

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



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**IFO COMPLAINT REF: IFO77**

**An Indefinite Ban at Fulham 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, The Premier League and The English Football League) 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 Fulham Football Club (the Club) in replying to enquiries.

## The Complaint

3. The claim relates to an indefinite ban imposed by the Club on the Supporter after an incident on 12 January 2023 at the home fixture against Chelsea. The Supporter has summarised events in their Application to the IFO and supporting evidence and in a subsequent, virtual, interview with the IFO.

The Supporter was ejected from the ground for behaviour that they have acknowledged in the IFO Application Form to be “unacceptable” being “verbally abusive and aggressive towards stewards” and in breach of Ground Regulations, which they apologised for. The Supporter explained that the incident arose after they were shaking the back fence, something they state that they had done previously with no repercussions. On this date, however, they were asked to stop, at which point the Supporter acknowledged that they got carried away and went “too far”, swearing at a steward. The Supporter recalled that matters did appear to calm, however despite that and the steward saying, “leave it at that”, the Supporter was pulled out of the ground which they believe is a dereliction of protocol. In their appeal to the Club, dated 24 January 2023, the Supporter wrote that they felt the act of shaking the fence is “not an act of attempted nuisance or vandalism, but an attempt to create a noise and get the crowd fired up”.

4. When asked to account for the circumstances around their removal, the Supporter stated that they had concerns with “the manner in which [the ejection] was conducted...” The Supporter does not believe the correct protocols were followed and they received cuts and bruises which they acknowledge they did not report at the time.

5. In their appeal, the Supporter disputed the Club's assertion that a fracas with the stewards culminated in them “assaulting the said staff, putting a supervisor in a headlock and fracturing a female's fingers.” The Supporter disputed any suggestion of “intentional violence.” The Supporter wrote that they felt the Club's allegations about the manner of the Supporter's conduct were false and were vehemently denied.

6. In the virtual interview with the IFO, the Supporter stated that once outside the ground they hung around and complained, one steward telling them to “go away”, to which they responded that “you can't tell me to go away” as they were on a public street at that time.

7. The Club sent a letter dated 17 January 2023 outlining that the Supporter was subject to an indefinite ban due to accusations that they assaulted a steward, breaking the Steward's fingers and glasses. The Supporter makes reference to another accusation that they placed a second steward in a headlock but noted that this was not referenced again. The Supporter believes that these allegations of assault were fabricated and have been misrepresented by the Safety Team.

8. The Supporter submitted a written appeal dated 24 January 2023 and was informed of a police enquiry following the report by the Steward, on 1 March 2023. The Supporter was then told by telephone that the police case had been dropped on 14 April 2023 due to lack of evidence of an assault, the police having reviewed the CCTV footage.

9. The Supporter entered into dialogue with the Club between 26 April 2023 and 2 May 2023, as the Chief Operating Officer ("COO") at the Club had not been informed that the police enquiry was closed. The COO confirmed to the Supporter in correspondence that the Club had been informed on 28 April 2023, but the COO had not been copied in and upon becoming aware, considered the appeal.

10. On 12 May 2023 the COO wrote to the Supporter outlining the breaches of the Ground Regulations, referring to the injuries sustained by the Steward and upholding the indefinite ban. The letter also referenced that stewards had reported feeling threatened by the Supporter, and whilst the Supporter acknowledges there may be some validity to this, they have also questioned the fact that it may be based on a false premise as they believe the evidence has been "fabricated" and "misrepresented".

11. On the basis that the appeal was upheld by reference to the Ground Regulations, the Supporter questions why it took so long and could not have been heard earlier. The Supporter also believes that the Club sought to frustrate the appeal.

12. In the letter of 24 January 2023 in which the Supporter sets out the basis of their appeal, it is acknowledged that the Supporter offers their "*sincerest apology for the incident as a whole*", adding, "I hold my hands up and admit that I have exhibited some behaviour which on reflection I am ashamed and embarrassed about, and fully understand that this is not acceptable". However, the Supporter refutes the way in which the Club has presented how the incident unfolded, for example by stating that they were not told to sit down which would not have been possible given that everyone in the back 20 or so rows are stood up at all times.

