Annual report of The Independent Football Ombudsman 2011-12

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

This year has again seen a significant number of supporters raising a diverse range of issues with the IFO. The vast majority of such issues have been resolved by correspondence, with only a small number leading to a full IFO adjudication. In these, as in the wider work of the IFO, I am indebted to the officers of all three Football Authorities, and their member clubs, who have cooperated with IFO investigations.

I have been ably assisted by my colleague, Alan Watson Deputy Ombudsman, and I thank him most warmly for his extensive contribution to the work of the IFO. I am also grateful to the Advisory Panel, whose members have placed their special expertise at the service of the IFO.

VernAnell

PROFESSOR DEREK FRASER OMBUDSMAN AUGUST 2012 www.theifo.co.uk



Contents

section		page
1.00	The IFO and its Activities in the Fourth Year	6
2	Investigations and Adjudications	10
3	Issues and Recommendations	13

Appendices..

1. 10

6.6	Summaries of Adjudications	18
ad c	The Membership of the Advisory Panel	22
II.	The IFO Terms of Reference	22

The IFO and its activities in the fourth year

he Office of the Independent Football Ombudsman(IFO) was established in the summer of 2008 by the English Football Authorities (the Football Association [FA], the Premier League and The Football League) with the agreement of Government. The IFO 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 III. The Football Ombudsman Service is funded by an annual grant from the three Football Authorities. The IFO may access the special expertise of its Advisory Panel, whose membership is set out in Appendix II

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.

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

In establishing the IFO, the Football Authorities confirmed that they were "committed to the highest standards of self-regulation" and that "the creation of an Ombudsman would maintain a position as the independent and final arbiter of football complaints." The IFO operates a form of non-binding arbitration, though the Football Authorities have stated that they would normally expect to implement the Ombudsman's recommendations. 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.

reporting year, the Football During this suggested Authorities additional IFO responsibilities as part of their response to concerns about governance. In the summer of 2011, the House of Commons Culture, Media and Sport Committee produced its report Football Governance (House of Commons Publication HC 792-1, 2011). The Football Authorities responded to this report and additionally were invited to address a number of issues identified by the DCMS, in the wake of the Parliamentary Report. In February 2012 the authorities issued a joint response in a letter to the DCMS Secretary of State and the Minister for Sport. This set out proposals relating to FA governance and structure, club licensing and public communication. In the section on Supporter Engagement, 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 and its work schedule, 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 made proposals about the logistical and timing issues arising from this suggestion and, if adopted, the new arrangements will be reported on in the next IFO Annual Report.

The IFO does already hold a number of stakeholder meetings to keep abreast of current issues and concerns. The IFO, as part of its regular work, meets with the football authorities, clubs and complainants. During the year meetings were also held with the Football Supporters' Federation (FSF), Level Playing Field and the Sports Grounds Safety Authority (SGSA). At the time of writing a meeting has also been arranged with 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 fourth year of operation began in August 2011 at the start of the new season. During the year, 90% of those who contacted the IFO did so by email, with just 4% by letter and a further 6% by phone. In the year as a whole, over 500 people made contact with the IFO, which received some 800 email messages. In addition to the dozens of letters sent, the IFO issued over 600 email replies to those who had contacted the Ombudsman Service. The number of contacts is in line with the previous year's figure. There continued to be a steady flow of messages from overseas, evidence of the wider awareness of the Ombudsman Service.

As in previous years, there was a significant volume of messages about grassroots football and the world of the County FAs. These often generated strong feelings from aggrieved clubs, coaches, managers, and, above all, parents, who complained about shortcomings or unfairness in the practices of their local leagues and county associations. Some 15% of contacts emanated from this sector of the national game, with alleged bullying and unfair selection practice often featured. It was explained to all such correspondents that children's football and the County FAs did not fall within the main remit of the IFO. However, where a complaint had been considered or reviewed by the FA itself, then it might come to the attention of the IFO, if it was alleged that the FA had not handled the case properly or was itself in breach of its own policies and procedures. While most of the grassroots complaints remained within county FA jurisdiction, a number did merit further IFO investigation. Two of these were concluded with letters to the complainant (see p.11) and one was considered in a full adjudication (IFO 12/01), which is summarised in Appendix I.

> As in previous years, many used the IFO to let off steam about perceived wrongdoing or injustices in the game. Much comment was offered about on-field matters, such as poor refereeing decisions, goalline and penalty incidents,

the failure of the RESPECT campaign and what was perceived to be the inconsistent response of the authorities to high profile misdemeanours. About 6% of correspondence related to onfield issues or professional game concerns, quite apart from that generated by the Suarez/ Evra confrontation and its wider ramifications. Predictably in the light of the wider debate about racism in football, this high profile incident produced the largest number of messages on a single topic. The IFO received some 30 messages on this subject, some of which were very long, including learned expositions of the linguistic characteristics of South American Spanish. Many correspondents used the issue to criticise the FA for inconsistency in its disciplinary policy and practice. None of this fell within the direct remit of the IFO and correspondents were advised to contact the Football Association as the governing body with the primary disciplinary responsibility.

