



The  
Independent Football  
Ombudsman

# ANNUAL REPORT 2017-18

**IFO**

THE INDEPENDENT  
FOOTBALL OMBUDSMAN

*[www.theifo.co.uk](http://www.theifo.co.uk)*

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# Foreword

**I present my tenth 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 Digital, 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](http://www.theifo.co.uk)**

The IFO reached an important milestone in 2018, marking a decade of continuous activity, during which time over 100 Adjudication Reports have been issued. This year the IFO produced far more reports, both published and unpublished, than in any previous year. Further to the IFO accreditation as an Approved Alternative Dispute Resolution (ADR) Body under the Government's 2015 ADR Consumer Regulations, the IFO produced its Second ADR Annual Activity Report in February 2018 (available on the website). Under the revised procedure, complainants may now go direct to IFO, without the previous intermediary stage of the governing bodies. 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 welcome two new members (Ela Mistry-Jackson and Gillian Fleming), who have greatly extended the Panel's range of expertise.

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2018.

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

**PROFESSOR DEREK FRASER  
OMBUDSMAN**

**JULY 2018**



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# *The IFO's activities in its tenth 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 Tenth since the IFO was created, records the continuing high level of incoming and outgoing messages and far 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 at 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 occurred in February 2016 with the accreditation 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 be referred 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](http://www.theifo.co.uk)). The website also contains copies of the Annual Activity Report which the IFO is required to submit under the ADR Regulations. The IFO keeps the Authorities apprised of ongoing complaints, which preserves the possibility of a complaint being resolved through mediation by a Governing Body.

In the two years since the IFO was accredited there has been 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 some 2000 email messages, sustaining the high level achieved in the previous year. (Additionally, there were many hundreds of unsolicited messages offering Search Engine Optimisation or web design services). In the year beginning 1 July 2017, over 92% of those contacting the IFO did so by email, with about 4% by phone and 3.5% by letter. In addition to letters sent and phone calls made, there were over 1000 outgoing email messages sent by the IFO. This year continued the previous year's marked shift in the share of complaints which may be deemed mainstream consumer disputes (the central purpose of the IFO itself) and now **86%** of all messages received were in this category (compared to 57% in 2015-16). Hence the IFO dealt with 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 many hundreds. The bulk of the awards recommended by the IFO fell within the range of £20 to £60.

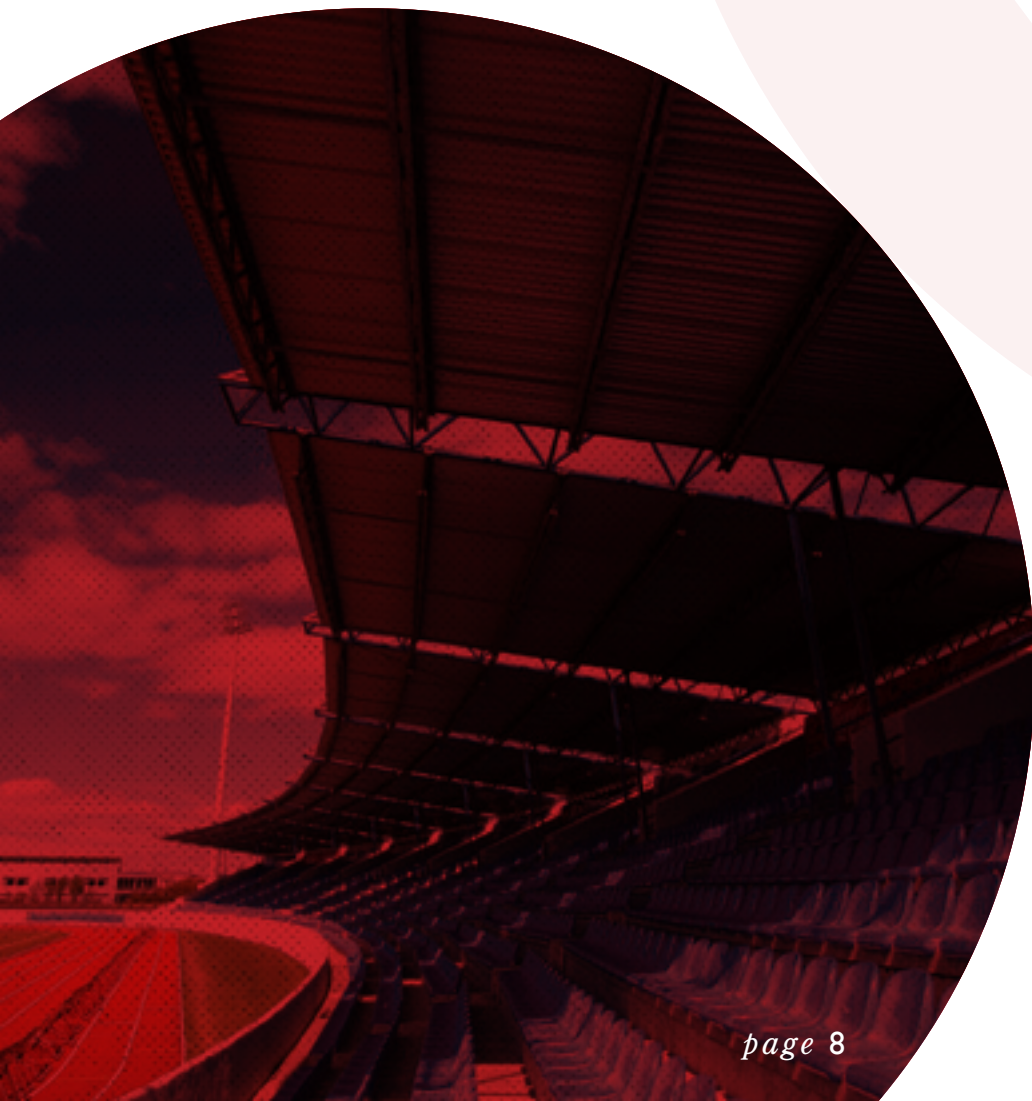
As in previous years, the IFO received many messages about grassroots football and the world of the County Football Associations (CFA), which accounted for 13% of all messages received (a significant reduction compared to 35% in 2015-16 and a slight reduction on the previous year). Many of these were from parents, who alleged that their children had been bullied or unfairly treated by coaches, club officials or the CFA. There were more safeguarding complaints this year and the IFO sent these forward to the FA, who took prompt action in the more worrying cases. There were also a number of coaches who complained about shortcomings in the FA training programmes or the disciplinary process. It is explained to such complainants and to parents 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 the IFO cannot act as a further appeal stage for those dissatisfied with the outcome of the formal disciplinary or regulatory procedures. 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.