13. The Supporter has acknowledged that they directed abuse at one steward, specifically that "this is one of the instances where I admit to behaving inappropriately. For what it's worth I did apologise to the steward and acknowledge to him verbatim that I had acted 'totally out [of] order'. This occurred prior to the ejection and I was under the impression he had accepted the apology and had pleaded with other staff to leave it at that". The Supporter has also challenged the Club's version of events around the ejection, stating that they kept their hands raised in a "passive" way and were protesting their innocence. It is also noted that in their appeal letter, the Supporter stated that "it is within the realms of possibility that a steward's head may have found itself beneath one of my raised arms momentarily, or that the female steward's fingers could have been fractured accidentally during

the scramble (for which I fully sympathise and regret stemming from this incident), but I vehemently deny any accusation of intentional violence”.

14. When interviewed, the Supporter reiterated that they believe that the ban was based on fictitious allegations, fabrication, a concoction of the truth and falsehood. In the email from the COO dated 12 May 2023, in which the Club upheld their stadium ban, the Supporter does not believe that any of their points were addressed. The Supporter believes it is clear the appeal was not given due consideration based on the response and the original allegation. The Supporter reiterated that the police looked at CCTV and agreed that there was insufficient evidence that a violent incident had occurred, and they therefore do not believe what transpired warranted an indefinite ban.

15. The Supporter is seeking an apology and for the ban to be revoked.

### **The Club's Response**

16. The Club has supplied the IFO with copy correspondence, along with their Sanctions Policy and Ground Regulations. The IFO has viewed the CCTV footage via a live Teams call and has had sight of a signed statement from the Steward dated 24 January 2023 along with screen shots showing an injury to a hand which are dated 13 January 2023.

17. The IFO has spoken to the Club who referenced the apparent acceptance by the Supporter of events in the Supporter's correspondence. The Club also provided some background of a medical emergency occurring in the stand at the same time which meant that focus was elsewhere. The Club noted that the Supporter's behaviour was ongoing whilst the match was stopped for them to deal with the medical emergency. The Club believe that the Supporter was not dealt with by the police on the day as there were not sufficient resources to do so, in light of the other incident.

18. The Club have confirmed, in terms of the process and the length of time this took, that when the appeal was received, the process was paused, and the matter referred to police. However, the Club have confirmed the Supporter's account that the CCTV and Steward's statements were not enough for police to take action and therefore the COO picked up the appeal, reviewing limited CCTV and statements from stewards and the Safety Officer. The Club have also confirmed that they asked the Steward who had sustained injuries on the day in question how they felt and upheld an indefinite ban on the basis that the Steward stated that they felt scared about coming to work if the Supporter was allowed back. The Club have asked the IFO to note that stewards should not feel threatened when going about their work.

### **The Investigation**

19. The IFO have considered all the information provided by both parties and have spoken to both parties separately, by virtual means.

20. The IFO viewed the CCTV footage on a separate call and observed that an individual surrounded by a number of stewards was visible in the top corner of the screen initially. The images then became clearer when they were coming down the stairs and the individual can be seen being physical with the stewards and resisting. The individual is moved from the ground and continues to remonstrate. The footage also shows several emergency vehicles outside the ground.

21. The IFO have reviewed the Club's sanction tariff which is contained within the Supporter's Charter. The Ground Regulations section of the Supporter's Charter states (at Part 5):

*'Behaviour at our home matches is governed by our Ground Regulations and the Conditions of Issue, which relates to the purchase and use of our match tickets. Supporters who contravene these regulations can expect to be ejected from Craven Cottage and in serious cases issued with a stadium ban. It is important to note that the breach of some Ground Regulations may also constitute a criminal offence and the Club will support the police in their enquiries and where necessary any subsequent prosecution. We will also look to provide guidance and support to any fans or other eyewitnesses who report an incident or help to further an investigation. No two incidents are the same and our Safety Officer will consider all available evidence when investigating complaints and determining the length of a ban. The table below indicates the type of penalties that may be issued against supporters.'*

The table contains a list of offences and guideline sanctions which will be considered in more detail in the IFO's findings below.