The IFO had to deal with some unusual and sometimes obscure cases. One such was the allegation that a local league referee had urinated behind the goals in full view of the children and the County FA had done nothing to discipline him. Another was a long-running dispute over the failure to give hospitality to a journalist covering an Arsenal v Birmingham City ladies match, which had involved both clubs and all the governing bodies, but was never resolved. In two other cases season ticket holders had their tickets suspended because individual tickets from them had been advertised for sale on the internet. In both cases the supporter's defence was that family members had offered the tickets for sale unknown to the owner. In the Manchester City case, where the distressed supporter approached the IFO in a plea to be reinstated in time for the Manchester derby, the Club relented following discussion with the IFO. In the second case, at Liverpool, the Club and the Premier League were still investigating when this report went to press.

Among issues, some of which might be termed "bee in the bonnet", and were raised by single individuals were included:

- The inability to purchase tickets at Southampton because of not being on the Club database
- The lack of a dividend to Gillingham shareholders (again)
- Prejudice against transsexual people
- The need to include "christianophobia" in the FA's list of proscribed chanting
- The price of away tickets at Aston Villa
- The way "Community Days" authorised by the Football League adversely affected travelling away supporters
- The distribution of school tickets at Coventry City
- The unfairness of the play-off system and the preference for simple league position to determine promotion
- The unpleasant and distasteful practice of players spitting

Other contacts raised issues prompted by the passing interests 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
- The distribution and availability of tickets at high profile club matches and for the Carling Cup and the FA Cup Finals
- The alleged misbehaviour and inappropriate language of prominent club officials, including the managers of Swindon and Rochdale and the chairman at Bournemouth
- Anti-social behaviour of fans, including those of Everton and Arsenal
- The ineffective regulation of agents and the alleged undue influence of an individual Premier League club chairman (such allegations were referred to the FA for investigation)

- The wearing of poppies by players on Remembrance Day
- Restricted views for away supporters and consequent safety issues at Liverpool
- Club ownership issues and the effects on supporters, particularly at Liverpool, Portsmouth, Blackburn and Leeds United.
- Concern about over-zealous and insensitive stewarding.

SECTION 2 Investigations and Adjudications

2: Investigations & Adjudications

t will be clear from the foregoing discussion that a significant number of contacts did not return to the IFO once an initial response had been sent. Matters were referred to the appropriate body when they were not within the IFO's remit and complaints which fell within the IFO's jurisdiction, but had not yet been through all the prescribed stages of

the procedure, were remitted to the club or governing body, as required. Where a complaint returned to or arrived at the IFO having completed the prior stages of the complaints procedure, then the Ombudsman had to decide how to proceed. Before embarking on a formal adjudication, the IFO needed to satisfy himself that the matter lay within his remit and that the complaint merited a full adjudication. In a number of cases, the first criterion was satisfied but not the second. In these complaints the IFO conducted an investigation, which sometimes involved a meeting or correspondence with the governing body and, on that basis, decided that the matter could be concluded by an extensive reply to the complainant.

One such was the investigation of a complaint from a persistent Plymouth Argyle supporter, who conducted a long and extensively worded campaign about alleged wrongdoing in his Club's descent into financial meltdown and administration. He approached both the FA and the Football League to argue that those who had brought the Club to its knees were guilty of "bringing the game into disrepute" and should be charged by the authorities. He further alleged that the process of administration and the search for a buyer were being improperly conducted by the liquidator. The latter allegation was a matter for the financial, and not the football, authorities and he was so advised by the IFO. The more general issue of poor financial management bringing dire consequences is, sadly, a common feature of contemporary football and the IFO sympathised with the supporter's frustration about his powerlessness to influence the fate of Plymouth Argyle, the Club he had supported for half a century. The complainant submitted two large dossiers of correspondence and pressed his points home in several long phone calls with the IFO and Deputy. It was clear, from both the correspondence and an IFO meeting with the Football League, that the complaint had been taken seriously by the League and that the complainant had been given an extensive explanation of the legal position and the limits on Football League powers to influence imprudent clubs.

The other main complaints which were dealt with in this manner during 2011-12 are summarised as follows:

The father of a boy, who had suffered some development delay arising from a difficult birth, complained that the FA had refused to issue a dispensation, allowing his son to play in an age range below his chronological age. He had appealed against the original FA ruling and had submitted medical evidence to support his case. He claimed that the FA had acted unreasonably in refusing to issue the dispensation. The IFO met with senior child protection officers and found that the case had been thoroughly reviewed in the light of advice provided by the FA Chief Medical Officer. The dispensation was discretionary and was granted only when specified criteria were met, which was not the case for this boy. The IFO found that the FA had followed the correct procedure in coming to a decision within their discretionary powers.

