

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



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## **IFO COMPLAINT REF: 17/22**

### **OBSTRUCTED VIEW AT THE AFC WIMBLEDON v PORTSMOUTH MATCH 9 SEPTEMBER 2017**

#### **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 AFC Wimbledon.

#### **The Complaint**

3. A Portsmouth supporter complained on behalf of himself and his friend that at the match at Wimbledon they had been unable to see properly because of fans standing between the barriers at the front of the terrace and the pitchside

advertising hoardings and the stewards had taken no action to help them. He thought that Wimbledon must have given too large a ticket allocation. He complained in addition about a lack of customer service in dealing with his complaint.

### **The facts of the case**

4. The complainant was an away supporter at the Wimbledon v Portsmouth fixture on 9 September 2017. On September 11 he emailed Wimbledon to complain about what had happened on the day. He said that he and a friend, neither of whom are particularly tall, had gone to the ground at 2pm, an hour before kick-off, in order to get places at the front of the terrace; they had been right at the front leaning against the blue painted barrier. At about 2.50pm the terrace looked pretty full and fans had started taking up positions in front of the blue barrier, only to be moved on by stewards. By kick off time the area between the barrier and the hoardings had filled again and the stewards had accepted that there was nowhere else for the fans to go. The complainant's and his friend's view of the match had been completely obscured. The complainant speculated as to whether Portsmouth's ticket allocation had been too big. The complainant said that it was by far the worst matchday experience he had ever had in over 20 years of watching football. He said that he had asked Portsmouth to refund the £34 he had paid for the tickets. He pointed out what he regarded as the bigger picture in that safety had been compromised by the area having been blocked.

5. The complainant also wrote to Portsmouth about the situation. Portsmouth's Supporter Liaison Officer (SLO) replied the following day saying that he had written to Wimbledon asking for their comments.

6. On 26 September, having had no response, the complainant emailed Wimbledon pointing out that they were in breach of their charter commitment in relation to complaint handling. On the following day he received an acknowledgement and an apology, saying that they were endeavouring to reply to him "by Monday" [presumably 2 October]. By 9 October the complainant had heard nothing further and on the advice of the SLO, who had also received no response from Wimbledon, he referred his complaint to the IFO. He enclosed photographs of both the unrestricted view from his position at the front of the terrace and the severely restricted view caused by fans between the barrier and the hoardings while the game was in progress. On 11 October the IFO asked Wimbledon for comments on the case.

7. On 12 October Wimbledon wrote to the complainant and copied the letter to the IFO. They apologised for the delay but said they had needed input from their Safety Officer, who is not employed full time. They said that, knowing that demand for tickets would be high, and taking account of Portsmouth fans having previously arrived late in large numbers, they had reduced the number of tickets which could have been made available. The Club acknowledged that there had been problems with fans standing between the barrier and the hoardings. Three fans had been ejected for refusing to move but, on the advice of the police, the stewards had been told to leave fans where they were for fear of serious disorder. The Club were confident that safety had not been compromised. The

Club said that they were sorry that the complainant had not had a good experience.

8. The Club subsequently told the IFO that they comply with the English Football League's requirement to post the ground regulations at all turnstiles and the match day programme contains a condensed version of the main points; it also contains a telephone number to report any concerns over safety. The Club are satisfied that they do all they can to ensure the safety and well-being of spectators. The Club said that they had had no other complaints from visiting fans regarding safety or view. At the home match against Plymouth on 21 October there had been a similar number of away fans as at the Portsmouth match, but fans had complied with the instructions of stewards not to stand between the barriers and the hoardings and there had been no ejections.

### **Findings**

9. As is normal IFO practice this Adjudication addresses the substantive issue first and subsequently how the complaint was handled. The IFO accepts that Wimbledon have only a small ground and that the terrace can be something of a problem when the attendance is high and when large numbers of fans turn up near to, or at kick off time; and the situation can be exacerbated if fans do not co-operate fully with stewards and safety arrangements. The difficulty the Club faced at the Portsmouth match was how, despite their best efforts, could they get the fans to fill the terrace properly by spreading evenly across all sections, where standing spaces are not allocated and fans have the choice of whether to remain or move along. The Portsmouth match, with their strong away support and fans used to their own all-seater stadium, proved particularly difficult and there does not seem to have been much more that the Club could have done without the danger of provoking a public order incident. Although satisfied that the Club were acting on police advice in allowing the fans to remain where they were, the IFO nevertheless upholds the complainant's claim that, through no fault of their own, his and his friend's enjoyment of the match was severely impaired by the obstruction of their view, which must have been particularly galling given that they had turned up early for places at the front. The fact that the Club had reduced the number of tickets available to away fans was a sensible precaution and in that respect the IFO is satisfied that the Club did not oversell tickets for the Portsmouth match. As far as safety was concerned, the IFO is satisfied that the Club's Safety Officer and the police were carefully monitoring the situation.

10. As far as customer service is concerned Wimbledon should have done better. The complainant did not receive an acknowledgement to his first correspondence. After waiting a fortnight, his reminder was acknowledged, but the reply which the Club were "endeavouring" to send "by Monday" did not materialise, and it was only after the IFO's intervention that the complainant received a substantive reply. In that reply the Club acknowledged that there had been crowd problems at the match, but they did no more than say that they were sorry that he had had a bad experience. An appropriate goodwill gesture at that point might well have prevented escalation of the complaint. The Club's Operations Director and Club Secretary told the IFO that their response had

taken longer than it should have because they are a small Club and do not have a customer service team and the Safety Officer works only part-time. In order to ensure that their response was accurate they needed to view CCTV footage and talk to the stewards, which had delayed the matter. The Director said that he would be reminding colleagues of the proper processes to follow.

11. The IFO considered that both the complainant and his friend were entitled to some redress, justified in part by the shortcomings in the handling of the complaint. **The IFO recommended that the complainant and his friend each be given a goodwill payment of £30 and that they are provided with complimentary tickets for Portsmouth's next visit to Wimbledon.** This recommendation was in line with those implemented in cases of a similar nature adjudicated by the IFO. The Secretary told the IFO that the Club were happy to accept the recommendation in full.

**Conclusion.**

12. The Portsmouth match presented a particular challenge for the Club's stewards and safety staff and for the reasons outlined above, the complainant's enjoyment of the match was impaired, a situation which was exacerbated by shortcomings in customer service following his complaint. The IFO welcomes the Club's acceptance of the recommendation at paragraph 11.

**Professor Derek Fraser, Ombudsman**

**13 November 2017**

**Mr Alan Watson CBE, Deputy Ombudsman**