



**THE INDEPENDENT
FOOTBALL OMBUDSMAN**

IFO COMPLAINT REF: 10/11

**THE REFUSAL TO SELL A SEASON TICKET AT
SOUTHAMPTON FC**

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. The IFO must make clear at the outset that he has received full cooperation from the Football League and Southampton FC.

The Complaint

3. The complainant, a long-standing supporter who had been a season ticket holder for some 30 years, complained that Southampton FC refused to let him purchase a season ticket for the 2010-11 season. He further complained that he had been given no reason for this restriction and that the Club had failed to meet its own Charter obligations through the delays in responding to him. The complainant is seeking no financial compensation, merely an explanation and his reinstatement as a season ticket holder.

The Events in Question

4. In June 2010 the complainant visited the Club ticket office and purchased a season ticket for the upcoming season. Some days later he noticed that the full cost of the ticket had been refunded to his bank. On 6 July and on several occasions over the next month the complainant contacted the Club by phone, email and letter seeking an explanation. He was informed that “he would be responded to shortly”, though in fact he received no explanation from the Club nor a response to his complaint. On 5 August the complainant contacted the Football League to seek their assistance in getting a response from the Club. The Club took two weeks to respond to the Football League and simply asserted its right not sell its goods or services to any “individual at the Club’s sole discretion”. The complainant raised a number of specific questions and points for the League to put to the Club, which were communicated to Southampton on 25 August. It took the Club a full month to respond, merely stating that they did not wish to add anything further and pointing out that the complainant was not barred from the ground and was permitted to buy tickets on a match by match basis.

5. The complainant felt aggrieved that he was being victimised, possibly because he was the Chair of the Saints Supporters Trust, that he was being given no explanation for the restrictions placed upon him and that he was incurring extra expenditure in having to pay for each ticket individually, thus depriving him of the discount built into the season ticket price. He approached the IFO at the end of September to explain what was going on and to seek procedural guidance. However, fearing that he might be further victimised if he referred his case to the IFO, he did not formally request an IFO investigation until 25 November 2010.

The investigation

6. The IFO carefully reviewed the submissions by the complainant, together with a full dossier from the Football League. He spoke with the Football League on several occasions, including during a regular IFO-Football League liaison meeting on 7 December. The IFO had an extended telephone conversation with the complainant on 28 September and, along with the Deputy Ombudsman, met the complainant in Southampton on 16 December. On the same date, the IFO and Deputy met with Club officials at the St Mary’s Stadium. The Head of Retail, who had been dealing with the complaint, was joined at the meeting by the recently appointed Head of Sales and Marketing, whose responsibilities now include the handling of complaints. The IFO received a statement from an individual with some personal knowledge of the complaint. He also studied the provisions of the *Supporter’s Charter 09-10 Season*, which was applicable at the time of the complaint, but was unable to locate a similar document for the 2010-11 season on the Club’s website. In this regard, it would appear that Southampton FC is in breach of Football League Regulation 18.2 which states that “a copy of the customer charter...shall be made available to the public through...their web site”.

Findings

7. The complaint clearly falls into two parts, the refusal to sell a season ticket without explanation and the way the complaint was handled. The latter is fairly straightforward and is dealt with first. The complainant has made several representations to the Club and has **never** had a substantive reply from Southampton FC. He has received a information via the Football League, but nothing directly from the Club and nothing that addresses his concerns. The Club Charter states quite clearly “The Club will respond to any complaint within a maximum of 7 days of receipt”. This pledge is repeated on the current website, accompanied by a reference to “setting in stone what each supporter can expect from their Club”. It is patently obvious that Southampton failed to fulfil

its Charter pledges, either in the timescale of its indirect response or in explaining the reasons for its actions. The way it handled this complaint hardly reflects the statement on the Club website that “listening to our supporters is vital...and we are taking this process very seriously”. The IFO finds that the Club was in breach of its Charter in the handling of this complaint and **recommends** that the Club apologises to the complainant and explains to the Football League how it proposes to uphold its Charter in the future. In passing, the IFO requests that the Football League explores whether the Club is in breach of League regulations by not having its Charter available on its website.

