



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 17/19

A THREE YEAR BAN AT MANCHESTER

UNITED

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 full cooperation from Manchester United FC.

The complaint

3. A Manchester United supporter complained that he had been unfairly banned from attending away matches for three years following a mix-up over Europa League tickets. He claimed that administrative failings by the Club were to blame for his misfortune.

The facts of the case

4. The complainant's version

In May 2017 the complainant travelled to Vigo in Spain to attend the Europa Cup game between Celta Vigo and Manchester United. He and his father, who shares the same name, were successful in the ballot for tickets and had attended European games previously. For such matches the Club operates a collection system whereby ticket holders must collect their tickets on the day of the match with suitable ID. The complainant collected "his" ticket on the morning of 4 May. Later that day his father arrived in Vigo and sought to collect his ticket, only to be told that it had already been issued. At that point it emerged that the son had been wrongly issued with his father's ticket. They both then went back to the collection point where the situation then "snowballed, ending up with the ticket staff refusing to cooperate and acknowledge an error and refusing to provide a ticket which had been purchased in the correct means prior to travelling". The outcome was that the son had to give "his" ticket to his father and purchase a ticket from a home supporter to get into the ground. For being classed as a "no show", he was given his ban

5. The Club's version

On 4 May a man whose ID and date of birth matched the ticket in his name was issued with his ticket. In the Club's view the processes put in place to ensure that the correct ticket was issued to the correct person worked effectively. Some time later the same man (the Club say now with a different top) asked for another ticket in the same name. The agent noticed that the date of birth did not match the information on the ticket and consulted a colleague who recognised the man and said to him that he remembered issuing him with his ticket. The man then said there must have been a mix-up as his son had the same name. He returned with a young man and again requested the son's

ticket, but since the younger man had no ID whatsoever the agent refused to hand over the ticket. He said that if there had been a mistake then it could be rectified if both father and son returned with proper ID and then the ticket could be issued. The supporters stated that their passports were in their hotel 3 miles away. Nobody came back and the ticket is still in the possession of the Club in its unopened envelope.

The Progress of the Complaint

6. On his return from Spain the complainant contacted the Club by phone and was advised that on the basis of the information provided he would probably get a refund. However this initial reaction was before the ticketing department had reviewed the proceedings in Vigo and he was soon informed that the Club was proposing to impose a three year away ticket ban because he had failed to collect his ticket and had tried to get another supporter to get his ticket. He was considerably aggrieved by the Club's stance which, he said, compounded his disappointment by continuing to send him promotional material for future European games with the invitation to buy. He was informed that he could still attend home games, but he regarded "this as an insult and I have told them of my thoughts". After he protested, the complaint was escalated to a senior manager in accordance with Club procedures. This review upheld the original decision. He then asked for his case to be heard by the Appeals Panel which contains an independent external member. He did not submit any further evidence, as requested, and so the Panel found no reason to reverse the ban and the sanction was upheld. He was advised that his only remaining option was to refer his complaint to the IFO for investigation, which he did on 19 August 2017.

The Investigation

7. The IFO carefully reviewed the correspondence between the complainant and the Club, together with the review report which the Club provided to the IFO. At the request of the IFO the complainant now submitted a copy of his boarding pass and hotel booking, evidence which had not been available to the Club. He was offered a meeting with the IFO to present his case personally, but because of work commitments he was unable to take up this offer. On 11 September the IFO visited Old Trafford and met with the Head of Customer

Service and Experience and the Customer Care Manager who services the Appeals Panel. They recounted their version of events based on the written evidence of a very experienced ticketing agent who had been in Vigo (as summarised in Paragraph 5). They admitted that it was possible for an administrative error to have occurred (though highly unlikely given the strict ticket issuance regime overseas), but no evidence had been submitted to substantiate the complainant's version. They raised a number of unanswered questions which had not been addressed in the complainant's submissions either to the Club or the IFO. The Club was willing to refer the case back to the Appeals Panel if new evidence was forthcoming. In the light of this meeting the IFO addressed a number of salient questions to the complainant, together with a request for further evidence to support his contentions.