In the early years of the IFO many people used the IFO to comment on the state of the professional game and on-field incidents. This category reached a peak of 30% in 2010-11, but began to reduce three or four years ago. In the current year only 1% of the incoming messages were about players or referees and only a handful of correspondents were moved to write to the IFO about some perceived injustice they had witnessed at a recent match. There is an 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".

What had not changed was the frequency of correspondents with some very specific personal concerns, which were always written in a colourful manner. These topics included:

- Delays in the delivery of the Newcastle United away shirt at the start of the season.
- Discontinuity between visual and sound reception in the online subscription service provided by Reading FC.
- Confusion over the memorial match for Graham Taylor and the difficulties caused by its switch from Watford to Aston Villa.
- Restrictions on player interviews at Bournemouth.
- Reduced availability of cycle parking spaces at the Etihad Stadium.
- Allegations of sexism and gender bias at one County FA and of corruption at another.
- The ownership of Bury FC.
- The EFL's involvement in the naming dispute between Wimbledon and MK Dons.
- The chaos at the Emirates Stadium before the Arsenal v Cologne Europa League match.
- The delay in appointing a SLO at Blackpool and the appointment process.
- Manchester City's refusal to allow a supporter to bring refreshments to the match

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 2018 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), the Premier League Disability Advisory Group and the British Transport Police. The Ombudsman was invited to speak at a Duty of Care conference, at which the possibility of a Sports Ombudsman was discussed, and held a meeting with the Minister for Sport on the same subject. The Ombudsman attended the EU ADR Assembly in Brussels at which there were over 400 delegates. Such events are unlikely to involve the IFO after Brexit!







# Investigations and adjudications

**In this year's programme of investigations one club dominated in an unprecedented manner. The IFO visited Manchester United on three separate occasions and the Club accounted for over a third of the year's Adjudication Reports.**

The Manchester United cases began early in the new season and continued throughout the year, with a peak in the early months of 2018. The application of the Club's sanctions policy for alleged "ticket touting" was the predominant theme and this is highlighted below (p.12). However, there were a variety of topics brought to the attention of the IFO by supporters who were aggrieved by the Club's policies or actions. These complaints included:

- Requests for reinstatement of season ticket holders whose payments had not been made because of a malfunction by the Club's card processing company.
- A long running dispute about the alleged flaws in the membership renewal system
- A protest about relocation within the stadium to accommodate new disabled spaces, not about the policy itself but about the new seats being an inferior view at a higher price.
- A complaint from a disabled supporter about abusive behaviour by a steward on a non-match day visit. (This began last year and was mentioned in the previous Annual Report, but continued into the present season).
- Protests by supporters about the relocation and amendment to the car parking arrangements, made necessary by major road works in the environs of the stadium.
- A complaint by a supporter banned from away fixtures after what he viewed as an administrative failure of club officials when Manchester United played in Vigo. The case was made more complex through the complainant and his father having exactly the same name. **(IFO 17/19)**
- A complaint about allegedly poor service in the Hospitality Suite
- Dissatisfaction with the actions of club stewards when clearing the stadium after a match

Other clubs had more than one case investigated. The IFO adjudicated three cases at Brighton (ticket upgrade – **18/05**; loyalty scheme – **18/06**; exclusion – **18/07**); two at Hull City (season ticket - **17/12** and membership – **17/15**); two at Liverpool (touting **18/13**; and discrimination **18/14**); and a further two at Huddersfield (membership - **17/25** and exclusion - **18/08**).

