

IFO

**THE INDEPENDENT
FOOTBALL OMBUDSMAN**



Chartered Trading
Standards Institute
ADR Competent Authority

The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

IFO COMPLAINT REF: IFO59

A 12-month Ban at Leicester City FC

The Role of the Independent Football Ombudsman (IFO)

1. The office of the IFO has been established by the three English football authorities (The Football Association [FA], The Premier League and The English Football League [EFL]) with the agreement of Government. The IFO has been designated as the final stage for the adjudication of complaints which have not been resolved within football's complaints procedure. The IFO is an Approved Alternative Dispute Resolution Body and its findings are non-binding. IFO Adjudications will normally comprise two parts: an impartial assessment of the substantive complaint and a review of the procedure by which the complaint was handled. The IFO's role is to investigate the complaint and judge whether it was dealt with properly and whether the outcomes were reasonable for all parties concerned. Under the procedure agreed by the Football Governing Bodies, the adjudication of the IFO is final and there is no right of appeal against IFO findings.

2. The IFO must make clear that in investigating this complaint he has received full cooperation from Leicester City Football Club (the Club) in replying to enquiries.

The Complaint

3. The Supporter's complaint relates to a sanction regarding their behaviour at the home fixture against Tottenham Hotspur FC on 11 February 2023. The Supporter stated in their Application to the IFO that early in the first half they placed their foot on the seat in front for comfort; the seat being empty. A steward asked them to remove their foot and believing this not to be an issue, the Supporter queried the request.

4. At half-time, the steward came back into the area where the Supporter was standing and asked for a "chat" in the concourse. The Supporter asked the reason for this and the steward declined to explain, therefore the Supporter refused the request and remained where they were. During the second half, the Supporter states that there was no further contact and the Supporter left after the final whistle.

5. The Supporter then received an email on 15 February 2023 from the Club's Sanctions Committee Chair, stating they were banned for 12 months due to an "alleged offence and/or breach of ticketing terms". It is the Supporter's position that no evidence to support the allegation was provided and they were not given the opportunity to defend themselves. The Supporter turned to the Football Supporter's Association for advice and lodged a sanction appeal within the seven days stipulated within the letter. In that appeal, the Supporter apologised for the alleged offence, despite still not being aware of the specifics and stated their "genuine contrition for any perceived issue, contextualising [their] positive contribution both at the club and in the local community and offering to make amends in any way possible." The Supporter also asked for the ban to be shortened or reconsidered in its entirety.

6. The Club rejected the appeal and, the Supporter considers that the Club failed to provide any further detail. Specifically, the Supporter refers to the following, which the IFO will summarise below:

- *The Club's continual use of the word "alleged" is, the Supporter states, suggestive of the fact that there is no readily-available evidence which is backed up by the lack of specific information or evidence;*

- *The Supporter was punished despite being given no reasonable opportunity to defend themselves and considers the mitigation was not fairly considered;*
- *The 12-month banning period is not in line with LCFC's online communication on sanctions against Supporters and the banning length is excessive and disproportionate to the alleged behaviour.*
- *On the Supporter information page on the LCFC official website, there was a photo of the Supporter from a previous match with a foot resting on the seat in front which the Supporter states was being used "to market vociferous and passionate support of the club to those visiting their official channels", as opposed to a reason to execute a suspension;*
- *A senior club official breached GDPR regulations pertaining to confidentiality by discussing the case;*
- *The details of who sits on this Committee is kept secret, the dates and times of the meeting are not readily available, the Supporter was not invited to attend in person and the Club needs to be more transparent and open regarding its sanctions process and allow the right to reply and representation, particularly in light of new and impending guidance on Supporter engagement and liaison issued by the Premier League.*
- *Other fans, including those with previous records of being banned, have had bans reduced and been able to go in and sign behavioural agreements in order to secure such outcomes.*
- *The Club have also failed to provide a list of offences, their sanctions and possible banning timeframes and confirmed to the Supporter that they still intend to hold up the 12-month banning period.*
- *The Club failed to facilitate the offer of apology to the steward involved in the incident.*

7. The Supporter has requested an apology for the way in which the Club dealt with the matter from a confidentiality perspective, the failure to reduce the ban and various process improvements which have been identified as being necessary by the Supporter as are referred to above.