The Findings

8. The IFO has found this dispute difficult to adjudicate because of the conflicting version of events provided by the parties. It is best first to address the secondary issue of administrative errors after the ban was imposed. The complainant was understandably upset to receive invitations to purchase tickets for matches which, because of his ban, he knew he would not be allowed to attend. The Club maintain that these were minor administrative shortcomings due to the delay in manually updating the database to reflect the ban. While the complainant cannot sustain his argument that these errors tended to prove his case that there were also errors in Vigo, equally the Club was too dismissive of the impact the receipt of gratuitous promotional offers had on the complainant's peace of mind. The same issue has arisen before in an IFO Manchester United Adjudication, where a banned supporter was invited to renew his season ticket though not allowed to do so. This suggests that there is an issue with the Club's administrative procedures and **the IFO recommends that Manchester United takes steps to address this.** [The Club had advised that it will in the future inform supporters in receipt of a sanction that they will continue to receive routine communications pending the outcome of any appeal].

9. The substantive complaint is much more complex and the two parties produced wildly conflicting accounts of what transpired in Vigo. The complainant's version is compelling and would suggest that he has been

penalised for an unfortunate confusion over tickets, which he lays firmly at the door of the Club. On the other hand, the Club has the testimony of an experienced agent who maintains that the correct ticket was issued to the correct person on the morning of 4 May and that the complainant was unable to produce ID evidence to justify the issue of his ticket on the afternoon of the same day. There appears to have been some scepticism on the part of the Club about whether the complainant was actually in Vigo and whether perhaps the father was seeking to acquire the second ticket improperly. The IFO requested travel confirmation and has received a boarding card and hotel booking confirmation for one individual from the complainant. The IFO is satisfied on the basis of this evidence that the complainant was indeed in Vigo on the dates in question.

10. The IFO has looked closely at the offence which the complainant is alleged to have committed and reflected on the appropriateness of the sanction imposed. The Club's position is that it had reasonable suspicion that the ticketing problems might possibly have been related to touting. It also referred to "a breach of the terms and conditions". There is no evidence whatsoever of any touting intent (though the Club argues that there was "reasonable suspicion of intent to transfer the ticket to someone other than the official member who purchased it"). The disputed ticket is still in the possession of the Club. Hence the IFO doubts whether the Club is justified in imposing a penalty as though this was a touting offence. Clearly the ticket was not collected and that is a breach of the European away ticketing scheme. The Club argues that this offence was compounded by the attempt of "another supporter" without ID to collect his ticket. Yet the complainant maintains that it was his father who sought to collect the ticket in a scenario where the confusion over the same name had occurred previously at an away European game. [The Club is sceptical about the identity of the "other supporter" who accompanied the father when he attempted to collect the ticket on the second occasion]. The IFO finds that the offence actually committed (failing to collect his ticket) is not comparable to touting and any penalty imposed should reflect this.

11. If there had been conclusive evidence that the father could not have collected the ticket on the morning of 4 May because he had not yet arrived in

Vigo, then this would have confirmed the complainant's assertion that the wrong ticket had been issued. In such a case the Club would be morally obliged to lift the sanction and indeed offer a refund. However, despite requests from the IFO and the Club, such evidence has not been submitted and there remains reasonable doubt about quite what happened. The Club is entitled to be sceptical about why the complainant did not check the ticket on receipt and why he failed to return with his father with proper ID so that his ticket could be issued. In that sense the complainant bears some, but only some, responsibility for his misfortune. The IFO finds that he was in breach of the ticketing regulations for which the Club is justified in imposing a sanction. However, a three year ban is excessive and its harshness does not, in the IFO's view, reflect the seriousness of the offence. **The IFO recommends that the three year ban be reduced to one year, in itself a severe penalty for an offence in which no malevolent intent has been proven.**

Conclusion

12. At the request of the IFO the Club agreed to resubmit the case to the Appeals Panel, since there was some new travel evidence available. The Panel declined to amend the ban as there was still no compelling evidence to prove the presence of both father and son in Vigo. The Club maintains that the father could easily obtain a copy of his itinerary from his airline and invited the complainant to do so. He has declined this invitation and indicated that he will not be pursuing his appeal further. By default, the ban thus remains in place for away, but not for home, matches and the IFO accepts that the lack of the supporting evidence, as requested, justifies the panel's decision. The Club has confirmed that it will reconsider the ban should the evidence be subsequently submitted.

Professor Derek Fraser, Ombudsman

16 October 2017

Alan Watson CBE, Deputy Ombudsman