initiatives to strengthen the bond with supporters. Conversely, the sad events at Blackpool demonstrate the bitterness which can develop when the relationship between a club and its fans fractures. The engagement of supporters in the lifeblood of their clubs is something which liaison officers and customer service managers need to continually address.

The final and important issue to highlight is the sometimes contentious topic of the implementation of IFO recommendations. The Arsenal report already discussed (IFO 14/15) included a recommendation that a fan given a 5-year ban should have the ban suspended after 2 years, subject to good behaviour. This was the considered view of the IFO after an extensive enquiry which included two meetings with senior club officials. The IFO understands that the Club has rejected this recommendation, though there has been no confirmation from the Club itself to either the fan or the IFO. Within the agreed procedure the Club is entitled to do this, since the IFO's findings are non-binding. Previous commitments given by the Football Authorities, now enshrined in the IFO Terms of Reference, cover this eventuality. Where "there is a failure to agree, the football authorities will publish their reasons and their proposed alternative resolution". The Premier League has informed the IFO "Arsenal FC will not be implementing the IFO's Recommendation... and the Premier League supports the Club's stance. It is rare for the Premier League and any of its clubs to take such a position... but in this case we feel that it is fully justified."

However, in the three months after the publication of the Arsenal Report, the Premier League made no public statement, as is required by the Terms of Reference*. This delay was unfortunate and it prompted supporters' groups to criticise both the lack of a public statement and the failure of Arsenal to suspend the ban, citing this as evidence of shortcomings in the complaints procedure and thereby undermining confidence in the IFO. Supporters often complain at the IFO's "lack of teeth" and the meeting reported in Appendix II suggested that the

unresolved complaints.

* [The Premier League was due to make a statement shortly after this report was printed]

question of powers should be reviewed again, particularly in "trader – consumer"





Summaries of Adjudications 2014-15



IFO ADJUDICATION 14/10 THE FA'S HANDLING OF A COMPLAINT ABOUT A REFEREE

The Assessment Co-ordinator of a football league complained that the FA had not taken disciplinary action against a referee, despite having been provided with evidence of his misconduct. He also complained about the way in which his complaint had been handled.

In October 2013 the referee complained to an assessor whom he contended had marked him too low and had marked him before the match. He made suggestions of discrimination directed against non-English referees (as he is). Shortly afterwards the referee asked to swap a game which he had already accepted as the appointed assessor had given him a poor mark the previous season. The Referees' Manager refused to change the game or the assessor. The referee asked to be removed from the game as he was not emotionally ready for it, but later in the day asked to be appointed to a different game. The FA told the League not to give him appointments pending further advice. Having looked into the matter, the FA notified the referee that there was no evidence of unfavourable treatment because of his background or ethnicity and pointed out that he had been promoted several times under the assessment system. They said that referees must abide by assessments and that it is not acceptable to request different games with different assessors. The FA warned the referee that if he made spurious claims against officials not based on evidence, he might be subject to disciplinary proceedings.

On 22 November the referee made a formal complaint of discrimination. At a meeting on 13 December he handed to the FA's Head of Senior Refereeing Development (HSRD) documents in relation to his discrimination complaint. The HSRD warned him about his conduct in relation to assessments, effectively ending the misconduct investigation. Following complaints in January 2014 from both the League and the complainant that the FA had taken no action, in February the FA emailed interested parties saying that they had investigated the referee's allegations about discrimination in his assessments and found nothing untoward; no further action was to be taken. The complainant made further representations to the FA about lack of action against the referee but it was not until 22 May that they gave a substantive response.

The IFO found that it was unfortunate that while the discrimination investigation remained unresolved, the FA had felt unable to tell interested parties the outcome of their misconduct investigation. The IFO found that, given that the subjects were quite distinct, it would have been helpful and might have prevented the intervention of the complainant if the FA had told interested parties what had transpired at the meeting of 13 December.

