

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: 20/08

A ONE YEAR SUSPENSION 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.

The complaint

3. A Manchester United supporter complained on behalf of himself and his friend that they had their season tickets suspended unfairly.

The facts of the case.

4. The complainant and his friend were successful in obtaining tickets for Manchester United's away match at Norwich City in October 2019. The match was on a Sunday and as they had a mutual friend in Ipswich they decided to drive there on the Saturday prior to the match. The complainant reports that during an evening meal at a local bar the friend's jacket was stolen. Unfortunately, the two tickets for the match were in the jacket. They checked with the bar next day to see whether the jacket had been found, to no avail. The complainant admits that he and his friend had a major row about the loss of the tickets and late on the Sunday morning they concluded that there was no prospect of getting into Carrow Road. They decided to abandon the journey from Ipswich to Norwich and return to Manchester.

5. On 30 October the complainant received a letter from Manchester United saying that there was evidence that his ticket for the Norwich match had been sold for £200 on the online secondary market. His season ticket was being suspended with immediate effect. On 4 November the complainant wrote to the Club protesting his innocence and cited his 12 year unblemished record, together with the account for their time in Ipswich. He later submitted a credit card receipt for the meal in Ipswich and an email exchange with the bar manager about the lost jacket. The club found his explanation unconvincing and the suspension of the ticket for one year was confirmed. He appealed against this ruling and on 19 December his case was considered by the Appeals Panel. The Panel expressed incredulity that two people would travel all the way from Manchester and then take no action to report the loss of the tickets. They had received no satisfactory explanation as to why they had not contacted either club to seek a paper ticket replacement. The appeal was rejected and on 5 March 2020 the complainant submitted his case to the IFO.

Investigation

6. The IFO carefully reviewed the documentation submitted by the complainant and the Club, including the extensive correspondence between the two. The IFO spoke with the complainant by telephone. He felt that he had been harshly dealt with by the Club, who had rejected his explanation on purely subjective grounds. He expressed scepticism about the online sale, as the tickets were in their possession until late on Saturday night. He complained that there was no published guidance on what to do in the case of lost away tickets. The Club said that they had compelling evidence that the ticket had been sold online and provided the IFO with photographs of the tickets themselves, taken outside the ground. The IFO also received copies of the form completed by the purchasers

confirming that they had paid £200 per ticket. [*The IFO again notes the limited information provided by the stewards on these forms and recommends that fuller details are given in order the more effectively to support the Club's case*].

Findings

7. 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. The key question in this case is whether the complainant was indeed involved in ticket touting. Despite the complainant's scepticism, the IFO is satisfied that the two tickets were improperly sold and in that sense the Club was justified in imposing a sanction. At the very least the complainant and his friend were guilty of lack of care in ensuring that the tickets remained safe in their possession.

8. The complainant is surely correct to say that the Club has rejected his explanation on subjective grounds. The Club has no direct evidence that the complainant was involved in the actual sale nor that he was in Norwich on the day of the match. The Club has no factual basis for doubting the veracity of the complainant's account. Of course, it is right to believe that it would be a normal course of action to report the loss and to make some efforts to retrieve the situation, having travelled so far to attend the match. Yet if the story is true, one may well imagine the state of exasperation about the loss of the tickets and the tension between the two friends as a result. Hence the IFO finds it a plausible explanation, if somewhat unusual. The complainant cites the lack of guidance on what to do in the event of the loss of an away ticket. The Club explains that clubs have varying arrangements so that there is no standard guidance, relying on individual common sense to deal with the situation. The IFO finds that the complainant's mitigation in this regard has little weight, as the lack of the guidance did not influence the decision the complainant took on the day. He only discovered what he saw as an omission in the regulations long after the event.

9. There is no doubt that the Club was justified in imposing a sanction, but there is some merit in the complainant's assertion that a one year home and away ban is harsh for this single incident, the result of bad luck and failure to keep the tickets safe. There is a precedent for an away ban only and the IFO finds that such a penalty would more closely fit the severity of the infraction.

The IFO therefore recommends that the case is returned to the Appeal Panel for review, to consider reducing the ban to away tickets only and reinstating the complainant's home season ticket.

Conclusion

10. This is yet another case at Manchester United where the holders of the tickets were not personally involved in their sale on the secondary market, but who rightly received a sanction. However, the IFO believes that the sanction imposed is excessive and that an away ticket ban would be more appropriate, in the special circumstances of this case. The Club has agreed to return the case to the Appeal Panel and the IFO hopes that the Panel will agree to amend the sanction as the IFO has recommended.

Professor Derek Fraser, Ombudsman

7 April 2020

Alan Watson CBE, Deputy Ombudsman