



I present my ninth 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 may also be downloaded from the IFO website, www.theifo.co.uk

This year has been marked by a further increase in the number of messages received and Adjudication Reports issued. There has been a significant growth, both absolutely and relatively, in the number of mainstream consumer complaints from supporters. Further to the IFO accreditation as an Approved Alternative Dispute Resolution (ADR) Body under the Government's 2015 ADR Consumer Regulations, the IFO produced an ADR Annual Activity Report in February 2017 (available on the website). Under the revised procedure, complainants may now go direct to IFO, without the previous intermediary stage of the governing bodies, and this appears to be the reason for the growth in complaints submitted for IFO investigation. The IFO keeps the authorities apprised of complaints received and there are still opportunities for the authorities to mediate in disputes.

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 once 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. I place on record my gratitude to Nicola Waldman who is standing down from the Panel after a dozen years of service to the IFO and its predecessor body, the Independent Football Commission

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2017.

**PROFESSOR DEREK FRASER** 

Ombudsman July 2017



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# The IFO's ACTIVITIES in its NINTH YEAR

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 Ninth since the IFO was created, was marked by a further increase in 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 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 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. Thus, football's complaints procedure is 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.

The revised procedure has led to an increase in the number of cases referred to the IFO, as a result of the right of direct submission to the IFO once a consumer has reached deadlock with the trader. In all the IFO received over 2000 email messages, more than a 10% increase on the previous year. (Additionally there were many hundreds of unsolicited messages offering Search Engine Optimisation or web design services). In the year beginning I July 2016, 91% of those contacting the IFO did so by email, with about 7% by phone and 2% by letter. In addition to letters sent and phone calls made, there were over 1300 outgoing email messages sent by the IFO. The year was marked by a dramatic shift in the share of complaints which may be deemed mainstream consumer disputes (the central purpose of the IFO itself) and now 80% of all messages received were in this category (compared to 57% in 2015-16). Hence the IFO dealt with a higher number and a greater proportion of complaints which fell directly within the IFO remit. These complaints involved claims for reimbursement or compensation from as little as £5 to as high as £1000+. The bulk of the awards recommended by the IFO fell within the range of £20 to £50.

As in previous years, the IFO received many messages about grassroots football and the world of the County Football Associations (CFA), which accounted for 15% of all messages received (a significant reduction compared to 35% 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 these concerned the unsympathetic exit strategy of clubs wishing to terminate the membership of youngsters in academies and centres of excellence. 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. It is important to stress, however, that IFO cannot act as a further appeal stage for those dissatisfied with the outcome of the formal disciplinary or regulatory procedures. This has now been formalised by the protocol between the FA and IFO which has clarified the limits of the IFO's jurisdiction. The IFO has looked at cases where it has been alleged that there were procedural flaws or unfair treatment in action taken by the FA. As anticipated, there are now fewer published reports in this area, though the IFO continues to advise complainants how to proceed and to refer cases to the relevant governing body.

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, 5% compared to 8% last time. Perhaps there were fewer high profile incidents and perhaps there was a growing awareness that such matters are beyond the IFO remit. This is explained on the website which states, "The IFO has no remit for incidents which occur on the field of play or for referee performance". The number 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. The abandonment of a match at Swindon because of unseasonal flooding in August provoked a flurry of protests and the contrived withdrawal of John Terry in his last match for Chelsea caused several to question whether this was a betting scam. No doubt reflecting his changed fortunes, Wayne Rooney (previously the most widely cited player in the IFO mailbag) received not a single mention this year.

The IFO was again the recipient of some very specific personal concerns, which fell into the "bees in the bonnet" category. These included:

- · Excessive noise emanating from Queens Park Rangers ground on match days.
- Similarly, the disruption caused by departing supporters from Anfield after night matches.
- The alleged advantage gained by players who attach sweat to the ball when wiping it under their shirt for throw-ins.
- The availability of TV coverage of Premier League matches in India.
- The supply of autographs at Manchester United.
- Allegations of match fixing based on overseas betting patterns.
- The availability of club calendars at Leeds United.
- The allegedly biased away ticketing policies at Leyton Orient which disadvantaged Hartlepool fans.
- · A claim for reimbursement when motorway travel delays prevented Spurs fans reaching the Hawthorns.
- The behaviour of the managers at the Huddersfield v Leeds fixture.
- Shortcomings in the running of the academy at West Bromwich United (sic).

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 June 2017 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) and the Sports Grounds Safety Authority (SGSA). The Ombudsman attended the SGSA Conference on Stadium Security. In the wake of the child sexual abuse allegations there was much media coverage of the Report on Child Protection published by the IFC in 2005 and the Ombudsman was approached for comment by a variety of newspaper, radio and TV journalists. The Ombudsman has submitted evidence to and been interviewed by the FA enquiry into historic child abuse.