22. Part 5 of the Supporter's Charter also details the process for Stadium Bans and Appeals as follows:

*'Our Safety Office reserve the right to issue a written warning, or to ban any supporter or other person from Craven Cottage for breaches of our Ground Regulations. Where possible stadium bans will be conveyed in writing, and may also include the suspension of ticket purchasing privileges for away games. The banning order will outline the nature of the offence and the specific Ground Regulations that have been breached. It will also indicate the length of the ban, either as a fixed number of games or a period of time. It will be issued by the Club's Safety Officer. Where possible, banning letters will be issued within 7 working days of the fixture at which the offence took place, or within 1 working day of the next home fixture (if this follows within a week of the previous home game). Where deemed appropriate by the Club, the reinstatement of a banned supporter's privileges will be dependent upon them signing and returning an Acceptable Behaviour Agreement.'*

The Club recognises the right of reply for any individual who has been issued with a stadium ban. An appeal can be lodged in writing to our Chief Operating Officer, at FFC Training Ground, Motspur Park, New Malden, Surrey, KT3 6PT. Our Chief Operating Officer will then initiate a thorough review of evidence, revisiting CCTV

*and contacting witnesses etc. where necessary. This review will be conducted independent of our Safety Office and where required with the assistance of our Supporter Liaison Officer. The findings will be conveyed in writing and will be considered by the Club to be final.'*

23. The Supporter has stated that they sustained injuries when being ejected from the stadium, however they also state in their application to the IFO and supporting evidence that this was not followed up by them at the time. They also confirmed during the interview with the IFO that, when they asked the police, they had no evidence of this. The IFO has not considered this aspect further as the allegations were not reported to the Club at the time, or as part of the appeals process which would have enabled the Club to investigate and respond at that point.

24. The Supporter has also stated that with reference to the injuries sustained by the Steward they would expect this to form part of the police enquiries. The IFO is unable to comment upon any police enquiries since these constitute a separate process which is part of the criminal justice system and outside the remit of the IFO.

### **The IFO's Findings**

25. The IFO has considered the evidence relating to the incident itself and the way in which the process was conducted and will deal with each under separate headings below.

### **The Incident**

26. The Supporter's explanation as to how events transpired is set out in the Complaint section, above. Whilst the IFO has had access to the CCTV, this does not account precisely for how the incident started. The Club have explained that they were dealing with a medical emergency in the same part of the ground which occurred at the same time and therefore the focus was elsewhere. The IFO have noted that this is referenced in the Steward's statement and also that a number of emergency vehicles are present on the CCTV. Having reviewed the available CCTV the IFO is satisfied that this shows that an individual was ejected and during the course of that ejection the person did not appear to be co-operating with stewards. Whilst this is not conclusive as to the origins of the incident, it does confirm that the individual was behaving in a way which had the appearance of that individual resisting attempts to remove them. This is also confirmed in the Steward's statement. The Club has confirmed that this was the footage viewed by the police.

27. There are limitations in the footage given that it does not show the origins of the incident and neither does it have audio. The IFO acknowledges that this is not uncommon and further recognises that even if there were footage available with audio, this would be limited by the general noise of the crowd. The Club have also confirmed that attention was drawn elsewhere dealing with the medical emergency. The IFO has therefore placed reliance on other factors that are known and available in coming to a decision in this case. The IFO has reviewed the

statement made by the Steward and noted the photographs showing an injured hand. The statement from the Steward broadly confirms the Supporter's account of how the incident arose and the tone of the language being used by the Supporter towards the stewarding staff. The statement from the Steward also confirms that the ejection commenced once the medical emergency had been dealt with and that attempts to remove the Supporter were met with resistance, which is borne out objectively by reference to the available CCTV. It is understood that the Steward's statement and photographs were submitted to the police as part of their investigation and the IFO is satisfied therefore, on balance, that a serious injury was sustained by the Steward.

28. Turning to the correspondence and in particular the statement submitted in support of the Supporter's appeal, the IFO considers it persuasive that although denying the injury which the Steward sustained, the Supporter has accepted that their behaviour was "unacceptable" and "verbally abusive and aggressive towards stewards". This was confirmed in the documentation submitted to, and interview with the IFO.

