

# 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: 19/11**

### **A THREE YEAR BAN FOR A FATHER AND SON 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 had the full cooperation of Manchester United FC.

#### **The complaint**

3. A Manchester United supporter complained that he and his son had been banned for three years unfairly, when all he had done was to share his tickets with friends, as permitted by the Club's ticketing regulations.

### **The facts of the case**

4. At the Manchester United v Southampton match on 2 March 2019 a supporter drew to the attention of stewards the suspicious behaviour of a person collecting tickets from those seated near him. Stewards approached the individual and eventually found that he was in possession of 8 tickets. He said they were all tickets of family friends. When stewards contacted those seated elsewhere they changed the story (having been observed receiving telephone calls) and now said that they received the tickets from work colleagues. All 8 tickets were retained by the Club and after investigating the circumstances, officers deduced that this was prima facie evidence of organised ticket touting. Among the tickets confiscated were those of the complainant and his son. On 7 March the Club wrote to the complainant stating that there was evidence that his tickets had been used in contravention of the ticketing regulations and in line with the sanctions policy he and his son would be banned for three years. The complainant forcefully denied any wrongdoing and pointed out that he gave the tickets to family friends, which was permitted by the Club. The Club responded saying that they had evidence of potential ticket touting and that his explanation was unconvincing. They explained the circumstances surrounding the impounding of the tickets.

5. The complainant exercised his right of appeal. He explained that the family lived in Bournemouth and because of the distance they had for several years given unwanted tickets to the same family at no cost. He argued that his financial position meant that he had no need to sell his tickets and was able to afford the £350 cost of travelling to home games, which he and his son had done since becoming season ticket holders in 2011. He reiterated that no money had changed hands and that the tickets were given to his friend, whom he named, which was within the ticketing regulations. He could not be responsible for what had happened to other tickets, but his two tickets were in the possession of the children of the friend well known to him and were used with his permission. On 15 March the Appeals Panel considered his case and rejected his appeal, upholding the three year season ticket ban, which also included hospitality packages and individual matchday tickets. The complainant was aggrieved by the outcome and referred his complaint to the IFO in April.

### **Investigation**

6. The IFO carefully reviewed the documentation submitted by the complainant and the full report from the Club. Because of leave arrangements on both sides it was not possible to arrange a meeting, but the IFO did have an extended telephone conference with the Club. Officers argued that, while it could not be proven that the complainant had personally been involved in touting, he had allowed his tickets to be used by others, potentially improperly. The officers were sceptical about the alleged family connection and the events on the day convinced them that suspicious activity had occurred and that the complainant's tickets were involved in possible touting, even though he might have been

unaware of that. The IFO felt that the evidence against the complainant was largely circumstantial and there had possibly been a miscarriage of justice. It was agreed that the IFO would seek further evidence that may not have been available to the Appeals Panel.

7. In order to clarify the arrangements for the use of the tickets, the IFO posed a series of questions to the complainant. In reply he said that his reputation had been sullied by the Club's assertion that he was guilty of touting and he wanted an apology, which was more important to him than any financial recompense. There had been a factually truthful explanation about his tickets given on the day, but stewards had put a wholly false version on the situation. He had been introduced to the family by a mutual friend some 9 years ago and had been allowing them and their children to use the tickets without cost for several years. He stated yet again that this arrangement was fully within the Club's published ticketing regulations. The tickets were normally within his possession and posted out to the friend when he could not use them and posted back immediately after the game. He agreed that his permission to the family extended to their friends as well. He confirmed that he had no knowledge of his tickets ever being used improperly, nor had the Club, who had unreasonably refused to accept his explanation.

## **Findings**

7. As in previous similar cases, the IFO is fully supportive of Manchester United's determination to bear down heavily on ticket touting, for which the sanction is clearly publicised by the Club. Yet the IFO feels that on occasion (and this is one such), the Club's zero tolerance policy, inflexibly and rigorously applied, sweeps into the net some supporters who do not merit such draconian treatment. The IFO believes that the complainant has been harshly treated. In contrast to some previous cases where irrefutable evidence of improper sale has been cited, the Club admits that in this case it has no clear evidence that any of the 8 tickets was actually traded. The Club certainly has no evidence that the complainant sold his tickets, which were given to the family to whom he had always gifted them. Nor can the Club disprove the complainant's assertion that he had never received monetary payment for his tickets. The Club has what officers believe are strong grounds for suspecting that improper selling had taken place, but suspicions without firm evidence hardly justify a three year ban on the complainant and his son.

8. The IFO does not believe that it is for the complainant to explain the circumstances around the 6 other tickets. What he can say is that he knows what happened to his two tickets as they were in the possession of the son of the family, and his brother, who were attending the match, thus fully within the ticketing regulations. It might be argued that he was in breach by extending his permission to the family's friends, so to "friends of friends", (though even this is not wholly clear). If that was deemed to be his offence, then it was a minor

technical breach for which he and his son have already paid deeply, by missing the final two months' games of the season. The IFO believes that the complainant and his son do not merit a three year ban and that they should be reinstated with immediate effect. The IFO has been able to glean further information about the ticketing arrangements, which was not available to the Appeals Panel. **The IFO therefore recommends that the case be referred back to the Panel for reconsideration.**

### **Conclusion**

9. The IFO accepts that the Club had good grounds for suspecting possible improper activity. On the other hand, the IFO does not believe that the Club has the evidence to justify the three year ban on the complainant, who had a long standing arrangement with a family known to him and which was within the Club's published "Friends and Family" regulations. The IFO trusts that the Appeals Panel will take account of the new evidence and the IFO's views when it reconsiders the case.

**Professor Derek Fraser, Ombudsman**

**2 July 2019**

**Alan Watson CBE, Deputy Ombudsman**