The IFO accepted that the FA were entitled to decide not to take formal disciplinary action against the referee, but they missed opportunities to describe what action they had taken and shortcomings in their explanation to the complainant simply added to his frustration over what he still believed was a failure to take appropriate action. The IFO recommended that the FA review the way in which they had handled communications and write to the complainant acknowledging the communications shortcomings identified by the IFO.



IFO ADJUDICATION 14/16 RESTRICTED VIEW SEATS AT WALSALL

A Bradford City supporter complained that tickets which he had bought at full price from Walsall were for seats with restricted views, and that stewards had told him that he and his partner must sit in the allocated seats.

On 17 August 2014, the day after the match, the complainant emailed Walsall complaining that a stanchion had obstructed the view of the right hand side of the pitch. He had spent £42.50 on tickets and made a round trip of 250 miles only for the day to be spoiled. He enclosed a photo of the view from his seat. On 21 August Walsall replied saying they were sorry he had not fully enjoyed the experience. They had inspected the seats and, although a stanchion was close, it did not restrict the view. In further exchanges of correspondence the club's stance was that the view was not "significantly impaired"; their definition was that a view was not restricted if "both goals are clearly visible and nothing in direct obstruction of the eyeline". In subsequent correspondence with the Football League, the club pointed out that if the complainant had asked to be moved, the club would have obliged as there were only 927 Bradford fans in the 1500 capacity stand. The League pointed out that it was for the club to decide whether seats should be designated as "restricted view".

At a visit to the club the Deputy IFO found that it was open to debate as to whether the stanchion obstructed the eyeline view from one of the seats. Nevertheless, the IFO accepted that the complainant could have asked to move if he was unhappy. Although the IFO did not find the club to have been at fault, he recommended that, in order to help manage the expectations of spectators, the club should include a general warning on their tickets that stanchions may on occasions interrupt a spectator's view of part of the pitch.



IFO ADJUDICATION 14/17 THE RENEWAL OF A 5 YEAR BAN AT STOKE CITY

A longstanding Stoke fan complained that, having served a 5 year ban for ticketing irregularities, the club had imposed a further 5 year ban on him.

The original ban, which had been imposed for acquiring disabled tickets and selling them to non-disabled fans, expired in July 2014. The complainant sought reinstatement, but received no information from the club until October when solicitors informed him that the club had imposed a further 5 year ban. No reason was given. When he met the IFO, the complainant denied any behaviour which could justify the further ban. He subsequently told the IFO that on occasions he had helped out a club lottery ticket seller who had been unable to utilise his complementary tickets. The club shared with the IFO confidential evidence which proved that the complainant had been disingenuous in his denial over any wrongdoing; he had clearly had further involvement in the sale of unauthorised tickets.

The IFO was satisfied that the club had evidence to justify the further ban, but was critical of the time taken to impose it and the method by which it was communicated to the complainant. The IFO recommended that the club write to the complainant setting out, without breaching confidentiality, the grounds for the disciplinary action.



IFO ADJUDICATION 15/01 THE FA's HANDLING OF A COMPLAINT

A man complained about the way in which the FA had handled his complaint about the actions of his daughter's football club, the league in which it played and the County FA.

The complainant's son was relieved of his duties as a coach at the club on the grounds that he had not obtained criminal record clearance and qualifications relevant to the role. There was also a dispute as to whether, without permission, the complainant had taken one of the girls to her home after training. The outcome was that the club expelled the complainant, his son and daughter and the league suspended them from attending the venue where matches took place. The County FA Chief Executive subsequently apologised to the complainant for the way in which they had handled his complaints; arrangements would be made for an investigative hearing. The FA told the complainant that they could not consider his complaints until the hearing had taken place.

A County FA Board of Inquiry found that the club's decision to dispense with the son's services had been justified and proportionate, that the club's hould review their safeguarding procedures and that the league had acted outside its remit in implementing a venue suspension. The Board were critical of the club's handling of the issue about taking a girl home and found a number of failings on the part of the County FA.