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

- A cash compensation, rather than complimentary tickets for the following season, for Brentford supporters who had seating problems at Villa Park
- Full reimbursement of costs for tickets at an England game where supporters were co-located with away supporters, without warning from the FA.
- The reinstatement of two Spurs members and a reduction in their sanction after their involvement in ticketing irregularities.
- Reimbursement of the cost of a season ticket for 2017-18 at Gillingham, because of changed work commitments.
- The reinstatement of a Liverpool season ticket holder whose appeal letter had not been received nor considered by the Club.
- The allocation of an international "cap" to a retired professional referee, after a delay in the FA's allocation process

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

- A complaint by a Liverpool supporter with a disabled son, who alleged that parking facilities had been withdrawn. The IFO found that the car park was in fact municipally owned and that the son was eligible for spaces allocated by the club ballot.
- A claim for a ticket reduction at Aston Villa, where the complainant's son did not meet the age criteria for a concessionary ticket, although the renewal process had implied that he would qualify.
- A long running dispute over an allegedly faulty shirt bought from the England shop, in which, the IFO found, the FA had responded reasonably.
- A complaint from a Wigan supporter whose elderly mother had been injured in a fall outside the Keepmoat Stadium in Doncaster. The IFO found that the Club responded effectively with first aid and the delay in the arrival of an ambulance was outside the Club's control.
- A complaint from an Aston Villa fan about a club ban after he entered the pitch at the end of the play-off semi-final. The IFO found that, although he was not given a football banning order, he was convicted of being in possession of a firework and consequently the Club was entitled to impose a ban in line with the EFL agreement on pyrotechnics.
- A complaint about the timing of the postponement of the Gillingham v Blackburn match due to snow and ice, where the IFO found that both the referee and the Club sought to ensure that the match would be played but were defeated by the weather.

In 25 cases the investigations led to a formal IFO Adjudication Report, the highest ever and a five-fold increase on the number in the first year of IFO operations. *[There was one report which was completed but not published at the request of the complainant.]* 20 of the reports related to Premier League clubs, 3 to EFL clubs and 2 complaints involved the FA. All IFO Adjudication Reports are published in full on the IFO website ([www.theifo.co.uk](http://www.theifo.co.uk)) and summaries are provided at Appendix I

## Adjudication Reports 2017-18

(Listed in the order in which they were issued)

### **IFO Adjudication 17/12**

Season ticket problems at Hull City

### **IFO Adjudication 17/15**

Alleged mis-selling of memberships at Hull City

### **IFO Adjudication 17/17**

The membership scheme at Chelsea

### **IFO Adjudication 17/19**

A three year away ban at Manchester United

### **IFO Adjudication 17/22**

Obstructed view at the AFC Wimbledon v Portsmouth match 9 September 2017

### **IFO Adjudication 17/20**

Suspension of a season card at Manchester City

### **IFO Adjudication 17/25**

Downgrading of Club membership at Huddersfield Town

### **IFO Adjudication 18/01**

Enforced requirement to move seats at Norwich City

### **IFO Adjudication 17/16**

Disorder at the League 1 play-off final at Wembley May 2017

### **IFO Adjudication 18/04**

Three year bans for two supporters at Manchester United

### **IFO Adjudication 18/05**

Refusal by Brighton and Hove Albion to upgrade a child ticket

### **IFO Adjudication 18/06**

Loyalty points deduction at Brighton and Hove Albion

### **IFO Adjudication 18/07**

Indefinite exclusion at Brighton and Hove Albion

### **IFO Adjudication 18/02**

A three year ban at Manchester United

### **IFO Adjudication 18/08**

Indefinite exclusions at Huddersfield Town

### **IFO Adjudication 18/09**

A three year away ban at Manchester United

### **IFO Adjudication 18/10**

A three year ban at Manchester United

### **IFO Adjudication 18/11**

A three year ban at Manchester United

### **IFO Adjudication 18/12**

A three year ban for Manchester United away matches

### **IFO Adjudication 18/15**

A three year ban at Manchester United.

### **IFO Adjudication 18/13**

A three year ban at Liverpool for ticketing offences.

