



THE INDEPENDENT
FOOTBALL OMBUDSMAN

IFO COMPLAINT REF: 16/10

LEICESTER CITY'S HANDLING OF SEAT REALLOCATION

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, 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 he has received full cooperation from Leicester City FC in investigating this complaint.

The complaint

3. A longstanding Leicester City season ticket holder complained that inadequate planning had caused the Club to inform him wrongly that he would have to vacate his regular seat and that they had then mishandled his complaint over the matter.

The facts of the case

4. On 22 April the Club's Ticketing Manager wrote to the complainant (and others) saying that plans were being made to ensure compliance with UEFA regulations ahead of the Club's European fixtures. The requirement to increase the size of the TV gantry would impact on the last three rows of the East stand in four blocks of the stadium, as a result of which the complainant would have to relocate to a different part of the stadium for 2016/17 season. The Manager apologised for any inconvenience caused. He said that there was a priority relocation period of 18 to 20 May for those season ticket holders affected. On 24 April the complainant emailed the PA to the Chief Executive. He said that he was appalled and infuriated by the Manager's letter, which provided no comfort that he would not be left with a poor seat. He said that the letter gave no explanation about any alternatives, such as a temporary gantry for European games, which might have been explored, thereby allowing those affected to retain their seats for league matches. The complainant asked whether the Chairman or Chief Executive had personally approved "such a disastrous communication", and what they were going to do to ensure that he retained a half-way line seat, at similar elevation, for the same price in the coming season. The PA replied immediately saying that she would follow up his complaint with the Chief Executive who would be in the office the following week. The complainant responded that "next week" was not good enough as, despite the priority relocation period scheduled for May, people were already selecting alternative seats. He said that the relocation process had been ill thought through.

5. On 25 April the PA emailed the complainant saying that the Club's Commercial Director would be issuing a further communication the following day. On 6 May the complainant emailed the PA saying that he had yet to hear from the Commercial Director. He and his son were to meet the Supporter Liaison Officer (SLO) the following day to view the "inferior seats on offer";

before deciding on renewal, he wanted the Club's response to his complaint. On 7 May the complainant met the SLO at the stadium and agreed alternative seating. On 9 May the SLO telephoned the complainant saying that a solution to the problem had been found. On 18 May the complainant emailed the PA saying it was obvious from subsequent events that the Ticketing Manager's letter had been issued in indecent haste and by "somebody far too junior". The fact that supporters had been restored to their original seats was welcome, but scant consolation for the turmoil and upset caused to some 360 supporters. He asked why that situation had been allowed to happen and when he was going to get a formal reply to his complaint.

6. On 19 May the Ticketing Manager wrote to those affected saying that as part of the preparation for the coming season the Club had been in discussions with UEFA in relation to extending the TV gantry and could confirm that arrangements had been made for a temporary extension of the gantry for Champions League matches. That meant that supporters would not need to relocate for Premier League fixtures, but some might be required to purchase an alternative seat for Champions League matches. The Manager said that the Club were sorry for any inconvenience and confusion caused by their original letter. On 23 May the complainant emailed the SLO asking about a reply to his complaint as he did not really want to have to escalate the matter. The SLO apologised that things were hectic but someone would be in touch with him. Later that day the Head of Supporter Engagement telephoned the complainant. They discussed the need to issue a letter of apology from the Executive to all those affected by the situation. On 7 June the complainant emailed the Head of Supporter Engagement saying that he had been encouraged to hear from a couple of fellow seat holders that they had received letters of apology, but he was "absolutely furious" that he and his son had received nothing. Friends had copied to him the apology letter (of 2 June). In that letter the Commercial Director said that preparing for the Champions League had been a learning process for the Club and unfortunately mistakes had been made along the way; he apologised for the letter of 22 April. He said that, further to the UEFA delegation's visit to the stadium, there was no requirement for season ticket holders to relocate for Premier League games. The Director assured readers that in future there would be further consultation before the issue of any

communication. Relocating season ticket holders would always be a last resort. The Director said "I am very sorry for the inconvenience these communications caused and apologise if it in any way marred the very special end of season celebrations".