29. In the letter of 12 May 2023, the Club outlined several breaches of their Ground Regulations, being:

*'Unacceptable conduct, persistent standing;*

*Persistent foul and abusive language;*

*General disorder\*;*

*Abuse/aggression towards staff\*;* and

*Drunk whilst inside the stadium.'*

30. The IFO has had regard to the sanctions tariff and noted that all five of these attract ejection from the stadium. The two marked above with an asterisk can be subject to an indefinite ban. Given the evidence which the IFO has considered on the balance of probabilities and the Supporter's acceptance that they were in breach of the Ground Regulations which could carry a sanction of an indefinite ban, the IFO is unable to satisfy itself otherwise than that this was a sanction that the Club was able to impose. The IFO will not, therefore, be able to make any recommendation for this to be overturned.

### **The Process & Appeal**

31. The IFO has considered the Supporter's comments regarding the published process and the way in which the appeal was conducted. It is acknowledged that there was a delay in responding to the appeal. The Club has confirmed that they were awaiting the outcome of the police investigation which the IFO notes is envisaged within the Ground Regulations. The IFO has also noted the Supporter's comments that this could have been considered sooner, however it is not unusual

for Clubs to await the outcome of criminal investigations and to place their own processes on hold whilst doing so, although the IFO does consider that this could be referenced more explicitly within the Ground Regulations section of the Supporter's Charter. Whilst this does not affect its conclusions regarding the ban, the IFO is making this recommendation to the Club. The IFO is also satisfied that the reasons for the delay have been explained to the Supporter and that these are not wholly unreasonable. The IFO is further satisfied that once the COO had knowledge that the police investigation had been completed, action was taken swiftly with regards to the appeal which was communicated by email on 12 May 2023.

32. The IFO has assessed the correspondence supplied to the Supporter regarding the appeal, with particular reference to the Supporter's comment that they do not believe the information provided within the appeal was fully considered. The IFO have had regard to the Club's email to the Supporter on 12 May 2023, which contains the rationale for the Club upholding their original decision. The email outlines that the ban will be upheld, citing the breaches of the Ground Regulations upon which this is based. This could have been a more helpful document if it had included the specific examples as to how the Club considered each of the Regulations had been breached. However, the IFO has also noted that the letter from the Club dated 17 January 2023 contains the specifics to which the Supporter was able to respond to and upon which their appeal was based. The IFO also notes that reliance was placed on the views of the stewards regarding the Supporter's return to the ground. The Supporter's comments regarding this being the result of what they consider to be fabrication have been noted. However, having concluded that the Club were entitled to consider, on balance, that there were breaches of the Ground Regulations, and the Supporter does acknowledge that their behaviour was unacceptable, the IFO does not find consideration of this to be wholly unreasonable.

33. Nevertheless, this being an indefinite ban, the IFO considers that it is reasonable that the Club clarifies the next steps for future appeals. Where an indefinite ban has been imposed, the IFO considers that there should always be a point at which a supporter can apply for a review so there is an incentive and the opportunity to demonstrate in some tangible way contrition/improved behaviour. **The IFO therefore recommends that the Club writes to the Supporter to outline the steps they will need to take to convene a further appeal at a stated point in the future.** The IFO considers that it is incumbent on the Supporter provide mitigation and set out the rationale for their appeal at this time. The IFO has noted that the Supporter's Charter makes reference to an Acceptable Behaviour Agreement which may form part of the considerations upon review of the ban.

## **Summary**

34. Having had regard to this matter, the IFO finds no grounds to uphold the case in the Supporters' favour in terms of the application of the sanction and the process followed. Whilst the Club could have been more explicit within its correspondence



regarding the basis upon which the appeal was considered and how the factors the Supporter provided in mitigation were considered within the appeal, the IFO are satisfied that there were sufficient grounds to uphold it.

35. In reaching its conclusions, 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 from the Parties on Draft Adjudication**

36. Upon circulation of the draft adjudication both parties were invited to make comments as to any error of fact. The Club made no comments and the Supporter's comments are addressed below to the extent that they do pertain to the facts of the case, as opposed to an opinion on the draft decision or their unsubstantiated opinion on the events on the day and reasons as to why the process and sanction proceeded as it did.

