

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: 18/11 **A THREE YEAR BAN AT MANCHESTER UNITED FOR ALLEGED TICKET TOUTING**

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 Manchester United FC.

The Complaint

3. A long-standing Manchester United supporter complained, on behalf of himself and his friend, that they had been banned unfairly for alleged ticket touting. He vigorously denied the allegation.

The facts of the case

4. In November 2017 the complainant returned from an overseas holiday and, feeling jet-lagged and facing the prospect of a further flight to an upcoming away fixture, decided that he would not attend Manchester United's fixture against Brighton on 18 November. By arrangement with his friend who attends matches with him, it was agreed that they would give their tickets to a married couple known to them. The complainant's son gave the tickets to the couple and the tickets were returned to them after the game. The complainant was deeply shocked to receive a letter from the Club on 27 November stating that his ticket had been sold for £85 before the match and he was to be banned for three years, in line with the Club's published sanctions policy. On 1 December he named the couple who had received the tickets and strenuously denied that the tickets had been re-sold. He stated that he had been a season ticket holder for 30 years, attending home and away (including European) matches and that he knew what the rules were and had always abided by them. On 8 December the complainant contacted the ticket office and repeated his information about the tickets having been "given as a gift to a fellow red and his wife". The two submitted an appeal which was considered at the January 2018 meeting of the Appeals Panel which upheld the sanctions. For confidential reasons the Club was unable to provide the detailed evidence on which the Club had acted and the complainant was advised that he had the option to refer the matter to the IFO, which he did on 18 January.

The investigation

5. The IFO carefully considered the correspondence submitted and the report from the Club. The IFO and Deputy visited Old Trafford on 25 January to discuss the case with the Head of Customer Services and Experience and the Customer Services Manager. They shared with the IFO incontrovertible evidence that the two tickets were sold for £170 a couple of hours before the Brighton match. They also confirmed that their ticketing system revealed that in fact the tickets had not been used to access the stadium. The IFO was satisfied that both Club officials and the Appeals Panel had compelling and justified grounds for the imposition of the normal sanction for proven sanction offences. The Club indicated that it would be willing to reconsider the case if further evidence was forthcoming and after the meeting the IFO contacted the complainant to request that the recipients of the tickets be asked to submit a statement.

Findings

6. It is important at the outset to stress that the IFO strongly supports the Club's efforts to combat ticket touting and the unauthorised use of tickets. The key question in this case is whether the complainant was indeed involved in ticket touting. The season ticket brochure clearly states, "you can share your season ticket with friends and family if you are not able to attend a game", so that on the face of it the complainant and his friend were within the regulations to give their tickets to friends. The regulations also quite properly state that any

breach of the regulations by the recipient is deemed to be a breach by the season ticket holder. Hence, in the absence of any mitigating or contradictory evidence, the ticket holder may be sanctioned for allowing their ticket to be re-sold, even it was not their intention nor if they were not personally involved in the touting. The IFO made two requests to the complainant to obtain a statement from the couple but no response was forthcoming. The IFO cannot speculate how the tickets came to re-sold, but the fact remains that they were and hence the Club was justified in imposing the sanction and the Appeals Panel in upholding it.

7. The IFO is on record as commending Manchester United's clear sanctions policy and an appeal system which incorporates an external independent member. However, the IFO believes that it is important to distinguish between intentional and inadvertent re-selling. In this case the complainant gave his ticket to a friend in good faith and was then let down. The IFO is clear that the Club was correct to apply the full sanction on the basis of the evidence, but feels that the Club should exercise its discretion in the *circumstances of this particular case*. There can be no doubt of the complainant's commitment and loyalty to the Club and, for example, when the IFO spoke to him he was returning from Munich, having attended the 60th anniversary commemoration of the 1958 disaster. The IFO is persuaded that he is not the sort of person who would knowingly re-sell his ticket, or allow it to be re-sold, and he was operating within the regulations by giving his ticket to a friend. In line with the IFO's judgment in a previous case where the trust of the ticketholder was abused without his knowledge, **the IFO recommends that the three year ban be suspended after one year ie the 2nd and 3rd year be held in abeyance, to be reimposed only in the event of a further breach of the regulations.**

8. Conclusion

The IFO confirms that the Club was fully within its rights to impose the standard sanction for touting offences when it had clear evidence that the tickets had been sold. It is only after a thorough and searching review of this particular case that the IFO finds that there are strong grounds for the Club to exercise its discretion and, in effect, reduce the ticketholders' ban to one year, subject to no further breaches of the ticketing rules.

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

10 April 2018