A long running dispute between a referee and Surrey County FA was referred to the IFO after the FA ceased to correspond with the

complainant because of his intemperate language. The Deputy IFO discussed the case with FA officials and found that there had been extensive discussions between the FA and Surrey and that advice had been given about how the case should be handled, including referring some matters to the police.

The complainant was sceptical about the IFO investigation, which concluded that the FA had taken the case seriously and had advised the County FA appropriately.

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Several supporters complained about delayed entry to the England v Switzerland game in June 2011 and about the way the FA handled their subsequent complaints. They alleged that there was a turnstile malfunction and that they were, therefore, due compensation. The IFO met with the Wembley Safety Officer, who provided detailed admissions data which demonstrated that all turnstiles had worked normally. 5 minutes before kick-off time, 87% of the crowd had already been admitted and "late walk-ups" can normally be processed at a rate of 1000 per

minute. It appears that on this occasion the late arrivals were concentrated at just two turnstiles and it was against ground regulations to allow supporters to enter by other turnstiles which led to a different level. The FA had responded promptly and courteously, but had not given the replies wished for. The problem related to the familiar practice of supporters turning up at the last minute, exacerbated on this occasion by an unfamiliar kick-off time and the sunny weather. An away supporter visiting Manchester City complained that stewards positioned between home and away sections stood throughout the match, which caused restricted views for the away supporters. He cited his own observations at the ground and TV evidence. The IFO discussed the case with the Club Safety Officer, who argued that stewards stood because nearly all away fans did the same. A meeting was held with the Premier League and it was explained that the matter had been discussed at a customer liaison meeting and that the Club would review its practice for the next season. The IFO was unable to pursue the case further because the complaint was theoretical rather than actual: the complainant himself had suffered no inconvenience or restrictions to his view during his visit to the Etihad stadium.

A Middlesbrough supporter complained about his abortive 500 mile round trip when the game at Ipswich was abandoned during the first half, due to a frozen pitch. Unable to attend the rearranged game, he claimed compensation from Ipswich for his wasted journey. He argued that the weather and the forecast made it inevitable that the match would not be completed. Discussions with the Club and the Football League revealed that Ipswich had made great efforts and incurred significant costs to try to make the Portman Road pitch playable and it was the referee's decision to start and then abandon the game. Because the complainant threatened legal action, Ipswich suspended correspondence, awaiting contact from the complainant's legal representatives, but the Football League responded promptly and fully. The IFO found that the Club's valiant efforts were defeated by a sudden and sharp drop in temperature, and while sympathising with the travails of a loyal supporter, found that he was not entitled to compensation.

Three mothers complained that their children competing in the Npower Kids Cup held at Huddersfield Town had been deprived of the chance to progress in the regional finals, through a wrongly recorded score in one of their matches. They argued that poor organisation and an incompetent referee had prevented a possible trip to play at Wembley. They also found the response of the Football League unsatisfactory. The IFO recognised the sense of injustice felt by the parents and the acute disappointment of the children, but found that it was wholly impractical to replay the event. The Football League was reminded of its responsibility to ensure that such youth events were competently organised and fairly decided. It is hoped that highlighting the shortcomings here will make a repeat of such events less likely.

In seven other cases the investigation led to a published formal adjudication report. Four of these related to the disciplining of supporters; two ejections, one refusal of entry and one suspension. One case involved the contentious issue of standing and another concerned a refund for a match re-scheduled for TV. The case emanating from the County FA sector of the game arose from a father's contention that his son had been bullied and unfairly treated by his local club. In each case the full adjudication has been published on the IFO website, www.theifo.co.uk and a summary is provided at Appendix I.

ADJUDICATION REPORTS 2011-12

- 11/04 Ejection at Crystal Palace
- 11/05 Refusal of entry at Blackpool
- 11/06 Supension of a Brighton fan
- 12/01 The FA's handling of a safeguarding case
- 12/02 Standing at Old Trafford
- 12/06 Refund request at West Ham United
- 12/07 Ejection of a minor at Blackpool

The IFO upheld one complaint (12/02) and achieved compensation for the complainant as a goodwill gesture. Some aspects of all the other complaints were upheld in circumstances where, as often, the facts of the matter and their importance were disputed. The issues raised by these adjudications and other investigations are discussed in Chapter 3.

SECTION 3 Issues and Recommendations

3: Issues and 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. In last year's report attention was drawn to three cases which revealed some ambiguity in the IFO's relationship with the governing bodies and clubs. In two cases IFO rulings had not been implemented, while in a third a club initially refused to cooperate with an IFO investigation. The Authorities agreed to review the IFO terms of reference, particularly in relation to cases where clubs or governing bodies did not feel able to implement IFO recommendations. The role of the IFO has now become entwined with the three Authorities' Joint Response to the DCMS, referred to previously (p. 7). It is proposed that in addition to current responsibilities, the IFO would deal with complaints arising from fans forums and would be required to meet with supporters on an annual basis. The IFO has suggested possible ways this might be managed, through three regional and one national meeting, provisionally planned for the summer of 2013. This is currently being considered by the governing bodies.

