



THE INDEPENDENT  
FOOTBALL OMBUDSMAN

## **IFO COMPLAINT REF: 17/11**

### **THE TREATMENT OF A DISABLED VISITOR 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. The IFO must make clear that he has received full cooperation from Charlton Athletic FC.

## **The complaint**

3. A man who is confined to a wheelchair complained that he was treated offensively and insultingly by a steward at Charlton Athletic. He was dissatisfied by the club's response to his complaint.

## **The details of the case**

4. The complainant attended the Charlton Athletic v Gillingham match on 17 April 2017. Because of his disability it had taken him some two hours to get from his home and he arrived in the ground around 10 minutes after kick-off, having had delays in the issue of passes for his friend who was making a documentary. After negotiating a severe slope which spun his wheelchair round and might have caused an accident had he not had a seat belt on, he reached the disabled section. He was confronted by a steward who asked which team he supported. The complainant queried the significance of the statement and said that he did not support any team. The steward said that as he was late the complainant could not reach the designated space and would have to go in a different place. The complainant said that there was no way he was going back up the slope and, according to the complainant's account, the steward said, "if I tell you to go that way, then you'll go that way". After a disagreement about whether the steward had intended to direct the complainant back to the slope, he pointed out that the complainant should have arrived at 2.45 not 3.15. The steward pointed to a space on the astroturf and said "sit there and don't get out of your chair". The complainant was very upset and when his friends asked the steward what the problem was, the steward replied "your mate is getting out of his pram". There followed a verbal altercation between the two.

5. At half-time the steward instructed the complainant to move to a new location near the dug outs. At this stage the complainant's father (a former Charlton manager) came to talk and it emerged that it was he who had arranged the ticket. The steward's demeanour changed, but the complainant argued that it should not have mattered who his father was and that it was offensive "how he spoke to me mocking me and knowing full well I couldn't do anything about it". He was incensed to see the steward walk two other wheelchair users to the disabled section, without any apparent problem. The complainant told the steward that he was a "disgrace" and should not be allowed anywhere near disabled people. Two days later (19 April) the complainant sent a letter of complaint to the club which included a record of the conversation, "pretty much verbatim".

6. From a handwritten note on a club copy of the letter it would appear that the Disabled Liaison Officer had left the club and that this contributed to a delay in responding. The club requested that the original letter be resent and it was not until 12 May that the club responded by email. The club had reviewed its liaison and pre-match advice to wheelchair users and had taken his comments on board. Once the match had started it was not possible to reach the disabled

section without crossing the technical area which was not permitted. The control room had instructed the steward to move two Gillingham disabled supporters and that was the reason for the question about which team he supported. The steward had been spoken to and had not intended to upset the complainant and both he and the club apologised. The complainant was wholly dissatisfied with the response and said that he was going to the press and taking legal advice. On 19 May the club responded, repeating its apology and stating again that the steward has not intended to upset the complainant. In order to reach an amicable settlement the club was referring the case to Level Playing Field [LPF] for advice. Meanwhile the complainant requested employment details of the steward, set out in a formal manner, possibly as a result of legal advice. In the event LPF was unable to advise because of the conflicting version of events. Perhaps seeking to resolve matters, a club official contacted the complainant's father but this upset the complainant, who argued that it was nothing to do with the father and asked "could you handle this any worse?". Receiving no response to his request for further information, the complainant referred the matter to the IFO on 1 June.

### **The Investigation**

7. The IFO reviewed all the documentation submitted by the complainant, together with the papers sent to the IFO by the club. These included an annotated copy of the complaint letter, which revealed the club's view on each aspect of the letter. The IFO also contacted LPF to ascertain their view of the issues in the case.

### **The Findings**

8. The club cited a number of mitigating factors and clarified some of the reasoning behind the steward's remarks. The question about which team he supported was related to where the complainant should sit, as home and away fans are to be separated. The late arrival did complicate matters, especially as the control room had instructed that two Gillingham supporters were to be relocated. The complainant denies that there were any logistical issues, but on his own admission, this was his first match since his illness confined him to a wheelchair and he had not attended a game for a year. He perhaps did not appreciate the space and time constraints the steward was under. The club also believed that the late arrival and the difficult access may have made the complainant irritable and argued that he had been aggressive, citing the complainant's statement that prior to his disability "if you had spoken to me like that then, I'd have knocked you out." In the light of this case **the IFO recommends that Charlton Athletic reviews its access routes for disabled supporters, ensuring that they are safe and easily negotiable, and amends its pre-match advice and reception arrangements for wheelchair users.**

9. At the heart of this complaint is the tone and content of the steward's remarks to the complainant. He was responsible for the area and asserted his authority in a peremptory manner which added to the tensions rather than defused them. The club asserts that the steward tried to inject some humour into the situation by saying "don't get out of your pram" seeking to calm things down. However, to say such a thing to a person in a wheelchair is at the very least insensitive and the complainant was entitled to regard it as offensive. Of course, perception of the import of words spoken are much influenced by the tone of the speaker and each side had a different perspective. It was this conflict of evidence which prevented LPF from giving advice. At the request of the IFO, the complainant submitted three witness statements from people who were present nearby and heard the conversation. They all support the complainant's version of events. Taking account of all the evidence the IFO concludes that on the balance of probability the steward did treat the complaint disdainfully and insultingly and **the complaint is upheld**. The employment of stewards is not within the IFO remit, but the events of the case suggest that some further equality training is required and LPF has offered to assist in this. **The IFO recommends that a formal letter of apology be sent to the complainant by the club CEO. The IFO further recommends that by way of recompense the club invites the complainant to be its guest at a future match in a hospitality suite.**

### **Conclusion**

10. It is unfortunate that the complainant's first visit to Charlton as a wheelchair user was such a distressing experience. Despite the mitigating factors suggested by the club, the IFO finds that he was subjected to unacceptable treatment by the steward. Charlton Athletic has indicated that the club accepts and will implement the IFO recommendations. It is for the complainant to decide whether to accept the invitation to return for a match next season.

**Professor Derek Fraser, Ombudsman**

**23 June 2017**

**Alan Watson CBE, Deputy Ombudsman**