

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



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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: 18/35 **THE ALLOCATION OF EUROPEAN AWAY DISABLED** **TICKETS AT MANCHESTER UNITED**

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 at the outset that in investigating this complaint he has received the full cooperation of Manchester United FC.

The complaint

3. A Manchester United season ticket holder complained that the system for allocating away European tickets did not take account of his special needs as a disabled supporter nor those of his disabled son.

The background and the facts of the case.

4. This complaint has had a long gestation period and originates in the changes made in 2015-16 when Manchester United brought the allocation of disabled tickets within the Club's administration. Prior to this such tickets were allocated by the Disabled Supporters Association and the complainant makes clear that he found the previous system more personal and better tuned to supporters' special needs, though he points out that both systems are based on a ballot. The Club explained that while the complainant was a beneficiary of that system, there were many other disabled fans who were excluded by it. As the Ticketing Manager reported to the complainant in January 2018:

"the personal service offered to a small number/select group of disabled fans in the past was one of the main reasons for complaint from the vast majority of disabled fans (ie those who were not afforded the personal service). We have consciously reviewed all of our policies to ensure that, wherever possible, disabled and non-disabled supporters are treated identically."

Henceforward, the Club would operate an anonymised ballot system using the credit points to determine eligibility for the ballot, a parallel and similar system to that operated for non-disabled supporters.

5. The complainant has been a season ticket holder since 1985 and was diagnosed with Multiple Sclerosis in 2014. His son has Cerebral Palsy who requires the use of a wheelchair and has been attending matches since 2010. In the wake of the new system, in May 2017 the complainant gave detailed explanations of his and his son's difficulties to the Club's Disability Liaison Officer and the Equality and Inclusion Officer. He was disappointed to find that despite the Club having full details of his special needs, he was allocated standard seating tickets for the European match in Seville in February 2018. He complained to the Club and eventually received a detailed explanation from the Head of Customer Service & Experience in March 2018. The demand for away European disabled tickets always exceeds the supply (the complainant disputes this) as is the case for all categories of away tickets and the Club, wishing to treat all supporters equally fairly, uses a ballot. The balloting system reflects a number of variables: the number of amenity/disabled seats made available by the home European club; the number of disabled fans applying for tickets; the number of credits applicants have; and whether people apply to the Club directly or through the Club's official travel partner, Thomas Cook. After its investigation into the Seville case, the Club noted that the complainant's son had considerably more credits than he had and that one of their party had only 2 credits and this explained the initial failure in the ballot. The complainant argues that his credits are not relevant to his request for a carer's ticket. Tickets were eventually allocated but were standard tickets only, due, the Club maintained, to the failure of the complainant to specify that he needed special assistance on the Thomas Cook application form. The Club also asserted that the travel partner did not supply personal details of the applicants in time for those to be considered in the ballot, a claim which the complainant disputes as he maintains that he has always made both of their disabilities known to the Club. In May 2018 the complainant submitted further queries and comments arising from the March response. Despite many reminders the Club did not respond in detail, but did explain to the complainant that it would not accede to his request to provide

policy or procedural documents about the operation of the ballot.

6. In the autumn of 2018 the complainant indicated that he was proposing to refer his case to the IFO. In November he had a further disappointing experience at Juventus when the three tickets allocated to his party were for separate seats, even though they had been booked together, and in particular his son's second carer ticket was for a totally different part of the stadium. He also complained that they had to collect their tickets from different locations. The Customer Services Manager explained that the complainant had changed the name on the third ticket at a late stage and the home club's security arrangements required a further identification process. Juventus also had a separate location for the collection of disabled tickets, despite Manchester United's request that they be distributed beforehand. The complainant was reminded of the need for him to specify his special needs at the time of the ticket application. The complainant linked the Juventus case to his previous complaint and the Club responded by saying that they had fully addressed all his points. Dissatisfied with this reply the complainant referred his complaint to the IFO on 30 November, providing supporting documentation on 11 December.

The investigation

7. The IFO carefully reviewed the extensive documentation supplied by both the Club and the complainant. On December 13 the IFO visited Old Trafford and met with the Head of Customer Services and Experience, the Customer Services Manager and a Legal Counsel. They explained the process for allocating disabled tickets and the history of this dispute. In their view the main cause of the difficulties had been the complainant's failure to declare any special assistance requirements at the time of making the application through Thomas Cook. On 28 February the IFO and Deputy met with the complainant, who gave his perspective on the history of the dispute and clarified that the key issue was his need to have two carers' tickets plus one wheelchair disabled ticket for European away matches. On the same day the Deputy IFO returned to the Club and had further discussions on the operation of the ballot and the way the Club had handled the complaint.

