

## DCMS Select Committee Inquiry into the Governance of Professional Football Clubs - call for evidence.

### Written evidence submitted by Joyce Cook, Chair on behalf of the National Association of Disabled Supporters (NADS) on 26<sup>th</sup> January 2011

- I. NADS was established in 1998 to represent disabled football fans in England and Wales. NADS works with key stakeholders to improve access to sports stadia. By using the special influence of football, NADS aims to raise awareness for a more accessible society whilst encouraging more disabled people to attend live football and other sporting events.
- II. **Background.** More than 10% of the population is disabled. One in four families includes a disabled person and six out of ten people know a disabled person. People with reduced mobility represent more than 40% of the population.
- III. **50% of all disabled people have never participated in leisure or sport activities.** It is difficult to establish the exact numbers of disabled fans currently attending football matches. We estimate it to be at least 30,000, but this should of course be much higher and provided we can ensure equal access within our stadia on matchdays.
- IV. Supporting football and attending live matches is an integral and vital part of our culture and tradition. Matchday crowds are increasingly diverse and more representative of our multicultural society. This should naturally include many more disabled people.
- V. NADS has many testimonies of the health and well-being benefits in attending live football matches. But beyond these personal stories, we should never forget that **social inclusion and equal access is a basic human right and fundamental pillar of social justice.**
- VI. It is clear that people experience great joy and a sense of belonging in being able to follow football alongside family and friends. **It is important to recognise the moral, legal and good business cases for providing truly accessible stadia.**
- VII. The annual spending power of the UK disabled community is over £80 billion. Disabled people should be seen as valued customers with accessible venues and services making good business sense. NADS is working with the football authorities to ensure this message is clearly heard within the game. Good access equals good business and disabled people do influence choice. When they can't attend an event or use a service, then most often, nor will their family or friends.
- VIII. **State of the Game.** Some clubs provide excellent facilities and services, but we believe that many professional clubs do not comply with legislation and regulations and as such are discriminatory to disabled fans. Many are failing to meet football's own guidance and minimum standards. This is unacceptable within an industry that remains collectively wealthy with record broadcasting sponsorship in 2010/11.
- IX. There is a substantial shortage of accessible matchday seating within many stadia, such as places for wheelchair users and amenity seating for fans with limited mobility or who use an assistance dog. **Many football clubs are struggling to fill their stadia on matchdays, but still there are insufficient numbers of wheelchair spaces in particular.**
- X. Our best information is as follows. Only 13 of the 92 professional football clubs provide the minimum recommended numbers of wheelchair user spaces and amenity seats. Many clubs offer very few away spaces, some as low as 3. Consequently, many disabled people are unable to gain access to matches.

