

Level Playing Field

www.levelplayingfield.org.uk



How to Complain

1. Introduction

Level Playing Field (LPF) collates feedback and complaints centrally and encourages positive feedback and evidence of good practice. We meet National Sports Governing Bodies and government authorities on a regular basis representing disabled supporters and the issues/challenges they face.

The Disability Discrimination Act (DDA) was passed in 1995, following years of campaigning by disabled people and supporters.

The DDA was a Government measure intended to reduce discrimination against disabled people. Significant parts of the law (such as employment) came into force on 2 December 1996. From October 1999, service providers have had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way services are provided. From October 2004 service providers have had to make 'reasonable adjustments' to the physical features of premises to overcome physical barriers to access.

A new duty to promote disability equality was introduced in 2006 – this gives rights to disabled people collectively rather than as individuals.

From 1 October 2010, the Equality Act replaced most of the Disability Discrimination Act (DDA). However, the Disability Equality Duty in the DDA continues to apply.

The Equality Act 2010 aims to protect disabled people and prevent disability discrimination. It provides legal rights for disabled people in the areas of:

- employment
- education
- access to goods, services and facilities including larger private clubs and land based transport services
- buying and renting land or property
- functions of public bodies, for example the issuing of licences

The Equality Act also provides rights for people not to be directly discriminated against or harassed because they have an association with

a disabled person. This can apply to a personal assistant or parent of a disabled person. In addition, people must not be directly discriminated against or harassed because they are wrongly perceived to be disabled. More information about the Equality Act, and how you can obtain copies of the Act, can be found on the Government Equalities Office website:

http://www.equalities.gov.uk/equality_act_2010.aspx

In recent years there have been an increasing number of disabled fans prepared to challenge the current unequal situation at some clubs to the benefit of all of us. This is something that is to be applauded, as it is only through constructive complaints, positive feedback and the sharing of good practice that we can effect lasting and meaningful change.

2. What can you expect to receive as a disabled sports fan?

Level Playing Field Guiding Principles

LPF believe that being a disabled person is a social issue and that an individual only becomes disabled because of the social, attitudinal and environmental barriers that the individual faces (this is known as the social model of disability).

Our efforts are focussed on removing these barriers within football and other sports. LPF and its members will know they have succeeded when:

- all fans can enjoy an equal experience at live football matches and other sports events;
- all stadia and sports venues are fully accessible and inclusive;
- all customer and/or fan services are equal and inclusive;
- disabled people are seen as customers with a commercial value.

We are guided by the following principles:

- Anti-discrimination - so that disabled people do not face; discrimination arising from poor or misinformed practice;
- equality of opportunity or making things fairer - for disabled people in every aspect of their contact with football clubs;
- increasing the independence and choices that disabled people have;

- individual needs / Diversity - recognising that a disabled person is an individual who, like all others, has his or her own needs, abilities, human rights and responsibilities;
- integration/inclusion – such that services are made accessible to disabled people and offer choice;
- involvement in decision-making - so that disabled people, and/or their advocates, are consulted before decisions which affect them are made;
- The social model of disability - this explains that it is social and physical 'barriers' that cause 'disability' not impairments. LPF is working to remove the barriers that currently exclude disabled people. These barriers can be:
 - prejudice and stereotypes;
 - the way things are organised and run
 - little or no access to information, buildings and transport.

3. Before you complain

- a. Be clear in your mind why you are dissatisfied.
 - Was it the way you were treated?
 - A wrong decision?
 - Defective goods for example radio receivers, minicom, induction loops, lifts etc do not work?
 - What exactly went wrong?
- b. Be clear in your own mind what you want to happen as a result of making a complaint.
 - Do you want an apology?
 - Do you want a different decision?
 - Do you want the proper service that should have been provided in the first place – does the club need to implement a change in policy or facility?
 - Do you want a refund or a ticket for another game?

You should mention this to the organization, club or venue you are complaining to and ask for prompt action.

c. What to Remember

- Keep a record of events. If you speak to someone on the phone make a note of who you speak to, when and what was said. If you send your complaint in the post keep a copy of your letter and any replies you receive.
- Keep the evidence. Retain all receipts/invoices, letters and e-mails regarding products and services that you may have purchased/received. If you are asked to present these at any stage then present copies and keep the originals yourself.
- Try to make sure your letter is sent to the right person or department usually the head of customer services, equalities manager or the disabled liaison officer.
- Stay Calm. If you have confronted someone directly then don't let the emotion of the moment get to you. If you are clearly not getting an adequate response then simply take the next step in the procedure as advised below. Sarcasm or rudeness will not help your cause.
- Write clearly and concisely. Be polite and courteous but don't be afraid to convey the detail of any incident and to articulate your disappointment. Be clear about what you think would resolve your complaint.
- You should make an attempt to know your rights. Don't give up.
- Praise where praise is deserved. Organisation's welcome complaints but most certainly praise too!
- Explain what happened to you, refer to the service providers obligation under the Equality Act and say what you want for your complaint to be resolved

