



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 14/08
TICKET PRICES FOR AWAY FANS

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. The IFO confirms that in investigating this complaint he has received the full cooperation of the Football League.

The complaint

3. A Shrewsbury Town supporter complained that he was charged more for his son's ticket at Walsall than would have been charged for home fans. He claimed that this contravened the Football League's regulations and amounted to discrimination against the families of away fans. He further complained that the Football League had not met its Charter obligations when responding to him.

The facts of the case

4. On 28 March 2014 the complainant wrote to Walsall FC to report that he had phoned the Club that day to complain that he paid more for his son's ticket at the match versus Shrewsbury Town than was charged to home supporters. He particularly cited the Family Ticket, which was available to home fans, but which could not be purchased by away fans. Three days later he received a reply stating that the points would be considered and confirming that the Family Ticket available for certain parts of the stadium was not applicable to the section which accommodated the away fans. The complainant responded, giving evidence of Shrewsbury Town's prices which were considerably cheaper for away fans than those at Walsall. He said that a Walsall fan accompanied by two under 11s would be charged £17 at Shrewsbury, whereas a Shrewsbury fan with two under 11s would be charged £52.50 at Walsall. The Club Secretary replied that Walsall's pricing structure had been approved by the Football League and that any further correspondence should be directed to the League. The complainant calculated, on the basis of his detailed analysis of Walsall's pricing structure, that whereas the tickets for himself and his son had cost £37.00, the equivalent price for a home fan with a child using a family ticket was £23.50.

5. On 9 April the Football League confirmed that Walsall did offer concessionary prices to both home and away supporters and was not in fact obliged to offer an away "Family Ticket". The complainant asked the League for guidance on the operation of its "like for like" regulations and described it as "incomprehensible" how Walsall could get away with offering terms for home supporters which were unavailable to away fans. On 17 April the League provided details of the regulations, which according to the complainant's interpretation, showed that Walsall were in breach. Meanwhile, the complainant had already approached the

IFO and on 2 May the Football League confirmed that it had completed its stage of the complaints procedure. On the following day the complainant added to his grievances his belief that the League had not met its own Charter targets in responding to him. In his summary of the complaint to the IFO he alleged that Walsall "are discriminating against away fans by not offering a Family Ticket when they make this available to home fans....this is also in direct conflict with the Football League Charter on discrimination".

The Investigation

6. The IFO carefully reviewed the complainant's submission, along with correspondence between the complainant, Walsall FC and the Football League. The IFO studied the relevant Football League regulations and also drew upon the material produced for the Football League customer services seminar on the "Away Fan Experience".

The Findings

7. It is first necessary to ascertain whether the Walsall's ticketing policy does indeed fall foul of the Football League's regulations. It has been a bone of contention for supporters groups for many years that away fans are often treated unfairly and the leagues have brought in the requirement that home and away fans should be charged the same for comparable accommodation. The specific Football League Regulations (Section 34 of the Handbook) state:

No Club shall charge higher admission prices for visiting supporters for accommodation that is ranked as comparable with or inferior to that used by supporters of the Home Club (34.2.8)

Concessionary admission prices for senior citizens and children, if available to supporters of the Home Club, must also be available on a similar basis to visiting supporters (34.2.10)

Discounts or special promotions (in each case for one match only) made available to supporters of the Home Club must also be made available on a similar basis to visiting supporters (34.2.11)

8. In his initial complaint addressed to Walsall the complainant acknowledged that the Club "may be breaking no rules", but that the policy was unethical and discriminatory. Later he argued that rule 34.2.11 was demonstrably not being complied with since the "discount" was not being offered to away fans. He also

cited the Football League's own Charter, quoting the section on Anti-Discrimination policy. It is the IFO's view that this section of the Charter is primarily aimed at promoting inclusion and preventing abuse and is not the appropriate means of judging this complaint. The Adjudication will focus on compliance with the specific ticketing regulations. The matter is complex and far from straightforward, as has been the case in previous disputes about the definition of the term "comparable". The Walsall Club Secretary maintains that the ticketing policy does comply with League regulations, having been approved by the League as required. He points out that the Club does offer the same concessions for senior citizens and children to both home and away supporters. He argues that the Family Ticket is offered in certain higher priced parts of the stadium (ie not the whole of the home sections) which do not include the away section. The Football League points out that its regulations do not require Clubs to offer a Family Ticket to away fans.

