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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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## **IFO COMPLAINT REF: 16/12**

### **BRISTOL CITY'S REFUSAL OF A REFUND**

### **IN RESPECT OF A CARER'S SEASON**

### **TICKET**

#### **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, 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. 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 full cooperation from Bristol City FC and the EFL.

## **The complaint**

3. A lady complained she and her husband had paid around £2500 more than they needed through the Club's failure to advise that he could have a free season ticket as the carer of their disabled son.

## **The facts of the case**

4. On 25 August 2015 the complainant emailed the League saying that they had just discovered that her husband had been paying too much for his ticket for the previous six years. The advice the Club had given her husband was that because their son was a child, it was cheaper to pay the cost of a child than to have a carer's ticket. The only reason they now had the correct ticket was because their son had reached age 16 and would require an adult ticket. The complainant maintained that her husband had made it clear that their son was disabled. They had already written twice to the Club whose response had been "Nothing we can do as it's in the past."

5. On 27 August the League replied. They said that the League's guidance to clubs in relation to parents acting as carers was as follows:-

"Where the disabled person is a young child, and their personal assistant is their parent, it is unlikely for clubs to allow the adult to attend for free as part of the reasonable adjustments duty, if they require all children (including those who are not disabled) to be accompanied by an adult. For example, if the club's policy requires all children under 12 to be accompanied by an adult, then charging both a disabled child and their parent would not be treating them less favourably than non-disabled children."

The League's guidance suggested, therefore, that if the Club were to make any adjustment it could be in relation to the price of the child's ticket. The League suggested that the lady should ask Level Playing Field (LPF) for advice.

6. In further correspondence the League said that the Club contended that as soon as they had learned of the son's disability they had provided the appropriate tickets and were not prepared to offer any refund based on historical sales which they maintained had been conducted in good faith based on their knowledge of the family at the time.

7. The complainant asked LPF to help. They contacted the Club contending that the circumstances of the case were exceptional enough to qualify for a refund on the grounds that the Club had mis-sold the tickets. LPF pointed out to the complainant that "there will be rule that unaccompanied children cannot attend a match without an adult – usually 14 years of age and so they could argue that from the age of 10 to 14 [the son] would have to be accompanied by an adult whether he is disabled or not ...." LPF asked if the family would be prepared to accept a 50% refund on the basis of a shared responsibility. The complainant

replied that “maybe we should take some of the responsibility and 50% would be fine if [the Club] were to agree that figure”.

8. On 5 February 2016 the League wrote to the complainant saying that they had been contacted by LPF. They outlined the Club’s normal practice for processing ticket applications and said that the Club were confident that they had followed the correct procedures at all times. The League said it was hard to contest the Club’s view that they were not liable to provide retrospective refunds. The League had asked whether the Club were willing to offer a gesture of good faith. In response the Club had said that, without admitting any liability, they would be happy to offer a signed piece of Club memorabilia. The complainant remained dissatisfied and on 14 June complained to the IFO. She was particularly aggrieved as the family was struggling financially through having a disabled son and her consequential inability to work full-time, yet wanting to continue attendance at matches which was important for the son.

### **The Investigation**

9. The IFO carefully reviewed the correspondence between the Club, the League, LPF and the complainant, together with the relevant ticketing regulations. On 4 August the Deputy IFO visited the Club and discuss the case with the Disability Liaison Officer (DLO). At the Deputy IFO’s request the DLO had researched the family’s ticketing history. In fact, the father would not have been entitled to a free carer’s ticket until the 2013/14 season as the Club’s policy, in line with League guidance (see paragraph 5), is that all under 14s must be accompanied by an adult. That meant that the father would have had to pay the same as all parents of under14s, whether disabled or not. The father had, therefore, paid £375 for his season ticket for each of the 2013/14 and 2014/15 seasons, when he could have qualified for a carer’s ticket after his son had reached age 14 and parental accompaniment was no longer a requirement. When the son reached age 16 and the Club had learned of his disability, they had awarded the carer’s ticket.

10. While the Club are sympathetic to the complainant’s case, they are confident that they took appropriate action as soon as they were made aware of the son’s disability, and their policy is not to make refunds on season tickets, especially involving historical events such as in this case.

### **The Findings**

11. The first point to make is that the complainant is mistaken in her belief that her husband has been deprived of a carer’s ticket for six years. For the reasons explained in paragraph 9, he could have qualified for a free ticket only for two of those years, during which he paid £750. So were the Club in any way liable for him not having been awarded carer’s tickets? In the absence of any substantive evidence or corroboration, it is impossible for the IFO to judge that the Club should be held accountable. However, like the Club, the IFO has sympathy for

the complainant's situation and considers that the Club should have regard for the family's longstanding loyalty (a second son also now attends matches). Given that the complainant was prepared to accept 50% responsibility for what happened, **the IFO recommended that the Club, without accepting any liability, make her a goodwill ex gratia payment equivalent to half the amount incurred.** In response the Club said that in light of the family's longstanding support, they were willing to accept the IFO's recommendation and make a goodwill payment of £375. The Club said that, in doing so, they believe that the service they provide to disabled supporters is among the best in the League and they have every confidence that in this case their staff had acted in good faith and within best practice at every turn.

12. When the IFO informed the complainant of the situation regarding children needing to be accompanied, she could not understand why the Club had not given her that information previously. That was clearly an omission on the part of the Club. The complainant also considered that the Club should reimburse the full amount, as she had been willing to accept half only in light of the size of the perceived loss. However, as there is no substantive evidence of failure on the part of the Club, and the complainant accepted that "maybe we should take some of the responsibility", the IFO is satisfied that the outcome is fair. Finally, **the IFO recommends that the Club ensure that their ticketing policies are made abundantly clear in all forms of publicity.**

### **Conclusion**

13. The IFO investigation has shown that the family's perceived loss was much lower than they believed, and has found no evidence of fault on the part of the Club with regard to the failure to award a free carer ticket earlier. The IFO welcomes the Club's agreement to make a goodwill payment of £375, even though it is less than the complainant hoped for.

**Professor Derek Fraser, Ombudsman**

**30 August 2016**

**Alan Watson CBE, Deputy Ombudsman**