### **IFO Adjudication 18/14**

An allegation of racial discrimination at Liverpool

### **IFO Adjudication 18/20**

Inappropriate behaviour during the under 17 World Cup

### **IFO Adjudication 18/18**

Disorder at the Blackburn Rovers v Oxford United match May 2018



# 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 issue of **sanctions imposed on supporters** was the dominant one in the work of the IFO during 2017-18. Not all of the IFO investigations originated in the same cause. At Manchester City a ban resulted from an ejection for violent conduct (**IFO 17/20**), whereas at Huddersfield Town it involved behaviour outside and away from the stadium (**IFO 17/25**). Most often the complaints arose from bans imposed for alleged “ticket touting”, where a season ticket holder’s ticket was found to have been traded on the secondary market, the most egregious case being at Liverpool where someone had paid 1000 Euro to a website trader (**IFO 18/13**).

The vast majority of these cases were at Manchester United where the IFO completed 9 separate reports, an unprecedented concentration on a single club. The IFO is on record commending Manchester United’s clear sanctions policy and well-publicised appeals system, which involves an independent member on the panel. Given the frequently used appeal system, the IFO has been cautious about recommending changes to the sanctions imposed and in several cases confirmed that the Club ban was justified. In two cases the IFO investigation revealed new evidence which led to the bans being rescinded. However, in three other cases the IFO found after a careful review that there ought to be amendments to the suspensions:

- A three year ban be reduced to two years
- A three year ban be reduced to one year
- A three year ban to be rescinded in the light of time served

The Club felt unable to accept these recommendations and, in line with the agreed policy, issued a public statement of their reasons for not implementing the findings (a welcome contrast to Hull City last year which failed to issue such a statement). These recommendations were made only after a thorough investigation of the special circumstances in each case and the IFO is disappointed that the findings were not implemented. The IFO accepts that, in common with most Ombudsman schemes, IFO recommendations are non-binding on the parties.

In reviewing these sanction complaints, the IFO noted some variability in practice. For example, at Liverpool ticket holders need the prior approval of the club for a ticket to be transferred, whereas at Manchester United the ticketing regulations allow tickets to be freely transferred to friends and family. Similarly, a Manchester United suspension includes a ban on entering the ground, whereas at Liverpool a banned season ticket supporter is permitted to buy tickets on a match-by-match basis. The IFO believes it would be helpful for the same policies and procedures to be applied and **recommends that the Premier League reviews its ticketing guidance to ensure consistency of practice among all its member clubs**. Given the large number of cases investigated and the severity of the potential penalties, the IFO thinks that supporters need even more prominent and regular reminders of

their responsibility and liability as season ticket holders. **The IFO recommends that all clubs (Premier League and EFL) increase their publicity about their ticketing regulations and the possible sanctions which may follow a breach of them.**

There have been quite a number of complaints this year where supporters had felt short-changed by **membership schemes**, sometimes where they had been amended. At Hull City the complaint related to the alleged failure to deliver the benefits promised at the time of the launch of the scheme (**IFO 17/15**), while at Chelsea the complainant felt that he had been misled about the term of the membership which he had purchased (**IFO 17/17**). In two cases, at Huddersfield (**IFO 17/25**) and Brighton (**IFO 18/05**) changes were made to membership schemes in the wake of the clubs attaining promotion, who felt obliged to change their rules as a means of managing the increased demands for tickets. In all these complaints and others, it was claimed that the rules were not clear or had not been communicated effectively. In essence, the IFO thinks that this was largely a matter of proper consumer information.

At the supporters' meeting reported in Appendix II, it was suggested that the IFO, or perhaps a regulator or the authorities, should issue guidance on model clauses which represent good practice. **The IFO recommends that the three Football Authorities collaborate in a review of membership schemes and issue such guidance.**

As in previous years the IFO received complaints about **stewarding**. While the majority comprised the familiar theme of stewards being too lax, there is one ongoing case at Queens Park Rangers where it is alleged that the stewards were over robust with the visiting MK Dons supporters. The most high profile case was a complaint about the League One play-off match at Wembley, between Bradford City and Millwall, which took over 9 months to be finally settled (**IFO 17/16**). Some of the complaints related to the familiar issue of standing supporters, impeding the view of those behind them. This was the key issue in the Wimbledon complaint (**IFO 17/22**) and was the cause of the ticketing dispute at Hull City (**IFO 17/12**). Adult fans standing in the family stand at Norwich City resulted in children standing on seats in order to see (clearly potentially dangerous) and led to the Club relocating many supporters, much to the chagrin of one parent who thought that the Club should have addressed the standing issue itself (**IFO 18/01**).