The IFO found it correct for the FA to have awaited the outcome of the County FA action and did not find the FA responsible for any of the many shortcomings in the handling of the complainant's affairs, other than two failures to meet their charter targets for replying to him.



IFO ADJUDICATION 15/02 THE EVERTON FANS' FORUM

An Everton fan, who had applied unsuccessfully to be a member of the Forum, complained that the selection process had been "flawed and completely undemocratic" and voting figures had not been published. He alleged it had not been independent and had not had clear selection criteria.

During 2014 Everton's consultation with fans resulted in a decision that Forum members should serve defined terms and should be voted in by other fans. In October the Forum published the process to be followed to fill 6 vacancies. In anticipation of a large response the Forum would select a list of candidates for the ballot. The election was overseen by Electoral Reform Services. On 29 November the Forum notified the complainant that his application was not being taken forward, but they invited him to be "one of the first members of a newly designated online fans' panel". He appealed the rejection citing reasons why he believed the process to be flawed. Dissatisfied with the club's response, he complained to the Premier League. The League concluded that there was nothing to suggest that the club had not acted in good faith.

The IFO found that the process had been clearly stated before applications were entertained and the complainant had not challenged it at that time. The IFO found no evidence that it was undemocratic; he found it a reasonable way to have dealt with a large number of applications and it had resulted in the appointment of a cross section of fans.



IFO ADJUDICATION 14/15 A FIVE YEAR BAN AT ARSENAL

A longstanding Arsenal supporter complained that the club had imposed a wholly unjustified ban following what he deemed a non-football related public order offence, and that they had given him no opportunity to present his case.

On 17 November 2012 the complainant attended the Arsenal v Spurs match (kick-off 12.45). In the evening he attended a birthday party in a North London pub which is a favourite venue for Arsenal fans. Banter got out of hand and a disturbance occurred during which the complainant punched a man. The complainant was arrested and in court in May 2013 he pleaded guilty. He received a 12 week suspended sentence and 180 hours of community service. In August, acting on police advice, Arsenal Imposed a ban "until otherwise notified" "due to your history of violent offences related to football matches [the police] believe you pose a danger to public safety". (The complainant had received a ban for an offence before the 2000 UEFA cup final in Copenhagen, and a banning order for fighting after the 2005 cup final.) The complainant, his lawyer, his MP and a local councillor all made representations but the club did not respond until the lawyer made clear that he was acting for the complainant. In June 2014 the club reviewed their decision and imposed a ban of 5 years.

The IFO was satisfied that Arsenal were justified in considering a ban appropriate but found questionable the severity given that the offence was not football related, and the complainant had never been found to have committed an offence within a football stadium. The IFO recommended that the ban be suspended from the beginning of the 2015/16 season, with the remaining 3 years to be re-imposed in the event of any breach. To that end the complainant would be required to sign a suitable behavioural agreement. The IFO also recommended that Arsenal review their disciplinary procedures for serious cases with a view to introducing an appeal stage or an opportunity for a personal hearing. The IFO welcomed Arsenal's willingness to do so but the club reserved the right to review the risk posed by the complainant in light of further police advice.



IFO ADJUDICATION 15/03 REQUESTS FOR REFUNDS AND CUSTOMER SERVICE STANDARDS AT BLACKPOOL

A number of Blackpool fans complained that they had been unfairly induced into buying season tickets and had been unable to obtain refunds to which they believed they were entitled. In April 2014 Blackpool launched a season ticket offer, open until 21 June, with prices frozen at 2013/14 levels for each of the following two seasons. A two year ticket cost £390.60. On 12 June the Club announced the appointment of a new manager claiming that a revolution was underway at the club and that fans could be part of it. The announcement included a reminder about the season ticket offer. Disillusionment with events on and off the field caused many fans to seek refunds. The Club either did not respond to fans or took a long time to do so. No refunds were given. The Football League confirmed that refund policies are at the discretion of individual clubs. The IFO found that the season ticket offer was an attractive proposition for fans, with each match averaging a cost of about £8. The terms of the offer were clearly stated and did not mention any specific performance outcomes or investment commitments. The IFO did not consider that the tickets had been mis-sold.