> The IFO recommends that the football authorities move quickly to clarify how and when the new joint proposals are to operate and to review the IFO terms of reference in the light of the enhanced role envisaged and in the context of issues raised in last year's Annual Report.



SECTION 3 *Issues and Recommendations*

This year has seen a different number of complaints addressed to the IFO about what might be called "trouble at Wembley". The problems associated with entry to an England game have been discussed (p.11). There have been concerns expressed about safety, though of course all events at Wembley are closely scrutinised by local and national agencies. There have also been expressions of disappointment that visiting Wembley has not come up to expectations, because of poor organisation or insensitive stewarding.

All this uneasiness about the Wembley experience seemed to come together at the Championship Play-Off match between Blackpool and West Ham. The IFO, FA and the Football League have all received correspondence about tensions and disorder in one section of the stadium. For reasons which are not entirely clear, a large number of West Ham fans had tickets in the Blackpool end. Correspondents report fear and concern, especially by children, because of the aggressive behaviour and language of the West Ham fans.

One complainant, who is pursuing the matter strongly, alleges there were real dangers to public safety involved which might have resulted in serious injury. The FA reported that some fans were refused admission and others removed because of having tickets for the wrong section. Under the agreed procedure, the IFO may investigate and report only after the governing body has completed its stage, and the FA and particularly the Football League are still investigating, with the help of the police, how tickets sold by Blackpool came to be in the hands of West Ham supporters.

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When this is completed and complainants are given a full explanation, the IFO recommends that the Football Association, in conjunction with Wembley staff, review the stadium's access, stewarding and ticketing operations to ensure that supporters have a safe and enjoyable experience at Wembley events.

The issue of **standing in seated areas** featured in last year's report and was again a prominent aspect of both correspondence and investigations. It has been argued by some away fans that one section of Liverpool's stadium gives such a restricted view ("looking at the pitch through a letterbox"), that standing is virtually a necessity. One complaint, still being considered by the Club, arose from a Stoke City supporter who was taken ill at Liverpool, as a result, he alleges, of

SECTION 3 Issues and Recommendations

the incidence of standing in the away section at Villa Park.

having to stand and the stewards' refusal to enforce the ground regulations. This aspect was also central to Complaint 12/02 in which a pregnant and short of stature Norwich City supporter was unable to see at Old Trafford because of standing supporters and complained that stewards would neither apply the ground regulations about persistent standing nor accede to her request for relocation.

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Complaint 12/07 arose directly from Blackpool stewards' operation to remove standing fans from the perimeter walkway, which acts as the means of entry and exit for all away fans at Bloomfield Road. Again this year, the IFO has discussed the issue of standing with the Sports Grounds Safety Authority (SGSA) and the Football Supporters Federation (FSF). Discussions have also been held with the Safety Officers Association, which receives safety reports on all matches, and with the Premier League. The latter stress the importance of fans' education and cite the initiative at Aston Villa, where proactive and friendly stewarding has decreased

In Adjudication Reports and in discussions with clubs and governing bodies, the IFO has expressed sympathy and understanding for the safety officers and match commanders who have the difficult task of deciding how and when to deal with the situation when very large numbers of supporters are standing continuously, ie offending against the ground regulations which ban "persistent standing". Where many hundreds, or as at the recent case at Old Trafford, several thousand fans are standing, it is often judged impractical to seek to get all the fans to sit down. Indeed, the consequences of removing some fans might well lead to a threat to public order and provoke dissension and disorder among supporters. Often, therefore, stadium operations managers in conjunction with the police will simply monitor fans and act only if particular misdemeanours are identified. It is mandatory to keep all gangways and vomitories open and free of standing supporters. Since standing supporters actually take up more space than those seated, there is a tendency for those at the end of the rows to drift into the aisles. This is usually closely controlled in order to ensure that exit routes are always clear.

Hence, as the data collected by both the safety officers and the Premier League demonstrate, many high profile matches take place with large sections of away (and sometimes home) supporters standing throughout the game. Most of these also pass off peacefully without major problem, thus appearing to justify the watchful concern, but no more, shown by safety

SECTION 3 Issues and Recommendations

officers and stewards. This is highly practical and pragmatic, yet it has led to the situation where clearly stated ground regulations have become, in effect, unenforceable, to the severe disadvantage of those who do not want to stand, or cannot stand, or are short of stature (primarily children). Indeed the IFO is aware that some fans are deterred from attending because of the prevalence of standing. There appears to be no enthusiasm to embark on the FSF's suggestion of an experiment in "safe standing" (a summary is provided in the FSF 2012 Annual Report), nor any indication from Government that changes in the legislation are being considered. Meanwhile, every week of the season throws up evidence, particularly clear in televised matches, that the ground regulations are being flaunted, with the tacit agreement of safety authorities, albeit with the benign intention of preserving order.