The IFO is aware that many supporters do not like being labelled customers. Yet while the safety aspect of standing is much disputed, the regular central customer care element in supporters' complaints is much clearer. Supporters paying for a seat have a legitimate expectation that they can watch the match without being inconvenienced by supporters standing in front of them. The IFO again expresses 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 hopes that the evidence revealed in IFO Reports over the last 10 years will add to the case for experiments in safe standing. **The IFO recommends that the Authorities advocate safe standing in the Ministerial Review, which has been established in the wake of the parliamentary debate on this subject.**



# *Appendices*



Appendix



# Adjudication summaries: 2017-18

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

**IFO Adjudication 17/12**

**Season ticket problems at Hull City**

**A Hull City supporter complained that when he bought season tickets for the North stand for himself and his wife for season 2016/17 (£21 per month for each membership) the club had not warned him that the seats were for an area where persistent standing was prevalent.**

The IFO was satisfied that the complainant had purchased memberships in all good faith and expected to be able to watch matches in comfort and had then felt compelled to move to other seats. The IFO recommended that the Club offer a reduction of £100 on each membership for the 2017/18 season only, and that they should ensure that they make clear when selling tickets for the North stand that there is a likelihood that spectators will stand. Unfortunately, the Club declined to implement the IFO recommendation on compensation.

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**IFO Adjudication 17/15**

**Alleged mis-selling of memberships at Hull City**

**A Hull City supporter complained that the Club had failed to provide certain benefits, including prize draws, member only events and the award of loyalty points.**

The investigation of the complaint was unsatisfactory in that the Club's refusal to cooperate with the IFO made it impossible to evaluate the complaint properly. It was clear, however, from advice from the Advertising Standards Agency, that the Club's advertising was misleading, but it was not possible to assess the degree of culpability nor any tangible effect on the complainant. Given the Club's failure to respond to the complainant, the IFO recommended that the Club review their customer service arrangements to make them more user friendly. The IFO criticised the Club most severely for the stance adopted and took up the matter with the Football Authorities.

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**IFO Adjudication 17/17**

**The membership scheme at Chelsea**

**A man complained that he had bought three Chelsea True Blue memberships in December 2016 under the impression that they were for twelve months. He claimed that the Club did not make clear that they were for 2016/17 season only and expired on 31 May 2017.**

The IFO found that the relevant information was publicly available on the Club's website and that the complainant had agreed the terms and conditions of sale; and there was no evidence that the Club had misled him into making the purchase. The Club have amended their promotional literature to specify the membership terminal date and the IFO regarded their offer of a 20% discount on the renewal of the memberships as a reasonable goodwill gesture in recognition of the complainant's time and effort in pursuing his complaint.

**IFO Adjudication 17/19**

**A three year away ban at Manchester United**

**A Manchester United supporter complained that he had been unfairly banned from attending away matches for three years following a mix up over Europa League tickets. He claimed that administrative failings by the Club were to blame for his misfortune.**

The IFO found the complaint difficult to adjudicate because of conflicting versions of the events surrounding whether both the complainant and his father (who both had the same name) visited Viga for the match. At the request of the IFO the Club referred the case back to their Appeal Panel, but the Panel decided to uphold the ban as there was no compelling evidence to prove the presence of both father and son in Viga. The complainant then declined the invitation to submit a copy of his father's airline itinerary and the IFO accepted that a lack of supporting evidence justified the Panel's decision.

**IFO Adjudication 17/22**

**Obstructed view at the AFC Wimbledon v Portsmouth match 9 September 2017**

**A Portsmouth supporter complained on behalf of himself and his friend that they had been unable to see properly at Wimbledon because of fans standing between the barriers at the front of the terrace and the pitchside advertising hoardings and the stewards had taken no action to help them.**

The IFO found that the Portsmouth match presented a particular challenge for Wimbledon's stewards and safety staff who, for fear of provoking a public order incident, decided not to intervene with those supporters standing inappropriately. The complainant's enjoyment was undoubtedly impaired, a situation exacerbated by shortcomings in customer service following his complaint. The IFO welcomed Wimbledon's acceptance of his recommendation to make goodwill payments of £30 each to the complainant and his friend and to provide them with complimentary tickets when Portsmouth next visit Wimbledon

**IFO Adjudication 17/20**

**Suspension of a season card at Manchester City**

**A Manchester City season ticket holder complained that he was unfairly deprived of his seasoncard and excluded from the stadium following his involvement in crowd disorder in which he claimed he had acted in self defence.**

The IFO viewed CCTV evidence which clearly showed that the complainant was involved in violent behaviour, in light of which the IFO was satisfied that the Club were justified in the action they took. Given the seriousness of his offence, the IFO found that he had been treated relatively leniently and was allowed to renew his ticket for the following season.

**IFO Adjudication 17/25**

**Downgrading of Club membership at Huddersfield Town**

**A woman claimed that Huddersfield Town had downgraded her membership to Priority 2 for the 2017/18 season, although they had clearly notified her by email that by paying for Blue and White membership in May 2017, she would be Priority 1 for future purposes.**

Although the complainant suffered a loss of expectation through the Club not having made clear that her Priority 1 membership related only to season 2016/17, she was ultimately treated no differently from other members who had been downgraded by the re-categorisation deemed necessary by the Club on their promotion to the Premier League, where demand for tickets was expected to exceed supply.

