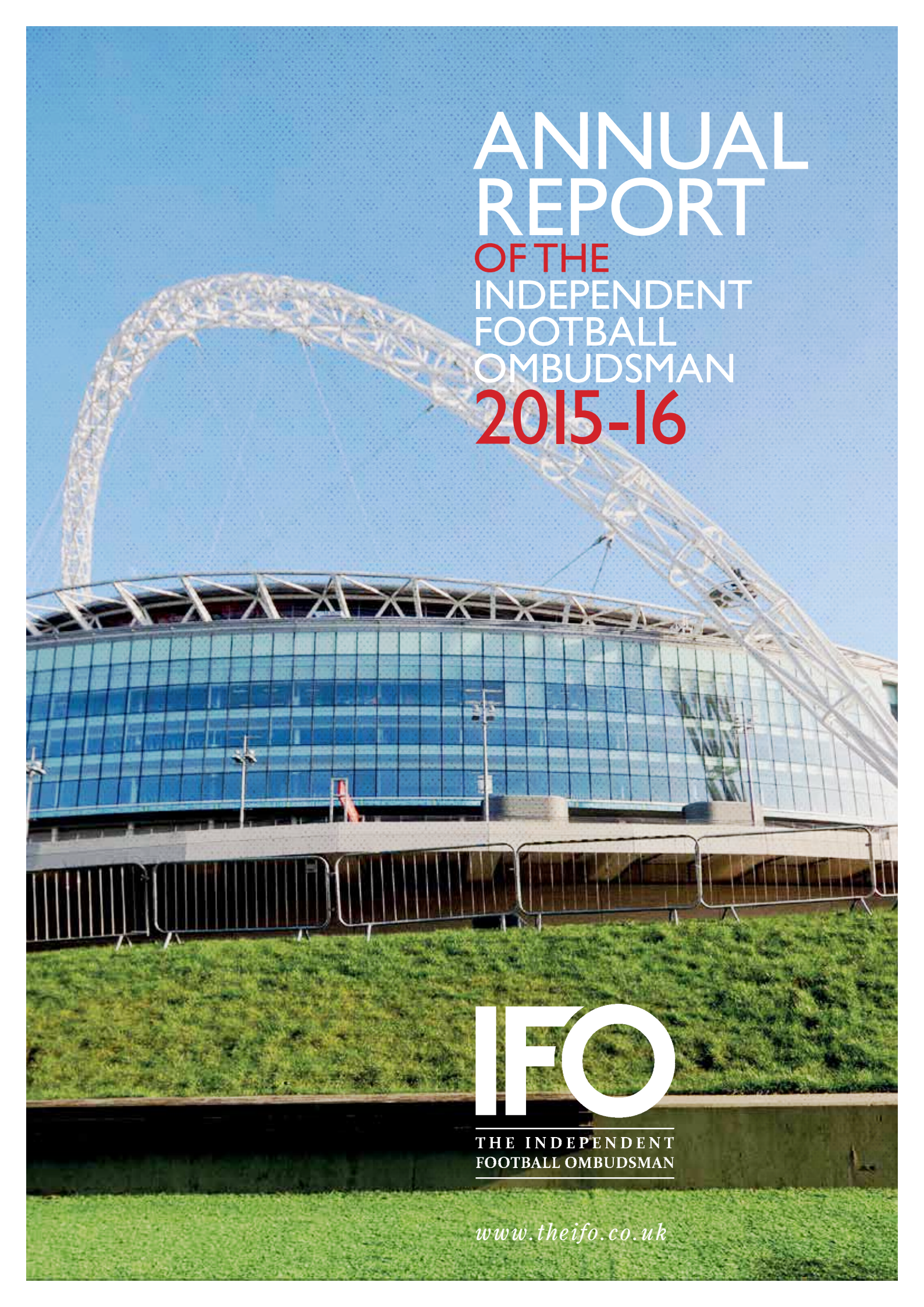


ANNUAL REPORT OF THE INDEPENDENT FOOTBALL OMBUDSMAN 2015-16

IFO

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A photograph of Wembley Stadium, showing its iconic white arch and glass facade, set against a clear blue sky. The stadium is viewed from a low angle, with a green grassy slope and metal barriers in the foreground.

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FOREWORD



THE INDEPENDENT
FOOTBALL OMBUDSMAN

I present my eighth Annual Report to the three Football Authorities (The Football Association, The Premier League and The English Football League) and to the Secretary of State for Culture, Media and Sport. The report is being made available to the wider public through the circulation to football stakeholders. It is also available for downloading from the IFO website, www.theifo.co.uk

This year has been the busiest year ever, with more messages received and more Adjudication Reports issued than at any time since the IFO was established in 2008. The year has been marked by an important change in the status of the IFO. In February 2016 the IFO was accredited as an Approved Alternative Dispute Resolution (ADR) Body under the Government's 2015 ADR Consumer Regulations. The consequent changes in procedure are explained in this report and are likely to lead to a further increase in the number of complaints submitted.

