

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: 20/04

A REFUND REQUEST AT TOTTENHAM HOTSPUR

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. In investigating this complaint the IFO confirms that he has received full cooperation from Tottenham Hotspur FC.

The complaint

3. A long standing Spurs supporter complained about a very poor experience at the Champions League match against Bayern Munich, when she, her husband, her son and grandson were unable to occupy their designated seats and spent the first half in an uncomfortable and frustrating dialogue with stewards who were unable to resolve their problem. What should have been a memorable special family occasion turned out to be a miserable experience. While the Club had offered some compensation, the complainant felt that a full refund should have been granted.

The facts of the case

4. The complainant is a Tottenham Hotspur Plus member (not a season ticket holder) and is entitled to apply for Champions League tickets once the season ticket stage has been completed. She reports that the application process is complex and time consuming because of the pressure of online applicants which makes logging on difficult. She was delighted when all four of the family managed to purchase tickets together (3 adults and one child). She maintains that there was no on-screen option to order concessionary seniors' tickets, though the Club disputes this and believes that the full adult tickets may have been ordered by mistake. The match took place on 1 October 2019, an evening of heavy rain which caused traffic delays and the party arrived some 10 minutes after kick-off. When they climbed the long flight of stairs to their row, accompanied by many calls to sit down from supporters whose view was blocked as their party moved about, they found four other people sitting in their seats. They returned to the vomitory and consulted a steward who seemed unfamiliar with the stadium. They asked for a second steward who was hardly more helpful and finally a supervisor who advised that they should sit on the wet and muddy steps while he sorted the problem. Just before half time and more than 25 minutes after they arrived, they were led to some access seats (2 pairs of two and not together). At the beginning of the second half the supervisor returned to say that the four supporters who had mistakenly occupied their seats had now been relocated and so the party could now move back to their allocated seats. The family could not face the prospect of climbing all the stairs again and annoying supporters, so "reluctantly my family decided to stay where we were as we couldn't face being shouted at again".

5. The complainant wrote to the Club on 2 October to report the bad experience. The Club replied on 7 October saying that the matter would be communicated to the stewards. It was noted that the complainant and her husband had actually overpaid by not ordering concessionary tickets and a refund of £62 was being processed. The complainant argued that this was no compensation for the bad experience, but was merely a necessary price adjustment. The matter was referred to the head of customer service who on 9 October apologised for the inefficiency of the stewards and as a goodwill gesture authorised a refund of £96.50, the cost of the tickets purchased by the son and grandson. There followed a period of hiatus since messages sent by the

complainant on 27 October and 4 November were not received by the Club (confirmed by a later search of the Club's email system). On 17 November the complainant wrote again, referring to the unanswered messages. While she acknowledged that two of their tickets had been refunded, there had been no refund for her and her husband. A further exchange took place in the middle of November during which the Club argued that it had made a significant refund which acknowledged the poor experience, but would make no further payment. The complainant pointed that if the Club accepted that a full refund was merited for two of the tickets, then it was inequitable that the same refund did not apply to the other two. The complainant advised the Club that she would refer the complaint to the IFO which she did by letter dated 27 December.

Investigation

6. The IFO carefully considered the evidence provided by the complainant, together with a report from the Club, which included correspondence and internal messages. The Club drew attention to the initial refund, which had been actioned without being requested by the complainant. It also pointed out that the additional refund (£96.50) represented in real terms a 60% reimbursement, compared to the request for a 50% refund as originally requested by the complainant on 8 October.

Findings

7. The IFO has a great deal of sympathy for the complainant. To arrive late soaking wet, no doubt already angered by the traffic delays, and then finding it difficult to locate their seats was to be sure a frustrating experience, all the more galling by having a young child in the party. At the time of the match the new stadium had not long been opened and it is to be hoped that steward training has been improved since then. People occupying the wrong seats must be a fairly common occurrence and ought to have been dealt with promptly. It was not wholly justified for the Club to argue she was entitled to little more than a 50% refund (even though that was what the complainant initially asked for). It is understandable that the complainant reported that she could not fully enjoy the second half, given all that had gone on during the uncomfortable and disappointing experience in the first half.

8. On the other hand the Club does not fully merit the fierce criticism which the complainant strongly expresses. Though the complainant is disparaging about the initial refund due to overpayment, the Club is to be commended for being proactive in identifying the excess and refunding it on its own initiative. In addition, the complaint is somewhat mistaken in viewing the second payment as a "refund" for two of the tickets (and thereby highlighting the lack of a refund for the other two). The Club correctly identified this as a "goodwill gesture", though the financial amount was calculated on the basis of the ticket cost. It was not unreasonable for the Club to treat the monies returned to the complainant as a proportion of the total costs incurred and thus a 70% "refund" of the original

cost or a 60% "refund" on the net cost which should have been paid. The IFO finds that in arithmetic terms this appears to be an appropriate response to the complaint.

9. Nevertheless, the IFO accepts that the complainant and her family had a thoroughly dispiriting experience which understandably has left a negative impression. The IFO believes that the complainant is entitled to further recompense due to the poor experience, and also in recognition of the complainant's long history of supporting the Club. In line with good customer service, **the IFO recommends that Tottenham Hotspur makes a further goodwill gesture and remits the sum of £62 to the complainant.**

Conclusion

10. An unfortunate combination of circumstances conspired to transform what should have been a memorable family occasion into wholly disappointing evening. Tottenham Hotspur FC is to be commended for identifying and refunding the overpayment and for making a significant goodwill gesture. Taking account of the unique and special details of the case, the IFO believes that the Club should make a supplementary goodwill gesture.

Professor Derek Fraser, Ombudsman

4 February 2020

Alan Watson CBE, Deputy Ombudsman