The Club's Response

8. The Club have provided a response in which they have confirmed that during the match, the Supporter's *"conduct fell below the standards which the Club expects from its Supporters and they repeatedly refused to comply with a number of reasonable requests made by the Club's staff. Following the Supporter's refusal to leave King Power Stadium ("the **Stadium**"), this escalated to such a point that the Club reasonably believed that [the Supporter] had become a source of danger and nuisance to other persons present within the Stadium."*

9. The Club have referenced the ticketing terms and conditions which state that season ticket holders are *"expected to show respect to all staff and fully comply with the Club's ground regulations ("the **Regulations**"). Under the Regulations, the Club may refuse entry to, or eject from, the Stadium any person who (i) fails (or is likely to fail) to comply with the Regulations (including those who use threatening behaviour and foul or abusive language), (ii) fails (or is likely to fail) to comply with any reasonable instructions issued by a steward, and/or (iii) whose presence within the Stadium is (or could in the Club's reasonable opinion) constitute a source of danger, nuisance or annoyance to any other person"*. A sanction was issued due to the circumstances outlined below which was communicated to the Supporter, following consideration by the Club's Sanctions Committee, in a communication dated 15 February 2023. The IFO has had sight of this letter which sets out the details of the ban with reference to the Regulations specified above. The letter does not provide specifics of the offence to which these regulations are applied.

10. The Supporter appealed the decision via email on 20 February 2023 and the Supporter was invited to provide any additional representations and/or supporting evidence and a statement was provided on behalf of the Supporter, which is referred to in more detail below.

11. The Appeals Committee met on 1 March 2023 and the matter was considered before the decision was taken to uphold the sanction in full. This decision was notified to the Supporter on 7 March 2023.

12. The Club have provided more details of the incident and how this transpired from their perspective, based upon verbal accounts from staff who were present in the stand and monitoring events from the control room. The Club stated that the Supporter was located in the part of the ground that is occupied by the "singing section", predominantly from one fan group of which it is understood the Supporter holds a position of leadership. This is reflected in the Supporter's statement, submitted prior to their appeal. The Club contend that the Supporter persistently put their foot on the seat in front which was a concern due to potential damage to Club property and also possibly injury to the Supporter and others within the vicinity, particularly given its location at the front of the section where there was a risk of them falling if climbing upon the seats.

13. Accordingly, a number of supporters, including the Supporter, "*were politely asked to remove their feet from the seats.*" The Supporter failed to comply with the initial request and was asked again, only to refuse again. Following consultation with the control room, the Supporter was asked to step out of the row, but refused and at this point it is understood by the Club, became "*more aggressive in their behaviour towards the Club's staff, swearing and gesticulating angrily.*" The Club have confirmed that it is their standard practice to ask supporters to move onto the concourse to discuss safety or conduct concerns for a number of reasons, including that it is easier to hear away from the noise of the crowd, but also for safety reasons and in this instance "*because [the Supporter] was becoming increasingly agitated*", stating further that "*he was located at the front of a raised section, and he had started to encourage other supporters in [the] vicinity to begin arguing with the Club's staff on his behalf*".

14. Following these escalations, further advice was sought and it was decided to ask the Supporter to leave the stadium. The Supporter refused to comply and, the Club state, encouraged other supporters to block the stewards in their attempts to remove the Supporter from the row, stating "*it is the Club's belief that [the Supporter] goaded the group of supporters such that they became increasingly more volatile and abusive to the Club's staff in the area.*"

15. The Club state that they asked the police to attend the incident and eject the Supporter, however, the police deemed it was unsafe for them to attempt this due to the proximity to the front of the raised section and the blockade formed by other supporters. The Club concluded that it is their view that the Supporter's actions "*created a dangerous situation for himself, for other supporters, and for Club staff*". The Club have highlighted that under condition 3 of the Terms, season ticket holders are expected to show respect to all supporters and staff and the behaviour exhibited by the Supporter fell short of the Club's expectations in this regard; the sanction was issued accordingly. Whilst no minutes of the meeting of the sanctions committee have been provided, the rationale is noted to mirror that provided in communications with the Supporter.