- XI. Only 37 English League clubs enable disabled away fans to sit with their own supporters.
- XII. Poor sightlines or views within disabled seating areas are commonplace with views often completely blocked by stewards, police, players warming up, match officials and other fans that stand at key moments of the game or who persistently stand.
- XIII. Many clubs offer only pitchside accommodation to wheelchair users with no shelter from the rain or ball. At some clubs, especially where seating is pitchside, the roof edge of the stand ends directly above the disabled fans and pours water onto them.
- XIV. Only 21 of the 92 provide a full audio described commentary service for partially sighted and blind fans. Accessible parking and club amenities are often limited, of a poor standard or nonexistent.
- XV. Accessible services for blind and partially sighted, hard of hearing and Deaf and learning disabled fans are provided at some clubs but this is an area that needs further attention. Clubs should provide large print and audio match day programmes and accessible club websites with clear information. Hearing loops and accessible text phone services should be routine. Audio descriptive commentary should be offered at every professional club.
- XVI. Being able to attend a match and sit with your family or friends is taken for granted by most fans. This is frequently denied to disabled fans and they often have to sit in a completely different stand and use a different entrance. Disabled fans with children and families with a disabled child can find this an impossible situation.
- XVII. **Disabled fans often face having to sit with home fans as away supporters** and many have stopped travelling to away games because the situation is so dreadful. This is completely unacceptable in terms of the football fan experience; it is quite simply miserable to have to sit with the opposing set of football fans. Disabled fans are often asked to hide their team colours, to refrain from celebrating goals and so on.
- XVIII. However, it can also be an intimidating and hostile experience. **Disabled fans have been verbally abused and threatened** and some have had coins, cigarette lighters, urine and other items thrown at them. We need to address this issue urgently, before someone gets hurt.
- XIX. Let's also be clear about the matchday experience. 82% of British football fans agree that being around other fans in the atmosphere of the grounds is as important as watching the game itself. 85% of British football fans associate football with friendship and camaraderie. (Football Passions Report 2008.) Disabled fans should not be deprived of this experience.
- XX. Existing stadia and venues can be improved and adapted to remove physical, sensory and intellectual barriers. Several clubs have used smart inclusive, low cost design solutions and implemented good practice to improve access to their stadia.
- XXI. There is an opinion among some people in the game that what we are asking for cannot be achieved because stadia are old and nothing can change until clubs move to new premises. We have to end the myth that clubs cannot make reasonable adjustments without incurring prohibitive costs, in almost every case, this is simply not true.
- XXII. Several clubs stand as good practice examples in showing what can be achieved at existing stadia to meet football's own minimum standards. Derby County and Everton have proved that elevated disabled fans seating positions can be added to existing stadia. MK Dons has installed flexible disabled seating in its new stadium but this is also a solution for some existing stadia. Arsenal added prefabricated aluminium super-risers to further elevate several wheelchair platforms originally built with obstructed views and we understand that a few clubs are now considering the installation of similar platform super-

risers in wheelchair user areas. We firmly believe that **with the will and some careful planning a great deal can be achieved and certainly that which is reasonable.**

- XXIII. The claim is often made that many non-disabled fans can't get tickets to games. Whilst it is true that some clubs sell out for some high profile matches, it is apparent that all clubs now have to be more creative in selling their matchday tickets.
- XXIV. Most clubs sell tickets on the gate or through their ticket office on matchdays. Meanwhile, disabled fans are frequently unable to get tickets and we have received complaints from disabled fans who have tried to purchase tickets before a match along with family or friends only to be turned away because there were insufficient wheelchair spaces and yet there were as many as 20,000 empty seats in the stadium at the game. Clubs are literally turning away valuable customers and good business.
- XXV. Some clubs continue to deny disabled fans an equal right to season tickets because they do not provide sufficient disabled seats such as wheelchair spaces – the waiting lists are disproportionately long and the information and process is not always clear or transparent. One club in particular refuses to sell season tickets to wheelchair users and currently applies a pre-assigned rota scheme with no choice of which matches are allocated.
- XXVI. By providing adequate accessible facilities and services for disabled fans and customers, clubs can increase their business and revenue. Disabled people will become loyal fans and worthwhile customers and will often bring family and friends as new customers too.
- XXVII. In 2008, NADS gave evidence to the All Party Parliamentary Football Group Inquiry into English Football and its Governance. In their subsequent report, the APPFG made a number of recommendations for improving the situation for disabled fans.
- XXVIII. The APPFG was especially concerned 'to hear of the troubles that disabled supporters still face in both accessing the stadiums themselves and then viewing and enjoying the game once inside' and noted that the provision for the disabled is clearly unequal. They supported NADS' recommendation for an independent access audit of all clubs, with the necessary improvements identified and a clearly defined business plan prepared.
- XXIX. The APPFG further noted that 'that where finances prove to be a genuine issue for some clubs, funds should be made available from the Football Stadia Improvement Fund (FSIF).'
- XXX. The report also recommended that NADS be appointed as the game's disabled supporter consultants and extend the services they currently provide to the FSIF in which they are consulted on all improvements and additions at a club that is awarded an FSIF grant.
- XXXI. The APPFG also supported NADS in its bid for core funding in line with that provided to other representative football supporters groups by the football authorities. 'NADS is making a significant and important contribution to the football family providing support to the football authorities, clubs and disabled supporters on a daily basis. We recommend that NADS should be afforded the same level of financial support from the game as that enjoyed by their non-disabled peers.'
- XXXII. There have been recent developments with respect to fans funding and we understand that a fans fund is being set up. NADS is in discussions with the football authorities and will be submitting an application for core and project funding. We hope that from next season, we will be better funded by the football authorities so that we can continue to support all stakeholders in the game and to develop our awareness projects and contribution to improving inclusion for disabled people within football.