7. The complainant maintained that it was only a half truth "that the UEFA delegation visit means now that there is no requirement to move", as nobody had bothered to research the dilemma before the Manager had issued his letter. In addition, there was no "sweetener" to compensate for what he described as the "anguish, annoyance, disruption and time taken up as a direct result of the Club's incompetence". He said that "Rather than just a free ticket to a European game I am looking for substantial compensation for the numerous hours that the club's incompetence has forced me to invest, including a fruitless 90 mile round trip to look at a seat I never would need. The club have had ample opportunity to put this to bed and have failed lamentably". On 13 June the complainant emailed the Head of Supporter Engagement saying it was seven weeks since he had made his complaint for the attention of the Chairman or the Chief Executive yet had received nothing from either party. He asked for details of the Vice-Chairman and his address in Thailand. On 22 June the complainant wrote to the Club's Vice-Chairman in Thailand outlining his grievances.

8. Meanwhile, on 9 June the Chief Executive had written to the complainant apologising sincerely for the upset caused by the Club's letters of 22 April and 19 May regarding the "possibility" of having to relocate his seat. Following an initial consultation with UEFA, because of the requirement to increase the size of the TV gantry, the Club had written to those affected as they felt it important to alert supporters as soon as possible. However, after further consultation with UEFA and various contractors, the Club had found an alternative solution which meant that he and others would have to move seats only for European matches. The Chief Executive said that the Club should have delayed writing to supporters. In future the Club would ensure that they had all the correct information before communicating with supporters. On 16 June the complainant copied the Chief Executive's letter to the SLO and the Head of Supporter Engagement. He said that it made no acknowledgement of his communications and did not deal with the specific points he had raised. He said that the Club

should apologise properly to all those affected and make a tangible gesture such as offering a free ticket to one of the European home games.

9. On 28 July the complainant emailed the Head of Supporter Engagement saying that he had heard nothing from the Chief Executive about passing his complaint to the Vice-Chairman. He provided the Head of Supporter Engagement with an unsigned copy of the letter he had sent to the Vice-Chairman. On 9 August the Chief Executive wrote to the complainant saying that his letter to the Vice-Chairman had been passed to her for reply. She repeated the content of her letter of 9 June and said that the Club were unable to offer complimentary tickets for any of their Champions League games. The Club considered the matter closed and would not be making further comment. If he wished to take the matter further he could contact the IFO. Meanwhile, on 11 July the complainant had asked the IFO to take up his case. He said that the letter of 22 April had been ill-timed and ill-thought through, and signed by someone too junior to take responsibility for its content. He said that he had never wanted personal compensation but he did want everyone who had been "hurt, worried, angered, frustrated and absolutely exasperated with the club's incompetence" to be rewarded in some way as a means of saying sorry properly.

The investigation

10. The IFO and Deputy met with the complainant. He contended that the Club had failed to do adequate forward planning for European games even though they had known of their qualification well before the end of the season. He said that the Club had then panicked when they realised that they had to put season tickets on sale. The letter of 22 April had spoiled the last few games of the season as concerned supporters had constantly discussed the problem of leaving their seats, and friends, for inferior seats at higher prices. The complainant did not believe that the solution to the problem had resulted from the visit by the UEFA delegation, but rather that, after he had raised the matter, they had learned that other clubs had experienced similar problems where a temporary gantry had been the solution.