> In the light of the foregoing, based on complaints and investigations, the IFO recommends that the Authorities, the SGSA and the supporters should urgently review the standing issue, with a view to making proposals to Government for addressing the problem.

What should the IFO response be to complainants who claim, as in IFO Complaint 12/02, that the situation is "black and white persistent standing is outlawed in the ground regulations, so why are the regulations not enforced"? The IFO accepts the Premier League view that in general fans cannot expect compensation where their view is restricted by fellow fans standing. However, where exceptional circumstances pertain to an individual and a club does nothing to alleviate the situation, some form of compensation should be due. To help avoid such problems, when selling tickets, clubs should warn of potential standing and invite purchasers to disclose any exceptional circumstances so that appropriate tickets can be sold.

The final issue which merits further attention and which has also been mentioned in previous years is that of communications. Some supporters again complained about the difficulty of contacting the FA, in cases where individuals were unhappy about supplying the personal information needed to register via the website. The FA has been alerted to this and the IFO has advised that in such cases views should be submitted by post. Some have complained that the Authorities, again mainly the FA, tend to use standardised letters which do not address the specific points made by correspondents. The IFO understands that where a large volume of correspondence raises the same concern, it makes practical sense to develop an "all purpose" response. However, even a token acknowledgement of the individual concerns might satisfy complainants, who otherwise feel they are being fobbed off with an almost autogenerated reply. The main bone of contention is the delay in responding to complaints, despite all clubs having charters which promise an early reply. Even where the IFO felt unable to uphold the substantive parts of some complaints, evidence was identified which justified criticism of the complaints process. For example, Crystal Palace (11/04) demonstrated for a second occasion appalling customer service practice, including losing the complaint papers, poor record keeping and subjecting the complainant to frustrating delays and missed deadlines. A Brighton supporter (11/06), suspended by the Club, first approached the IFO when, for a long period, he was unable to get a response from or arrange a meeting with Brighton officials. At West Ham (12/06) the upper limit of 28 days (itself too long) for a reply appears to have become the minimum time to generate a response. At least the Club was even-handed and treated the complainant, the Football League and the IFO all in the same dilatory manner!

The IFO recommends that the Authorities ensure that their own communications practice is exemplary and that they are proactive in ensuring that clubs meet their charter obligations.

Appendices

SEVENTEEN IFO ANNUAL REPORT 2011-12

I: Summaries of Adjudications 2011-12

IFO ADJUDICATION 11/04 Ejection at the Crystal Palace v Watford match 9 November 2010

A young man complained that he had been ejected from Selhurst Park for no good reason, that Crystal Palace had mishandled his subsequent complaint and had defamed his character.

At half time a steward told the complainant that, on police advice, he was being ejected for throwing a beer can and for making a racist remark to a steward. The complainant telephoned the club the next day and on 12 November followed up with a letter of complaint. Despite further calls and letters he did not get a reply until 17 December. The club said he had been ejected for foul and abusive language and they had passed the information to Watford. They claimed that he was "known" to Watford's Safety Officer and Football Intelligence Officer. After the complainant had protested, there was a delay until the club replied on 29 March 2011, when they said they had no knowledge of why he was known to Watford. They confirmed that he had not made a racist remark and gave him an apology. When further calls and letters elicited no response, the man complained to the Football League. The League did not get a substantive response from the club until 28 June.

In respect of the ejection the club were not able to produce any evidence other than the bare facts. There was no CCTV evidence, which had been routinely destroyed after 28 days even though the club knew there had been a complaint. The steward's report had been destroyed. The complainant had been told by the police that the officer involve denied having been involved in the decision to eject. The IFO was unable to resolve the conflicting versions of the events but, having met the complainant, was persuaded of the veracity of his account, and found it highly likely that he had been ejected without good cause.

As far as the handling of the complaint was concerned, the club failed to meet its own Charter commitment to reply within 14 days and the IFO found compelling evidence that it was handled badly. The club's records were grossly deficient and the IFO found it deeply disappointing that the failings identified were almost identical to those found in a previous adjudication involving the club. The IFO recommended that the Football League takes a more proactive approach to address the club's failings. As far as sharing information with Watford was concerned, the IFO did not find that the club had acted inappropriately as it is sensible to share intelligence in the interests of ensuring a safe environment for supporters. However, given that the Watford Safety Officer had simply told the club that the complainant was "known" to them, the IFO found that the club had drawn an entirely unwarranted conclusion from that statement that he was known because of a previous misdemeanour. Watford were partly culpable over what happened in not having made clear why the complainant was known, which was because he had been the innocent victim of an assault, and was a valued supporter about whom they had no concerns.