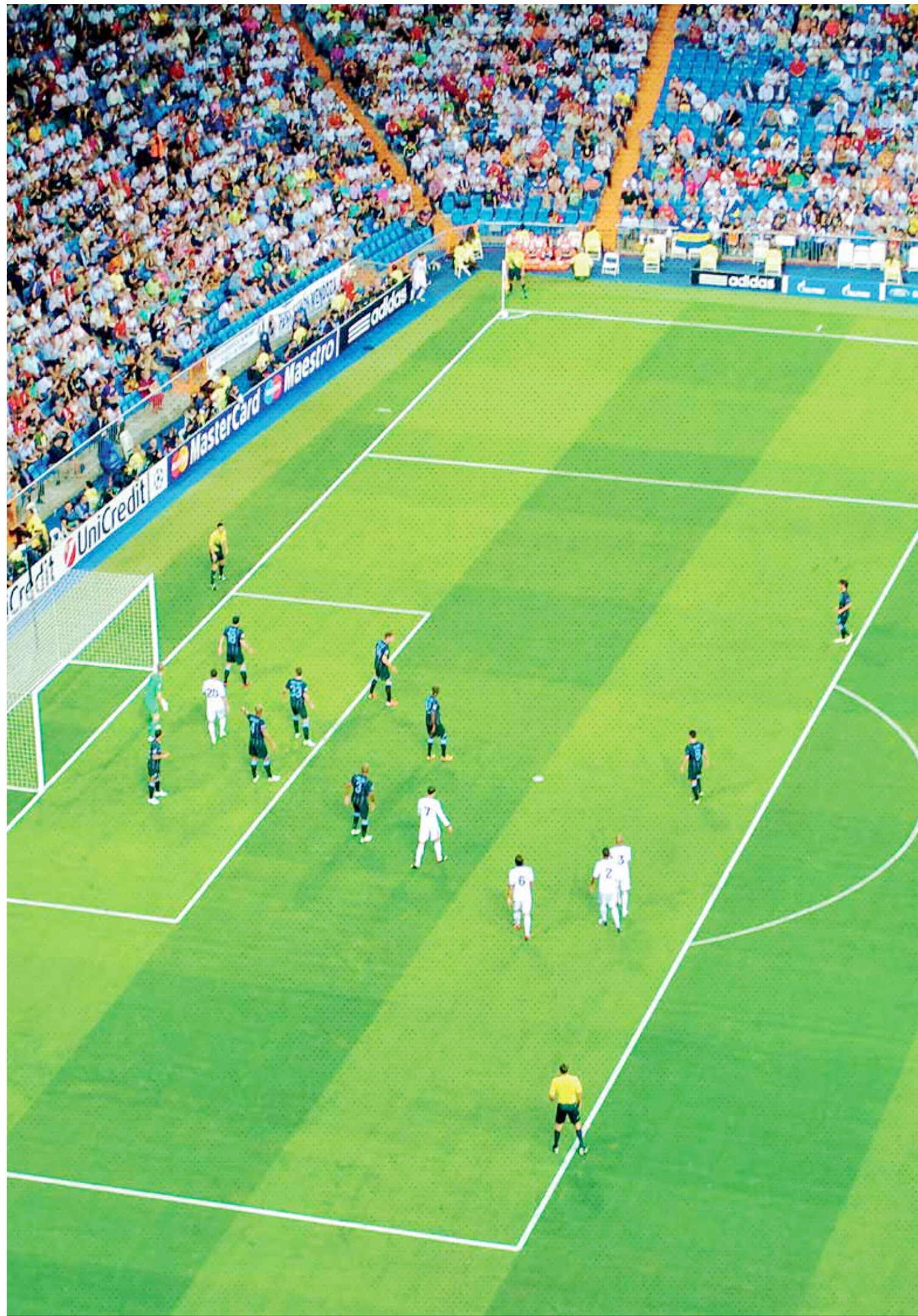
As in previous years, I am grateful to the officers of all three Football Authorities, and their member clubs, who have cooperated with IFO investigations. I have again been ably assisted by my colleague Alan Watson, Deputy Ombudsman, and I thank him most warmly for his extensive contribution to the work of the IFO. I am also grateful to the Advisory Panel, whose members have placed their special expertise at the service of the IFO and who have given freely of their time to attend IFO meetings.

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2016.

A handwritten signature in dark ink, appearing to read 'Derek Fraser'.

PROFESSOR DEREK FRASER
OMBUDSMAN

JULY 2016



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1 THE IFO'S ACTIVITIES IN ITS EIGHTH YEAR AND ITS ALTERNATIVE DISPUTE RESOLUTION ROLE

In 2008 the Football Authorities established the Office of the Independent Football Ombudsman (IFO), with the agreement of Government. The IFO is the successor body to the Independent Football Commission (IFC), which operated from 2002 to 2008 as an integral part of football's self-regulatory system. This report, the Eighth since the IFO was created, records the busiest year so far, with more incoming and outgoing messages and more published Adjudication Reports than in any previous year. The Football Ombudsman Service is funded by an annual grant from the three Football Authorities. The IFO is supported by the Advisory Panel, whose membership is set out in Appendix III. The IFO Terms of Reference are provided in Appendix IV.

The main role of the IFO is to investigate and adjudicate complaints which have not been resolved within football's complaints procedure. A significant change in that procedure has occurred with the accreditation in February 2016 of the IFO as an Approved Alternative Dispute Resolution (ADR) Body under the Government's 2015 Alternative Consumer Disputes Regulations. These rules give an aggrieved "consumer" in dispute with a "trader" the right to refer an unresolved complaint directly to an Approved ADR Body. In football terms this means that there is no longer a requirement to refer a case to the relevant Governing Body prior to submitting a complaint to the IFO. Henceforward, football's complaints procedure will be a two stage process, rather than the previous three stage process. Full details of the revised procedure, including step by step guidance on how to submit a complaint, are provided on the IFO website (www.theifo.co.uk). The IFO has agreed with the Football Authorities that it will not adjudicate a complaint without first alerting them to it and offering them the chance to comment. In this way a complaint might still be resolved through mediation by a Governing Body.