# Investigations and ADJUDICATIONS

In this year's programme of investigations two clubs took prominence, West Ham United and Manchester United, and the IFO visited each of these clubs on three separate occasions.

The West Ham cases were closely associated with the move to the London Stadium. The IFO acknowledges the massive challenges facing the club, not least the doubling of the number of season ticket holders, the acclimatisation to a new stadium which the club does not own and well publicised crowd problems at the early matches. The IFO noted that there were several personnel changes and things did improve from the autumn of 2016 when a new customer service manager and ticketing manager were appointed, both of whom with previous Premier League experience. The cases referred to the IFO included the following:

- The club instituted a scheme whereby fans could endow a memorial stone in the name of a loved one. This commendable scheme was mired in controversy when the club confirmed that the stones had been installed and provided details of their locations, only for the visitors to be denied access because the site was still under construction. Some fans had travelled long distances to view the stones and the IFO adjudicated in favour of one such fan (IFO 16/16). Using the IFO Report as a template, the club commendably reimbursed the travel costs of other fans, including a couple who had travelled from Spain.
- During the season ticket sale programme there were no terms and conditions available to supporters. One supporter lost his 25% deposit, having failed to complete his purchase by the required date. The sum involved was £1100 and the fan was aggrieved that the club had resold his seats and retained his deposit. Following IFO involvement the supporter was able to negotiate a settlement of his claim.
- There were extensive financial disputes over credits fans had accumulated in the club's e-purse electronic scheme. It was not clear how or if these credits would be transferred to the new location. One aggrieved fan took his complaint to the Small Claims Court. The club eventually agreed to extend the term of the scheme for a further year.
- The IFO received many complaints about anti-social behaviour and the subsequent request for season ticket holders to move their location within the stadium. The scale of the problem was revealed in the figures announced by the Safety Officer at the SGSA Security Conference. Using advanced CCTV facilities the stadium authorities (not the club) had taken action against dozens of supporters, many of whom received banning orders, with some facing criminal charges.

In the wake of the above problems, the club and authorities decided to close a whole section adjacent to the away supporters and move the home fans to a new location some small distance away. This led to a long running dispute in which a supporter demanded that he be returned to his original seat at the boundary between home and away fans as he enjoyed the atmosphere created by close proximity. This was adjudicated by the IFO (IFO 17/03), who was satisfied that the Club and the stadium authorities had compelling grounds for extending the segregation line. As explained in the report at Appendix II, the FSF confirmed that the boundary between home and away fans is an important location for generating atmosphere at matches.

The Manchester United cases had a more varied origin, with sanctions for alleged "ticket touting" the most common theme. The IFO last year adjudicated one such case (IFO 16/03) which led to a three years' ban being reduced to one year. Similarly, IFO 16/14 recommended a parallel reduction and the club began using the IFO yardstick for subsequent cases of a similar nature which the club decided to prosecute. Several supporters referred their later penalties to the IFO for investigation. However, impressed with the club's sanctions statement and its appeal process, which involved an independent external member, the IFO was reluctant to intervene unless there was clear evidence of procedural shortcomings or a denial of natural justice. Other complaints included:

- Requests for travel cost refunds for the cancelled Bournemouth match from both home supporters and the Cherries Trust.
- Exclusion from the away ticket loyalty scheme of a supporter who claimed it disadvantaged him in the ballot. The supporter informed the IFO that he was able to get tickets to any away match he wished to attend, which the club said proved the existence of a thriving secondary market for Manchester United tickets.
- A complaint from a disabled supporter about abusive behaviour by a steward on a non-match day visit. The IFO concluded that the widely differing version of events provided by the parties precluded a resolution and advised that an apology be given together with a fuller explanation of what had transpired.
- Protests by supporters about the relocation programme implemented by the club to facilitate the creation of new disabled spaces which would meet the Green Guide targets. The IFO found that there had been extensive publicity explaining the detail and rationale for the programme. There had also been significant efforts to liaise with season ticket holders affected, including giving each of them a personal account manager, and to offer them what the IFO deemed to be a reasonable goodwill gesture.

Perhaps as a result of the IFO's enhanced status as an Approved ADR Body, there was a marked increase in the willingness of clubs to accept IFO findings once the initial recommendations were communicated. In this way the IFO was able to achieve the following outcomes without the need for a formal Adjudication Report:

Ticket refund for a Birmingham City supporter at QPR after confrontation with stewards.