Give a reasonable timetable for action to be taken before you will consider other options (14 to 21 days is reasonable)

4. Complaint procedures

The sports industry can contain a host of different people to complain to. LPF believes you should attempt the following process:

a. Resolving the matter informally

You should attempt to resolve your complaint directly with the parties involved:

- Write to your own club asking them to take the complaint up on your behalf or write to the club where the problem arose.
- It is worth mentioning that you are considering or have decided to take your complaint to the relevant authorities, sometimes this may provoke more serious consideration of a complaint.

b. Escalate to relevant Sports Authority

If you feel that you are not getting a satisfactory reply, escalate the complaint to the relevant sports authority, see contact details below. That may be the League in which the club play and / or the governing body. If the contact you are looking for is not there please let us know.

c. Ombudsman

Does your sport have an Ombudsman you can complain to? If so it may be worth complaining to that Ombudsman before the next step.

d. Legal Action

Finally, if all else has failed then court or arbitration services may be the final choice.

Cases of discrimination under the Equality Act can be taken to a County Court in England, Wales and Northern Ireland, and to the Sheriff's Court in Scotland. The case must be brought within six months of the incident complained of.

Cases can be dealt with in the small claims court in England and Wales, if the amount being claimed in damages is less than £5,000. By using the small claims track, it is possible to use the court without a solicitor and there is less financial risk, as the loser will probably not have to pay the other side's costs, other than the issuing fee for the summons. If you are successful in your case, the court may award compensation, a declaration

of discrimination and an injunction preventing the service provider from discriminating again.

Advantages of going to court:

- the other party must become involved
- a definite conclusion is reached and legal precedent for future cases may be established
- procedures exist for enforcing decisions and hence the situation may be prevented from happening again.

Disadvantages of going to court:

- it is time-consuming
- even the simpler small claims court is quite formal. You may have to pay costs for any work carried out before the claim has been allocated to small claims track
- if the case is outside the small claims court it could be expensive
as a solicitor will probably be required and, unless you can get Legal Aid, you may, if you lose, have to pay the other side's costs
- if the action is unsuccessful the problem is unlikely to be resolved and there are no further avenues for you to explore.

Please remember to copy Level Playing Field in on all correspondence sent/received.

Please note that this information is not an authoritative statement of the law. Whilst we have made every effort to ensure that the information we have provided is correct, we cannot accept any responsibility or liability. If you would like to request a copy of any of our documents in an

alternative format e.g. large print, braille, audio tape or by email, please contact Level Playing Field on info@levelplayingfield.org.uk / 020 8621 2403.

5. Useful Contacts

1. Level Playing Field

c/o CAFE

No.1 Olympic Way

Wembley

London

HA9 0NP

Tel: 020 8621 2403.

E-mail: info@levelplayingfield.org.uk

Website: www.levelplayingfield.org.uk

2. The Football Association

PO Box 1966

London

SW1P 9EQ

Tel: 0844 980 8200 (Mon-Fri, 9.15am - 5.00pm)

To report incidents of abuse and discrimination please call 0800 085 0508* or

E-mail: Reportdiscrimination@TheFA.com **

Website: www.thefa.com

*If you are calling from a mobile telephone, you may be charged for this call.

**This e-mail address is strictly reserved for those wishing to report allegations of abuse or discrimination and all details are treated with confidence.

3. The Premier League

30 Gloucester Place

London

W1U 8PL

Tel: 0044 20 7864 9000

Fax: 0044 20 7864 9001

E-mail: info@premierleague.com

Website: www.premierleague.co.uk

4. The Football League

Edward VII Quay

Navigation Way

Preston

PR2 2YF

Tel: 0844 463 1888

Fax: 0844 826 5188

Email: fl@football-league.co.uk

Website: www.football-league.co.uk

5. The Football Conference

Third Floor

Wellington House

31-34 Waterloo Street

Birmingham

B2 5TJ

Tel: 0041 121 214 1950

Fax: 0121 212 9022

E-mail: info@footballconference.co.uk

Website: www.footballconference.co.uk

6. The Independent Football Ombudsman

Suite 49

57 Great George Street

Leeds

LS1 3AJ

Tel: 0800 588 4066

Email: contact@independentfootballombudsman.co.uk

Website: www.independentfootballombudsman.co.uk/

7. Rugby Football League

Red Hall

Red Hall Lane

Leeds

LS17 8NB

Tel: 0844 477 7113

Fax: 0844 477 0013

Email: enquiries@rfl.uk.com

8. Rugby Football Union

Rugby House

Twickenham Stadium

200 Whitton Road

Twickenham

Middlesex

TW2 7BA

Tel: 0871 222 2120

Fax: 0208 892 9816.

