



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 09/03

**DELAYED ENTRY AT THE CHARLTON ATHLETIC v 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 has already adjudicated on a complaint relating to this match (**IFO Ref 09/02**). It was, therefore, possible to use the same evidence base, together with the dossier submitted by the complainant, to adjudicate this complaint.

The complaints

3. A man, who arranged for several members of his family to attend this match, complained about undue delay in gaining admission through the away turnstiles. He alleged that

- Charlton had failed to supply him with the service the family had purchased by preventing them from seeing the whole match
- The Club showed a lack of professional competence in failing to deal adequately with a crowd that built about the time of kick off
- The Club failed to communicate with waiting supporters about the reasons for the delay
- Both the Club and the Football League were slow to respond to his concerns and in the event neither answered his complaint satisfactorily

In the light of his experiences at the game he demanded

- A refund of the £170 cost of the tickets, originally purchased by his son
- A refund of his contingent travel costs
- An apology from the Club, admitting that they had failed in their duty to the consumer

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 in order 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. It was this group of fans, which police intelligence suggested contained the high risk element, which contributed materially to the delays which were the subject of this complaint. 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, were subject to delayed entry, while this risk group, held in a police "bubble", were admitted and then subjected to search.

7. The complainant contacted the Club on 31 January 2009 and received an acknowledgement on 2 February. He received fuller responses on the 3 and 6 February, but claimed that these explained the reasons for the delay but did not address his complaint in respect of consumer law. On 6 and 11 February the complainant reiterated

his point that he was entitled to redress, whatever the cause of the delays, since the provider had not provided the service contracted for. He was similarly dissatisfied with a further letter on 20 March, particularly taking exception to the Club's assertion that he had merely missed "the first few minutes of the game". He finally received what he termed a "deadlock letter" from the Charlton CEO on 6 April. The complainant was abroad for a period and the IFO was alerted to the complaint only in mid-July, although an email message sent to the IFO in April was for unknown reasons not received. The IFO advised him to submit his complaint to the Football League, which after some delay, confirmed on 20 August that it had completed its stage of the complaints process. The complaint was formally submitted for adjudication by the IFO on 24 August.

The investigation

8. The IFO considered an extensive range of documentary evidence, which included all the evidence cited in **Adjudication 09/02**. The IFO also made a detailed study of the dossiers submitted by the complainant, which contained all the correspondence to and from the complainant, the Club, the Football League and the IFO. In looking into this complaint the IFO referred particularly to the evidence derived from Charlton's security video records and to the detailed record in the Control Room log.

9. The IFO and Deputy met on 1 September to review carefully all the evidence relating to both complaints 09/02 and 09/03 and this adjudication arises from that discussion.

The findings

10. 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. Although the complainant and his family were not in fact subject to search, the blanket searching of the supporters in the group in front of the complainant led to the delayed entry which is the subject of this complaint. The complainant asserts that, since this was a pre-planned operation, the Club should have had in place contingency plans to deal with excessive queuing resulting from a build up of fans at kick-off time. The Safety Officer reported in previous discussions with the IFO that any decision to delay the kick-off would have had to have been taken no later than 15-30 minutes before kick off. The Club at that time had not foreseen any problems with entry, as the crowds were moving freely at that stage. The main problems only

arose at kick-off time with the arrival en masse of the delayed Palace fans. It appears to be the case that there was no communication to the waiting fans and the complainant makes a fair point that the restlessness of the waiting crowd posed a potential risk of the very disorder which the security measures were aimed to prevent. Charlton should review its practices and make every effort to communicate with waiting supporters should these circumstances repeat themselves.

12. The central question in this complaint relates to timing. When did the complainant arrive at the ground? On his own admission, members of his family could have entered the ground before kick-off, but they had decided to delay entry until the complainant had parked his car. The streets around the ground are narrow and congested and it took up to 15 minutes to find a parking space. Crucially, that left the complainant and his family **behind** the risk group arriving at the last minute from the station. Combining the video evidence about the arrival of the delayed group with the statements of the complainant suggests the he began to seek entry only a minute or two before kick-off time. It was this sequence which led to the complainant being delayed while the risk group was subject to a 100% search, as per the police advice. The Control Room log shows that between 19.48 and 20.05, 867 away fans were admitted, with 10% of those admitted in the first three minutes of that period. Clearly there was not a complete cessation of entry through the turnstiles during the period immediately after kick-off, though the comprehensive searching delayed the entry of those remaining in the queue. It must be concluded that the complainant arrived at the ground relatively late, which carried the risk of delay, given the high profile nature of the game. The IFO has already recommended that clubs should warn away fans of what they may expect and, in the light of this complaint, the IFO **further recommends** that all fans be reminded of the advice to arrive in good time when a large crowd is expected. The Club pointed out to the complainant that the ticket carries the advice to be at the ground at least 10 minutes before kick-off. It seems clear from all the facts that the delay in finding a parking space meant that the complainant did not achieve that. To that extent he appears to have contributed to his own misfortune.

13 There is some merit in the complainant's assertion that his communications were not replied to promptly. While Charlton did respond quickly at the initial stage, it took over 2 months for the complainant to get his "deadlock" letter from the CEO. Similarly, the

communications from the Football League contained apologies for the delay in replying. The whole complaints process was elongated partly because of the ambiguous initial reply from the Football League, which the complainant interpreted to mean that he had immediate right of referral to the IFO, whereas the IFO terms of reference make it clear that it may act only after the complaint has been considered by a governing body. Both the Club and the League are reminded that good complaints resolution practice requires prompt and accurate responses to those who complain.

14 The IFO has sympathy with the complainant in that he missed almost a quarter of the game because of delayed entry. Any claim for consequential loss must be pursued under procedures open to the complainant under the Consumer Law which he frequently cites in his submission. The IFO does not consider that a refund of his ticket costs is justified as he compounded his problems by arriving late at the ground. Charlton were justified in taking the action they did on police advice and this led directly to the delays at the turnstiles. While the Club did not offer an apology in the terms which the complainant wanted, they were courteous throughout and offered a full explanation of what had happened.

15 Although Charlton should have communicated with the waiting fans, in the light of the evidence, **the IFO is unable to uphold the complaints.**

Professor Derek Fraser, Ombudsman

Mr Alan Watson. Deputy Ombudsman

9 September 2009