XXXIII. **With respect to the legal case and disability legislation and regulations for football clubs - football has a regulatory framework which fits into 3 broad categories.**

- a) External legislation – the law. The Equality Act 2010 (previously DDA); Building Regulations – British Standard 8300:2010 and Part M Building Regulations 2004 (with Accessible Stadia Guide imbued into Part M); Equality Act 2010: Explanatory Notes; and EHRC guidance: What equality law means for your business when you're providing goods, facilities or services to the public; Disability Rights Commission – Code of Practice Rights of Access: services to the public, public authority functions, private clubs and premises.
- b) Internal football and government regulations. The Accessible Stadia Guide published by the Football Licensing Authority (FLA) and FSIF in 2004; the Guide to Safety at Sports Grounds 2008; Football Association: Addressing the Requirements of Part III of the DDA 1995 - A Management Guide for Football Clubs 2003; Premier League: Guidance for Clubs on Disabled Fans and Customers; and Football League: Guidance for Clubs on Disabled Supporters and Customers
- c) Independent reports and recommendations. The Taylor Report, 1990; 1998 Football Task Force Report; Independent Football Commission (IFC) 2003 Annual Report; various reports, surveys and guidance documents, including Designing for People with Disabilities, Fans at the Track Side, and Leaving the Trackside.

XXXIV. **External legislation – the law.** Alongside building regulations, the Equality Act 2010: Explanatory Notes Section 20 explains what is meant by the duty to make reasonable adjustments for the purposes of the Act. The duty comprises three requirements which apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. The first requirement covers changing the way things are done (such as changing a practice), the second covers making changes to the built environment (such as providing access to a building), and the third covers providing auxiliary aids and services (such as providing special computer software or providing a different service). For the second requirement, taking steps to avoid the disadvantage would include removing or altering the physical feature where it would be reasonable to do so.

XXXV. **Independent reports and recommendations.** Lord Taylor made several recommendations for disabled fans in 1990. These included “provision for safe, spacious seating for wheelchair users with a seat alongside for a companion, protected from the weather, accessible to disabled toilets and easily reached from a car park. Facilities should also address the needs of the ambulatory disabled and the visually and hearing impaired.”

XXXVI. In 1998, the Football Task Force Report made 52 recommendations. Seeking to put right and set mandatory requirements on minimum numbers of wheelchair spaces, and adapted seats for disabled people. Recommended improvements for disabled fans in line with the DDA, including views, shelter, access, toilets, refreshment bars, parking, ticketing and stewarding. Annual visit of 'hit squads' to all grounds to conduct audits of facilities and to monitor progress on improvements with a proposal that NADS should carry out these assessments. The ability for home and away disabled fans to sit amongst fellow spectators at all grounds. Provision of wheelchair access to all existing social and retail facilities at grounds. Harmonisation of ticket allocation for disabled spectators with those for general ticket allocation.

XXXVII. In 2000-02 NADS carried out access appraisals of all clubs in the professional game with funding from the FSIF. No further funding was made available to continue this area of work.