[It is ironic in the light of the 2016 Referendum that the Regulations, which originated in an EU Directive, require the IFO to be included in the EU's ADR on-line platform, permitting an EU citizen to initiate a complaint against an English football body. There are links on the IFO website as required. This is a tiny example of the myriad of EU agreements which will need to be dismantled in the wake of the decision to leave the European Union]

It is generally assumed that the revised procedure will probably lead to an increase in the number of cases referred to the IFO, because of the right of direct submission to the IFO once a consumer has reached

deadlock with the trader. If so, that will build on an already busy year which saw a significant increase in activity compared to 2014-15. In the year beginning on 1 July 2015 90% of those contacting the IFO did so by email, with about 9% by phone and only 1% by letter. In all the IFO received some 1800 email messages, roughly a 30% increase on the previous year. (Additionally there were several hundred unsolicited messages offering Search Engine Optimisation or web design services). In addition to letters sent and phone calls made, there were over 1200 outgoing email messages sent by the IFO.

As in previous years, there was a significant volume of messages about grassroots football and the world of the County Football Associations (CFA), which accounted for 35% of all messages received (compared to 28% in the previous year). Many of these were from parents, who alleged that their children had been bullied or unfairly treated by coaches or club officials. Sometimes a falling out between local activists spilled over into long drawn out disputes, which then led to accusations about regulatory failings by CFAs. It is explained to such complainants that the IFO has no direct remit for children's, youth or grassroots football but may investigate cases which have been considered by the Football Association, as the ultimate governing body for the national game, and where it is alleged that there have been shortcomings in FA procedures. It is important not to give the impression that the IFO can act as a further appeal stage once the disciplinary or regulatory processes have been completed. To that end the FA has agreed a protocol with the IFO which delineates more closely the limits of the IFO's jurisdiction. The IFO, for example, would not investigate cases where "Rule K" arbitration was available to participants. This is a formal arbitration option within the FA's rules and procedures where disputes remain unresolved, though this is not a cost free process. The IFO would continue to look at cases where there were procedural flaws or unfair treatment in action taken by the FA..

As before, many used the IFO to comment on the state of the professional game and on-field incidents. This category again showed a further drop compared to the previous year, 8% compared to 10% last time. Perhaps there were fewer high profile incidents and perhaps there was a growing awareness that such matters are beyond the IFO remit. In the revised website there is an attempt to clarify this by stating, "The IFO has no remit for incidents which occur on the field of play or for referee performance". The numbers of comments may have dropped but their intensity has not reduced, with strong views expressed about simulation by players and alleged failings in refereeing decisions. Indeed, the IFO had a new first this year. Previously messages had been sent in immediately after a game: this year for the first time a supporter complained to the IFO during a match as he stood at the ground watching a penalty shoot-out. It is commonplace to hear some supporters say they have never heard of the IFO, but clearly there are many who see the IFO as a suitable recipient for letting off steam about a burning football issue. In this context it is not surprising that some wished to tell the IFO about their concerns over the performance of the England team in the Euros. One Sunday morning team manager offered to take on the England job, arguing that he could hardly do worse than previous incumbents.

The IFO was again the recipient of some very specific personal concerns.

Sometimes enthusiasm for one's team leads to a rather warped judgment and one Chelsea fan complained the "fixture list" for the FA Cup Third Round was unfair because Chelsea were always drawn against non-League opponents. In similar vein seeing prejudice everywhere, a West Ham supporter was convinced that results in the Premier league proved that there was a conspiracy among the top clubs to keep West Ham out of the top four places in the League.

With somewhat more rationale, other individual fans raised the following issues which gave them cause for concern:

- Charlton's Proud Valiants' unwise participation in London's Gay Pride march
- A disappointing experience at Watford
- The failure to honour Sunderland away tickets at Manchester United
- Noise pollution at night matches at Anfield which disturbed the neighbourhood

- Difficulties in getting a refund for the player pathway programme at Chesterfield
- An unreasonable demand for compensation for a child leaving Reading's youth scheme
- A request for compensation for an injury suffered at a summertime ball at Wembley
- Crewe's away tickets policy which disadvantaged Wigan supporters
- Changes in Hull City's concessions policy which would affect pensioners and children
- The FA's dilatoriness in registering an Aston Villa overseas player

Other concerns were expressed by several supporters about the following:

- Away fans in the home sections at England matches at Wembley
- The lack of availability of cheaper seats at Wembley, despite adverts for them
- On line ticketing problems at Liverpool and excessive booking fees at Arsenal
- Subliminal advertising on the pitch at Wembley
- Charging twice for England tickets and delays in reimbursement
- Delays in gaining access to Wembley because of ticketing malfunction
- The availability of tickets, Kick off time and administrative shortcomings at the Cup Final
- The unreasonable employing and playing of Adam Johnson after he faced criminal charges
- The number of caps required to qualify for England away matches
- Straight consumer issues, such as the poor quality of the children's version of the England Euro shirt or the sale of memorabilia with forged players' signatures.

The most complained about club was again Blackpool and the most messages sent by one individual related the two complaints registered by an Arsenal fan (IFO 14/15 and 16/01)

In accordance with its Terms of Reference the IFO is required to have an annual meeting with supporters' groups to discuss the work of the IFO during the previous year and any issues arising. This allows the supporters to comment on the IFO's emerging proposals and for such comments to be reflected in the Annual Report. The note of the meeting held in July 2016 is provided at Appendix II. In addition to this annual joint meeting with supporters' groups, the IFO has regular meetings with the Football Authorities and holds a number of stakeholder meetings to keep abreast of current issues and concerns. During the year meetings were held with the Football Supporters' Federation (FSF), the Sports Grounds Safety Authority (SGSA) and Women in Football (WIF). The Ombudsman attended the SGSA Conference on Stadium Security a short time before the bomb scare at Old Trafford which tested the club's safety and evacuation procedures. [The Ombudsman was interviewed on BBC Radio 5 Live about this incident] The Ombudsman also attended a seminar at Bradford University which discussed community initiatives promoted by football clubs, including Barcelona FC.

