

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: 19/06

THREE YEAR BANS AT MANCHESTER UNITED

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 [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 full cooperation from Manchester United FC.

The complaint

3. A Manchester United season ticket holder complained that the Club have treated him as a ticket tout and unjustly banned him and his mother for three years, when all he had done was to allow a colleague to use their tickets.

The facts of the case

4. The complainant has been a season ticket holder since 2005, and his mother for the past three years. Because he was abroad at the time of the home match against Newcastle on 6 October 2018, and his mother was unable to attend without him, he gave the tickets, free of charge, to a colleague and his son to use. On 18 October he wrote to the Club saying that he had just returned from abroad to find a letter dated 8 October from the Club imposing a suspension of three years for the unauthorised use of their tickets. The complainant explained to the Club what had happened and said that his colleague had used the tickets and had subsequently returned them to him. On 19 October the Club told him that his explanation was unsatisfactory and that the sanction would stand. On 22 October the Club told the complainant that on one of their random ticket checks they had found that the tickets appeared defaced and had numbered stickers attached, which suggested they may have been part of an unauthorised network. The people in possession of the tickets at the Newcastle match had claimed that they had bought the tickets for £280 each and had been told to drop them off at an agreed location after the match.

5. On 25 October the complainant provided proof of his absence abroad, together with photographs of himself and his mother, and his son at Old Trafford matches. He provided the address of the colleague to whom he had given the tickets. On 30 October the Club asked the complainant to provide evidence that his colleague had attended the match and for an explanation as to how numbered labels were attached to the tickets. On 31 October the complainant emailed the Club saying that he was at a loss as to what the labelling was; he had never added to the tickets as there was no need to. He copied the email to his colleague, asking him to reply to the Club. Later that day the colleague emailed the Club saying that he and his son had attended the match and had not paid for the tickets. He was unable to provide any photographic evidence of their attendance. On 1 November, despite the complainant's strenuous pleas of innocence, the Club's Appeal Panel, which includes independent membership, upheld the sanctions imposed.

6. On 20 November a solicitor acting on behalf of the complainant wrote to the Club. On 4 December the Club replied referring to the process followed and the relevant correspondence. They enclosed a photograph of the complainant's ticket which had been taken by the Club's staff when the random check had taken place. The ticket had been returned to the person in possession of it. In accordance with the Club's zero tolerance approach to ticket touting, they said that they had had no option but to impose the sanction. On 4 February the complainant asked the IFO to investigate his complaint.

The investigation

7. The IFO carefully considered the correspondence between the Club and the complainant and received a report from the Club outlining the events from their perspective. The Club also supplied copies of photographs of both tickets taken

by their staff at the match; the tickets had stickers numbered 7 and 8 respectively attached to them. Club staff had recorded information on the use of the tickets and had allowed the holders to retain the tickets. The checking officer's report states:

" - Random ticket check

- paid £280 each
- instructions had been given to return
- tickets been defaced
- numbering suggests part of some touting networks."

The Club said that there has been a spate of tickets being defaced and they are aware that touting rings often add numbers to tickets they have obtained in order to keep track of them. The Club explained to the IFO that season ticket holders are permitted to allow family and friends to use their tickets, but remain responsible for their appropriate use. Ticket touting is a level 4 offence in the Club's official sanctions; it is defined as "tickets are actually or are suspected of being transferred or re-sold (or advertised or offered for re-sale) in breach of applicable terms and conditions."

8. The Deputy IFO visited the Club on 28 February and met with the Head of Customer Service and Experience and the Customer Service Manager. They explained that the person who checked the complainant's tickets was a senior manager who was satisfied that the tickets had been bought, and the seller had given the holders instructions on where to return them after the match. He had photographed the tickets and returned them to the holders. Apparently, the numbering of tickets by touts is not uncommon. The Deputy and the officials discussed whether more information can be provided by those checking tickets. The Head of Customer Service said that the Club are not permitted to take photographs of ticket holders but intend introducing a system of recording identifying features, which will provide greater certainty where matters are disputed in cases such as this.

9. The complainant's colleague told the IFO that because the mother's ticket is concessionary, he was somewhat nervous about using it for his son, so he had covered the "over 65" notation with a piece of tape and had done the same with the complainant's ticket in order to avoid any awkward questions from his son. At the ground he had been unable to remember which way round the ticket was supposed to be inserted. When assisted by a steward, he had been asked to provide his ticket for inspection; he had assumed that that was to check the validity. The steward had not challenged it and he and his son had gone to their seats. In response to the IFO asking whether he had written on the tape, the colleague said that the sticky tapes he had used had come from old video tapes and already had numbers on them.

Findings

10. 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, a stance which the complainant has said he supports. The key question in this case is whether the complainant was indeed involved in ticket touting. Throughout the saga the complainant has strenuously protested his innocence and has even gone to significant expense by engaging legal assistance. The IFO is satisfied that the complainant is not a ticket tout and played no part in the tickets reaching the secondary market. He simply gave the tickets to a colleague free of charge. However, although the Club allow season ticket holders to "share your season ticket with friends and family if you are not able to attend a game", the ticketing regulations make clear that any breach by the "authorised" user is deemed to be a breach by the ticket holder. The complainant and his mother, therefore, remained responsible for the appropriate use of the tickets.

11. In giving evidence to the IFO, the colleague maintained that he had affixed the stickers to the tickets and explained why and how the tickets had come to be numbered. That might seem a plausible explanation, but he provided no specific evidence to prove his attendance at the match and crucially made no mention of the tickets, complete with stickers, having been photographed by the checking officer. In addition, the Club's record of the ticket check, completed by a senior manager, clearly shows that the holder of the photographed tickets had bought them on the secondary market for £280 each; and the numbering on the stickers is consistent with how some touts are known to operate, in order to keep track of tickets they had obtained. Although the IFO is satisfied that the complainant played no part in that, he has found that the Club have been consistent in their approach to the unauthorised use of tickets. The complainant has been through the Club's Appeal Panel, which includes independent membership, which unanimously upheld the sanction imposed. In addition, the IFO raised a number of issues about this case and at the IFO's request, the Club conducted a further review of the circumstances surrounding the complaint but found no reason to alter their stance. Although sympathising with the situation in which the complainant finds himself, the IFO has found no reason to demur from the decisions of the Appeal Panel and the Club to uphold the sanctions.

Conclusion

12. The IFO is satisfied that the complainant and his mother breached the ticketing terms and conditions by allowing their tickets to reach the secondary market, even if unintentionally. The IFO does not believe that they personally sold the tickets, but they were responsible for their proper use and the IFO supports the Club in enforcing the rule that any breach by the recipient of the ticket is deemed to be a breach by the season ticket holder him or herself. In such circumstances the IFO is unable to uphold the complaint.

Professor Derek Fraser, Ombudsman

8 April 2019

Alan Watson CBE, Deputy Ombudsman