16. The Club have also provided comments on the appeal, noting the grounds centered around the following:

- The Supporter had a long history of supporting the Club and an association with the fan group;
- The Supporter was of good character and carried out charitable work;
- The Supporter expressed regret for their actions;
- The Supporter believed the sanction was too harsh and not in line with the published policy.

The Club noted that the Supporter had not refuted any of the allegations within this Statement and had stated that the behaviour had been "*inexcusable and should not have happened*", also asking that his "*profound apologies to the steward involved in the incident*" be passed on. The Club stated, therefore, that the Appeals Committee considered that the Supporter had accepted that the offences had taken place and were therefore moved to consider the appropriateness of the sanction on that basis. Considering each ground for appeal in turn, the Club stated that membership of the fan group did not convey preferential treatment and the incident was considered on its merits. The second ground was not considered to justify a reduction in the sanction and whilst the regret and proffered apology were noted, the Club stated that they would not usually facilitate face-to-face meetings. The Club also stated that the previous good character was taken into account by

the first Sanctions Committee. Finally, the Club considered that a 12-month ban was one they were entitled to impose in line with the policy, which enables the committee to impose any sanction it deems appropriate. In this instance, the Club maintains that the sanction was proportionate in light of the nature of the incident. The Club also stated that the statement made in support of the appeal confirmed that the events were "*unacceptable*" and that the Supporter "*did not condone what followed*", despite asking for the length of the sanction to be re-considered.

17. The Club informed the IFO that this was considered at a meeting on 1 March 2023 where the Appeals Committee decided to uphold the sanction in full. This was communicated to the Supporter on 7 March 2023, following which the Supporter made their application to the IFO. In their response to the IFO application, the Club reference that it was acknowledged the Supporter had their foot on a seat and were asked to remove this and that the Supporter refused the request to discuss the matter, but otherwise the Club does not accept that the "*version of events provided by [the Supporter] to the IFO are consistent with the verbal accounts provided by the Club's staff and the admissions made by the Supporter in his written appeal that his behaviour had been 'inexcusable'*". The Club is satisfied that both appeals acted properly and considered the evidence provided. The Club have declined to reconsider the matter (as requested by the Supporter in their application to the IFO) as the process has now been concluded, in the absence of any new evidence or compelling argument as to why a second appeal should be heard.

18. In terms of the comments made about the transparency of the appeals panel, the Club have stated that they do not disclose personal details of staff who sit on the committees, but have confirmed that the letters issued confirming the outcome of the initial sanction and appeal of it, were signed by the respective Chairs of the committees. Further, the Club have stated that upon invitation to supply additional representations/supporting evidence to the Appeals Committee, the Supporter elected to supply a statement which was submitted by a representative and did not request a meeting as part of this. The Club, whilst emphasising that it is not under any obligation to hold meetings, have stated that they would have considered this request. There has been reference to a meeting, but both parties understand that

this is following the expiry of the sanction and not part of the process which is under consideration in this adjudication.

19. The Club reiterated that the list of offences was contained in the original banning letter, and these were not refuted within the appeal by the Supporter. The Club has highlighted that the version of events provided to the IFO by the Supporter differs from that relied upon in the Appeal. The Club concluded their response by stating that, if the Supporter requires further clarification regarding the sanction or the appeals process, they are welcome to submit any questions to the Club. The Club have also reiterated that the Appeals Committee would only hear a second appeal if the Supporter presented new evidence not already considered by it.