The IFO recommended that Crystal Palace should follow Watford's lead in putting in place procedures to prevent such occurrences, and should apologise explicitly for what took place. The IFO also recommended that the club improves its procedures for ejections by better evidence gathering and record keeping.

IFO ADJUDICATION 11/05 Refusal of entry at Blackpool FC 17 August 2011

A Derby County supporter (Mr A) complained that he had been wrongly refused entry to Bloomfield Road. For the past five years he had been a home and away season ticket holder and is responsible for surfing the club's giant flag at matches. Prior to the game he had obtained permission to fly the flag from Blackpool's Safety Officer, who had told him to ask the turnstile operator to let him use the wider door in order to get through the holdall containing the flag. He had arrived in Blackpool at 2pm, had flown the flag from the pier at 5pm, had had a few drinks and had gone to the ground at 7.40pm for the 8pm kick off. After his ticket had been checked by a steward, the stand manager had approached him and asked if he had been drinking. Mr A said that he had had 4 or 5 drinks. The manager said that he had been watching him and that he looked intoxicated, which Mr A denied. The manager had taken his ticket and refused him entry. In response to Mr A's written complaint, Blackpool's Chairman told him that he was satisfied that the stewards and police had acted properly.

Another Derby fan (Mr B) also complained that he had been refused entry, even though he had drunk only shandies. He said that his gait had been a bit wobbly

as he had been off work for eight weeks because of sciatica. Despite extensive enquiries, the IFO was unable to resolve completely the contradictions given in the accounts by the respective parties. The IFO was impressed by Blackpool's record keeping in relation to ground control and incidents and was satisfied that there had been no orchestrated campaign against the Derby fans. Both complainants appeared sensible, respectable members of society who seemed genuinely appalled at having been considered intoxicated. Both admitted having drunk alcohol and if it was the manager's genuine judgement that they were intoxicated, then he was within his rights to refuse entry. Unfortunately there was no corroborative evidence to support either contention.

IFO ADJUDICATION 11/06 Exclusion of fan following incident at Brighton v Crystal Palace 27 Sept 2012

A Brighton fan, who had held a season ticket for 24 years, complained that he had been unjustly excluded from matches at the Amex stadium until the end of the 2012/13 season, and that the club had failed to reactivate his membership card so that his nominees could attend matches.

On 6 October the club wrote to the complainant imposing a club exclusion on him until the end of the 2012/13 season, as he had been reported for assaulting both an away fan, and a home fan who had intervened. On 10 October the complainant disputed the allegations and asked for a meeting to discuss what had taken place. He also asked what would happen to his membership card, which had been deactivated, as he wished to transfer it to a guest. The complainant submitted five statements from witnesses describing what they had seen at the match. The three who had seen the actual incident all denied that the complainant had used physical force in the altercation with the Palace fan, who had been celebrating inappropriately in the Brighton hospitality stand. On 25 November the club agreed to reactivate the membership card. On 14 December, after the club had confirmation that the police were not taking action over the incident, they held a meeting with the complainant. The club accepted that the incident was less serious than first thought, but still serious enough to warrant exclusion to the end of the season. The complainant found that his card was still deactivated and, after an apparent problem with a new card, on 25 January 2012 he received a further new card, which his nominees were able to use.

The IFO made extensive enquiries, including two visits to the club, two meetings with the complainant and discussions with relevant witnesses, but found it impossible to resolve completely the marked contradictions and inconsistencies in the various accounts. However, the IFO found it significant that in his statement the Palace fan said that the only thing that had prevented a physical assault had been the intervention of the home fan. The IFO found that to impose a ban of almost two seasons based simply on oral exchanges without hearing evidence from the complainant or other witnesses was precipitous. The club accepted the IFO's recommendation that in cases likely to warrant lengthy bans, they could impose temporary suspensions while they obtain, without delay, statements from the respective parties so that properly informed decisions can be taken. The club also accepted the IFO's recommendation that the complainant's membership be restored forthwith, subject to completion of an acceptable behaviour agreement.

The IFO also found that the facts surrounding the activation of the membership card were also in dispute. The complainant alleged that he had frequently checked the situation at the club shop, but the club's computer showed no indication of checks having been made. Although the IFO accepted that the card had not been used, for which the complainant should be compensated, at the heart of the matter is a commercial dispute over whether a service paid for was available, and which the complainant should negotiate with the club.

IFO ADJUDICATION 12/01 The FA's handling of a parent's complaint about safeguarding

The father of a youth team player complained that his son and other children had been victims of bullying and abuse at his club and that the FA had taken over a year to respond, had failed to investigate fully and had not enforced its policies at club or county level. In June 2009 the complainant raised concerns about various incidents with the club chairman who agreed that matters would be rectified for the 2009/10 season. In February 2010 matters came to a head when it appeared clear to the complainant that none of the reform programme had been implemented. Despite further promises from the club, the complainant remained dissatisfied and the chairman told him that any further dialogue would have to be through the county FA. On 19 May, before the complainant had had an opportunity to contact the county, he received a letter from the club effectively expelling his son. In response to the complainant, the county welfare officer said that the club were entitled to register whoever they wished. He said that there was no evidence of abuse of any individual, but the parent who had caused the concerns had been asked to leave the club.

