



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 09/02

**CHARLTON ATHLETIC FC STEWARDING AND EJECTIONS AT
THE CRYSTAL PALACE MATCH**

27 JANUARY 2009

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 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 operates a system of non-binding arbitration. In exercising its jurisdiction, the IFO does not seek to question the merits of judgements made by properly constituted Regulatory Commissions and Appeal Boards, unless there were shortcomings in the administrative processes which led to those judgements. It is not the role of the IFO to retry cases, but it is its role to explore and review the procedures under which complaints have been decided 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 at the outset that he has received full cooperation from Charlton Athletic Football Club and the Football and Police Authorities. Police and club security information has been made available to the IFO, some of which for understandable reasons must remain confidential.

The complaints

3 A Crystal Palace supporter, who describes himself as a mature, middle-class professional with no record of public disorder, complained about his treatment by Charlton Athletic club stewards at the match held on 27 January 2009. Along with some 40 plus other Palace fans, the complainant was ejected from the ground, after having entered through the turnstile, but without gaining access to the designated away supporters section of the stadium. He witnessed no part of the game because of his ejection.

He contended that

- He was ejected without good cause.
- The policy operated by the stewards was unduly rigorous and inflexible, lacking in proper customer care and common sense.
- By being handed over to police officers upon ejection, his reputation was sullied.
- Neither the Club nor the Football League had addressed his specific complaints properly

As a result of what he alleges was unfair treatment by the Club and its stewards, the complainant demanded

- An apology from the Club for the way he had been treated
- The refund of his ticket price
- Compensation for the damage to his reputation.

The facts and the events

4. Charlton Athletic's home ground, The Valley, has been substantially remodelled in recent years. The Club admits, however, that the physical arrangements for entry by away supporters are not ideal. There are six dedicated turnstiles for away fans who

gather in a restricted area bounded by steel perimeter fences. In order to prevent undue congestion adjacent to the turnstiles, the stewards, with the assistance of police officers, restrict the number of people in the entry area by holding crowds in the street and allowing limited numbers to the turnstile area at any one time. This is a sensible policy, which permits an inspection of tickets prior to entry to the turnstile area. It causes no difficulty when fans arrive steadily over a period, but it can lead to large crowds waiting in the street when significant numbers arrive together, which sometimes happens near to kick-off time. When the Club decides to search fans prior to entry, the searching takes place immediately after entry through the turnstiles and before access is granted to the away supporters seating section. There is clear evidence that the security and stewarding arrangements at Charlton are highly regarded by the Local Authority, The Football League and the Football Licensing Authority (FLA).

5. The match in question was known to be challenging from a stewarding point of view. The two clubs are local rivals and there is a history of friction between the teams' fans, dating back to the time when the two clubs shared the Selhurst Park ground. On police advice the match was moved from a weekend afternoon to a weekday evening. The police assessment was that this was a Category C+ game, with a high risk of both planned and spontaneous disorder. The police intelligence information led them to search the ground and adjacent areas on the day of the game and to station officers during the game in the land behind the away terracing to prevent offensive weapons being lobbed over the fence. There was specific intelligence relating to the possible use of flares by some Palace fans. In the light of the police intelligence and assessment, the Safety Officer and the Operations Director decided to search all away fans and to have a visible and rigorous stewarding regime for both home and away supporters. There were 382 stewards on duty for this match and 222 police officers on duty, including 49 deployed within the stadium.

6. On the Tuesday evening in question, a normal working day in London, there were some transport problems at London Bridge, where some fans decided to have a pre-match drink. The delays from London Bridge combined with the normal difficulties of getting to an evening match on time led to a large group of Palace supporters arriving at the ground at around kick-off time. Charlton's Control Room Log shows that at kick-off time there were around 2300 away supporters already in the ground. Since the final

total admitted was 3200, it follows that some 900 away supporters were waiting outside and were admitted during the 30 minutes after kick-off. Supporters arriving at the entrances at this time were met by a large crowd segregated into sections by the police and awaiting entry to the turnstile area. Many, including the complainant, became frustrated by what they saw as the unduly slow entry process, exacerbated by the fact that their team went a goal down while they were waiting to gain entry. As a result, by the time many of these arrived at the search area just beyond the turnstiles, they were no doubt irritable at having been delayed so long. This is reflected in the fact that nearly half of all the ejections (including that of the complainant) took place at or soon after kick-off time.

7. The complainant wrote to the club on 29 January listing his complaints and, having had no reply, wrote a second time on 12 February. He received a substantive reply on 24 February from the Operations Director who claimed he had replied on 17 February. On 1 March the complainant contacted the IFO by telephone and email. He was advised that he needed to submit his complaint to the Football League before the IFO could investigate. The complainant wrote to the Customer Service Manager at the Football League on 15 March. He did not receive a substantive reply until 30 April. He responded further to the League on 11 May and formally requested the IFO to investigate and adjudicate his complaint on the same date.

