

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: 19/13

A THREE YEAR BAN 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 unfairly banned him for three years, when the tickets in question were either lost or stolen.

The facts of the case

4. The complainant has been a season ticket holder since 2004, having inherited his ticket from his grandfather, whose ownership dated back to the 1950s. He attends matches with his father and brother who are also season ticket holders of long standing. For the match against Young Boys on 27 November 2018, the complainant and his family were issued with paper tickets. Neither his father nor his brother was able to attend so he travelled alone to the match. He attended, unaware that there was any problem.

5. During the match stewards were called to eject two away supporters in the home section who were clearly intoxicated and being abusive. On their ejection they were found to be in possession of the tickets belonging to the complainant's father and brother. The Club retained the tickets and followed the normal disciplinary process, which led to the father and brother receiving three year bans. However, when the matter went to the Club's Appeals Panel, the evidence revealed that neither the father nor the brother had been at the match and so, unusually, the sanction was transferred to the complainant, who was held to have been responsible for the use of the tickets which had been in his possession.

6. The complainant protested strongly that there was no financial reason for him and his family to sell their tickets which they had held for many years. He claimed that his father had given him an envelope which, he did not realise till on his journey to the match, contained not one but three tickets. When discovering this he had placed his ticket in his shirt pocket and put the envelope in his back pocket. He stopped for a burger near the ground and surmises that it was then that the envelope either dropped out of his pocket or was stolen. As he approached the stadium, he realised that the envelope was missing, but did not report the loss, as he arrived just before kick-off and he knew his father and brother would not be attending. He claimed that there was no evidence that the tickets had been sold on the secondary market and that his ban was unjust. He also complained that the Club had been selling his seat while he was suspended. When the Club rejected his explanation, he referred his complaint to the IFO and in May 2019 the investigation began.

The investigation

7. The IFO carefully considered the complainant's submission (including letters from his father) and the correspondence between the Club and the complainant's family. The IFO also considered a report from the Club outlining the events from their perspective. Because of annual leave and other commitments on both sides it was not possible to arrange meeting with the Club. However, the IFO was able to have an extended telephone conversation with senior club officials to discuss the case at some length.

The findings

8. The IFO accepts that the complainant has submitted a defence of his actions which is plausible, though not satisfactory to the Club. The Appeal Panel and officers were surely justified in being sceptical about parts of his explanation, for example, why he took three tickets with him when he knew that only he was going to the match and why he did not report the loss, when it would have been obvious that the finder of the tickets would be able to access the stadium. Since security was the prime concern of the Club in this instance, where the improper use of the tickets posed a potential risk of disorder, the Club expressed surprise that the complainant did not notice that there were strangers sitting in his family's seats.

9. The IFO is on record as supporting the Club's well developed sanctions policy and its wish to be consistent in the application of the penalty for touting, which is a three year suspension. Nevertheless, the IFO agrees with the complainant that the Club has no direct evidence that the tickets were sold and as such this is not simply a touting offence. The IFO also has some sympathy for the complainant's concern about losing a seat with a long family connection, a point made strongly by the complainant's father. The regulations are clear that ticket holders are responsible for the proper use of their tickets and must ensure that they do not fall into the wrong hands. The IFO finds that the complainant took insufficient care fulfilling this responsibility and as such created the opportunity for away supporters to access the home section, which always carries with it the potential risk of disorder. The Club was within its rights to impose a sanction, but the IFO believes a three year ban is excessive and **recommends that a proportionate sanction should be a ban of one year only**. Following discussions with the IFO, the Club has indicated that it is willing to reduce the ban from three years to one. In line with its policy, the Club is also willing to consider a request for a refund for matches missed, subject to an administrative charge.

Conclusion

10. There is no evidence that the complainant sold the tickets, yet they did finish up in the hands of away supporters in the home section, which carried with it the risk of disorder. It follows that the tickets were improperly used for which the complainant must accept responsibility. The IFO believes that the reduction of the ban from three years to one is a recognition of the special circumstances of the case.

Professor Derek Fraser, Ombudsman

24 June 2019

Alan Watson CBE, Deputy Ombudsman