11. Although the complainant did not believe that the Club had been open with supporters, he nevertheless praised the efforts of the SLO whom he had found particularly helpful. Despite what he had said in his letter of 7 June, he was not

seeking substantial compensation. That had been a symptom of his frustration; his pursuit of his complaint was about principle, not money. His desired outcome to the IFO investigation was for the Club:

- to ensure that there are proper procedures and resources for complaint handling
- to issue a stark apology, admitting that they had made a fundamental error; and
- to make a gesture of goodwill to the 360 or so supporters who had been affected;

12. The IFO and his Deputy visited the Club and met with the Finance Director and the SLO. The Commercial Director had left the Club. The Finance Director explained that the issue of the letter on 22 April had been authorised by the Commercial Director, based on the situation as they had understood it at that time, in order to give those affected ample opportunity to make the best possible alternative seating arrangements. The Club had already apologised for not having waited until they were sure of the facts. The Club's own construction contractors had come up with the temporary gantry solution and its feasibility had been confirmed by a UEFA delegation site visit on 9 May, after which the SLO had telephoned the complainant to give him advance warning of the changed situation. The SLO had also had various telephone conversations with the complainant and had met with him and his son to identify suitable alternative seats. The officers said that the Club had not sent the complainant the general letter of 2 June as he was to get a personal one from the Chief Executive; unfortunately, the issue of that letter had been delayed until 9 June through her absence from the office. (*The Club subsequently said that the delay was more down to the fact that the Chief Executive's PA was ill rather than the Chief Executive not having been in the office for a period of time; the PA would have ensured that the matter was dealt with within the time frame.*) The officers conceded that the Club had failed to honour the undertaking that the Commercial Director would write to the complainant on 26 April.

13. In light of the shortcomings in the handling of the complaint, the Finance Director said that the Club would allow the complainant and his son, at no extra cost (a saving of £90), to have Champions League group match seats in front of their regular Premier League seats, replacing seats they had bought for a

different part of the ground. When the IFO notified the complainant of the Club's offer he replied that he had no intention of accepting "any kind of sop offered at the eleventh hour". He felt that he was being "bought off" and was declining on principle because the offer was ill-timed and related only to him and his son.

14. The Club told the IFO that as soon as UEFA clarified the situation they had told the fans that they would not have to relocate. They said "Fans are forced to relocate regularly due to issues beyond the Club's control and it is not be reasonable for them to be able to claim compensation for the inconvenience which is minor and beyond the Club's control". The Club also wanted to put on record that several members of staff had spent considerable amounts of time devising a system to allow fans to remain in situ.

Findings

15. The first part of the complaint is that inadequate planning caused the Club to issue the letter of 22 April. In his letter of 2 June the Commercial Director conceded that mistakes had been made in the planning process regarding UEFA stadium requirements. In addition, in her letter of 9 June to the complainant, the Chief Executive conceded that the Club should have delayed writing to supporters and has assured the complainant that should such a situation arise in the future the Club will ensure they have all the correct information before communicating with supporters. That part of the complaint is clearly justified. The IFO accepts that the Club were acting in good faith in alerting those affected with the intention of giving them sufficient time to identify the best possible alternative seats before the general sale of season tickets opened. However, the IFO is satisfied that the Club should have undertaken appropriate research before issuing such a definitive letter or, at the very least, have indicated only that there was a **possibility** of having to move seats. The Club contend that fans having to relocate for reasons outside the Club's control should not expect to be compensated "for an inconvenience which is minor". The IFO would not dispute that. However, that is not what is in contention here. For a few weeks before the season ended, those affected were seemingly left in no doubt that for all matches they would have to relocate, potentially for most of the following season, a situation unnecessarily caused by the Club. The IFO is satisfied that that caused the complainant and others affected a certain amount of uncertainty

and concern at having to leave their regular seats, and possibly move from friends, a situation which the IFO did not regard as "minor". In such circumstances **the IFO recommended that the Club offer those affected a tangible goodwill gesture in recognition.** In response to the IFO's draft report and recommendation, the Club said that they did not accept that those fans affected should be offered a goodwill gesture as the Club had acted with the best intentions and as soon as clarification had been obtained from UEFA, they had informed fans that they would not have to move seats. Having carefully considered the Club's response, **the IFO still recommends that in light of the circumstances surrounding the complaint, and the Club's admitted failing, the Club should offer those affected a tangible goodwill gesture.**

16. The IFO did not find justified the complaint that the Ticketing Manager had been too junior to have issued the letter of 22 April; the letter was actually authorised by the Commercial Director. However, the IFO accepts the complainant's contention that the letter lacked empathy.