Email: [:enquiries@therfu.com](mailto:enquiries@therfu.com)

9. The England and Wales Cricket Board

Lord's Cricket Ground

London

NW8 8QZ

Tel: 020 7432 1200

Fax: 020 7286 5583

Email: help@ecb.co.uk

10. Equality and Human Rights Commission

via the Equality Advisory and Support Service (EASS). The contact numbers for the new service are:

Phone: 0800 444 205

Textphone: 0800 444 206

Opening hours:

09:00 to 20:00 Monday to Friday

10:00 to 14:00 Saturday

closed on Sundays and Bank Holidays

Website <http://www.equalityadvisoryservice.com/>

Post: FREEPOST Equality Advisory Support Service FPN4431

6. Standard Letter

This letter is for you to amend and to present to any service provider who you feel has discriminated against you under the Equality Act.

[Your address 1]

[Your address 2]

[Your address 3]

[Postcode]

[Other contact details you may wish to give, phone, e-mail etc]

[Name of contact person, if available]

[Title, if available]

[Customer Services Manager, if you don't have a contact name]

[Company Name]

[Company address 1]

[Company address 2]

[Company address 3]

[Postcode]

[Date]

Dear [Contact Person or Customer Service Manager],

Re: [Date of match, service provided etc]

On [date], I [attended, rented, was provided with etc.] a [service performed etc.] at [location and other details of the transaction].

I am disappointed because [the service you provided, your service etc.] was [unsatisfactory, unfinished, defective etc.] because [state the problem as you understand it giving as much detail as possible].

As you may be aware, the Equality Act states that it is unlawful for service providers to discriminate against disabled people by providing them with a lower standard of service, or service on worse terms for reasons relating to their disability.

Also, since 1 October 1999, you have been required to make 'reasonable adjustments' to enable disabled customers to access your services. This includes altering practices, policies and procedures that make it impossible or unreasonably difficult for disabled people to make use of your service. It also includes providing auxiliary aids and services and under the Equality Act, it is your responsibility to ensure that any 'auxiliary aids' you provide are carefully chosen and properly maintained.

We would refer you to the following documents and guides (most are available online and on the LPF website). These documents offer advice and assistance on your obligations under the Equality Act and specific access and technical guidance:

- i. The Equality Act (Disability Discrimination Act (DDA));
- ii. BS8300:2009;
- iii. BS9999;
- iv. National Accessible Standards (Provided by the National Tourism Council);
- v. The Football Licensing Authority's (now the Sports Ground Safety Authority) "Accessible Stadia Guide – Sports Grounds and Stadia Guide No 1 (ASG) – (2003);
- vi. CEN/TR 15913:2009 "Spectator facilities. Layout criteria for viewing area for spectators with special needs") and CAFE's Introduction Note 1 for the CEN Technical Report;
- vii. Access for All - UEFA and CAFE Good Practice Guide to Creating an Accessible Stadium and Matchday Experience (2011);
- viii. The International Paralympic Committee (IPC) Good Practice Guide '**Technical Manual on Accessibility - An Inclusive Approach to the Olympic & Paralympic Games**' (2009)
- ix. Part M of Building Control; including the new amendments (2009);
- x. Level Playing Field's accessibility checklist & good practice policies and helpsheets on providing facilities for Deaf/Hard of Hearing spectators, and facilities for people with an ambulant disability. We also have joint publications with Mencap, the RNIB and Guide Dogs on providing for supporters with learning difficulties and facilities for blind/partially sighted supporters respectively;
- xi. The various Premier League, Football League and Football Association access and disability Guides and publications;

To resolve the problem I require you to [state the action you require e.g. refund, improvement to service, service rectified etc.] whilst reserving my right to claim against you. Enclosed is a copy/are copies of the [receipt, ticket etc].

The following British Standard documents offer reference only- they cannot be published without permission

x. BS8300:2009;

xi. BS9999;

I look forward to hearing from you and to a resolution of this problem. I look forward to receiving your reply within 21 days. Please contact me at the above address or by phone [give numbers].

Yours sincerely

[Sign]

[Print Your Name]

Enclosures: [state documents you have enclosed, if any]

Cc: [Include Name, Company if you want to send a copy of this letter to someone please include LPF]

For an accessible version of this document or to seek help and guidance in making your complaint please call the LPF team on 020 8621 2403 or by emailing info@levelplayingfield.org.uk