The IFO recommended that the Club develop terms and conditions relating to season tickets which make clear expectations for both sides. The IFO found that the Club had consistently failed to meet their own standards for responses and recommended that the Club work with the Football League to assist making the improvements necessary to eliminate serious shortcomings in customer service.



Meeting with Supporters July 2015

Report of a meeting between the IFO and Supporters 6 July 2015

Organisations represented:

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

Background

The meeting was held as required by the IFO Terms of Reference which state, "The IFO is tasked with meeting supporter organisations on an annual basis and reporting the outcomes to the authorities". It was agreed that the meeting would discuss the issues arising from the investigations and adjudications of the IFO during 2014-15 and that the discussion would inform the IFO Annual Report.

Issues for Discussion:

• FIVE YEAR BANS:

The IFO reported that there had been two published Adjudications on five year bans, one at Stoke City and the other at Arsenal. The cases were very different. The first involved the abuse of the complimentary ticketing arrangements and the second resulted from a police recommendation to ban a supporter who was deemed high risk because of his previous track record and a recent conviction. The common thread between the two cases was that the supporter had been given no chance to present his case personally and there was no right of appeal. Much of the discussion focussed on the factors which clubs should take into account in banning supporters and what would be reasonable and prudent in the light of supporters' behaviour and possible criminal record outside football. The meeting supported the IFO's recommendation that in the case of severe penalties there ought to be the opportunity for a personal hearing or a right of appeal. (It was reported that in response to a previous IFO Adjudication Report, Manchester United had introduced a right of appeal in the case of lifetime bans).

• WEMBLEY:

There was, as in previous years, a steady and consistent stream of complaints about matches at Wembley, usually focussing on standing and allegedly lax stewarding in response to anti-social

IFO ANNUAL REPORT 2014-15

Appendices

behaviour. The FA pointed out that in relation to the numbers attending the stadium the level of complaints was low and that fans having been permitted to stand at their own clubs expected to do the same at Wembley. LPF reported that several disabled fans had advised of difficulties in reporting incidents to the Wembley authorities, with the initial FA response to complaints sometimes considered to be unsympathetic or not seeming to understand the issue. LPF did however report positive meetings and co-operation with Matt Lynch and the Wembley team in dealing with complaints at Wembley. The Ombudsman and Deputy had observed at first hand the security arrangements made by the Safety Officer and her team at Wembley and had been impressed with the efficiency of the massive operation in running a Wembley event with some 80,000 attending.

STAKEHOLDER ISSUES:

During the year the IFO had received a large amount of correspondence from supporters who felt that their interests as an important stakeholder in their clubs had not been properly addressed. In the early part of the season there had been extensive protests about Coventry City having to play their homes games at Northampton. A complaint at Everton related to elections to the Fans Forum, where it was alleged the process had been undemocratic and inimical to supporters' true interests. (The complaint was not upheld). What supporters regarded as the disastrous decline of Blackpool's fortunes had led to a breakdown in the relationship between some sections of the fans and the owner. This situation had produced large numbers of complaints to the IFO, which were currently being investigated for a prospective IFO Adjudication. These and similar cases informally involved Supporters Trusts, which related to the work of SD in this field

DISABILITY CONCERNS:

The IFO had received fewer complaints from disabled supporters than might have been expected and this was largely result of the good work done by LPF. This was illustrated by the fact that while the IFO had received only a handful of complaints, LPF reported that they had dealt with over 400 cases from disabled fans and clubs from across the professional Leagues. Both the IFO and LPF had been involved in a well-publicised case of a Manchester United supporter who wished to sit together with his disabled and non-disabled children. The same club was the focus of the ongoing campaign to highlight clubs' failure to meet the minimum requirement for the number of wheelchair user spaces at football grounds. LPF reported that a private member's bill was due to be read by Lord Faulkner in the House of Lords on 17th July 2015 which would seek to address the problem through the stadium licensing requirements.