- XXXVIII. The Independent Football Commission (IFC) an independent football arbitrator reported on the lack of progress in implementing the 1998 Football Task Force recommendations in its 2003 Annual Report.
- XXXIX. **Internal football and government regulations.** In 2004, the FLA and the FSIF published the Accessible Stadia Guide (ASG) following consultation with a working group of representatives from across football including; the FLA, FSIF, NADS, the FA, the Premier League, the Football League, Sport England and an Observer from the Office of the Deputy Prime Minister. The ASG provides guidance on the design of facilities to meet the needs of disabled spectators and others. It was imbued into Part M of Building Regulations in 2004. It stands today as a good practice guidance for all football clubs and sports stadia and sets out football and governments own minimum standards.
- XL. With advice from football's governing bodies some football clubs commissioned access audits in and around 2004 and in anticipation of DDA Part 3 amendments. We believe that many of those clubs put these reports away and did not develop and implement an access improvement plan in line with their evolving duties.
- XLI. With support from the FA and the Premier and Football Leagues, NADS launched an Access Audit programme for football clubs and sporting venues in 2010. The audits are conducted by a qualified NRAC auditor in line with legislation, regulations and football's own guidance. It is a thorough audit which also provides the club with an access business plan of improvements that are reasonable. We are currently encouraging clubs to commission professional audits rather than well intentioned non-professional access appraisals.
- XLII. NADS is always keen to acknowledge those in the game who work hard to ensure equal access and the many that are ready to do more. Wembley, our national stadium stands as an example of good practice, with world class accessible facilities and services. NADS continues to work with the FA and Wembley to ensure that these standards are maintained.
- XLIII. **In closing, NADS would like to propose a plan for change.** The goal is to achieve equal access and to ensure that the game and its clubs meet their duties to disabled fans and customers.
- XLIV. Some would say that each club is an individual business and as such makes its own decisions with respect to the law and equal access. We believe that the football authorities should do more.
- XLV. Football is our national game and we believe that its governing bodies should look to implement rules and regulations regarding reasonable access to their professional clubs. This would ensure that disabled football fans are treated fairly and equally within the law by all clubs in their League and Cup competitions.
- XLVI. In 12 years, football managed to convert most stadia to all seated. When football and government put their mind to a project, anything is possible. We must now work together to put things right for our disabled fans.
- XLVII. NADS requests that there be an official audit (or measure) of the current level of accessibility at all professional clubs. The Football Licensing Authority could act as the arbitrator, considering the recommendations clearly described within the Accessible Stadia Guide and ensure that all aspects are assessed and monitored.
- XLVIII. The FLA already oversees safety and licensing of stadia, so it would seem logical that the FLA should also consider whether clubs meet football and government's equality legislation, building regulations and minimum access standards for disabled people.

- XLIX. The FLA could provide ongoing support to clubs, advising them in making access improvements in line with worked examples within the ASG and in implementing football's own policy guidance including that which has been most recently provided by the Premier and Football Leagues to its clubs.
- L. As the national representative body for all disabled fans, it would be sensible for NADS to play a key consultative role.
- LI. It could be a condition of licensing that clubs should have commissioned a professional access audit such as the NADS Audit. The FLA would then agree an access strategy or business plan of reasonable adjustments and improvements with each club with fair and sensible timelines.
- LII. The FLA would monitor the progress of the agreed access strategy at each club and ensure that improvements were made. Penalties could be considered for clubs not meeting their agreed improvements. It could also be possible to suspend the license of a club that repeatedly failed to comply with the law. This could be a duty performed by the FLA on behalf of the football authorities to ensure that their clubs are fit for purpose for public events.
- LIII. NADS believes that many clubs fear the expense involved in making access improvements and reasonable adjustments, however most improvements are not prohibitive.
- LIV. The FSIF currently stands at approximately £5.5 million per annum and is described as 'The Football Stadia Improvement Fund (FSIF) provides grant aid to clubs in the Football League, the Conference and the National League System, down to step 7 and below that want to improve their facilities for players, officials and spectators. ....We have also published Accessible Stadia, a good practice guide to the design of facilities that meet the needs of disabled spectators and other users.'
- LV. The FSIF could not support applications from every club wishing to complete outstanding access works nor should it be expected to. However, where finances prove to be a real issue for individual clubs then funding or part-funding could be made available – perhaps with a short-term increase of funding available to the FSIF.
- LVI. Clubs that needed financial assistance should require it once only to make all necessary reasonable adjustments to achieve a level playing field. Any future improvements or additions to the stadium or new build would in any case be subject to inclusive design regulations.

**Thank you for your consideration. NADS will be pleased to answer any questions that the Select Committee may have and to give oral evidence to this inquiry.**

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