**IFO Adjudication 18/01**

**Enforced requirement to move seats at Norwich City**

**A Norwich City season ticket holder complained that he and his eleven years' old daughter had been unfairly required to move their seats at Carrow Road, rather than the Club deal with the problem of persistent standing by others in the stand.**

The IFO found that it would have been desirable for spectators in the stand to have refrained from persistent standing but that had proved impossible to achieve despite the best efforts of the Club. Although the complainant and his daughter had to move seats against their will, the IFO accepted that the Club had acted in a pragmatic way in the interests of the safety of children, many of whom had to stand on their seats in order to watch matches.



**IFO Adjudication 17/16**

**Disorder at the League 1 play-off final at Wembley May 2017**

**A man complained of antisocial behaviour by a group of males which impaired his enjoyment of the match and greatly inconvenienced his party which was left distressed by the occurrence.**

The FA accepted that the complainant and his party had been subjected to abuse and antisocial behaviour which spoiled their day at Wembley. The IFO recommended that the FA provide either complimentary tickets for an England match or £35 for each of the 14 members in the party. The FA accepted the recommendation and the complainant chose the monetary option. The IFO also recommended that the FA and the Wembley authorities urgently review their complaint handling procedures in the light of shortcomings in the way in which they dealt with this complaint.

**IFO Adjudication 18/04**

**Three year bans for two supporters at Manchester United**

**A Manchester United season ticket holder complained that the Club had treated him and his friend as ticket touts and banned them for three years, even though all they had ever done was to gift the tickets to family and friends, as is permitted by the ticketing terms and conditions.**

The IFO was satisfied that by allowing the tickets to be used by someone other than a relative or friend, the complainant was in breach of the ticketing terms and conditions. It was not clear how the tickets came to be on sale outside the stadium, but ultimately the complainant and his friend were responsible for their use and the Club were justified in imposing the sanctions.

**IFO Adjudication 18/05**

**Refusal by Brighton and Hove Albion to upgrade a child ticket**

**A Brighton season ticket holder complained that the Club had deprived him of the opportunity to upgrade his daughter's season ticket to a full adult ticket.**

Because of increased demand for tickets, for season 2017/18 Brighton decided to revise their policy on upgrading concessionary tickets so that upgrading was permitted only for a maximum of six matches during the season. The IFO was, therefore, satisfied that there was never an opportunity for the complainant's daughter's ticket to be upgraded on a seasonal basis.

**IFO Adjudication 18/06**

**Loyalty points deduction at Brighton and Hove Albion**

**A Brighton season ticket holder complained that sanctions imposed on him by the Club were unreasonable and disproportionate, and he questioned whether the Club's appeal process was meaningful and whether the mitigation he had offered had been considered properly.**

The complainant had admitted fraudulent activity in relation to the purchase and use of underage tickets. The IFO was satisfied that as the complainant had regularly abused the concessionary ticket arrangements, the Club were entitled to apply the sanctions imposed. The IFO saw no evidence that the appeal process had not been meaningful, nor that his mitigation had not been considered properly.

**IFO Adjudication 18/07**

**Indefinite exclusion at Brighton and Hove Albion**

**A Brighton supporter complained that following a dispute with another supporter in the Club shop, the Club had imposed on him an indefinite ban, which he is not allowed to appeal for ten years.**

Although satisfied that the Club were justified in taking a very serious view of the complainant's offensive behaviour, the IFO considered the sanction harsh for a faithful supporter and recommended that the Club review the situation after five years.

**IFO Adjudication 18/02**

**A three year ban at Manchester United**

**A Manchester United season ticket holder complained that the Club had treated him as a ticket tout and banned him for three years, when all he had done was to allow a colleague to use his tickets.**

Although the IFO did not believe that the complainant had sold his tickets, he was responsible for their proper use and breached the rules by allowing the tickets to reach the secondary market.

**IFO Adjudication 18/08**

**Indefinite exclusions at Huddersfield Town**

**Two Huddersfield Town supporters complained that the Club had unfairly excluded them on an indefinite basis, and they had been unable to progress appeals.**

The IFO considered that the complainants' involvement (inadvertent or otherwise) in potential disorder, which the police deemed worthy of a Dispersal Order, had already attracted sufficient sanction from the Club. The IFO recommended that, having signed good behaviour agreements, the complainants' bans be temporarily suspended pending the final determination of their appeals against the original bans. The Club agreed to meet the complainants to discuss re-admission.

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**IFO Adjudication 18/09**

**A three year away ban at Manchester United**

**A Manchester United supporter complained that he had been penalised unfairly by the imposition of a three year ban on attending away games, after the Club found that he had advertised his away tickets on social media, an occurrence he blamed on his account having been hacked.**

Two away tickets for the Emirates Stadium were advertised on the complainant's Facebook account. The IFO gave careful consideration to the complainant's mitigating evidence but found no reason to demur from the decision of the Club's Appeal panel to uphold the sanction imposed. In order to resolve contradictions between the complainant's account and information provided by both Manchester United and Arsenal, the IFO invited him to submit evidence of his attendance at the match, but none was forthcoming. The Club will re-open the case if such evidence is produced.