2 INVESTIGATIONS AND ADJUDICATIONS

The IFO does not take forward complaints submitted if they are outside its remit or a claim which is frivolous or vexatious. In common with other Ombudsman schemes the IFO will not investigate if legal action has been taken, since the scheme is alternative to the legal process. A good example of this was when a family complained to the IFO about a ban imposed by Ipswich Town. The IFO referred the case to the Football League for review and was intending to investigate once that review had taken place. However, during that process the club was informed that the family had commenced legal action for recompense through the courts and so the IFO action was suspended.

After considering all the evidence in a complaint the IFO will respond in one of three ways, depending on the content and merits of the case.

- To inform the complainant that no further action is to be taken, either because the case has no merit or the provider has already responded reasonably.
- To send an extended letter summarising the complaint and the IFO investigation, together with any recommended action
- To publish a full adjudication where the nature of the complaint is complex and it merits a public airing of the concerns and issues raised. The Adjudication will be sent to the complainant and to the appropriate Football Authority or club. Adjudication Reports are published in full on the IFO website (www.theifo.co.uk). A summary of the adjudication will be included in the IFO's Annual Report and on the website of the relevant Authority.

If the complaint is wholly or partially upheld, the IFO will make any recommendations deemed appropriate. IFO recommendations are non-binding, but the Football Authorities have stated that they and their member clubs would normally expect to implement IFO findings. If the Football Authority or club considers that it cannot – for whatever reason – implement any recommendation of the IFO, it will publish the reasoning behind such a decision and any proposed alternative resolution to the complaint.

There were fewer cases in the second category this year. The following summaries provide illustration of complaints dealt with by an investigation followed by a letter:

A football coach complained that the FA was blocking his progress by requiring him to complete a formal assessment in a subject area where he claimed he was exempt by virtue of previous experience. After consulting with the FA, the IFO found that the requirement was correctly stated and if the coach wished to progress to the next level he would indeed need to complete the formal assessment.

A man claimed that he was induced by the financial plight of Bury FC to lend the club some money even though he was not a supporter. He later concluded that he had been misled and that the club had not used his donation for the purposes intended. On investigation it was found that he had in fact agreed to accept an offer of partial reimbursement and his allegation of maladministration in the running of the club was not upheld.

A woman claimed that her local club had been unfairly treated by a CFA disciplinary process and that although the case was re-heard the FA should have taken a more interventionist approach. This was a good example of the IFO not being a further appeal stage once the disciplinary process had been completed. The IFO found that the FA had acted reasonably and advised that she could go to Rule K arbitration if the club remained aggrieved.

In 14 cases the investigations led to a published formal Adjudication Report, double the number in the previous year. [There would have been a 15th report, but this was delayed by discussions within the Premier League about the implications arising from the IFO investigation]. Four of the reports related to Premier League clubs, two to Football League clubs, one to an England game and the other seven involved the FA in the exercise of its regulatory role. All IFO Adjudication Reports are published in full on the IFO website (www.theifo.co.uk) and summaries are provided at Appendix I.

ADJUDICATION REPORTS 2015-16

(Listed in the order in which they were issued)

- **15/04 The FA's Handling of a Dispute over Affiliation**
- **15/07 Request for Compensation for Blackpool v Huddersfield**
- **15/08 The FA's Handling of a County FA Investigation**
- **15/11 Request for a Refund of cancelled England Tickets**
- **15/06 The FA's response to claims of abuse and County FA Malpractice**
- **15/10 The FA's handling of alleged Bullying**
- **16/02 Compensation Claim for Match Rescheduling**
- **15/09 The FA's handling a claim of Victimisation**
- **16/01 The Appeals Process at Arsenal for Stadium Bans**
- **16/08 The Use of a Voucher at Colchester United**
- **16/05 The FA's Handling of a Complaint of Bullying**
- **16/06 The FA's Handling of a Complaint of Maladministration**
- **16/04 Refusal of Entry at Manchester City**
- **16/03 A Three Year Ban at Manchester United**

The issues arising from these and other investigations are discussed in the next Section.

3 ISSUES AND RECOMMENDATIONS

Under the Terms of Reference, the IFO is invited to identify “broader issues arising from its investigations and adjudications which should be addressed by the authorities” and the investigations and adjudications this year have again raised a number of matters which would merit attention by the Governing Bodies.

Complaints about the **rescheduling of matches for live TV coverage** have been submitted previously, though the complainants have not pursued their cases. This year, however, the IFO has investigated three cases of matches re-arranged at short notice (Southampton v West Ham United; Arsenal v Leicester; and Leeds United v Middlesbrough). The first has already been adjudicated (IFO 16/02) and the other two are still in train. In all these cases complainants had requested reimbursement for expenses incurred in arranging travel and/or accommodation after the TV schedules had been announced. Although not a binding rule, it is normal for Premier League TV schedules to be announced at least six weeks in advance and the English Football League seeks to give at least five weeks’ notice. In each of the cases the match was rearranged between 2 and 4 weeks prior to the new date.