The Investigation

20. The IFO have considered all the information provided by both parties. The IFO have conducted interviews with the Supporter and the Club, details of which will be considered in the IFO Findings section, below. The IFO have also requested CCTV or bodycam footage, but understands that there were technical issues and then this was not retained due to the fact that the Supporter's original account and appeal was "remorseful" and did not contest the basis of the sanction and there was no bodycam footage available. The IFO therefore requested notes from the police who attended the incident, in order to clarify what took place.

21. The Club and the Supporter have made reference to sanctions received by other supporters, however as these fall outside the jurisdiction of this adjudication, the IFO does not intend to comment on these further. It is broadly accepted that other supporters were sanctioned as a result of the incident and the Club have explained that their suspensions were lesser due to their co-operation with the stewards on the day, in contrast to the Supporter's repeated refusal to comply and the nature of their behaviour which was considered aggressive, using foul language. Both parties have also alluded to the Supporter's concerns regarding breach of confidentiality and the way in which the Data Subject Access Request was executed, however this also falls outside of the remit of the IFO and, therefore, will not be considered further within this adjudication.

22. On 18 May 2023, the IFO met virtually with the Health and Safety & Stadium Safety Officer, also Chair of the Sanctions Committee, and the Legal Counsel of the Club. In this meeting, it was confirmed that the Committee convened shortly after the incident and the verbal accounts of the staff who were involved were considered. The availability of CCTV and bodycam footage were discussed and the reasons why this was unavailable noted, at which point police notes were requested by the IFO. The account provided by the Club on this call was as presented in their response which is summarised in greater detail above. In addition, the following was noted:

- The Health and Safety & Stadium Safety Officer was in the control room and monitored how events unfolded.
- The Club asked for police assistance, but after a risk assessment where a danger of falling into the tunnel below was identified, they declined to become involved.
- Regarding the composition of the panel, it was confirmed that this comprised members of staff from ticketing, operations, supporter liaison and the Chair who have voting rights. This is being looked at in terms of improving processes and independent oversight. In terms of this panel, in this instance, the Club identified that there were members on the panel who had no direct involvement with the incident.

23. The IFO interviewed the Supporter on 26 May 2023 by virtual means. In addition to the information set out above, the Supporter confirmed the following:

- the three seats in front of them were empty and they put their foot on the seat for comfort and support;
- The Supporter felt the steward was over-zealous and the police went away when they saw that it was "*only a foot on the seat*";
- The Supporter declined to speak to the steward at half-time as they did not feel they deserved to be "*man-handled*" out of the stadium. The second half then began without incident and the Supporter left at full time;
- The Supporter believes that footage does exist;
- The Supporter still does not understand what they have done to warrant a 12-month ban and has referred to the Supporter's Charter in which a physical assault

warrants as 3-year ban and racism a 12-month ban; they therefore feel the application here is disproportionate.

- The Supporter has purchased a season ticket for next season and understands that they will be paying for fixtures that they cannot attend. The Supporter also stated that they had match-tickets for a cup fixture that they could not attend; they received a refund, but have asked for it to be noted that to obtain the refund, they had to attend the ground, when they were banned, so had to get a friend to go on their behalf.

24. The IFO has also received notes from the police who attended the incident, which have confirmed that the team were called up to stewards who *"[A]re trying to remove someone but the people around him weren't moving – they request support from further officers on behalf of your stewards...serial was directed over to that area of the stadium to support stewards. Serial confirmed that the male your staff wanted to remove was blocked in by other home fans over the balcony (S9) and that just 2 officers wouldn't be able to remove him from that location...suggested there may be some opportunity to deal with incident at half time"*.

25. The IFO have reviewed the Supporter's Charter and note the following relevant extracts:

The Club condemns, and does not tolerate, any form of discriminatory, abusive, and/or anti-social conduct or behaviour at King Power Stadium and any other football stadium. If the Club finds any supporter committing any of the prohibited offences or behaviours at King Power Stadium or any other football stadium, or via online media or any other media, the Club shall be entitled to impose such sanctions on the supporter as it considers appropriate in the circumstances, which may include (by way of example) match bans, a lifetime ban from all Club fixtures, and/or the withdrawal of tickets and/or memberships without reimbursement. Supporters are reminded that the King Power Stadium Ground Regulations and any applicable Supporter Code of Conduct, must be adhered to at all times.