The investigation

8. The IFO considered an extensive range of documentary evidence which included:
- Letters to and from the complainant, together with his three submissions to the IFO.
 - Correspondence from two other ejected supporters and a comprehensive dossier prepared by PISA (Palace Independent Supporters Association).
 - Club correspondence and documentation, including the Control Room Log. (The IFO had sight of the Police assessment report).
 - The Minutes of the Safety Advisory Group meeting which considered the match and the complaints arising from it.
 - The FA Safety Assessor's report on the game and, for background, other reports from the FA Assessor on matches with a similar high security profile.

- Comments from the Football Licensing Authority regional inspector who covers both Charlton and Palace matches.
- Correspondence from the FA and the Football League.

Both the IFO and Deputy IFO had access to the very full video archive for the match which provided essential visual evidence of the stewarding activity and the ejections which took place. This evidence contained no audio material.

9. On receipt of the complaint, the IFO wrote to the club and requested a meeting at the ground, which took place on 21 May 2009. Present at the meeting were the IFO and Deputy, the Club's Operations Director and Safety Officer, the Police Match Commander and Police Liaison/Events Officer. A very full and frank discussion took place and the IFO received comprehensive answers to all enquiries. It should be noted that the Club adopted a positive and open approach, as did the Police who shared their intelligence information and explained fully the thinking which underlay the stewarding and police strategy for the match. Both the Club and the Police took the view that the policies adopted had been fully justified, that the stewarding was efficient, effective and properly enforced and that the Club had nothing to apologise for. They had responded fully to all letters of complaint and had offered any complainant the opportunity to view the video evidence, which several (though not the complainant) had taken up. The Club took exception to much of the hearsay evidence contained in the PISA documents and pointed out that many of the allegations, for example about the searching of girls and disabled supporters, had not been substantiated. The meeting which lasted over two hours allowed the IFO and Deputy to spend time reviewing the security camera tapes.

10. Following this initial meeting, the IFO requested a copy of the FA Assessor's report and the Minutes of the Safety Advisory Group. Both of these were provided and the Operations Director responded promptly to the IFO's supplementary questions. The IFO noted that the complainant had declined to review the video evidence. Having seen this, the IFO believed it was reasonable to request that the complainant visit the club to identify his particular ejection within the taped evidence. The complainant did so, but this did not allay his conviction that he had been wrongly treated. Once the complainant's individual ejection had been identified, the IFO returned to the Valley on 9 June. On this occasion he met with the same club officials plus the Assistant Safety

Officer. In addition to reviewing both the specific and the wider video evidence, the IFO met with the actual steward who had been involved in the complainant's search and ejection. The steward provided a written statement about his version of events on the night in question and responded personally to the IFO's questions. Subsequently, the IFO met with the FA Safety assessor who had been present during the match and had personally observed the stewarding at the away supporters turnstiles. In his report and in his subsequent commentary he had commended the club's "robust stewarding", but had anticipated that some might feel aggrieved at what they saw as excessive punishment for relatively minor "offences".

The findings

11. This complaint and the circumstances which provoked it are inextricably linked to the stewarding policy which Charlton felt obliged to implement in the light of the police intelligence and advice. Clearly, a significant number of Palace supporters were surprised at being subjected to a search and those refusing to be searched, or not cooperating with the search, were ejected, while others were ejected when they commented in strong terms about their opposition to or resentment of such searching, which they deemed inappropriate. It is not clear whether supporters were forewarned about the security measures they were likely to face on entry to the ground. Indeed, the complainant's surprise at what he encountered is central to his reaction to the search procedures and he admitted that he entered the ground shaking his head in disgust at what he was experiencing. The Ombudsman, in his previous role as Chairman of the Independent Football Commission (IFC), had been involved in a study of the experience of fans travelling abroad to European matches. The IFC concluded that it was vital to prepare fans for what they might expect from foreign security authorities and clubs now use the scouting pre-visit to glean such information, which is then disseminated to their supporters. Such practices could beneficially be adopted in high profile, high risk domestic matches. The IFO, therefore, **recommends** that the Football League instructs its member clubs to liaise with visiting clubs to warn them of the security measures that are to be in place (such as 100% rather than selective searching on entry) and that visiting clubs in turn inform their supporters of such measures. This **recommendation** arises out of a Football League match, but equally applies to Premier League fixtures.

