

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



Chartered Trading  
Standards Institute  
ADR Competent Authority

The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

## **IFO COMPLAINT REF: 19/29**

# **EJECTION AT CHARLTON ATHLETIC**

### **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 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. In investigating this complaint the IFO confirms that he has received full cooperation from Charlton Athletic F C.

### **The complaint**

3. A 19 years' old Leeds United supporter complained that he had been unjustly ejected from his club's match at Charlton on 28 September 2019 and that his subsequent complaint had not been handled properly.

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

4. On 29 September the complainant wrote to Charlton. He said that he has had a season ticket at Leeds for ten years and has not missed an away game for five years. He has never been arrested nor ejected, nor given reason to be spoken to by police or stewards. When he graduates his ambition is to be a police officer so would do nothing to compromise such a career. He said that prior to arriving at the Valley he had drunk no more than three pints over a period of two hours and was fully in control of his faculties at all times. As he entered the stadium around 2.45pm, he felt a push against his back, but did not think anything of it as he assumed it was just the next person coming through the turnstile legitimately. A few seconds later a male and a female steward each grabbed one of his arms, with such force that he was unable to use them. He said that he had done nothing wrong and certainly had not posed any threat which necessitated the use of force. The complainant said that he did not struggle, raise his voice or swear and although he asked the stewards several times to release their grip, they did not do so until he had been physically removed from the stadium. A supervising steward (number 32) came over and a policeman also attended. It transpired that the stewards were under the impression that he had allowed a Leeds fan to tailgate him through the turnstile. When asked by steward 32 if he had ID the complainant said that his driving licence was in his wallet in his coat pocket. Without consent, the female steward went into his pocket, removed his driving licence from his wallet and passed it to the police officer who took down the complainant's personal details. The complainant was then frog marched out of the stadium and the stewards told police officers that in no circumstances was he to be allowed to return. The complainant said that through mutual acquaintances he had later identified the person who had tailgated; the complainant would forward a message from that person saying that the complainant had not allowed him to do so. The complainant said that his treatment by the Club fell well short of the Club's charter in terms of supporter relations and health, safety and welfare issues.

5. On 17 October the complainant emailed the Club. He said that he had been impressed by their quick response, which had promised that he would hear from them again within 24 hours, but despite his having sent them further emails, he had received nothing further. On 22 October the Club told the complainant that CCTV footage showed two men appearing to conspire to tailgate. They asked the complainant to describe the clothing he was wearing and to provide a photograph, which he did. The complainant subsequently confirmed that he was the man seen talking to police. It is also clear that it was the complainant

himself, rather than the female steward, who removed his wallet from his pocket.

### **The Investigation**

6. In response to enquiries by the IFO, the Club said that CCTV footage showed two men loitering outside the turnstiles appearing to weigh up the situation and decide which turnstile would give the best opportunity for breaching. Having tailgated, they were immediately stopped by stewards and ejected. From a photograph and a description of his clothing submitted by the complainant, the Club were satisfied that he was identifiable on CCTV. The complainant subsequently confirmed his identity from a photo taken from the CCTV. The IFO and Deputy visited Charlton on 10 December and met with the Safety Officer and his Deputy. They viewed very good quality CCTV footage of the complainant from when he and the other man who was ejected arrived together outside the turnstiles at 14.12 hours. The pair stood talking for a couple of minutes while a small number of other fans entered. With nobody else at the turnstiles, a steward approached them; it is not known what was said but the steward was possibly asking if they needed help. When other fans turned up the two men went to the turnstiles and, after passing through, two stewards took the complainant, one on each arm, and led him the few yards to the gate, and to a Police Officer. (The tailgater was also ejected.) There was no sign of aggression or undue force by the stewards; equally there was no sign of resistance or aggression by the complainant. The footage clearly shows the complainant, completely unrestrained, talking to the stewards and the Police Officer outside the ground. When he was asked for identity, he got his wallet out of his pocket; as he opened it he dropped it and the female steward tried to catch it before the complainant retrieved it. He then showed the Police Officer an identity card. Thereafter, the complainant had various discussions with the police and there was some pointing at and seemingly an argument with the other person ejected, who was taken away by the police.

7. The Club officials said that that had been the only incident of tailgating at the Leeds match. Two stewards' reports, timed at 14.20 hours, described the incident. The complainant had not, as he said he would, forwarded to the Club a statement from the person who had tailgated him. The Officials said that they find it necessary to "escort" those ejected out of the gate, as access to the ground is not difficult once through the turnstiles.

### **Findings**

8. The IFO is satisfied by the very clear evidence of collusion between the complainant and the other man that the Club were justified in ejecting him from the stadium. The IFO is also satisfied that, although the stewards took him by the arms to prevent any attempt to access the stadium, it was only for a few yards, it was not done aggressively and he was released once outside the stadium. The CCTV record clearly shows the complainant taking his wallet from

his own pocket, then dropping it on the ground with the female steward attempting to catch it as it fell. In fact, at no time was the wallet in the hands of the female steward. The CCTV record therefore refutes the complainant's claim that a female steward took his wallet from his pocket without his permission. Since this accusation has been circulated on social media and is patently false, the IFO suggests that the complainant should rescind it. The IFO is satisfied that the complaint is not justified and considers it would be a salutary experience for the complainant to view the CCTV footage himself to compare with the account he has given to the IFO.

### **Conclusion**

9. Although the complainant continues to assert that he did not know the tailgater nor had spoken to him, the CCTV evidence clearly indicates collusion between the pair. The false accusation that a female steward took his wallet from his pocket without permission also weakened the complainant's case. In the light of the evidence revealed by the CCTV record the IFO concludes that the Club was justified in ejecting the complainant.

**Professor Derek Fraser, Ombudsman**  
**Alan Watson CBE, Deputy Ombudsman**

**9 January 2020**