Findings

8. The complainant has an understandable wish to sit with his disabled son at away European matches and it is reasonable for him to look to the Club to assist him in fulfilling his wish. It would seem to the IFO that the simplest way of achieving this is for the complainant to apply for a carer's ticket while his son applies for a wheelchair allocation, which is what he normally does. The complication arises when he requests a second carer's ticket which, as at the Juventus game, might then be allocated in a different part of the stadium, which contributed to a less than satisfactory experience in Turin. That things did not work out at the Seville match appears to have been wholly due to the complainant not having specified his need for special assistance at the time of making his application. The complainant appears to believe that since both Thomas Cook and Club officials are well aware of his special circumstances, there should be no need for him to repeat the information. Yet this is an anonymised balloting system often operated under severe time constraints and if the requisite information is not forthcoming at the time of the ballot, then the complainant will be placed in the "wrong" category, as happened with the Seville match. It does not seem to the IFO to be an onerous requirement for the

complainant to specify his needs clearly on each Thomas Cook application. Indeed, it is in his interest to do so (and he confirmed that he is willing to do so), since it would make it more likely that his main objective will be achieved. As the Customer Services Manager pointed out, the complainant had "previously been asked to communicate your match ticket requirements to Thomas Cook Sport when you book with them and we would urge you to do so going forward". The IFO endorses that advice. The complainant has informed the IFO that he felt that there had been a "long awaited resolution" by applying for both the Thomas Cook and the Club ballot. Where such an application were to be successful, the Club would ask the complainant to choose which ballot to go into, so as to maximise the number of wheelchair supporters who could be allocated tickets. The Club points out that the double application would not in fact increase the complainant's chance of getting tickets and continues to argue that the key issue is the complainant's need to specify his particular requirements on each occasion he applies for European away tickets.

9. The complainant questions whether Manchester United's ticket allocation system takes account of the need to make reasonable adjustments to meet the specific needs of individual supporters. The Club points out that its system was developed after discussions with and advice from the Disabled Supporters Association and Level Playing Field. It accords with best practice that disabled and non-disabled supporters should be treated equally, while taking account of specific needs. There are a number of logistical issues which could influence the complainant's allocations, such as the difference in credit points between him and his son, the configuration of the stadium disabled seating and whether it is co-located with amenity seats. The Club has assured the IFO that the complainant's special circumstances are noted on their systems and so long as his needs are recorded on the Thomas Cook application, they would do their best to accommodate him and his son in suitable seating. But the needs for an individual match would need to be specified clearly and the IFO noted some inconsistency in the complainant's requirements. For example, in explaining his circumstances to the IFO, the complainant stated, "I use family members for support ...however there is no requirement for them to be in a carer role", whereas one of his main criticisms at the Juventus match was that his nephew (as second carer) was in a different part of the stadium. The complainant also queries whether the Club's policy is consistent with UEFA regulations. The IFO has no remit in relation to UEFA, but notes the Ticketing Manager's assertion that no such regulations currently exist. The Club has clarified that the Club's DLO (who attends matches in the disabled area and is thus available to talk with the complainant) is also the DAO, in conformity with UEFA requirements. The IFO is satisfied that the Club has a fair and equitable system for the allocation of away European disabled tickets in the face of excessive demand and is able to overlay some personal considerations after the ballot.

10. The complainant refers to the Club's publicised procedure and timescale for dealing with complaints and criticises the Club for not following its own procedures. He cites the long delay in responding to him and the failure to escalate his complaint within the Club's senior management. The IFO finds that that there was undue delay through the summer of 2018 and recommends that Manchester United ensure that complaints are always dealt with expeditiously. Club officials point out that the complainant received in March a detailed response to his complaint about the Seville game. When he did not reply within

one month the Club assumed that the matter was closed and no further action was required. When he did eventually submit further comments and questions in May there was in effect no substantive reply. When he renewed his complaint in November in relation to the Juventus match the Club responded that all his points had been addressed. The complainant strongly disputes that and he was entitled to be aggrieved at the delays in providing a response to his supplementary concerns. The Club admits that the way it handled the complaint was "not ideal". The Club explained there were difficulties in escalating the complaint due to personnel changes and the IFO accepts that and finds that the case was dealt with at an appropriately senior level.

11. Though not part of the original complaint, the complainant made one suggestion to the IFO which is worthy of consideration. He explained

"I have also suggested that it would be useful for MUFC to provide in advance any information obtained on their scouting trips prior to these games had been played in term of disabled facilities, ie number of toilets, position of carer seats, location of the away supporters and make ticket collection easier".

As long ago as 2006 the IFC (the predecessor body of the IFO) did a survey of the experience of English supporters travelling to European matches.¹ One of the main recommendations arising from that report was that clubs should prepare detailed briefing notes so that travelling supporters could be informed of what to expect when they travelled to European matches, often to grounds they may never have visited before. The Club already prepares such briefing and perhaps this could be enhanced for disabled supporters, following familiarisation visits to away grounds by the DAO.

Conclusion

12. There would appear to have been a failure of communication between the parties, since on both sides there is a willingness to seek a resolution. The complainant has assured the IFO that he will provide the requisite information and the Club has confirmed that its systems can meet the complainant's special needs, so long as it is made aware of them. The complainant feels that his particular circumstances (requiring one wheelchair space and two carers' tickets) are well known to the Club and recorded on its systems. The Club confirms that this is the case, but nevertheless requires the complainant to specify his needs on each occasion, since they may vary depending on the location of the match and the travelling difficulties involved. The IFO feels that the parties can find agreement for the rest of the season and beyond. The IFO finds that the Club was dilatory in responding to the complaint. However, the substantive issues raised by the complainant can be resolved going forward with flexibility and goodwill on both sides.

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

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¹ The Independent Football Commission, *The Experience of English Supporters in European Competitions 2005-6* [Available in the IFC Reports section of the IFO website, www.theifo.co.uk]. The IFO has been informed that this report is still used by clubs in preparing their supporters for European matches.