It is common (though perhaps not universal) for clubs to offer refunds for tickets where supporters are unable to attend the revised date (season ticket holders may get no recompense). However, it is rare for fans to be compensated for any consequential expenses, on the grounds that the ticketing terms always state that there can be no guarantee that the match will be played on the specified date. After a quarter of a century of live coverage all fans know that when the fixture list is published there is a high possibility that the dates and times will be changed to permit live coverage. Yet practice suggests that after the schedules have been announced and the 5/6 week window has passed supporters should safely be able to make their travel plans, taking advantage of advanced booking discounts. There will be other factors which might cause rearrangement, such as cup replays (as in the Southampton case) or bad weather or police advice. But where the rearrangement at short notice is *solely due to the TV companies’ late choice*, the IFO believes that supporters should be entitled to compensation for consequential costs, because they have a legitimate expectation that the match will be played on the original date. **The IFO recommends that the Governing Bodies (as the negotiator of the collective TV rights) should be responsible for meeting legitimate and proven non-refundable costs incurred as a result of late rearrangement of matches for live TV coverage.**

There have been concerns expressed more this year about the **availability of tickets and widening access**. It is commonplace to worry about the age profile of supporters, where most clubs have data to show that the average age of supporters is rising, as children and younger people appear to be squeezed out by high prices. Equally there is concern about how to attract new audiences and, for example, the Football League’s “Kids for a Quid” and similar initiatives are aimed at enthusing the next generation of supporters. The issue of access by a wider range of people was brought into sharp focus by the complaint of a Millwall supporter who was refused access by Manchester City (IFO 16/04). He complained that he was refused entry because of the reputation of Millwall supporters, but the club argued that on that day with the late

postponement of the Oldham v Millwall game, there was insufficient time to do a safety assessment. As the IFO Adjudication Report makes clear, the supporter had a legitimate grievance and the complaint could have been much better handled by the club. Coincidentally there was another case involving Manchester City which refused to sell Champions League tickets to a French couple who lived in Manchester, on the grounds that they were Paris St Germain fans. Yet in fact they had never been to a match before and it would have been their first experience. The question arises whether clubs are doing enough to attract “neutral”, casual or first time visitors. **The IFO recommends that the Governing Bodies develop guidance on ticketing policies which facilitate access for those who are not regular home or away supporters.**

As in previous years the IFO was asked to investigate cases where supporters had been disciplined through **clubs’ sanctions policies**. One Adjudication Report involved a three year ban at Manchester United for suspected ticket touting (IFO 16/03), while another related to an unsuccessful appeal at Arsenal against a previous 5 year stadium ban (IFO 16/01). These and similar previous cases often revealed ambiguity or even confusion in the clubs’ procedures, which were rarely clear to supporters. In this context the IFO welcomes the initiative of Manchester United in developing a tabulated schedule of misdemeanours and consequent sanctions which is a model of transparency and procedural clarity. The Club has published this document on their website (www.manutd.com/clubsanctions), sending a printed copy to all its Season Ticket holders, and will reference in ticketing-related communications across the season. Therefore, supporters will certainly know in advance the risks they run in breaching any of the club rules. At the meeting reported in Appendix II, the FSF also welcomed the Manchester United proposal but queried whether a blanket ban was always appropriate or necessary and asked clubs for evidence that severe sanctions led to a reduction in offences. The IFO reaffirms the previous year’s recommendation that **clubs, assisted by the Governing Bodies, should develop clear codes and rules relating to sanctions, including the right of appeal in serious cases**. The forthcoming Manchester United schedule could beneficially be used as a template.

The final and important issue to highlight is the regular topic of stewarding. Though the IFO did not produce any reports about **stewarding** this year, six cases were submitted to the IFO which were referred to the club and/or the Governing Body. There were generic complaints about poor stewarding at Plymouth Argyle and Watford. Familiar claims about lack of response to fan disorder were made about local derbies at Stevenage, Southend and Queens Park Rangers (the last named club having been the subject of two previous IFO investigations). Quite the opposite was alleged at West Bromwich Albion, where three casual visitors who looked for protection from stewards after abuse by home fans, found themselves ejected. At the supporters meeting the LPF reported unsympathetic treatment of disabled supporters by insensitive stewards. All this evidence reinforces the previously expressed view that **clubs and Governing Bodies should further develop steward training aimed at improving the interaction between stewards and supporters and at de-fusing threatening situations.**

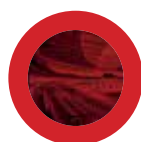


APPENDICES



APPENDIX *I*: ADJUDICATION SUMMARIES: 2015-16

[All Adjudication Reports are published in full on the IFO website and may be downloaded from www.theifo.co.uk/adjudications. They are listed here in the order in which they were issued]

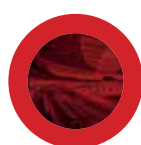


IFO Adjudication 15/04

The FA's handling of a dispute over affiliation

A grassroots football club complained that the FA had not granted their claim of parentage to the FA in the city in which the club was based, despite evidence which, on the balance of probabilities, showed that their first affiliation was with the City FA, not the County FA.

The IFO found that the FA had properly taken into account the evidence presented and that, in sticking to the requirement for conclusive evidence, despite the sympathy they obviously had for the Club's situation, the FA were acting within their discretionary powers. **The IFO recommended that the FA put to their Sanctions and Registrations Committee additional evidence seen by the IFO, should the Club request that.**

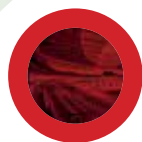


IFO Adjudication 15/07

Request for compensation following the Blackpool v Huddersfield match 2/5/15.

A number of Huddersfield fans complained that the Football League had not properly considered compensation for them in the form of a refund of the ticket price, following the abandonment of the match due to a pitch invasion by Blackpool fans.

The IFO believed that the fans had a strong case for compensation and expressed surprise that an Independent Football Disciplinary Commission, while finding Blackpool guilty of "misconduct in failing to fulfil its fixture obligations", did not make a compensation order, despite a Football League recommendation that they should do so. The IFO found no flaw in the process which led to the Commission's judgement, and is not empowered to re-run the case. However, the IFO did dispute the Commission's argument that it would be invidious to distinguish between Huddersfield and Blackpool fans, and recommended that the next time Blackpool hosts Huddersfield in a Football League fixture, it provides complimentary tickets for all travelling Huddersfield supporters. **The IFO concluded that the impairment of the enjoyment of Huddersfield supporters was not well served by football's judicial processes, but pointed out that subsequent legal action by the complainants was not precluded by the IFO's involvement.**

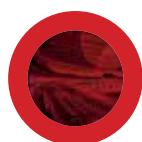


IFO Adjudication 15/08

The FA's handling of a complaint about a County FA's investigation of abuse

A man complained about the way in which the FA had handled his complaint about the failure of a County FA (CFA) to investigate properly the reporting of homophobic and racist abuse involving his 15 years' old son. The CFA had charged two players but a CFA Disciplinary Commission had found the case unproven, having doubted the credibility of the son as a witness.