17. One of the complainant's desired outcomes was that the Club should "issue a stark apology, admitting that they had made a fundamental mistake". As outlined in the previous paragraph, the Club have already publicly conceded that they should not have issued the letter of 22 April. As for a "stark apology", in his letter of 19 May the Ticketing Manager said "We are sorry for any inconvenience and confusion caused by our earlier letter". On 2 June the Commercial Director said that he was sorry for the inconvenience caused and apologised if it any way marred the very special end of season celebrations. Finally, in a personal letter to the complainant, the Chief Executive offered sincere apologies for the inconvenience and upset caused to him and fellow supporters. In such circumstances, the IFO is satisfied that the Club have accepted that the letter of 22 April was an error and have offered appropriate apologies.

18. As far as the Club's handling of the complaint is concerned, there were clearly shortcomings, the most notable being the failure to honour the undertaking that the Commercial Director would be issuing a further communication on 26 April. Although the complainant had several interactions with the SLO in the intervening period, it was not until 19 May that the complainant had further written communication from the Club, and that was a

general letter from the Ticketing Manager to all those affected and did not address his complaints. The complainant did not receive a copy of the Commercial Director's letter of 2 June, as the Chief Executive was to write to him personally, but the issue of that letter was delayed until 9 June, almost seven weeks after the complaint had been made, because the Chief Executive was away from the office. In recognition of the less than satisfactory standard of complaint handling, the Club made the complainant an offer of better Champions League seats, as outlined in paragraph 11. Although the complainant declined that opportunity on the basis that his complaint was about "the collective" and not about himself, the IFO is satisfied that that was a fair offer in relation to the unsatisfactory complaint handling.

19. Another of the complainant's desired outcomes was that the Club should have proper procedures for complaint handling. From discussions with the Club, the IFO is satisfied that proper procedures are in place, albeit they did not work particularly well in his case. One weakness is that where the Chief Executive needs to be involved, her absences from the Club in connection with her wider King Power duties, can cause delay. **The IFO recommends that steps are taken to avoid such delays, either by Chief Executive communications being conducted away from the Club or the use of appropriate delegated authority.** Although the unfortunate absence of the PA seems to have had a bearing on what happened, such action would have prevented the situation where others affected received the Club's explanation and apologies over a week ahead of the complainant. For their part, the Club have said that the delay in the complainant's case was a short term issue which does not have an ongoing effect on the Club's complaint management. The complainant, while wholesome in his praise for the work of the SLO, was concerned that his post was overloaded. The appointment of an assistant should ease that situation.

20. The complainant did not believe that his letter to the Vice-Chairman had been passed to the Chief Executive for reply, as she said in her letter. He contended that his suspicion was confirmed when his subject access request produced only the unsigned copy of his letter to the Vice-Chairman; he did not accept that the Vice-Chairman had been involved in, or even informed of, the complaint, despite the fact that he had written to the Vice-Chairman. Whether the complainant's letter was physically passed to the Chief Executive by the

Vice-Chairman's office, or she was simply asked to reply, given that the Club had a copy, is a moot point and the IFO does not regard that as germane to this investigation. The fact is that the Chief Executive responded appropriately to the complaint.

Conclusion

21. The IFO has found justified the main element of the complaint, in that the Club failed to complete adequate planning before telling supporters that they would have to move seats for the 2016/17 season a situation which unnecessarily caused the complainant and others affected a certain amount of concern and uncertainty. In recognition of that, the IFO has recommended that the Club offer those affected a tangible goodwill gesture.

Professor Derek Fraser, Ombudsman

17 November 2016

Alan Watson CBE, Deputy Ombudsman