37. With regards to the injury that the IFO has stated it is satisfied was sustained by the Steward, the Supporter has stated:

*"For clarity, I had cast doubt on the existence of an injury within my written appeal to the club, based on my own observations and 3rd-party footage from after the assault was alleged to have taken place. However I had not cast doubt on the existence of an injury within my written complaint to the IFO, though I still maintain that any such injury is inconsequential to my actions, and presumably must have occurred after I had departed".*

The IFO was only able to consider evidence that the Supporter presented to it and had noted the information contained within the written appeal to the Club in coming to its decision, notwithstanding that this point was not explicitly referred to in the submissions to the IFO. The IFO has concluded that, on balance, having regard to the available evidence, that an injury was sustained and that this is not inconsequential, forming part of the considerations of the Club in considering the appropriate sanction. As stated above, that attempts to remove the Supporter were met with resistance is borne out objectively by reference to the available CCTV and the IFO has also considered the Steward's statement and photographs which were submitted to the police as part of their investigation. As stated in paragraph 28, this has been given due consideration and whilst the Supporter's comments are noted, they do not change the decision in this regard.

38. The Supporter has made reference to footage that was not originally submitted to the IFO which purports to show the Steward wearing their glasses after the event, which they believe cast doubt on the Club's submission regarding the glasses being broken. The IFO has decided not to request this footage as it is satisfied on the point of the injury as referenced in paragraph 38 above. Further, the Supporter has not explained why this footage was not submitted or referenced as part of their original

complaint and submissions, nor at the meeting with the IFO where an opportunity to provide further amplification was given.

39. The Supporter has sought to retract the following statement on the basis that whilst the Supporter stated that the possibility of an accidental injury is something that they were open and sympathetic to at the time they had written the appeal, however having later double-checked with witnesses and having asked the police inspector to describe what they saw on the CCTV:

*"It is within the realms of possibility that a steward's head may have found itself beneath one of my raised arms momentarily, or that the female steward's fingers could have been fractured accidentally during the scramble (for which I fully sympathise and regret stemming from this incident), but I vehemently deny any accusation of intentional violence".*

The Supporter's comments are noted in this respect and whilst this statement was given due consideration in reaching the decision, it is one of several factors that led the IFO to reach the conclusions it did. The IFO therefore does not consider the retraction of this statement has any bearing upon the final decision.

40. With regards to the Club's comment that they believed that the police did not deal with the Supporter on the day as there were not sufficient resources to do so, the Supporter has referenced a "prolonged conversation with two police officers" outside the ground which they state was at the behest of the Safety Team. The Supporter contends that had the Club felt at the time that a criminal act had taken place this could have been communicated to them and addressed on site. The IFO has considered this statement in light of the Club's comments that its own processes were paused pending conclusion of the police investigation and therefore, it may not have been appropriate to do so.

41. The Supporter notes that they were informed of the ban via email on 23 January 2023, 9 working days after the offence as opposed to the 7 days specified within the Supporters' Charter. The IFO has had sight of a letter dated 17 January 2023. The Supporter is disputing that it was received on that date. The IFO notes that the Supporters' Charter states: *Where possible, banning letters will be issued within 7 working days of the fixture at which the offence took place, or within 1 working day of the next home fixture (if this follows within a week of the previous home game).* The IFO notes this is not a precise commitment and the Supporter has not outlined any detriment caused as a result of this delay.

42. The Supporter has highlighted that the letter of 12 May makes reference to their being "drunk whilst inside the stadium" and this was not referenced within the original ban letter. The IFO can clarify that this was not taken into consideration as a ground upon which the Club could rely in consideration of the ban as there was no evidence to support this. However, the IFO is satisfied that other criteria were met in consideration of the imposition of an indefinite ban.

## **Conclusion**

43. Whilst the Supporter's additional comments have been given due consideration, the IFO finds no grounds to uphold the case in the Supporter's favour in terms of the application of the sanction and the process followed. The IFO has carefully considered the available evidence and is satisfied that it was reasonable for the Club to conclude in the way that it did. Further, the Supporter has accepted that their behaviour was "unacceptable" and "verbally abusive and aggressive towards stewards" which meet the threshold for the imposition of an indefinite ban, notwithstanding that they continue to contest that an injury was sustained by one of the Stewards.

44. However, notwithstanding the IFO's conclusions regarding the ban itself, the IFO makes the recommendation outlined in paragraph 33 above.