8. Despite a rigorous investigation, the IFO has been unable to clarify fully what has been going on. During the enquiries a number of facts emerged which may have a bearing on the case. The complainant reports that there was some disgruntlement among supporters when, in the spring of 2010, the Club announced rises in ticket prices, the withdrawal of the instalment payment plan and the decision to provide renewal information solely on the website. As Chair of the Saints Trust (a supporters’ trust recognised by the organisation, Supporters Direct), the complainant contacted the Club to express supporters’ concerns and to seek a meeting, as had occurred on previous occasions. No meeting took place. Moreover, the response of the Club was to send a formal letter signed by the Head of Retail and by the Finance Director, threatening legal action over the Trust’s use of the Club’s Crest, imagery and kit (Southampton FC’s intellectual property) on the Trust’s website. The Trust immediately complied with the Club’s demands and closed the website down forthwith. However, the complainant was concerned that the letter was addressed to him personally at his home address, rather than to the Trust’s secretary at its official address. The complainant is a widely known supporters’ representative and is frequently interviewed by the local press and TV media to give the “fan view” on Club issues. The complainant is convinced that his prominent role as Chair of the Trust and the inevitable disagreements such a role involved, has led directly to what he views as discrimination and victimisation by the Club.

9. It was precisely to explore such perceptions that the IFO arranged the meeting with Club officials. The Club had by no means explained its actions even to the Football League. The statement to the League, dated 18 August 2010, asserts Southampton FC’s legal rights in the matter. **“The Club reserves the right not to sell any of its goods or services to any company or individual at the Club’s sole discretion. It has been decided that on this occasion the Club does not wish to sell a season ticket...The Club will be making no further comment on the matter.”** In conformity with this, the Club made no detailed response to the points raised by the complainant via the League in response to the Club’s statement. Hence there was nothing in the written documentary evidence which explained the Club’s action. At the meeting with the Club, the IFO assured the officials that the meeting would be confidential and cited previous IFO Adjudications where the IFO had been apprised of confidential information which would not be cited in public. Despite this reassurance that “Chatham House rules” would apply, the officials could not explain to the IFO’s satisfaction why the Club had taken the action. Nor did they explain why the club had rejected the complainant’s suggestion that a mediation meeting be held. The officials wished to make clear that the complainant had no formal status within the Club, nor did the Club recognise or endorse the complainant’s role as a fan’s (“self-appointed”) representative, which was a similar point to that made in the letter on infringing the Club’s intellectual property rights. The IFO enquired why no reason had been given to the complainant and suggested that, even at this late date, a letter could be sent to the complainant stating in general terms why the Club, possibly temporarily, had chosen not to extend to the complainant the privileges associated with season ticket ownership. This would at least address one part of the complaint, that no communication had been sent to the complainant explaining why he was subject to the season ticket restriction. Club officials agreed to consider this option.

10. Given that the Club has chosen to confide neither in the League nor in the IFO, it is not possible to discern the real reason for the treatment of the complainant, which the Club admits is unique. Club officials stated that the Club had chosen to demonstrate its powers on this occasion and it would appear that a similar motive explained recent disputes over press accreditation and access for photographers. The IFO is left with no alternative other than to draw the inference that it can only be the complainant's roles as chair of the Trust and prominent supporter activist which have caused him to be singled out for this special treatment. Perhaps this is to set an example and to deter other critics of the Club's management. If that is not the motive then the Club has the opportunity to prove otherwise. In the absence of such proof, the IFO finds that on the balance of probability the Club has discriminated against and victimised the complainant.

Conclusion

11. The investigation of this complaint has revealed clear and stark evidence that the Club was remiss in handling the complaint and the **IFO therefore upholds that aspect of the complaint and finds that a written apology be issued to the complainant.** On the substantive issue, the IFO is disappointed that the Club has not found it possible to resolve the matter direct with the complainant. Furthermore, the IFO has been given no satisfactory explanation of or justification for the "punishment" meted out to the complainant. Although the IFO recognises Southampton FC's legal right to refuse to sell a ticket without having to give an explanation, this power should be exercised reasonably and in conformity with the good customer care philosophy extolled on the Club's website. **The IFO upholds the complaint that this long-standing and loyal supporter has been treated unfairly. The Club, having made its powers and authority clear, should now end the restriction and reinstate the complainant as a season ticket holder, preferably forthwith, but in any case no later than the beginning of the next season.**

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

6 January 2011