The FA's Head of Judicial Services reviewed the case. He found certain shortcomings on the part of the CFA, but was satisfied that the Commission's decision was reasonable on the evidence presented and that it was impossible to judge what the outcome of the hearing would have been in the absence of those shortcomings. The FA's legal advice was that there were no grounds for appeal. *The IFO was satisfied that the FA had acted promptly on the complaint, had given it proper consideration, had reminded the CFA of best practice and that improvements to the CFA's procedures had been implemented.*

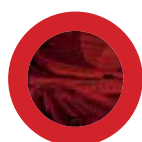


IFO Adjudication 15/11

A request for a refund of cancelled England tickets

A longstanding member of the England Supporters' Travel Club complained that the FA had refused him a refund when he cancelled his tickets for the San Marino v England match. When he had telephoned the Club earlier they had told him that transfer of his tickets was not possible, but he had the option of applying for a refund. He claimed he had not been informed or reminded of the time limits for refunds. When he telephoned he was refused a refund because he had not cancelled within 21 days of the match.

The IFO found it unfortunate that the man had delayed cancelling the tickets but considered unambiguous the Travel Club's terms and conditions and the publicity surrounding ticketing arrangements for the San Marino match. Although the IFO could not uphold the complaint, he expressed the hope that the FA would make the man a goodwill gesture for his loyal support over the years. *The IFO recommended that Travel Club staff should always remind supporters of time limits when discussing cancellations and refunds.*

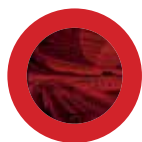


IFO Adjudication 15/06

The FA's response to claims of abuse, bullying and County FA malpractice

Two separate complainants alleged that the FA had presided over a corrupt County FA and had ignored discrimination, abuse and a failure to follow rules and regulations by not carrying out a proper investigation of their complaints.

The IFO found that some misleading statements by the FA, and confusion over which aspects of which complaint were being considered at particular stages, had led to the belief that the complaints had not been considered properly. *The IFO was satisfied, nevertheless, that the FA had thoroughly reviewed the County's handling of the cases.*

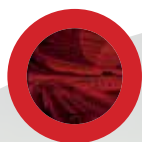


IFO Adjudication 15/10

The FA's handling of a parents' complaint regarding alleged bullying of their son

Parents complained that the FA had not dealt properly with their complaint that their 15 years' old son had been victimised by a senior official at his local club after unproven allegations were made against him, related to external activities nothing to do with the club.

The IFO found that the FA had correctly identified shortcomings at the club and, through the County FA, had advised the club of the proper course of action and to honour their commitment to send the boy a letter of apology. **The IFO was satisfied that the FA had handled the complaint properly and had set in train a review process to address shortcomings at the club.**

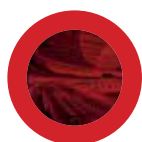


IFO Adjudication 16/02

The Premier League's handling of a claim to compensation arising from match re-scheduling

A man complained that the Premier league had refused to compensate him for £55 lost on a rail ticket and hotel room when the West Ham match at Southampton was re-scheduled at short notice.

Although the IFO had sympathy for the man, he found that when the match had been selected for television, there had been a proviso that the date could change in the event of a cup replay and that, before tickets had gone on sale, both the League and West Ham had done all they could to publicise the potential for re-scheduling. In such circumstances the IFO could not uphold the complaint.

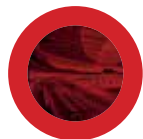


IFO Adjudication 15/09

The FA's handling of a claim of victimisation by a local league and a County FA.

A longstanding manager of a local team complained that the FA had not dealt properly with his complaint of victimisation by the league in which his team played, which had been exemplified by the actions of the County FA.

The majority of matters over which the complainant had grievances fell quite properly to be decided by the CFA. While there were admitted delays in the FA taking relevant action on the complaints, the IFO found that the FA had otherwise acted reasonably.

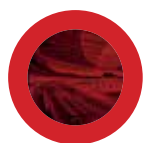


IFO Adjudication 16/01

The appeals process at Arsenal for stadium bans

A longstanding Arsenal fan, who had been given a five years' stadium ban, complained that the Club had not considered his appeal properly and that the process had not been open and transparent.

The IFO was satisfied that Arsenal had followed the correct process and that the outcome of the appeal committee's meeting had been clearly recorded and communicated to the complainant. The IFO recommended that the Club's customer charter be amended to include providing appellants with the reasons for committee decisions.

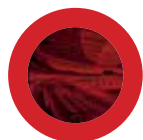


IFO Adjudication 16/08

The use of a voucher at Colchester United

A season ticket holder complained that, despite repeated requests, the Club had not responded to his complaint about the refusal to allow the use of club vouchers towards payment for FA cup tickets.

The IFO found that because the Club's ticketing terms and conditions were unclear, and because the man had used vouchers towards the cost of tickets in two previous rounds of the cup, he had a legitimate expectation that he could do so again. The IFO also criticised the Club's failure to respond in writing to the man's formal complaint. **The Club agreed the IFO's recommendation to make the man a payment of £40 to redeem his vouchers.**

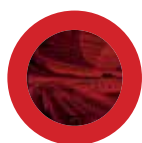


IFO Adjudication 16/05

The FA's handling of a complaint of bullying and victimisation of a child

A couple complained that the FA had not completed a thorough or timely investigation into their complaints about their son's football club, in particular how he had been bullied and victimised.