- Reimbursement of costs for the repair of damage to an Aston Villa supporter's disabled scooter at Elland Road, though the club was sceptical about whether the damage actually occurred within the stadium.
- Reimbursement or complimentary tickets for a different disabled Villa supporter after difficulties at Fulham.
- Ticket refund for a Leeds United supporter who was misled by information on the official club app about the kick-off time of the new year game against Rotherham.
- Ticket refunds to a Spurs supporter and a Southampton supporter who both suffered at White Hart Lane with blocked views for a 4 year old child.
- Ticket refund at Plymouth after confusion over a ticket for the Liverpool cup tie, though the supporter remained aggrieved by alleged wider administrative failings at the club.
- Reimbursement of £5 wrongly charged to a young away supporter at **Accrington Stanley.**
- Reimbursement of the cost of a season ticket for 2017-18 at Gillingham, because of changed work commitments.
- The offer of complimentary tickets at Stevenage to a Luton supporter whose view had been obstructed by the positioning of stewards.

Conversely, there were cases which were also deemed not to merit a full report which the IFO felt unable to uphold. These included:

- A complaint by a Leicester City disabled supporter who alleged he was discriminated against by Liverpool by being forced to sit with home disabled supporters. The club announced that this would be rectified by the autumn of 2017 and the IFO felt that there was no alternative location within the current configuration.
- A demand for compensation for the changed date of the Newcastle v Preston match, but the bookings had been made before the EFL deadline for announcing changed times of matches.
- A request for a refund of overseas travel costs for a supporter who was disappointed by the hospitality package he had booked at Liverpool, having received a full refund of the package costs.
- A long running complaint by a father who said his two daughters had been penalised by the lack of concessions for teenagers at the EFL Cup Final. He was repeatedly informed about the EFL policy, which was to be reviewed, and the IFO accepted that the range of concessions offered was a matter within EFL discretion.
- The complaints of two fans whose tickets had been suspended for touting when they were discovered in a collection of 82 confiscated by Liverpool. The club deemed their explanation barely credible and given that the fans would be able to reapply for the following season, the IFO found that they had been treated leniently
- As discussed above, several complaints from Manchester United fans whose season tickets had been suspended but whose cases had been heard by the club's appeals panel, in some instance more than once.

In 15 cases the investigations led to a published formal Adjudication Report. [There was a 16th report, which was completed but not published at the request of the complainant.] Nine of the reports related to Premier League clubs and six to EFL clubs. There were no published reports this year relating to the FA's exercise of its regulatory role, though there were cases investigated. 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 2016-17**

(Listed in the order in which they were issued)

- 16/12 Bristol City's Handling of a Dispute over a Carer's season ticket
- 16/13 Request for a Refund for Blocked view by Standing Supporters at Chelsea
- 16/11 The New Membership Scheme at Hull City
- 16/09 Request for a Refund for Leeds United v Middlesbrough
- 16/07 The Re-Scheduling of Arsenal v Leicester City for TV Purposes
- 16/14 The Suspension of a Season Ticket at Manchester United
- 16/10 Leicester City's Handling of Seat Reallocation
- 16/16 Misleading Customer Information at West Ham United
- 16/17 The Suspension of Season Tickets at Arsenal
- 16/19 A Season Long Ban at Newport County
- 17/01 Stewarding at Reading v Bristol City
- 17/04 Stewarding at Burton Albion v Birmingham City
- 17/03 The Relocation of Season Ticket Holders at West Ham United
- 17/11 The Treatment of a Disabled Visitor at Charlton Athletic
- 17/10 The Suspension of Membership at Spurs

Although there is no FA report in this list, the report that was not published at the request of the complainant did relate to a complex dispute between a local club, the CFA and the FA itself. The IFO did receive complaints about the availability and purchase of England tickets, including some administrative problems in the processing of refunds. As before, there were concerns about stewarding at Wembley, though fewer than in previous years. Perhaps the most interesting FA case concerned the suspension of a member of the FA Travel Club, for overseas behavioural misdemeanours. While the IFO did not doubt that the suspension was merited, the investigation did reveal some procedural issues, such as the status of overseas security personnel evidence, the opportunity to present mitigation and the acceptance late in the process of evidence which the accused had no opportunity to challenge. In the light of the IFO's comments the FA agreed to review its judicial procedures for the Travel Club.

# 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.

The rescheduling of matches for live TV coverage featured prominently in last year's report and delays in the Premier League response meant that the central IFO report was not published until October 2016. The IFO has now published three reports on matches rearranged at short notice (Southampton v West Ham United [IFO 16/02]; Arsenal v Leicester [IFO 16/07]; and Leeds United v Middlesbrough [IFO 16/09]). There were also protests about the change to the Newcastle v Preston match towards the end of the 2016-17 season.