9. The complainant disputes both the Club's and the League's interpretation and stresses the unethical and discriminatory aspects of the application of the ticketing policy. He specifically cites regulation 2.11, rather than the other clauses, highlighting the "discount" implicit in the Family Ticket, which is not made available to the away supporters. Yet this is problematic from a number of viewpoints. It is clear that as things stand, the term "discount" is not intended to refer to offers such as the Family Ticket, since the regulation is aimed at dealing with special one-off promotions, seeking to increase attendance at a specific match (eg "Kids for a quid at 'x' match, or season ticket holder bring a friend for £5 at 'y' match). Walsall does offer concessionary child prices to both home and away supporters, so the complainant actually purchased a children's ticket for his son at exactly the same price as that charged to a home supporter in comparable accommodation. The fact that that he could not buy a Family Ticket is, in the Club's view, due to the fact that the sections where it is available to home supporters do not fall within the "comparable" category, ie they are not in comparable accommodation. As elsewhere, the definition of "comparable" is open to interpretation. The IFO's review of the stadium plan suggests that the lower tier of the Tile Choice stand is the comparator, but the Club believes that supporters in this area are not fully protected from rain and the upper tiers are

superior. The Football League has disputed this distinction and the Club will assign the whole of the Tile Choice to the same category from next season.

10. It would be harsh to find against the Club when its ticketing policy had received prior approval and the Football League has confirmed that the Club was under no obligation to provide a Family Ticket to away supporters.

Nevertheless, the IFO has some sympathy for the well-argued case which the complainant has made and, as discussed above, there is some ambiguity over what constitutes comparable accommodation. There is a sense in which the special circumstances at Walsall are not in the spirit of the regulations, even if no breach of them has occurred. The Club has thanked the complainant for identifying this ambiguity and has agreed to review its policy for the next season. The complainant has also identified a lacuna in League regulations which deserves some attention. In the light of this investigation **the IFO recommends that Walsall FC does indeed review its ticketing policy to bring the Family Ticket within the spirit of the League's requirement to treat home and away supporters the same. The IFO further recommends that the Football League reviews its regulations so that Family Tickets are included.**

11. The complainant's subsidiary complaint about the Football League's failure to meet its Charter obligations has far less merit than the main complaint. Where the latter raises important issues of substance which deserve attention, the former appears contrived and gratuitous. The complainant argues that the League did not meet its own target timescales in responding to him and did not address his concern about the Charter commitments on discrimination. The IFO finds that the League did respond in a timely manner (in the case of the first approach within an hour of the receipt of the message) and kept the complainant informed of progress. As explained to the complainant, the case required discussion with the Club and relevant League officers before a substantive reply could be provided. It could be argued that before raising his subsidiary complaint, the complainant had already referred the case to the IFO and hence the League was under no obligation to respond to each of the scatter gun messages which he frequently submitted. The IFO notes that some of the messages to both the League and IFO contained threats to take the complaint to

a variety of media organisations: such threats were both inappropriate and unnecessary, since both bodies were addressing the issues within the relevant procedure.

Conclusion

12. The investigation into this complaint has identified issues of both specific and wider concern. The complainant's probing into the very special circumstances at Walsall has revealed an ambiguity in the application of the regulations which in one dimension appears to leave away fans disadvantaged. While the Club did not breach any rules, it has agreed to review its ticketing policy. The Club has thanked the complainant for his helpful efforts in identifying the problem. The complaint also raises an important issue for the Football League to address and the League has indicated that it will be in dialogue with clubs to provide guidance and best practice on a range of issues, including the sale of tickets to home and away fans. The Football League Charter does require clubs to provide "details of home and away ticketing prices (including a commitment to not charging away supporters more)". The League is already commendably exploring ways of better understanding the needs of away supporters and making their experience more enjoyable. The incorporation of the Family Ticket into the League regulations will remove one, albeit obscure, apparent omission in the requirement to charge home and away supporters the same price for tickets in comparable accommodation.

Professor Derek Fraser, Ombudsman
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