



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT 14/17

THE RENEWAL OF A FIVE YEAR BAN AT

STOKE CITY

The Role of the Independent Football Ombudsman (IFO)

1. The office of the IFO was 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. 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. In investigating this complaint, the IFO has received the full cooperation of Stoke City FC and the Premier League.

The complaint

3. A long standing Stoke City supporter complained that, having served the full term of a five year ban for ticketing irregularities, he was banned for a further five years. He complained that the Club had refused to respond to his correspondence and had communicated the further ban through solicitors who gave no reason for the extension of the ban.

Facts of the matter

4. In 2009 the complainant received a five year ban from attending home games after admitting that he had breached the Stoke City ticketing regulations, by acquiring disabled tickets and selling them on to non-disabled supporters. During the term of his ban he attended away matches and distributed tickets acquired through the then Club Manager and a player, with the proceeds being donated to charity. He claimed that at no time did he breach the banning order and during his suspension he did not attend any matches at the Britannia Stadium. He first contacted the IFO late in 2013 to report that the Club had done nothing to reinstate him, believing at that stage that he had served his term of suspension. In accordance with the agreed procedure he was referred to the Premier League and a dialogue between the League and the Club then followed. Perhaps because of changes in personnel at the Club, it proved difficult to locate the original banning letter and to confirm precisely when the ban was due to end. The complainant was under the impression that his ban was for five seasons which he believed had elapsed, rather than for five calendar years. Eventually the IFO received a copy of the original letter which made it clear that the ban was for 5 years and the Club had stated that the case would be reviewed from 1 July 2014. The complainant then accepted in the spring of 2014 that he had been mistaken to state that he had served his ban which then still had several months to run. Indeed, this complaint appeared as a case study in the *2013-14 IFO Annual Report* as an example of a complaint that had been resolved by correspondence, rather than through a full adjudication report.

5. In July 2014 the complainant contacted the Club to seek reinstatement now that the term of the ban had definitely expired. Because he received no response, he again approached the IFO in August 2014 and wrote regularly to complain about lack of contact or progress in his case. Once more he was referred to the Premier League who reported back to the IFO that Stoke City officials were engaged in a thorough ongoing review and no decision had yet been made. It was in October 2014, over three months after the ban had expired, that the complainant received the letter from

the Club's solicitors informing him that his ban was being extended for a further 5 years. The letter made it clear that this new ban was comprehensive, denying access to both home and away games as well as to any team training location. However, the letter gave no reasons why the ban had been renewed and extended in scope. The complainant now formally requested a full IFO investigation and it was explained that confirmation would be required that the governing body stage had been completed. A further extended dialogue between the League and the Club then ensued and it was not until late November that the Premier League sent its summary document to the IFO and the investigation began.

The Investigation

6. The IFO carefully reviewed the correspondence submitted by the complainant as well as the comprehensive Complaint Resolution Report prepared by the Premier League. On 17 December the IFO and Deputy met with the complainant for some two hours. This enabled the complainant to explain the circumstances of his previous ban and to report any involvement which might justify the Club's actions. He reported that he was in receipt of a navy disability pension, had a number of debilitating medical conditions and was distressed by the ongoing dispute.

7. On the same day the IFO and Deputy visited the Britannia Stadium where they met a delegation of senior officials, which confirmed the seriousness of the case under review. The Club party comprised the Head of Health, Safety and Security, the Health and Safety Manager, the Head of Finance, the Ticket Office Manager and the Supporter Liaison Officer. The meeting reviewed the history of the Club's dealings with the complainant and his family and friends. The discussion encompassed details of the Club's own investigations which had delayed the decision on the complainant's request to be reinstated. The officials explained that the confidential nature of the evidence presented to the IFO had led the Club to forego a written submission in favour of this oral testimony.

The Findings

8. As in many previous IFO investigations the two sides have a diametrically opposed version of events, with the complainant asserting his innocence and the Club believing

he is guilty of serious misdemeanours. In his personal response to questioning, the complainant persistently denied any behaviour which could justify the Club's actions and claimed "100%" that he had not been involved in any ticketing activity since the former manager and player had left the club. Subsequent to the meeting, when given the opportunity to cite any evidence that had not been revealed during the meeting, the complainant said that on occasions, but not for some time, he had helped out one of the club's lottery agents who had been unable to utilise his complimentary tickets. He said that the buyers dealt direct with the agent where payment was concerned and that the complainant made no gain from the transactions. The Club explained that it believed that the complainant had been involved in systematic abuse of the ticketing process both before and during his ban. Subsequently the Club had taken specific measures to restrict the supply of complimentary tickets and those legitimately in receipt of such tickets had been warned that the unauthorised disposal or sale of these tickets was strictly forbidden.

9. The Club shared with the IFO confidential evidence which proved that the complainant had been disingenuous in his denials of any wrongdoing. The Club had been monitoring unofficial websites which proved conclusively that the complainant had offered his services in the unauthorised sale of tickets. Moreover complimentary tickets which had been sold via the websites were eventually returned to the Club. The IFO has been provided with copies of the relevant tickets and their provenance, together with compelling evidence of the complainant's direct involvement in their unauthorised sale. The IFO is fully persuaded on the basis of the evidence presented that the complainant is guilty of either abusing, or assisting in the abuse of, the Club's complimentary tickets arrangements and can understand why the Club believes that the complainant was personally involved in what was in effect ticket touting. Given his previous lengthy ban for ticketing irregularities, it was extremely unwise of the complainant to have become involved again, whether or not he did so for financial gain.

10. The Club clearly has the evidence to justify the further disciplinary action which has been taken, though the IFO has some concerns about the timescale and mode of communication. Since much of the evidence of wrongdoing was in the Club's hands prior to the end of the original ban, it is not clear why it took over 3 months to tell the complainant of the decision. The complainant was entitled to a holding reply which could have warned him of the likely timescale for a decision to be reached. Also,

natural justice demands that he be given the reason for the extension of the ban, even if for understandable security reasons it may not be appropriate to disclose the full evidence. The complainant queries why he had to be informed by solicitors rather than the Club itself. The Club explained that they do not have their own legal services; in such serious cases they now present the evidence for solicitors to review to ensure that the proposed disciplinary action is justified. The punishment is more severe than that meted out to another offender but is defended on the grounds that this is a serious and systematic fraud by a repeat offender.

Conclusion

11. The complaint clearly cannot be upheld since there is clear and compelling evidence of misdemeanours and, given the previous history, the Club is fully justified in renewing and extending the ban on the complainant. Even in such clear cases, good practice requires that a complainant is entitled to a timely response to his correspondence. A three month delay is not acceptable, even where further evidence was being sought and negotiations with solicitors were proceeding. The complainant is entitled to know why his ban has been extended and it is **recommended that the Club writes to him setting out the grounds for the disciplinary action taken against him.**

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

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