The IFO acknowledges that improvements have been introduced, including closer dialogue between the Premier League and supporters and the longer lead time for the announcement of the schedules of matches to be televised. The Premier League felt unable to accept the IFO recommendation that reimbursement of travel cost be paid in the Arsenal match, partly on the grounds that there were unusual circumstances which were unlikely to recur. Nevertheless, the IFO holds to the view that where the rearrangement at short notice is solely due to the TV companies' late choice, supporters should be entitled to compensation for proven non-refundable costs, because they have a legitimate expectation that the match will be played on the original date.

Once again there were many complaints related to stewarding. The IFO received adverse comments on stewarding at Crystal Palace, Watford, Wembley, Aston Villa, QPR, Stevenage and Charlton. The last named was also the subject of an IFO Adjudication (IFO 17/11) concerning the abuse of a disabled supporter by insensitive stewarding. The IFO concluded in that case that further and better steward training was needed and this may be generalised more widely. The IFO recommends that clubs and Governing Bodies should further develop steward training and ensure greater consistency of practice, particularly where multiple agencies are involved. The IFO noted that stewarding issues were adversely affected where clubs did

not own their own grounds, as at the London Stadium or Newport County or Hull City, and similarly at Wembley for EFL fixtures, such as the Bradford City v Millwall match where there was disorder.

Some of the disillusion with stewarding related directly to the familiar issue of standing. There were three Adjudication Reports on this issue at matches at Chelsea (IFO 16/13), Reading (IFO 17/01) and Burton Albion (IFO 17/04) and a further report is in train at Hull City. Standing was an important element in the blocked view claims of supporters at Spurs and Fulham. The IFO has found that many supporters do not like being labelled customers. Yet there is a central customer care element in supporters' complaints that they have paid for a seat and have a legitimate expectation that they can watch the match without being inconvenienced by supporters standing in front of them. The IFO takes the view that the introduction of "safe standing" sections would make it easier for clubs to enforce the seating ground regulations elsewhere in the stadium. The IFO recommends that the authorities press ahead with experiments in safe standing and meanwhile encourage clubs to consider further customer service strategies to protect the interest of those supporters wishing to remain seated during matches.

Finally, it is worth mentioning the membership scheme at Hull City which attracted protests from Hull fans and raised a number of issues. From the summer of 2016 the IFO began to receive complaints about the newly introduced membership scheme which supporters claimed involved relocation of seats and increased costs. Albeit that Hull's claim to have the cheapest tickets in the Premier League was well founded, the IFO adjudicated in favour of a supporter (IFO 16/11), because the club did not honour its pledge that he would have no increase in the price of his ticket under the new scheme. The IFO understands that the club refused to implement the IFO's recommendation, but has made no public statement as required by the agreed procedure. The IFO believes that having established this Ombudsman Service, the Governing Bodies have the responsibility for ensuring that clubs deliver what is specified in the Terms of Reference.

The role of the Premier League was brought into sharp focus by its inaction in the face of a scheme which was in breach of its rules. As many pointed out, Hull's ticketing policy was not formally approved by the Premier League, with the lack of concessions being its main flaw. Among several who repeatedly drew the IFO's attention to this issue was a persistent supporter who contacted the IFO regularly to ask why the

> Premier League was not enforcing its own rules. While sympathising with the supporter's argument, the IFO found itself in a procedural bind, since no action could be taken while the Premier League maintained that the

> > of the supporter who claimed that the League was deliberately delaying matters in the expectation that Hull would be

relegated and so the problem would go away. In fact, formal

matter was still under review. One may understand the cynicism

proceedings against the club were instigated towards the end of the season. The outcome is not known and it is unclear how the Hull scheme will relate to the EFL's ticketing requirements. The issue of concessions highlighted by the Hull case was also raised in the matter of the EFL Cup Final and has also occasionally been cited for matches at Wembley. The IFO suggests that it would be helpful for the three Authorities to review their concessions policies to ensure greater consistency and enforcement.



Appendices



[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 16/12 Bristol City's refusal of a refund in respect of a carer's season ticket

A lady complained that over a period of six years she and her husband had paid around £2000 more than they needed through the Club's failure to advise that he could have had a free season ticket as the carer of their disabled son.

The IFO found no evidence of fault on the part of the Club, who had taken appropriate action once they became aware of the son's disability. The IFO also found that the husband could have qualified for a carer's ticket in only two of the six years claimed, because children under the age of 14, disabled or not, had to be accompanied by an adult. The Club accepted the IFO's recommendation, in light of the family's longstanding support, to make a goodwill payment of £375, equivalent to half the cost of the husband's ticket for the two years.