The IFO found that six months had been an inordinate length of time for the investigation, that there had been a complete failure to communicate with the couple and that the FA report made no mention of bullying and victimisation. Having reviewed the process with the FA, the IFO was satisfied that they had considered those allegations, but had found no evidence to support them. **The IFO recommended that the FA provide a supplement to their report to explain specifically their review of that area of the complaint.**

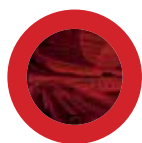


IFO Adjudication 16/06

The FA's handling of a complaint of alleged victimisation and maladministration by a County FA.

A life member of a County FA complained about the way in which the FA had dealt with his complaints about the County.

From their investigation the FA had found in favour of the complainant in relation to the way in which he had been treated by the CFA and the IFO was satisfied that it was not for the FA to direct subsequent action within the CFA on matters which might arise from that conclusion. The FA had, nevertheless, given operational advice to the CFA.



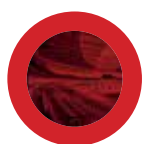
IFO Adjudication 16/04

Refusal of entry at Manchester City

A man complained that, because they are Millwall fans, he and three friends were refused entry at Manchester City after the Millwall match at Oldham had been postponed.

The IFO was satisfied that the friends are genuine football fans whose sole intention was to watch a football match, and that they would have gained entry had they not volunteered the fact that they are Millwall fans. The Club maintained that there had been insufficient time to assess the impact of allowing fans of other clubs to enter the stadium. The IFO was not persuaded by that argument but accepted that the Club were acting in accordance with their stated terms of admission. The IFO recommended that the Club adopt more flexible ticketing arrangements which cater for casual visitors and fans of other clubs.

The IFO was also critical of the Club's handling of the complaint, in particular how they had wrongly attributed the refusal of entry to police advice. The Club have offered the friends complimentary tickets to a future match at the Etihad.



IFO Adjudication 16/03

A three year ban at Manchester United

A Manchester United season ticket holder complained that the Club had unreasonably deprived him of his season ticket and had imposed a three year ban on him on the grounds that he had breached the ticket regulations and his ticket was likely to have been used for touting purposes.

He admitted that technically he had breached the regulations, but considered the ban excessive. Having met with the complainant, the IFO concluded that the ban was excessive. The IFO believed it unlikely that the complainant would have knowingly become involved in ticket touting, although the Club had had a reasonable suspicion that he might have been. The complainant accepted that he was responsible for his ticket, that he should have been more careful in loaning it outside his family circle and that he had to suffer some sanction. *The Club accepted the IFO's recommendation that the ban be reduced to one year.*

APPENDIX *II*: MEETING WITH SUPPORTERS

REPORT OF A MEETING BETWEEN THE IFO AND SUPPORTERS 6 JULY 2016

Organisations represented:

IFO, FOOTBALL SUPPORTERS FEDERATION (FSF), LEVEL PLAYING FIELD (LPF) and KICK IT OUT (KIO)

BACKGROUND

The meeting was held as required by the IFO Terms of Reference and provided the opportunity to discuss the work of the IFO in 2015-16 and the main issues arising. The meeting would inform the IFO Annual Report.

CHANGES IN PROCEDURE

It was reported that the IFO had been accredited as an Approved Alternative Dispute Resolution (ADR) Body under new government consumer regulations. The main change would be that supporters would be entitled to revert directly to the IFO if they had an unresolved dispute/complaint with a football body which had provided goods or services. There would no longer be a need to go to the Governing Body prior to referring a case to the IFO. It was proposed that a supporter could refer a case 6 weeks after submission to the provider: the FSF suggested that this should be reduced to 28 days.

ISSUES FOR DISCUSSION

- **Re-scheduling of Matches for TV:**

The IFO had investigated three cases where matches had been re-arranged at short notice for live TV coverage. The IFO was operating on the principle that supporters should have a legitimate expectation that they could make travel/accommodation arrangements once the normal 6 week threshold had passed. The IFO was likely to uphold a complaint requesting compensation for travel expenditure which could not be refunded. It was deemed that such cases were the responsibility of the Governing Bodies and not the Clubs, since the GBs negotiated the collective sale of TV rights for live coverage of matches

- **Sanctions:**

There had been a number of cases where clubs had imposed severe sanctions for misdemeanours by supporters. In one ongoing case a breach of ticketing regulations had led to the imposition of a 3 year ban because of the suspicion of involvement in possible ticket touting. The meeting felt that cases should be

judged on their individual merits and not treated with blanket bans. It was reported that Manchester United was intending to publish a tabulated chart of offences and sanctions. The IFO welcomed this in the interests of transparency and procedural clarity. The FSF, which had been consulted at an earlier stage, also welcomed the initiative but queried why severe sanctions were always necessary. It was suggested by the FSF that the IFO should challenge clubs to monitor their sanctions policy to evaluate whether heavy sanctions led to a reduction in offences, with particular reference to touting.

- **Access and Ticketing Policy:**

Several supporters had complained about the difficulty of purchasing tickets and one case had been investigated where Millwall fans had been refused admission at Manchester City. This raised the wider issue of “neutral” fans who might wish to attend game as a casual or occasional customer. The FSF was extremely sceptical about the club’s defence that it had no time to do a proper safety assessment. LPF reported that there are regular cases where disabled people had been required to supply proof of disability. The Premier League had indicated that it would be encouraging clubs to have ticketing policies which encouraged easier access to tickets.