On 23 November 2010 the complainant asked the FA to investigate his concerns. The Head of Child Protection sent him several holding replies before 19 December 2011 when she reported to him that the club had dealt with the abusive parent appropriately. She said that the club should have clear rules and should be transparent regarding team selection. She was satisfied that the county's investigation had been thorough, apart from a failure to contact other parents.

The IFO recommended that the FA ensures through county FAs that clubs have clear and transparent membership rules and team selection policies; and should remind county FAs to be thorough in investigating complaints and of the importance of seeking relevant independent testimony. The IFO was satisfied that the FA had taken the complaint seriously and investigated it thoroughly, although there had been unacceptable delay for which the FA had apologised.

IFO ADJUDICATION 12/02 Compensation for being unable to see at Old Trafford because of fans standing 1 October 2011

A Norwich City fan, who was pregnant at the time, complained that she had been unable to watch her club's match at Old Trafford because the spectators in front of her had stood persistently and, despite her protests to stewards, they had neither attempted to rectify the situation nor agreed to her requests to be re-seated. On 3 October she complained to Manchester United that neither she, at under five feet tall, nor her father, who had foot problems, had been able to see the match. If the club watched their CCTV they would see that she had complained to three different stewards, whom she described, none of whom had sought to enforce the ground regulations nor met her requests to be re-seated. On 6 October the club replied saying that the stewards had made every effort to get fans to sit but had been

unsuccessful. As the majority of Norwich fans had stood it would have been inflammatory to have forced them to sit or to have ejected them. They were sorry her enjoyment had been spoiled but were not prepared to make a refund. The complainant replied pointing out that tickets were subject to the ground regulations and she had not got what she had paid for. On 24 October the club replied saying that the matter had been escalated but their decision stood. She could escalate her complaint to the Director of Communications, which she did. On 16 December the Director replied, apologising for the delay, but upholding the earlier decisions. The Premier League considered the matter but felt that, as a frequent away supporter, the complainant should have known that the majority of Norwich fans would stand.

The IFO accepted that stewards face a difficult job in trying to enforce the ground regulations and that there are safety concerns in trying to do so where large numbers stand. The IFO also accepted the Premier League view that the mere act of fans standing should not constitute grounds for a refund, which in essence would enable the majority of away fans to make such claims. However, in the complainant's case there were special circumstances - her lack of stature, her pregnancy, her father's foot problems, the fact that in her four previous away matches that season she had not had to stand, and the fact that on three separate occasions she had sought the help of stewards. The IFO upheld the complaint and in the circumstances the club agreed to make a goodwill gesture to the complainant.

The IFO expressed concern that it seems to be widely recognised that where large numbers of fans stand, ground regulations are in effect unenforceable. Given that there is no appetite in Government for a return to standing areas, the IFO recommended that the Football Authorities, in consultation with the Sports Grounds Safety Authority, seriously consider how to address the problem. The IFO also recommended that when selling tickets, clubs should warn fans about potential standing and invite them to disclose any special circumstances to try to avoid potential problems.

Finally, the IFO found that once the complaint had been escalated to the Director there was some delay and confusion. The club have undertaken to examine how to avoid such situations in the future.

IFO ADJUDICATION 12/06 A request for a cash refund from West Ham United

A woman complained that West Ham refused to make her a cash refund when she was unable to attend a home match because the kick off time had been altered. On 24 January 2012 the woman bought three tickets for the match against Crystal Palace, scheduled for 3pm on 25 February. On 3 February she requested a refund to her credit card as the match had been brought forward to 12.30pm and she was unable to use the tickets. On 6 February the club told her that they had credited the money to her e-purse account. She did not find that acceptable and as she got no reply to her letters of complaint, she referred the matter to the Football League. Because of delay in the club supplying comments, the League was unable to reply to the woman until 23 April. They set out the club's position that the policy on refunds was clearly stated and consistently applied.

The IFO's own investigation was hampered by the club taking a month to supply comments. The IFO found that the club's terms and conditions state "Any refund requests are only considered in exceptional circumstances and on a discretionary basis." The club made an e-purse refund which could be used for tickets, shop purchases and for non-football events at the club and was not time limited. However, the woman was not able to attend other matches that season and did not want anything from the shop. The club missed an opportunity to resolve the situation when the woman asked if her son could use the credit to buy tickets for the Championship play-off final. While that was possible, the club would not give the matter any priority and failed to reply to the son's email.