IFO Adjudication 16/13 Request for a refund for view blocked by standing spectators at Chelsea

A Chelsea supporter who travels from Northern Ireland to see matches at Stamford Bridge complained that at two games at the end of the 2015-16 season, he and his wife were unable to see the matches because of spectators standing in front of them.

The complainant's seats at the back of the stand had severely restricted views caused by the overhang of the upper tier; when in a standing position it is impossible to see the whole pitch. The IFO found no evidence to dispute his claim that standing spectators had prevented them from being able to see the whole match. The IFO recommended that the Club review their stewarding arrangements for that area to ensure that fans remain seated. The IFO considered Chelsea's offer of ticket refunds as reasonable, and could not uphold the claim for substantial compensation for travel costs. However, the IFO found justified the complainant's contention that his complaint had not been handled well by the Club and the Club accepted the IFO's recommendation that they offer him two complimentary unrestricted view seats for a future match.



#### A longstanding Hull City season ticket holder complained that the Club's membership scheme introduced for the 2016-17 season was to his serious disadvantage.

The IFO found that in good faith the Club had made a factually incorrect announcement about a price freeze, when their new scheme was in the development stage. It was not immediately corrected and the complainant renewed his membership by telephone. After the deadline for renewals had passed the Club told him that he had to accept a price increase of around one third. The IFO accepted that the complainant had been led to believe that there would be no price increase and had acted accordingly. The IFO recommended that the Club allow the complainant to keep his West Stand membership for season 2016-17 only, at the agreed price of £31.50 per month.



IFO Adjudication 16/09

A request for a refund for the Leeds United v Middlesbrough match February 2017

A longstanding Leeds United season ticket holder complained that the Championship fixture had been subject to an unreasonably late change of date in order to permit it to be shown by Sky television.

The complainant believed that less than a month before the fixture he was safe to book a holiday without missing the game. The IFO felt sympathy for the complainant but could not uphold the complaint because the terms and conditions of season tickets made clear that the Club could not guarantee that a fixture would take place on the designated date and that no refunds would be made; refunds could be claimed only for matchday tickets. The IFO welcomed the statement by the English Football League that for season 2016-17 they would endeavour to give at least five weeks' notice of fixture changes, a target accepted by the broadcasters.



IFO Adjudication 16/07

Rescheduling of Arsenal v Leicester City for television purposes

A man, his daughter and another man complained separately that, as travelling home supporters, they had booked travel five weeks in advance of the scheduled fixture, a couple of weeks after the television selections for the relevant weekend had been announced, only for the match to be rescheduled as an additional game for television.

The complainants all made their travel arrangements only after they understandably believed that all TV slots for the relevant weekend had been filled, two on the Saturday and two on the Sunday (1.30pm and 4 pm). 23 days before the scheduled fixture for Arsenal v Leicester the Premier League announced the match as a further fixture for Sky on the Sunday, which necessitated changes to the times of the original two Sunday matches. The League decided that the televising of such an important game was good for fans in general, even though it was bound to inconvenience some. The IFO found that the complainants had a legitimate expectation that the match would take place as scheduled and recommended that the League make good one complainant's loss of £140, subject to the production of suitable evidence of expenditure. (The father and daughter had in the meantime exceptionally been given refunds by Virgin trains.) The IFO also recommended that where a match is chosen for broadcasting (other than in May) with less than six weeks' notice, the League should arrange for those adversely affected to be reimbursed reasonable evidenced and non-refundable out of pocket expenditure on travel and accommodation.

#### IFO Adjudication 16/14

A complaint about the suspension of a season ticket at Manchester United

A man complained that the Club had unjustly suspended his season ticket and banned him for three years.

The IFO was satisfied that, on the evidence before them, the Club were justified in taking action against someone they believed was touting tickets, first by imposing a ban of three years and then effectively reducing it to one year after a second appeal. The IFO accepted that the circumstances surrounding the loss and replacement of tickets looked suspicious, but also considered plausible the complainant's version of events, that he was the unfortunate victim of someone close to his family. The IFO found it impossible to conclude with any certainty the truth of the matter. The IFO recommended that the Club allow the complainant to renew his season ticket for 2017/18 and restore him to his seat if possible.



## IFO Adjudication 16/10 Leicester City's handling of seat reallocation

A longstanding Leicester City season ticket holder complained that inadequate planning had caused the Club to inform him wrongly that he would have to vacate his regular seat and that the Club had mishandled his complaint over the matter.

