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THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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## **IFO COMPLAINT REF: 10/04**

### **DELAYED ENTRY AT THE CARLING CUP SEMI-FINAL JANUARY 2010**

#### **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 Football League) 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 operates a system of non-binding arbitration. In exercising its jurisdiction, the IFO does not seek to question the merits of judgements made by properly constituted Regulatory Commissions and Appeal Boards, unless there were shortcomings in the administrative processes which led to those judgements. It is not the role of the IFO to retry cases, but it is its role to explore and review the procedures under which complaints have been decided 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 has received full cooperation from Manchester City Football Club and the Football League.

#### **The complaint**

3. A Manchester United season ticket holder, who attended the Carling Cup Semi-Final tie at Manchester City, complained that his entry was delayed because of some malfunction in the access system. He claimed compensation from the Club as he had missed nearly all of the first half.

## **The events in question**

4. The complainant attended the Manchester City v Manchester United Carling Cup Semi-Final tie on 19 January 2010. His ticket had been purchased by a friend who also attended the game. On arriving at his designated entry point, his legitimately purchased ticket failed to open the turnstile and he was unable to gain access. In view of the congestion and queueing behind him, the complainant was asked to step aside. After failing to gain assistance from nearby stewards, he was eventually directed to the ticket office. Staff there confirmed that the ticket was indeed valid and with this assurance the complainant was eventually admitted by a steward some 35 minutes after kick-off.

5. The complainant initially sent his complaint to Manchester United from whom the ticket had been purchased. Manchester United forwarded the complaint, along with others, to Manchester City. The Head of Safety and Security replied on 23 March 2010 with an overview of the access issues on the night of the game. This was addressed to all those who had sent in complaints and did not specifically address the complainant's particular problems. Subsequent correspondence led to the complainant submitting his ticket to Manchester City. The Club concluded that the ticket had been damaged while in the complainant's possession and therefore refused to accept that any compensation was due. Manchester City are a Premier League club but the Carling Cup is a Football League competition, so the governing body stage of this complaint was dealt with by the Football League in April. Having failed to gain satisfaction from the League, the complainant referred the matter to the IFO on 30 April 2010.

## **The Investigation**

7. The IFO studied carefully all exchanges between the complainant and the Club and between the complainant and the Football League. The complaint was discussed with the Football League during a regular consultation meeting on 24 May 2010, when it was confirmed that the Football League had completed its stage of the complaints process. The Ombudsman visited the Club on 1 June 2010 and had extensive discussions with the Head of Safety and Security and with the Head of Systems and Operations, responsible for the ticketing and access operation. These discussions reviewed the current case and the context on the night, which had been severely challenging for the Club from a security point of view.

## **The Findings**

8. Manchester City pioneered the use of machine-readable access tickets and have a very sophisticated "Fortess" entry system operated by smart cards for most home supporters and bar-coded or chip paper tickets for away supporters. Some 5600 tickets were supplied to Manchester United for distribution to their supporters. This was more than would be sold to United supporters for a Premier League game, since the sharing rules are different for the Carling Cup. The entry system incorporates a detailed reporting function and the Club can confirm that each entry point worked normally, admitting between 500 and 600 people, and that by the time of kick off the vast majority of away supporters had been admitted.

9. The Club explained to the IFO the special challenges it faced on the night of the game. There was credible police intelligence of attempts to bring flares, weapons and other offensive material into the ground. There was a history of attempted fraudulent access by Manchester United supporters, through such means as reuse of tickets (passing back) or the use of tickets for a previous year's game. There was also the tactic, well known to security personnel at this club and others, of specific groups seeking to create disorder and crushing in order to persuade stewards to open the gates. Two such groups did attempt this on the night. None of this relates directly to the complainant and there is absolutely no connection between the complainant and such behaviour. However, these circumstances do shed light on why extra security measures were in place and why issues of safety and security necessarily had to take precedence over the difficulties experienced by one innocent supporter adversely affected by the anti-social behaviour of fellow supporters

10. The IFO had the opportunity to look at the actual ticket in question, a paper ticket with a chip embedded in one side. The complainant argues that it appeared to him to be a normal paper ticket with a tear-off stub, which he assumed would be removed on entry. He kept the ticket folded in his wallet, but chose to fold the ticket not along the perforation (perhaps the logical way to fold such a ticket) but across the middle of the whole ticket. It was clear from an up-to-the-light inspection of the ticket by the IFO in the presence of Club officials, that such folding had broken the embedded chip and this was why the ticket had not operated the turnstile. The ticket office staff are familiar with the failure of a ticket through re-use (passing back) and this is the most common reason why a ticket does not work. The advanced ticketing system shows immediately whether a ticket has been used. Hence when the complainant visited the ticket office, the staff were able to confirm that the ticket was valid and had not already been used for entry. Given this status information, there was no obvious reason to examine the ticket further and the complainant was eventually admitted once the situation outside the ground had quietened down.

11. The complainant argues that the entry system failed and that he is entitled to compensation. The Club's case is that guidance about the care of the ticket is sent to the distributing club, but it is admitted that this guidance does not include any reference to folding. There has not been a similar case over the many years of operation of this system and the Club believes that the responsibility for the damage rests with the complainant. Over 5000 fans gained access with these tickets without difficulty. The Club has compensated one supporter whose ticket was "dead" (ie it did not contain the computerised information) but argues that this ticket was functionally operational, but for the damage inflicted by the complainant. It, therefore, refuses to concede that compensation is due to the complainant.

12. The IFO sympathises greatly with the complainant who inadvertently inflicted the damage to the ticket and found himself in difficulty as a result. He was indeed an innocent victim of the failure of the entry system, though not blameless since he damaged the ticket himself, albeit unknowingly. Unfortunate occurrences do happen across all kinds of service industries and, where there is no intent or obvious failure of service delivery, then there might be no case for compensation. The complainant did indeed suffer inconvenience and missed part of the game but the IFO does not find, in the circumstances, that he is entitled to financial compensation. The IFO is persuaded by the Club's argument that to grant compensation might lead to fraudulent claims,

whereby supporters deliberately fold their tickets in the expectation of getting compensation.

## **Conclusion**

13. The IFO strongly endorses the proposal that in future tickets should incorporate a warning about damage, including folding, and is encouraged by the commitment the Club has given to introduce such warnings for the next season. This will be of little comfort to the complainant, but at least his experience should lead to a reduced risk of this problem being repeated in future. Though the complainant had an unfortunate experience, inadvertently caused by his own actions, **the IFO is unable to uphold the complaint.**

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

**8 June 2010**