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**IFO Adjudication 18/10**

**A three year ban at Manchester United**

**A Manchester United season ticket holder complained, on behalf of himself and his brother, that they had been banned unfairly for alleged ticket touting.**

The complainant entered into a perfectly legitimate arrangement to give the tickets to a friend but, at a random ticket check, the friend failed to give a satisfactory explanation of how he had the tickets, which justified the Club's imposition of the sanction. The IFO viewed the sanction as harsh and recommended that time served was sufficient punishment for the friend's misjudgement and that the bans should be lifted. The Club subsequently halved the sanction to eighteen months, recognising that there was doubt as to whether the touting victim had given fully accurate information to the ticket office.

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**IFO Adjudication 18/11**

**A three year ban at Manchester United**

**A longstanding Manchester United supporter complained, on behalf of himself and his friend, that they had been banned unfairly for alleged ticket touting.**

The IFO found that the Club were fully within their rights to impose the standard tariff for a touting offence when they had clear evidence that the tickets had been sold. After a searching review of the particular circumstances of the case, the IFO found strong grounds for the Club to exercise discretion and reduce the ban to one year, with the other two years suspended subject to no further breach of the ticketing regulations. The Club were not prepared to amend the sanction as the tickets had been bought by someone not known to the season ticket holders.

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**IFO Adjudication 18/12**

**A three year ban for Manchester United away matches**

**A committee member of an official Manchester United supporters' club complained that, despite her having done nothing wrong, the Club had banned her from away matches for three years.**

The sanction imposed on the complainant was the result of irregularities over the way in which the supporters' club handled its members' ticket allocations. Because to a significant extent the complainant was penalised for wider unauthorised practices, the IFO recommended that the away ticket ban be lifted at the end of the current season. Following receipt of additional information over responsibility for the unauthorised practices, the Club lifted the complainant's ban with immediate effect.

**IFO Adjudication 18/15**

**A three year ban at Manchester United.**

**A Manchester United season ticket holder complained that he had been banned unfairly for alleged ticket touting.**

The Club had evidence which suggested that the complainant's ticket had been traded, which justified the imposition of the sanction. During the investigation, the IFO uncovered fresh evidence which needed to be considered in mitigation. The IFO welcomed the Club's willingness to reinstate the complainant at the end of the season and allow him to renew his season ticket.

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**IFO Adjudication 18/13**

**A three year ban at Liverpool for ticketing offences.**

**A Liverpool season ticket holder complained, on behalf of himself and his brother, that they had been banned unfairly for unintended ticketing offences.**

The complainant accepted that the tickets had been traded by an online agency, but continued to assert that they had been given to a friend, free of charge. The IFO found that the regulation which forbids "the assignment, sale, transfer or lending of any season ticket to any third party" had been breached, which justified a sanction, but recommended that the ban should be three years, rather than indefinite. The IFO noted that the complainant and his brother are still permitted to buy tickets for individual matches at Anfield.

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**IFO Adjudication 18/14**

**An allegation of racial discrimination at Liverpool**

**A man complained of racial discrimination by being unfairly singled out while photographing Liverpool players.**

The IFO understood how the complainant drew the conclusion that his status as the only black person taking photographs of the Liverpool players leaving their hotel explained the actions of the security agent in singling him out for police attention. The IFO concluded that, in accepting that the agent had a credible explanation and that he had acted appropriately in raising his concerns, Liverpool had taken the complainant's concerns seriously and had investigated them fully, despite a lack of clarity in their complaints process. The IFO recommended that the Club make the process clearer for supporters and that they write to the complainant reiterating their regret that circumstances had arisen which led him to think he had been treated unfairly.

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**IFO Adjudication 18/20**

**Inappropriate behaviour during the under 17 World Cup**

**A man complained of inappropriate behaviour by England team officials towards his six years' old son while staying in a hotel in Goa.**

Although there was some dispute over precisely what occurred, the FA accepted that there had been inappropriate behaviour and apologised for any offence or discomfort caused. The IFO found that the England team officials had been heavy handed in their treatment of the complainant and did not have proper procedures for dealing with a legitimate complaint. The IFO recommended the introduction of clear guidance for officials travelling with England teams as to how complaints should be handled. The IFO also recommended the FA make a goodwill gesture to the son in the form of a replica shirt with his name on the back.