The IFO found justified the main element of the complaint in that the Club failed to complete adequate planning in relation to the need for an extended television gantry for UEFA matches, before telling season ticket holders that they would have to move seats for season 2016/17. Although the Club had acted in good faith, it was unnecessary for seat relocation and the IFO was satisfied that that misleading information caused unnecessary concern and uncertainty for the complainant and others affected. The IFO recommended that the Club offer a tangible goodwill gesture.



#### IFO Adjudication 16/16

Misleading information from West Ham United in relation to the opportunity to view personalised stones at the London Stadium

A lady complained that the Club had given her misleading information about the opportunity to view the "Champions Place" stone she had purchased for her partner, as a result of which she had incurred expenditure on an abortive visit to view the stone.

The IFO was satisfied that when the Club told the complainant that the stone had been installed, and gave instructions on how to find it, they gave her a legitimate expectation that the stone was available for viewing. By the time the Club issued a more explicit communication, the complainant and her partner had already made an abortive visit from Bristol. The Club offered her vouchers which she did not find acceptable. The Club agreed the IFO recommendation to reimburse her losses.



#### IFO Adjudication 16/17

A complaint about the suspension of season tickets at Arsenal

A season ticket holder complained that Arsenal had unjustly confiscated four season tickets, seven silver memberships, two cannon clubs and several previously purchased associated match tickets belonging to him and his family, the value of which totalled around £3,400.

The IFO found that the complainant was providing tickets for an extended circle of relatives and friends and recouping the actual cost of the tickets, which included a pro-rata proportion of the administration fee. The IFO was satisfied that on a strict interpretation of the ticketing terms and conditions, Arsenal were justified in considering disciplinary penalties. The IFO did not believe that the complainant had been touting tickets, but rather had been acting in a partly altruistic way; as such a ban of some three years was more than enough. The IFO found that the dispute might have been settled earlier had the complainant been more forthcoming in clarifying his ticketing practices. The Club accepted the IFO's recommendation that they restore the memberships for 2017-18 season.



#### A Newport County supporter complained that the Club had been unable to overturn a disproportionate season long ban on him attending matches at Rodney Parade, which had been imposed by the Club's landlords.

The IFO was satisfied that a Director of the Club had made strenuous efforts to have reduced a ban which he regarded as severe, and accepted that the Club could not have done more. The IFO recommended that the Club meet the landlords to discuss disciplinary procedures and rights of appeal. The IFO subsequently met officials from the landlords and was satisfied from evidence produced that they had investigated carefully the reasons for the ban, and that they had acted proportionately. The IFO was also satisfied that the landlords had a comprehensive "Stadium bans and Policy Procedure", based on English Football League guidance.



#### IFO Adjudication 17/01 Stewarding at the Reading v Bristol City match, November 2016

Two Bristol City fans complained that their enjoyment of the match at Reading had been impaired by shortcomings in stewarding, particularly the failure to deal with standing supporters who refused to occupy their allocated seats.

The IFO found that an unusual set of circumstances had led to the rare decision to withdraw stewards and not to make further attempts to prevent Bristol City fans from standing in the aisles. Stewards had made robust efforts to get fans to sit in the correct seats and the Safety Officer had become concerned about the safety of stewards who were being subjected to abuse and physical threats. The IFO was satisfied with the Safety Officer's assessment that there was no threat to public safety and that stewards and police could have been deployed quickly had the need arisen. The IFO found that the decision, made in all good faith and for sound operational reasons, had nevertheless inconvenienced the complainants. The Club accepted the IFO recommendation to make each complainant a goodwill payment of £30 and provide them with complimentary tickets for Bristol City's next visit to Reading.



#### IFO Adjudication 17/04

Entrance arrangements and stewarding at the Burton Albion v Birmingham City match, 21 October 2016.

#### A Birmingham City supporter complained on behalf of himself and his brother that at the match at Burton they had been unable to access the terrace until just before half-time.

The IFO found that the Birmingham match had presented a particular challenge for Burton's stewards and safety staff. Access to the away terrace was difficult as attendance was high and a large number of fans turned up at or near to kick off, and fans were refusing to move along the rows. Concern for the safety of stewards, who were being abused and threatened, led to the Safety Officer withdrawing them from the back of the terrace. The IFO accepted that the complainant's enjoyment of the match had been impaired by the delay in accessing the terrace and the Club accepted the IFO's recommendation to make goodwill payments of £30 each to the complainant and his brother and to provide them with complimentary tickets for Birmingham's next visit to Burton.



## IFO Adjudication 17/03 The relocation of a season ticket holder at West Ham United

# A longstanding season ticket holder complained that he had been unreasonably relocated from his seat at the London Stadium and had not been provided with reasons to his satisfaction.