DISCRIMINATION ISSUES:

Similarly to the above commentary, the IFO received few complaints about discrimination because the obvious recipient of such concerns was KIO. The few cases reported to the IFO emanated from the grassroots, for example one properly considered by the FA which concerned the use of a racist epithet during a match. The IFO was to meet later with Women in Football to discuss the issue of gender discrimination. KIO drew attention to grassroots delays and lack of action which led to a lack of confidence in reporting. Nevertheless, KIO reported an increase in complaints, for example about targeted chanting abuse, and that it was working to improve stewards' training and briefing. In response to queries about the scale of the increase in the reporting of incidents KIO agreed to circulate the latest figures when available.

ANY OTHER BUSINESS

- IFO reported that Arsenal had decided not to accept the main recommendation in the 5 year ban case, discussed above. This was within their rights in what is a system of non-binding arbitration. However, in such cases the Authorities had stated that they would normally expect to implement IFO findings and where they did not, they are required to publish their reasons and suggested alternative remedy, (included in the IFO terms of reference). No such public statement has been made. The meeting felt that supporters would expect the Ombudsman's findings to be implemented, other than in exceptional circumstances. The question of IFO powers ought to be further discussed with the authorities, particularly in "trader/consumer" cases.
- IFO drew attention to new EU regulations on the accreditation of Alternative Dispute Resolution (ADR) bodies. The UK Government had implemented the directive and the Department of Business Innovation and Skills had designated the Trading Standards Institute as the "competent authority" for the certification of ADR bodies. The IFO was considering the impact of these regulations which also related to the use of the title Ombudsman.



NICOLA WALDMAN: LEGAL ISSUES

ARTHUR SELMAN: CORPORATE GOVERNANCE

GRAHAM COURTNEY: MEDIA & COMMUNICATIONS

PHIL GOLDSTONE: SUPPORTERS

PROFESSOR TOM WOODHOUSE: COMMUNITY



The IFO Terms of Reference

1 March 2014

I. Preamble

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

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

2. The Independent Football Ombudsman's Terms of Reference

- (i) The IFO acts as the final appeal stage within football's complaints procedures and its adjudications will be published.

 These adjudications shall be final and the football authorities expect that normally IFO recommendations will be implemented. If, in exceptional cases, there is a failure to agree, the football authorities will publish their reasons and their proposed alternative resolution of the issue.
- (ii) The IFO will have regard to best practice in commercial matters within professional football, particularly with regard to customer service. The IFO will be consulted and will advise on:-
- Codes of Best Practice relating to supporters and customers in general, and customer charters issued by each of the football authorities, and by individual clubs;
- * the football authorities' operation of the complaints resolution hierarchy based on the Codes of Best Practice, with the Independent Football Ombudsman as the final step in that hierarchy; and
- * the football authorities' procedures for review and monitoring of commercial and customer matters In this, the IFO is to have particular regard to:-
 - * Ticket prices
 - * Accessibility of matches
 - * Merchandise; and
 - * Supporter and other stakeholder involvement.
- (iii) Where complaints resolution indicates wider action is appropriate, to recommend changes to Codes of Best Practice and Customer Charters, to request review of the rules and regulations of the football authorities relating to commercial and customer-related matters and to request research or other investigation into policy relating to those matters.
- (iv) The IFO will be consulted by the football authorities on proposed programmes of research into supporter and customer matters.
- (v) The IFO will be consulted by the football authorities on significant changes to regulation or practice in the areas of supporter and customer relations.
- (vi) The IFO is tasked with meeting supporter organisations on an annual basis and with reporting the outcome to the authorities. The IFO will produce an annual report to be submitted to the football authorities and to the DCMS. The published IFO annual report will identify broader issues arising from it investigations and adjudications which should be addressed by the authorities. The work of the IFO will be reported in Club, League and FA annual reports as applicable and any public policy implications will be reported to the DCMS by the football authorities at the existing established and regular meetings between football and the Department

3. The Constitution of the IFO

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

4. Appointments

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