12. The question at issue is whether the stewarding policy was unjustifiably "robust" and excessive, such as to render the complainant unfairly treated. A number of allegations and inferences in the complaint and the other protest documentation may be discounted. The IFO has found no evidence of excessive violence in the ejections. The visual record shows those ejected being firmly but not excessively escorted to the exit gate by two or three stewards, who used the armhold technique, which the Club maintains is recommended in the officially recognised training programme. There is no visual evidence of crushing, notwithstanding the complainant's allusion to the Hillsborough tragedy, which so upset the Club officials. Even at its height the crowd in the queue outside at kick-off time appeared orderly and there was no pushing forward, though there was much waving of arms and shouting, signs of frustration at the delay in gaining entry to the ground. In some of their material PISA appear to claim that all of the ejections were for trivial offences and thus unjustified and because of this the complainant demanded an apology to all ejected Palace supporters. However, a number of Palace fans were ejected for such matters as taking alcohol into the ground, being drunk and abusive, jumping over the turnstiles and repeatedly standing on the seats. One fan was in possession of drugs and was arrested by the police. Nor is the reference to age or self-perceived social status a reason for non compliance. Though the general perception is of football disorder as wholly associated with young men, there is plenty of evidence of mature adults behaving at football matches in ways they themselves would find unacceptable in other social activities. Both the Club and their stewards were justified in rejecting arguments along the lines of "You shouldn't be searching me because of my age and respectability".

13 There is more merit in the complainant's assertion that his communications were not promptly replied to. While Charlton responded quickly to the Secretary of PISA, the complainant had to wait for about three weeks before getting a proper reply and he had to write to the Club twice. In this regard the Club did not meet its own stated aims in dealing with complaints promptly. Similarly the complainant waited some six weeks before receiving a full reply from the Football League, a delay partly explained as due to staff sickness absence. Some aspects of the League response were puzzling. For example, the initial response to the complainant some three weeks after he contacted the League stated that the League was unaware of any other correspondence. Yet the PISA material had been copied to the Football League and the PISA website was

specifically referred to in the complainant's letter. Also when he did receive a fuller reply, the complainant was told that some ejected supporters had viewed the video evidence and had since apologised for their behaviour. Charlton officials confirmed that this was not in fact the case, though there had been such an example on a previous ejection from the terraces at a different match. The IFO wishes to remind the Football League and its clubs that good complaints resolution practice requires prompt and accurate responses to those who complain.

14 The central issue to resolve is whether the complainant's behaviour merited his ejection from the ground by the stewards. Even in the examples where Club and complainant agree on the words spoken, there can be different interpretations of their import, because of tone, demeanour and body language. In this case the facts are disputed. The complainant asserts that after a delayed entrance to the ground he consented to a search, though under protest, and then merely asked "Anything else?" The steward concerned claimed that the complainant refused to raise his arms during the search and then made an abusive statement containing an offensive remark. Since the stewards had been advised that there was to be a policy of zero tolerance (the stewards being entitled to fulfil their duties without being subject to abuse), he ejected the complainant because of what he said and his attitude. In response to questions by the IFO, the steward said that there had been several examples of supporters questioning the need for searching, couching their query in friendly colloquial terms. In such cases he had explained that he was doing his job as required and the fans had been admitted. In the complainant's case, however, he claimed that his mood and tone were aggressive and abusive and that was the reason for ejection. The video record gives some clues. The complainant is seen entering the ground shaking his head, perhaps an indication of his mood, and he does admit that he had been severely annoyed at the long delays at the turnstiles. The visual evidence confirms that the complainant did not raise his arms during the search. It also shows that there was another steward at the shoulder of the steward conducting the search and clearly listening to what was being said. The ejection process began when the second steward moved forward suddenly, apparently in response to what he had heard and observed, and then assisted his colleague in escorting the complainant from the ground. What the complainant deemed to be an innocent enquiry was thus immediately interpreted by the searching steward and his colleague as grounds for ejection, for reasons of abusive behaviour.

15 Sadly, in contemporary society the citizen is subject to security procedures which might appear to infringe personal liberty, or to be unnecessary or unwarranted. At our airports, for example, we are subjected to strict security and searching procedures, where similarly dissenting comment, even if couched humorously, earns the wrath of the authorities. Once Charlton, after receiving police advice and risk assessment, decided to conduct a 100% search of Palace supporters, it was likely that some would find the high profile, zero tolerance security process excessive and unnecessarily intrusive. Charlton might have advised their stewards to be more tolerant and flexible in response to casual critical remarks from fans, frustrated at the delays in getting into the ground. In the light of this match, which led to twice the number of ejections compared to the previous year, the Club might wish to relax somewhat its zero tolerance policy in the future. Nevertheless, what took place on 27 January was openly filmed and was observed by police officers, local authority observers and the FA Assessor, none of whom criticised or condemned the way the security operation was conducted.

16 The complainant is adamant that he did nothing to justify his ejection. The steward is equally adamant that the complainant's attitude and comments justified the ejection. While the visual record shows what transpired, it is not possible to hear the words spoken nor the tone of the remarks. What is clear is that Charlton adopted a policy of "robust stewarding", which left some feeling aggrieved at what they viewed as excessive punishment for relatively minor transgressions. The complainant may well have fallen into that category, but in the face of conflicting accounts it is not possible for the IFO to determine precisely what took place.

17 In the light of inconclusive evidence, despite a thorough investigation, it follows that **the IFO is unable to uphold the complaints.**

Professor Derek Fraser, Ombudsman
Mr Alan Watson, Deputy Ombudsman
24 June 2009