The IFO was satisfied that, after a number of unsavoury incidents at the London Stadium, the Club and stadium officials had compelling grounds for extending the segregation line between home and away fans, which resulted in the complainant having to relocate. (It is important to note that responsibility for safety and security lies with the Club's landlords.) The complainant was given a seat with a comparable view, although further from the away area, which displeased the complainant who likes the atmosphere of close proximity to away fans. The IFO was not persuaded that that criterion undermined the Club's achievement of providing a comparable seat for him. The IFO endorsed the complainant's criticism about accessibility to the Club's season ticket terms and conditions and the need for an updated Customer Charter, but could not support his claim for financial compensation.



#### IFO Adjudication 17/11

The treatment of a disabled visitor at Charlton Athletic

# A man who is confined to a wheelchair complained that he had been treated offensively and insultingly by a steward at the Valley.

The IFO found that the complainant had been treated disdainfully and insultingly by the steward, despite the Club's contention of mitigating factors. The IFO recommended that the Club review the access routes for disabled fans, ensuring that they are safe and easily negotiable, that they amend their pre-match advice and reception arrangements for wheelchair users, and that they provide equality training. The Club accepted the IFO's recommendation that the Chief Executive should send the complainant a formal letter of apology and invite him to be a hospitality suite guest at a future match.



#### IFO Adjudication 17/10

The termination of memberships at Tottenham Hotspur

## A season ticket holder complained that the Club had unjustly terminated the memberships of himself, his wife and his son.

In 2015 the complainant bought four £44 home tickets for family members without ensuring that they were used properly; the tickets sold for £120 each via an unauthorised website. The Club let him off with a strong warning about the consequences of a further breach of the ticketing terms and conditions. In 2017 the complainant bought tickets for a friend; the tickets were subsequently sold via Twitter for a large sum. The IFO found that the complainant had been foolish in the extreme and that the Club were justified in taking action against him for the further breach, although there was no evidence that he had made any pecuniary gain from the tickets. The IFO welcomed the Club's willingness to entertain a review request from the complainant after season 2017-18 and the lifting of the suspension on the memberships of the complainant's wife and son.



# Appendix II: REPORT of a MEETING between the IFO and **SUPPORTERS:** 27 June 2017

#### **Organisations represented:**

IFO, FOOTBALL SUPPORTERS FEDERATION (FSF), LEVEL PLAYING FIELD (LPF), SUPPORTERS DIRECT (SD) 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 2016-17 and the main issues arising. The meeting would inform the IFO Annual Report.

#### **ADR Requirements**

It was reported that the IFO, as an Approved Alternative Dispute Resolution (ADR) Body, was required by the accreditation regulations to produce an annual activity report. This was included in the papers for the meeting. It was noted that the reporting period did not coincide with the normal IFO annual report and was determined by the date of accreditation, which was February 2016.

#### **Issues for Discussion**

- Club Sanctions for "Ticket Touting": The IFO had investigated cases of alleged ticket touting at four clubs, with the majority of the cases at Manchester United. The IFO commended the club for its clear statement of its sanctions policy and for its right of appeal. The IFO found that the blanket 3-year ban for touting offences sometimes did not allow for mitigating circumstances and in two cases the IFO had recommended that a 3 year ban be reduced to one year. The FSF broadly welcomed the MUFC system; they are one of the very few clubs to have a comprehensive and widely published sanctions policy which includes an independent member on the appeals panel. However, there were concerns at the length of some of the bans which were considered disproportionate. FSF would welcome other clubs implementing a similar structure to MUFC's policy providing it was meaningful and not a 'tick box' exercise. FSF respect the right of any football club to ban who they like from their stadiums but raised a number of concerns around lack of due process and a perception that many clubs did not properly understand their obligations under the Data Protection Act which made it difficult for supporters to get information held about them by their clubs. The FSF was also concerned about what it termed "back door suspensions" where clubs took punitive action even where police action had not resulted in a conviction. It was suggested that this was the result of clubs and the police having different thresholds for the level of proof required to take action.
- Stewarding/Standing: As in previous years the IFO had received complaints about stewarding, divided between those who bemoaned the lack of action and those who found some stewards acting in an aggressive manner. FSF pointed out the low level of training and qualifications of many stewards and the difficulty of maintaining consistent standards with the use of multiple agencies. FSF suggested that the IFO

should subject clubs' stewarding arrangements to closer scrutiny and, for example, claimed that Burton Albion should have been better prepared for the problems revealed in a recent IFO Adjudication. Both LPF and KIO endorsed the view that there were shortcomings in stewards' training. SD raised the lack of supporter involvement in Safety Advisory Groups (SAG) where supporter input would be valuable in advising on stewarding issues. FSF reported that the Celtic experiment with rail seating had generated a renewed debate about "Safe Standing". The Premier League was consulting its members and the EFL had authorised an initiative at Shrewsbury which had been agreed with the SGSA