- **Disability Issues:**

As in previous years the IFO had relatively few disability cases, largely because of the success of LPF in pursuing cases with clubs and GBs. There was one ongoing case at Bristol City, which had previously involved LPF, who reported that some 400 cases had been dealt with, a similar number to the previous year. Issues involving LPF included lack of awareness by stewards and their inadequate training. LPF was pleased to learn of the Premier League “Pledge” to meet the target for wheelchair spaces by August 2017 and LPF will continue to offer support and advice to its clubs. FSF suggested that mental health awareness be added to any training programmes.

- **Discrimination Issues:**

The IFO had dealt with a number of cases which had been referred to or from KIO. Abusive racist language at Chelsea and allegedly ethnically biased security searches at Birmingham City were examples where both IFO and KIO had been involved. KIO explained that it worked with clubs to achieve the Equality Standard (PL) or Code of Practice (EFL). KIO predicted that in the current political and international climate there was likely to be an increase in hate or discrimination cases, particularly at the grassroots level of the game.

- **Grassroots and IFO/FA protocol:**

In recent years the IFO had investigated a large number of county FA and grassroots cases after they had been considered by the FA. It was important not to give the impression that the IFO was a further appeal stage once the FA’s regulatory/disciplinary procedure had been completed. A Protocol had been agreed with the FA to clarify the role of the IFO which would still look at cases where there were procedural flaws or unfair treatment. KIO pointed out that there was a lack of information and awareness at the grassroots among coaches, secretaries and parents who were unsure how to progress complaints. The FA did normally advise complainants that they can refer to the IFO if they remain aggrieved.

ANY OTHER BUSINESS

KIO enquired about the appointment process for the IFO Advisory Panel, which had also been raised by FSF in the previous year. This had been discussed with the GBs who did not wish to change the current system where Advisory Panel members were appointed by the IFO, in accordance with the Terms of Reference.

APPENDIX *III*: THE IFO ADVISORY PANEL

NICOLA WALDMAN: *LEGAL ISSUES*

ARTHUR SELMAN: *CORPORATE GOVERNANCE*

GRAHAM COURTNEY: *MEDIA & COMMUNICATIONS*

PHIL GOLDSTONE: *SUPPORTERS*

PROFESSOR TOM WOODHOUSE: *COMMUNITY*

KEVIN GRIX: *ADR PROCEDURES*

APPENDIX *IV*: THE IFO TERMS OF REFERENCE

1 July 2016

1. Preamble

The Independent Football Ombudsman (the IFO) is appointed by the Football Association (FA), the English Football League (EFL) and the Premier League (PL) [hereafter, the football authorities], in consultation with the Department for Culture, Media and Sport (DCMS). The IFO provides independent external scrutiny of complaints within a transparent, accountable and effective system of self-regulation by the football authorities. This includes a commitment to the Customer Charter or other relevant Club policies and review PL, EFL and FA processes where necessary.

The football authorities are committed to providing robust and open complaints procedures, widely publicised, taken seriously by the Clubs, reinforced by the PL, EFL and the FA and subject to external review. The IFO will also provide an external and independent voice in discussions within football on issues which affect the public.

2. The Independent Football Ombudsman's Terms of Reference

(i) The IFO acts as a check and balance within football's complaints procedures and its adjudications will be published. These adjudications shall be final and the football authorities expect that normally IFO recommendations will be implemented. If, in exceptional cases, there is a failure to agree, the football bodies concerned will publish their reasons and their proposed alternative resolution of the issue. The IFO's role is not to interpret the rules and regulations of the football authorities and it cannot change the outcome of disputes, overturn decisions made or provide alternative interpretation of the rules. Instead the IFO's function is to check that due process is followed, and, where necessary, check that the process is a reasonable one - for example, the timeliness of response and whether it has been viewed by appropriate levels within the football authorities.

(ii) The IFO will have regard to best practice in commercial matters within professional football, particularly with regard to customer service. The IFO will be consulted and will advise on:-

- Codes of Best Practice relating to supporters and customers in general, and customer charters or other relevant policies issued by each of the football authorities, and by individual clubs;
- the football authorities' operation of the complaints resolution hierarchy based on the Codes of Best Practice, with the Independent Football Ombudsman as the final step in that hierarchy checking that due process was followed; and
- the football authorities' procedures for review and monitoring of commercial and customer matters.

In this, the IFO is to have particular regard to:-

- Ticketing policies
- Accessibility of matches
- Merchandise; and
- Supporter and other stakeholder involvement.

(iii) Where complaints resolution indicates wider action is appropriate, to recommend changes to Codes of Best Practice and Customer Charters or other relevant policies, to request review of the rules and regulations of the football authorities relating to commercial and customer-related matters and to request research or other investigation into policy relating to those matters.

(iv) The IFO will be consulted by the football authorities on significant changes to regulation or practice in the areas of supporter and customer relations.

(v) The IFO is tasked with meeting supporter organisations on an annual basis and with reporting the outcome to the authorities. The IFO will produce an annual report to be submitted to the football authorities and to the DCMS. The published IFO annual report will identify broader issues arising from its investigations and adjudications which should be addressed by the authorities. The work of the IFO will be reported in Club, League and FA annual reports as applicable and any public policy implications will be reported to the DCMS by the football authorities at the existing established and regular meetings between football and the Department.

3. The Constitution of the IFO

The office of the IFO will consist of the Ombudsman and a Deputy. An Advisory Panel will be appointed by the IFO so that, according to the requirement for particular expertise, a Panel member can sit with the IFO and/or Deputy IFO to advise on complaint adjudication or on issues arising from complaint investigations.

4. Appointments

The Ombudsman and Deputy will be appointed by the football authorities in consultation with Government.

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN

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