SANCTIONS & APPEALS

Depending on the severity and nature of your conduct/offence, the Club's Sanctions Committee may review the conduct/offence and issue sanctions as it sees fit. A non-exhaustive list of possible sanctions is below:

- Written warning*
- One home match ban*
- Three home match ban*
- Six home match ban*
- Twelve home match ban*
- Season ban*
- Multi-season ban*
- Lifetime ban. If you were not ejected from the stadium on the matchday but information is passed to the Club after the game, we will endeavour to contact you within 48 hours of the reported alleged offence/incident.*

APPEALS PROCESS

If you have been issued with a Club sanction and wish to appeal such sanction, you must lodge your appeal to the Club's Board Office. This can be done either by sending a signed letter addressed to Board Office, Leicester City Football Club, King Power Stadium, Filbert Way, Leicester, LE2 7FL or by emailing boardoffice@lcfc.co.uk stating the reason for their appeal, within seven working days of the date of the letter confirming your sanction. Your appeal will be brought before LCFC Appeals Committee (separate to the Sanctions Committee) and the Appeals Committee will endeavour to advise you of the outcome of your appeal within 14 working days. Should you be dissatisfied with the response from the Club after appeal, you may contact the Independent Football Ombudsman, Premier House, 1-5 Argyle Way, Stevenage, Hertfordshire, SG1 2AD, alternatively complete and submit the form on the following link theifo.co.uk/contact-us.html or telephone 0330 165 4223.

26. The IFO have reviewed the Season Ticket terms and conditions and noted the following:

3. The Club reserves the right, at its absolute discretion, to (i) eject any person, including a Season Ticket Holder from the Stadium, (ii) refuse entry to the Stadium, (iii) suspend the Season Ticket Holder for a period of time as determined by the Club, or (iv) withdraw indefinitely a Season Ticket (including all benefits associated with such Season Ticket), without reimbursement, if (a) the Season Ticket Holder fails to comply with any of the Club's Ground Regulations, the PL Commitment, any applicable COVID- 19 Supporter Code of Conduct, these Season Ticket Terms and Conditions or any other requirements that the Club may reasonably impose in relation to admission at the Stadium from time to time; or (b) the Season Ticket Holder is prohibited (by law or otherwise) from attending the Stadium or any other sporting venue anywhere in the world; or (c) the Season Ticket Holder's presence within the Stadium is, or could reasonably be construed as, constituting a source of danger, nuisance or annoyance to any other person; or (d) the Season Ticket Holder (or any person using and/or in possession of the relevant Season Ticket) engages in any abusive, dangerous or other unacceptable behaviour (including that listed in Condition 1 above) in or around the Stadium or any other sporting venue anywhere in the world, or via online media or any other media. Season Ticket Holders are expected to show respect to all supporters and staff; behaviour that falls below the Club's expectations in this regard could result in the Season Ticket being revoked without reimbursement or in any of the other sanctions outlined in this Condition. Where a Season Ticket is withdrawn or cancelled following a determination that a Season Ticket Holder engaged in prohibited activity under the PL Commitment, the Club will also notify the Premier League and all other football clubs in the Premier League competition to ensure that the applicable sanction is enforced by all such clubs.

81. By agreeing to these Season Ticket Terms and Conditions, the Season Ticket Holders are also agreeing to the Club's Ground Regulations at the Stadium. Ground Regulations are displayed around the Stadium and on

www.lcfc.com. Ground Regulations are published by the FA Premier League and the English Football League each season.

