

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
Standards Institute
ADR Competent Authority

The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

IFO COMPLAINT REF: 17/25

DOWNGRADING OF CLUB MEMBERSHIP

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 the full cooperation of Huddersfield Town FC.

The Complaint

3. A woman complained that Huddersfield Town had downgraded her membership to Priority 2 for the 2017/18 season, although they had clearly notified her by email that by paying for Blue and White membership in May 2017 she would be priority 1 for future purchases.

The facts of the case

4. On 10 May 2017 the complainant emailed the Club's ticket office expressing her disappointment that, because she works at the stadium on match days, she was unable to obtain a ticket for the away leg of the semi-final play-off against Sheffield Wednesday to accompany her father, who was a Priority 1 member. She said that through her father getting tickets, she had been to at least half the Club's away games that season. She said that only that morning the Club had told her that if she had purchased a Blue and White membership she would have been regarded as Priority 1. She asked for confirmation that as an employee she was classed as a season card holder and that, if she purchased Blue and White membership, she would be Priority 1 in the tiered system. The Club immediately replied that if she was to purchase Blue and White membership (£52 for six months) she would be able to buy a ticket for the away leg of the semi-final, "Then you will be a Priority 1 member for future purchases." The complainant paid her membership.

5. On 14 July the complainant emailed the ticket office. She said that with regard to their "previous arrangement", she was wondering what her Priority would be for 2017/18. She assumed that it would be Priority 1. On 31 July she sent a reminder. On 31 July the Club replied that they were looking into her employment history. On 2 August they told her that they were able to take account of her three years' employment at the Club which, together with her Blue and White membership, would upgrade her to Priority 2 for 2017/18. They said that her Priority 1 category had been for 2016/17 and the categories had since changed, as outlined on the Club's website. When she had been given Priority 1 the categories for 2017/18 had not been decided and no guarantee had been given for 2017/18.

6. Later that day the complainant pointed out to the Club that she had been given Priority 1 right at the end of 2016/17 and believed that she had a contract which the Club should honour. On 15 August, having had no reply, she emailed the Club Ambassador, who passed on her query to "the relevant

department". On 1 and 17 September the complainant sent reminders. On 17 October, having had no reply, she asked the IFO to investigate her complaint.

Investigation

7. The Club provided the IFO with a report on the circumstances surrounding the complaint. They said that the complainant had not met the criteria to purchase a ticket for the away leg of the semi-final as she did not have a season card, through working at the Club on matchdays. The Club had agreed, as a special case, that she could purchase Blue and White membership for six months in order to raise her Priority and enable her to get a ticket. They said that the Club had confirmed that she was Priority 1 for future purchases for season 2016/17. Following the Club's promotion to the Premier League, the Club's Board had had lengthy discussions regarding the allocation of away tickets as demand was likely to outstrip supply (3,000 maximum). The Priorities were elevated accordingly and the complainant fell into Priority 2. That had enabled her to buy tickets for the away matches at Crystal Palace, Burnley, Swansea and Liverpool. Of the Club's 20,000 supporters, fewer than 2,000 are now Priority 1, compared to 4104 Super priority in 2016/17. Those supporters now in Priority 1 have held season cards for over ten years. The changes were widely advertised on social media and supporter emails. On 18 July the Club had explained the changes on their website.

Findings

8. The basis of the complaint is straightforward. Were the Club justified in downgrading the complainant's Priority 1 category? The IFO has seen no evidence in the correspondence of any time limit attached to the award of the category; the Club's email of 10 May simply said that she would be a Priority 1 member "for future purchases". Given that this happened right at the end of the season, the IFO is satisfied that that email gave the complainant an expectation that she would continue as Priority 1 for 2017/18. However, promotion to the Premier League understandably caused the Club to review their priority categories because of the expected demand in relation to limited supply. The consequence was that the priority category of the complainant, and many others, was downgraded. In such circumstances, and in the interest of fairness, the IFO cannot recommend that her Priority 1 status is retained, despite the failure of the Club to be specific about the award of Priority 1 status. Fortunately, her Priority 2 status still gives her a fair chance of getting tickets, as has proved to be the case.

9. Although not cited by the complainant as part of her complaint, the IFO is critical of the poor handling of the complainant's correspondence. First, it was not until 2 August that she received a substantive reply to her email of 14 July. Secondly, despite sending three reminders, she did not receive any reply to her email of 2 August, which prompted her to refer her complaint to the IFO. In addition, if as the Club maintain, the Priority 1 membership was intended to cover only 2016/17, that should have been put to the complainant in writing. The Club told the IFO that they have always prided themselves on customer service and prompt responses but, following promotion to the Premier League, each member of the ticket office team was receiving in excess of 300 emails daily and there had been no increase in staffing. The Club accepted that that did not excuse the delays, but the IFO accepts that it helps to explain them.

Conclusion

10. Although the complainant suffered a loss of expectation through the Club not having made clear that her Priority 1 membership related only to 2016/17, she has ultimately been treated no differently from other members who have been downgraded by the re-categorisation deemed necessary by the Club for life in the Premier League. The IFO, therefore, sees no case for asking the Club to review the complainant's position.

Professor Derek Fraser, Ombudsman

10 December 2017

Alan Watson CBE, Deputy Ombudsman