

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
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IFO COMPLAINT REF: 18/24 **STANDING AT THE FA CUP SEMI-FINAL AT** **WEMBLEY IN APRIL 2018**

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 the full cooperation of the Football Association and Tottenham Hotspur FC.

The Complaint

3. A Spurs supporter complained that he and his adult son had been forced to stand throughout the FA Cup Semi-Final and that stewards had done nothing to

enforce the ground regulations. He further complained about delays in responding to him and about the rejection of his claim for a refund.

The facts of the case

4. On 21 April 2018 Spurs played Manchester United in the FA Cup Semi-Final at Wembley. The complainant and his son attended, having bought their tickets from Spurs as long standing season ticket holders. Both suffer from back and knee problems and were distressed to find that they were forced to stand because all the rows in front of them had standing supporters. The stewards did nothing to try to get the supporters to sit down. At half time the complainant approached stewards to request that they address the problem, as both of them were in great discomfort because of having to stand throughout. He reports that he was promised that the stewards would patrol the aisles, but he claims that they did not do this. At the end of the match he spoke with a supervisor and said that he would be submitting a complaint about their lack of action.

5. The complainant emailed Wembley on 25 April, quoting the ground regulations on standing, complaining that the regulations had not been enforced and requesting a refund. He sent several reminders but received no response, until he commented on the FA's Twitter account that there was no point in having a complaints procedure if complainants never received an answer. This prompted a request to resubmit his complaint and the FA responded on 25 May. It was explained that standing was a serious problem which they were seeking to address with the relevant authorities and that to eject standing supporters might produce a public order problem, so on this occasion "the decision was taken by the Safety Officer to observe the fans and monitor their behaviour." The complainant replied the next day stating that the FA's response was "totally unacceptable" and listed a number of questions which had not been answered. The FA had said that they could not offer a refund because the tickets had been bought from Spurs. He had approached Spurs initially who informed him that stewarding on the day of the match was the sole responsibility of Wembley and the FA, so they could not entertain a refund request either. Having had no reply to his message of 26 May the complainant referred his complaint to the IFO on 2 July.

The investigation

6. The IFO carefully reviewed the correspondence submitted by the complainant, together with the response to the IFO from Spurs. The IFO spoke with the FA's Head of Customer Services, who subsequently submitted a full report on the case. The IFO requested some supplementary information from the complainant.

Findings

7. The issue of standing in seated areas is familiar to the IFO through the many complaints submitted on this topic and the IFO is on record in urging the relevant bodies to address this problem and to explore options in "safe standing", which, the IFO believes, would make it easier to enforce the ground

regulations in the seated areas. The FA is correct to point out that the issue has been discussed with the Sports Ground Safety Authority, with the Local Authority and its Safety Advisory Group and with the other Football Authorities and Government. Following a Parliamentary Debate, the Minister for Sport has established an official enquiry. Hence the complaint is not an isolated incident and has the key hallmarks of consumer amenity and inconvenience. As the complainant rightly asserts, "we had purchased **seats** precisely because we wanted to sit down!...Wembley **intentionally & deliberately** ignored their own rules which caused **my** failing to see much of the match and **our** discomfort."

8. Although the complainant is most disparaging about the explanation of the Safety Officer's policy of watchful monitoring, the IFO can confirm that this is the normal policy adopted by safety officers, with the agreement of police match commanders, when faced with large numbers of standing supporters. It is often not a practical option to eject a few, for fear of provoking a public order threat to the general safety of all supporters inside the stadium. Of course, the complainant is correct that a policy geared to the interests of the many resulted in great disadvantage to these two individual supporters. If the overall policy was reasonable in the light of practice elsewhere, its implementation on the day revealed some shortcomings. The complainant reports that there were no requests made over the PA system and the stewards did not patrol the gangways despite specifically promising to do so. The FA's response to the complainant admits that this should have happened, but the FA's evidence to the IFO does not clarify whether the incident was reported by stewards or whether there was any specific follow-up action to address the shortcomings. In the light of the events surrounding this complaint, **the IFO recommends that the FA and Wembley review their stewarding strategies for dealing with standing supporters and discuss with the Safety Officer and his colleagues how to better meet the needs of those who wish to remain seated.**

9. What of the complainant's request for a refund? The IFO accepts that in a sense both football bodies had a justification for their rejection of the request. Spurs correctly claimed that they had sold the tickets as the agent of the FA and the Club had no control over Wembley's stewarding arrangements. The FA in turn stated that the tickets were bought from Spurs and the FA cannot be expected to make a refund of ticket prices they had not received. If there is some logic to the individual responses he received, they nevertheless leave the complainant in limbo. The IFO finds some echoes of previous cases where there was split responsibility between clubs and the FA, such as the 2012 Championship Play-off and the 2017 League One Play-off matches. Yet here there is one crucial difference – **this was the FA's prestigious FA Cup competition** and, irrespective of how the tickets were sold, the FA undoubtedly has the primary responsibility for the supporters' experience on the day. The complainant did not make their health conditions known beforehand, claiming that would not meet any "special needs" criteria and were seated very near their

normal 2017-18 Wembley "Home" Spurs seats, where they had no previous problems with standing supporters. The complainant and his son clearly had a most unsatisfactory experience at the Semi-Final and made attempts to make the stewards aware of their concerns on the day. The FA continues to assert that it cannot entertain a refund request because it did not sell the tickets. This may be technically correct, but the IFO believes the complainants deserve a goodwill gesture from the FA. In the light of the delay in responding and the experience on the day, **the IFO recommends that the FA offers the complainant either two complimentary tickets to a future England game or a cash payment of £100, in recognition of the poor service received.** [The FA has indicated to the IFO that it will not be implementing this recommendation]

10. The complainant was also aggrieved about the way his complaint was handled and the delay in the initial response, for which, he believes, he is entitled to an apology. The FA cited a run of high profile matches followed by Wembley concerts which dramatically increased the volume of complaints, consequently requiring them to prioritise time-related cases, such as non-delivery of tickets. In such times of high volume, the FA could perhaps use automated replies acknowledging receipt and warning of delay. The IFO notes that the FA did not respond to the complainant's message of 26 May nor was he advised of his right to refer the case to the IFO. In passing, it is worth reflecting that the FA believes that to have responded within a month meets its obligations, something which certainly did not satisfy the complainant. **The IFO recommends that the FA reviews its practice in the light of the way this complaint was handled and, in view of the heavy volume of correspondence, also reviews the level of resources allocated to this important FA function.**

Conclusion

11. The issue of standing has certainly moved up the political agenda, which suggests the possibility that "safe standing" initiatives may follow. Meanwhile, the complainant, like many others, remains frustrated by what is perceived to be an inability to enforce the ground regulations in the interests of those who cannot or do not wish to stand. The experience at this FA Cup Semi-Final was not an enjoyable one for the two complainants and the IFO believes that they were entitled to some recompense from the FA in recognition of this. The IFO accepts that under the agreed procedures the FA is entitled to reject the IFO's findings, but nevertheless expresses disappointment that the FA has chosen to do this.

**Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman**

31 July 2018