27. The IFO have reviewed the Ground Regulations and noted the following:

1. *Notwithstanding possession of any ticket the Club, any police officer or authorised steward may refuse entry to (or eject from) the Ground any person: 1.1 that fails (or in the Club's reasonable opinion is likely to fail) to comply with these Ground Regulations and/or the Discrimination Commitment and/or the Supporter Code of Conduct and/or any reasonable instruction issued by a police officer or authorised steward or officer of the Club; and/or 1.2 whose presence within the Ground is, or could (in the Club's reasonable opinion), constitute a source of danger, nuisance or annoyance to any other person.*

14. *Nobody may stand in any seating area whilst play is in progress...*

15. *The obstruction of gangways, access ways, exits and entrances, stairways and like places is strictly forbidden. Nobody entering the Ground shall be permitted to climb any structures within the Ground.*

25. *At all times whilst present in the Ground, persons must comply with any and all instructions of any steward or officer of the Club and/or any police officer (including without limitation any instructions regarding health and safety such as those in respect of communicable diseases (and such persons shall comply with any government guidelines in respect of the same)). Failure to comply with any instruction may lead to immediate ejection from the Ground.*

The IFO's Findings

28. The IFO have considered the information provided, noting that whilst both parties have presented their version of events as robustly as the other, the lack of corroborating evidence is problematic. In terms of the incident itself, the IFO, weighting the available evidence, can conclude that circumstances arose as a

result of the Supporter placing their foot on the seat in front; that when asked the Supporter refused to comply with the instructions of the stewards, both in terms of removing their foot and leaving the row and the police were unable to intervene due to the location in the stadium and that the “*people around him weren't moving*”. Therefore, the IFO considers it reasonable to deduce on the balance of probabilities that the Supporter was in breach of the ticketing terms and conditions and Ground Regulations. The IFO therefore considers that the Club were entitled to conclude that the Supporter should be subject to the sanctions regime. It also appears from the Supporter's statement in mitigation that they agreed an incident occurred, noting their sincere apology and that they stated their behaviour was “*inexcusable*”, seeking for the ban to be reduced as opposed to being overturned.

29. Turning now, therefore to the length of the sanction, noting the extracts from the Sanctions Policy, set out in full above, and in particular that “*the Club shall be entitled to impose such sanctions on the supporter as it considers appropriate in the circumstances*”. The Sanctions Policy does provide the Club with a wide degree of discretion when dealing with alleged breaches and the IFO considers that it would be reasonable to provide examples of what sorts of breaches would attract more or less serious sanctions being applied. The IFO is unable to conclude that the Club were acting outside of the parameters of the sanctions policy in respect of the sanction being applied, particularly in the circumstances where it considered the behaviour was, and appears to be accepted to be, aggressive.

30. Considering the correspondence and the information as to the way in which the original sanction and the appeal were communicated to the Supporter, the IFO agrees with the Supporter that correspondence lacked sufficient detail regarding the alleged breaches to enable them to respond to each point. The Club has provided significant detail to the IFO as to the events and how they unfolded on the day based upon the verbal accounts of the staff, however these were not put to the Supporter in the original letter of 15 February 2023, nor the letter of 7 March 2023 which reiterates the Regulations that the Club states were breached along with a brief reference to the mitigations that had been considered, “*conduct displayed*” at the said fixture “*is not tolerated*”, without providing any specifics. The IFO considers

that it would have been helpful for the Supporter to have had knowledge of the specific allegations in order for them to respond prior to the appeal taking place.

31. In terms of the manner in which the original sanction and the appeal were conducted, it is noted that the Supporter responded within the initial seven-day period and the Appeal was conducted and communicated within the stated 14 working days. The Club have acknowledged that there are no independent members of their committees and have stated a commitment to look into this. This is welcomed by the IFO as this can add a valuable layer of objectivity.

32. The Supporter offered their "*profound apologies*" to the steward in question, offering to meet with them to convey the respect that they appreciate "*underpins interactions which we as a group and me as an individual, would usually conduct ourselves with*". The Club declined to pass this on to the steward, noting that they do not usually facilitate face to face meetings, however, the IFO considers that in such cases it should be the choice of the steward as to whether they were willing to either accept the apology or a meeting with the Supporter and that such interactions may serve to improve relations and educate people about the necessity of such interventions on match-days.