The IFO found that the refund policy was clearly stated, but without any public reference to the method of refund. The IFO recommended that the club should publicise the use of e-purse credit and should review its refund policy to allow cash refunds where the credit cannot be used by the end of a season. The IFO hoped that the club would be willing to make a no fault goodwill gesture to a woman who had supported them for over 30 years.

The IFO also recommended that the club should apologise to the woman for the failures to reply to her correspondence and for delays, a pattern which was repeated in the club's dealings with the League and with the IFO.

IFO ADJUDICATION 12/07 Ejection of a minor at Blackpool 28 January 2012

A Sheffield Wednesday fan complained that his 15 year old son, who was unaccompanied at the time, had been unjustly ejected at Blackpool and that the stewards had been physically and verbally aggressive. He was also dissatisfied with the way in which the club and the FA had handled his complaint. The entry of fans was adversely affected by late arrivals which resulted in a tendency for the fans either just to sit anywhere or to stand watching from the walkway in front of the away section. 25 minutes into the match the safety officer and the police decided the walkway had to be cleared by stewards. In the process the complainant became separated from the son as he tried to find their allocated seats. The son, the complainant's friend and his son became involved in an altercation with the stewards and were ejected. Once outside the son telephoned his father who had by then contacted a senior steward, who re-admitted the son. The complainant was dissatisfied with Blackpool's response to the complaint and with the 10 page investigation report which the FA produced.

The IFO found that the incidents giving rise to the complaint were closely associated with the physical structure of the away section and the means of access and that the operation to clear the walkway was justified. The IFO recommended that the club liaises closely with away clubs to ensure that fans are advised to arrive earlier and to occupy their allocated seats. The IFO found that the son had not been unaccompanied when ejected and had been re-admitted within five minutes. Neither the club nor private video evidence showed any indication of pushing by stewards or of any of the party using foul or abusive language. There was evidence of stewards swearing and the IFO endorsed the FA's suggestion that the stewards should undergo further training in customer service. The IFO could not say with certainty that the ejection was not justified as the son appeared not to have conformed with the instructions of stewards, but found no evidence of his otherwise being guilty of anything more than trying to get reunited with his father. The IFO also found that the FA had undertaken a thorough investigation and had produced a balanced report.

II: The IFO Advisory Panel

NICOLA WALDMAN Legal & Governance Issues

ARTHUR SELMAN Finance & Compliance

GRAHAM COURTNEY

Media & Communications

BRIAN LOMAX Supporters

PROFESSOR TOM WOODHOUSE Community

III: Terms of Reference

1 August 2008

1. Preamble

The Independent Football Ombudsman (the IFO) is appointed by the Football Association, the Football League and the Premier League (hereafter, the football authorities), in consultation with the Department for Culture, Media and Sport. The IFO provides independent external scrutiny of complaints within a transparent, accountable and effective system of self-regulation by the football authorities. This includes commitment to the Customer Charter process, and recourse to PL, FL and FA Rules where necessary. The football authorities are committed to providing robust and open complaints procedures, widely publicised, taken seriously by the Clubs, reinforced by the PL, FL and the FA and subject to external appeal. The IFO will also provide an external and independent voice in discussions within football on issues which affect the public

- 2. The Independent Football Ombudsman's Terms of Reference
- (i) The IFO acts as the final appeal stage within football's complaints procedures and its adjudications will be published. The football authorities agree that these adjudications should be final. If, in exceptional cases, there is a failure to agree the football authorities will publish their reasons and their proposed alternative resolution of the issue.
- (ii) The IFO will have regard to best practice in commercial matters within professional football, particularly with regard to customer service. The IFO will be consulted and will advise on:-
- * Codes of Best Practice relating to supporters and customers in general, and customer charters issued by each of the football authorities, and by individual clubs;
- the football authorities' operation of the complaints resolution hierarchy based on the Codes of Best Practice, with the Independent Football Ombudsman as the final step in that hierarchy; and
- * the football authorities' procedures for review and monitoring of commercial and customer matters

TWENTY TWO IFO ANNUAL REPORT 2011-12 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 customerrelated matters and to request research or other investigation into policy relating to those matters.
- (iv) The IFO will be consulted by the football authorities on proposed programmes of research into supporter and customer matters.
- (v) The IFO will be consulted by the football authorities on significant changes to regulation or practice in the areas of supporter and customer relations.
- (vi) The football authorities will publish at least annually their responses to the work of the Ombudsman. The IFO will be consulted on those responses prior to publication. The work of the ombudsman will be reported in Club, League and FA annual reports as applicable and any public policy implications will be reported to the Department of Culture, Media and Sport by the football authorities at the existing established and regular meetings between football and the Department
- 3. The Constitution of the IFO

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

4. Appointments

The Ombudsman will be appointed in consultation between the football authorities and with Government. In the first instance Professor Derek Fraser is the appointed Ombudsman, with Alan Watson appointed Deputy.





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