- Relocation Within the Stadium: At West Ham and Manchester United whole blocks of supporters were required to move seats, in the former case for security reasons and in the latter to accommodate new disabled spaces. FSF queried the justification for aspects of the West Ham relocation and confirmed that the boundary between home and away supporters helped to generate a good atmosphere at matches. LPF welcomed the initiative at Old Trafford but regretted that the changes would be spread over three years. Another individual complaint had arisen over relocation of supporters at Leicester City due to presumed UEFA requirements for Champions League Matches.
- Communicating with Supporters: In these cases and many others the IFO had identified shortcomings in communications and, for example, three complaints at Leeds United had all featured delays in responding to correspondence. FSF and SD explained that there were broader issues involved and that clubs were now obliged to engage in a structured dialogue with supporters, as required by the Expert Report. FSF had suggested to the DCMS that the IFO should be charged with assessing the effectiveness of these new arrangements.
- **Discrimination Issues:** The IFO had very few discrimination complaints because most cases were referred to KIO as the lead body in this area. There had been two County FA cases, though neither was pursued because they were dealt with by The FA's regulatory procedures. KIO explained that it believed there was still a significant degree of under-reporting, particularly at grassroots level. However it has been working closely with The FA around reporting and was encouraged about the development of certain CFAs with regard to this work.
- **Disability Issues:** The IFO had more disability cases than in previous years, perhaps as LPF suggested, because of the new procedure which allowed complainants to approach the IFO directly, without having to go through the governing bodies. The IFO had discussed cases with LPF which included the co-location of home and away disabled supporters at Liverpool, a refund at Bristol City, online ticketing at Sheffield United and stewarding at Charlton (now published as an IFO Adjudication Report). LPF updated the meeting on the 500 cases handled during the season.
- Grassroots/Regulation Cases: The IFO continued to receive complaints about children's, youth and grassroots football. Under the protocol agreed with the FA it was clear that the IFO was not to be a further appeal stage for those who were unhappy with the outcome of the bona fide FA regulatory and disciplinary procedures. The IFO did investigate a CFA dispute which resulted in a full report. However, this was not published at the request of the complainant. The IFO also looked into a complaint about local referee appointments and there were two academy cases pending at Barnet and WBA.

#### **Any other Business**

The IFO tabled a newly issued Ombudsman Association document on a quality standard which the IFO was minded to adopt, as a further potential endorsement of IFO procedures. In a discussion on possible governance reform, SD outlined ideas about a new regulatory body which would control club licensing and explained that a policy document was forthcoming. FSF identified a number of features of the IFO which should be addressed and had discussed increasing IFO powers, broadening its remit and reforming appointment procedures. It was agreed that all parties would progress these ideas in discussions with DCMS and the Football Authorities, as appropriate.



#### **NICOLA WALDMAN - LEGAL ISSUES**

Nicola Waldman, a solicitor and a lifelong Arsenal fan and season ticket holder, is a partner in a law firm. She was a member of the Board of the Independent Football Commission.

#### **ARTHUR SELMAN - CORPORATE GOVERNANCE**

Arthur Selman is a qualified lawyer and was involved in financial services at a senior level, specialising in compliance and governance reform.

#### **GRAHAM COURTNEY - MEDIA & COMMUNICATIONS**

Graham Courtney is a former Press Officer at Newcastle United and Chief Operating Officer for the Independent Football Commission. He is continuing his journalistic activity as a radio reporter for Talk SPORT.

#### **PHIL GOLDSTONE - SUPPORTERS**

Phil Goldstone has had a successful career in international business sales and is a lifelong Manchester City supporter and season ticket holder. He also watches Oldham Athletic, whose history he is writing for his PhD.

#### PROFESSOR TOM WOODHOUSE - COMMUNITY

Tom Woodhouse is Emeritus Professor at Bradford University where he has lectured, researched and written on sport and conflict resolution. He has special interests in the community links with football clubs.

#### **KEVIN GRIX - ADR PROCEDURES**

Kevin Grix, also a qualified lawyer, is the Furniture Ombudsman and an executive member of the Ombudsman Association. He is vastly experienced in dealing with consumer disputes and their resolution.

# IFO TERMS OF REFERENCE

The IFO Terms of Reference are available on our website: www.theifo.co.uk