Summary

33. The Club has stated that they do not consider a second appeal to be warranted unless there is new evidence that the Supporter can present. The IFO have noted the level of detail that the Club has provided in support of their position that was not available to the Supporter via the process and the IFO feels that it would be fair to convene a second appeal in order for the Supporter's response to this to be heard and considered by the Club. The Supporter is asked to note that this may not ultimately result in the sanction being reduced, but the IFO feels that in doing so, the process by which the sanction is considered will have been fairer. **The IFO recommends that a second appeal is held on this basis.** For the avoidance of doubt, the IFO accepts the Club's explanation regarding the availability of certain evidence, in particular body-cam footage and CCTV, and the purpose of any new appeal should not focus on the availability or otherwise of evidence, but to enable

the Supporter to state their case in response to the Club's specific allegations and for the Club to consider this objectively.

34. In making this recommendation, the IFO has reviewed the comments made by both parties and have sought counsel from members of its Advisory Panel, Alan Watson CBE and Mark James, Professor of Sports Law at Manchester Metropolitan University and Head of Research at Manchester Law School.

Comments Received on the Draft Adjudication

35. Further to the circulation of its draft decision, IFO received no comments from the Club. The IFO did receive comments from the Supporter whose disappointment with the decision is noted. The IFO will deal with the comments insofar as they relate to issues of fact within this Adjudication, in accordance with its process.

36. The Supporter has referenced that the Club are quoted as saying *'if the Supporter requires further clarification regarding the ban or appeals process they are welcome to submit and questions to the Club.'* The Supporter has stated that the last correspondence from the Club to the Supporter on the ban ended with this – *" I am aware that you have an ongoing complaint with the IFO in respect of the Club sanction that you are subject to, and I can confirm that the Club is in receipt of the full details of this complaint. As a result, it would be inappropriate for me to comment further on the queries you have raised below in respect of the Club sanction, outside of the IFO process."* The Supporter states that they took this to mean that the Club would no longer be in dialogue whilst the case is with the IFO. The IFO wishes to clarify that the parties always remain at liberty to discuss ongoing cases which may lead to informal resolution. Likewise, the Supporter is free to withdraw from the process at any time and is not bound by the IFO's determinations. Should the Club accept the recommendation within this Adjudication, the parties will be required to enter into communications surrounding the second appeal.

37. The Supporter has reiterated several points that were contained in their original submissions to the IFO, and which are dealt with in the Adjudication. This includes consideration of the availability of evidence and the manner in which the available

evidence has been considered, along with conclusions drawn on the basis of the available evidence regarding the application of the Sanctions Regime. Whilst the IFO recognises that the Supporter is dissatisfied with the outcome and refutes that they were aggressive, the IFO has duly considered the evidence and this is dealt with within the above.

38. With regards to the photograph to which the Supporter refers to that the Club had on its website of the Supporter with their foot on a seat, which the Supporter infers was signed off as acceptable marketing material. The Supporter supplied a copy of the website screenshot in question, which the IFO reviewed. The image which the Supporter states was taken from the Club's website shows a person (which appears to be the Supporter) standing amongst a group of other supporters in a stadium, with their right leg at a bent angle. The IFO has observed that seats are not visible in the shot and therefore it is not possible to ascertain whether the Supporter's foot was resting on the seat in front, as claimed. On this basis, it was not considered appropriate to seek comment from the Club on this point.

39. The Supporter has reiterated that in the original correspondence, the list of offenses related to the Regulations that the Club believed were infringed, as opposed to any specifics regarding the allegations. The IFO accepts this and has recommended a second appeal on this basis as is referred to in paragraph 33 above.

Conclusion

40. For the reasons set out above, the IFO has concluded that it is fair and reasonable to recommend that a second appeal be heard to enable the Supporter to respond to the evidence submitted to the IFO by the Club as part of its investigation. The IFO suggests that, should the Club accept its recommendation, the Club writes to the Supporter outlining the specific allegations to which the Supporter is required to respond in their second appeal.