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**IFO Adjudication 18/18**

**Disorder at the Blackburn Rovers v Oxford United match May 2018**

**A lady complained that her seven years' old son was hit during a fight between two adults, which had caused him great distress, as a result of which he no longer wished to attend matches.**

It was unfortunate that the occasion of the final match of the season was marred by the behaviour of a few supporters. While the Club could have done nothing more to prevent the incident, both they and the IFO agreed that a goodwill gesture was merited. The Club have offered the boy either a full replica kit, or two free tickets for a match next season, including a tour of the control room/safety operation and the opportunity to meet a player before the match.

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# Meeting with supporters - 19 June 2018

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**Organisations represented: IFO, FOOTBALL SUPPORTERS FEDERATION (FSF), LEVEL PLAYING FIELD (LP), 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 2017-18 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 reported that the Ombudsman had attended the EU ADR Assembly, held in Brussels in June 2018, at which there were over 400 delegates. There are now 418 Approved ADR Bodies across the EU, including about 30 in the UK. It had not yet been clarified whether the same regime would operate after Brexit.

## **Issues for Discussion**

- **Sanctions:** The issue of sanctions had been the dominant one in the work of the IFO during 2017-18. These had sometimes involved a suspension following an ejection (eg at Manchester City); sometimes it involved behaviour outside or away from the stadium (eg at Huddersfield Town); and most often it involved “ticket touting”, where a season ticket holder’s ticket was found to have been traded on the secondary market, the most egregious case being at Liverpool where someone had paid 1000 Euro to a website trader. The IFO had visited Manchester United on three separate occasions and there had been an unprecedented concentration on one club and Manchester United reports would constitute about a third of the total published by the IFO. FSF confirmed that the club had a clear sanctions policy and a well- publicised appeals system which involved an independent member on the panel. FSF thought that sometimes the sanctions were harsh and reported that the Club was reviewing the sanctions policy. Given the appeal system, the IFO was cautious about recommending changes to the sanction. After careful review the IFO had recommended reductions in the suspensions in three cases, but the Club had not accepted the recommendations and had publicly stated their reasons for so doing. (The MUFC statement was included in the papers for the meeting). The meeting discussed the question of IFO powers and the non-binding ADR system which was currently operating. FSF pointed out that the Terms and Conditions for season tickets could involve a financial penalty if supporters were banned.

- **Membership:** There had been a number of cases where supporters had felt short-changed by membership schemes, particularly where they had been changed. It was noted that clubs attaining promotion often felt obliged to change their rules in order to manage the increased demands for tickets. In one long running dispute at Chelsea a supporter joining his family in December thought he had joined for 12 months but the club said that it was only until the end of the season, while in another case at Brighton a supporter wished to upgrade a youth ticket but was unable to do so. In these cases, as well as others, it was claimed that the rules were not clear or communicated effectively. In essence this was a matter of proper consumer information. In this context SD suggested that the IFO, or perhaps a regulator, should issue guidance on model clauses which represented good practice. It was suggested that it was within the IFO role to issue such guidance.
- **Stewarding:** As in previous years the IFO received many complaints about stewarding, the most prominent of which involved anti-social behaviour at the League One play-off match at Wembley. Queens Park Rangers had figured in previous years and were again involved in a couple of cases this season. FSF again queried the qualifications and training of stewards and alerted the IFO to complaints which were frequently made to the Safety Advisory Groups.
- **Safeguarding:** More than in previous years the IFO had received complaints about safeguarding, mostly from concerned parents. These cases were referred on to the FA, who were able to intervene quickly in the more worrying and disturbing examples. The IFO has no remit for grassroots cases but can review complaints which have been already dealt with by the FA.
- **Disability Issues:** The IFO had fewer disability cases than in previous years and had worked closely with LP on those that were investigated. LP updated the meeting on the Premier League Pledge which had been partially fulfilled by the addition of around 1000 wheelchair spaces. LP was working with the EHRC who were using their statutory powers to encourage/force clubs to agree revised target dates. The meeting was informed that the Premier League had established a Disability Advisory Group.
- **Discrimination Issues:** The IFO had one major investigation involving an allegation of discrimination at Liverpool. KIO had been involved in processing this complaint and alerted the IFO to a further impending case. There had been a number of cases arising from the grassroots which had been referred to the FA and were mostly to be dealt with by the County Football Associations.
- **Ownership Issues:** Supporters sometimes wrote to the IFO to express their frustration at having so little influence over their clubs. Blackpool and its problems had attracted a regular stream of comments. SD outlined some of their concerns about Blackpool and their belief that in some cases existing rules had not been properly applied. The IFO explained that under the agreed procedure no action could be taken until the EFL had completed its dealings with supporters. Since that phase was now completed the IFO will be investigating supporters' complaints.

### **Any other business**

The IFO alerted the meeting to an initiative by the British Transport Police involving working groups looking into aspects of the place of football supporters within the transport network. Both FSF and KIO agreed that a broad range of stakeholders had been invited to participate, but expressed some scepticism about the project.

Appendix



# The IFO Advisory panel

## **Arthur Selman - Corporate Governance**

Arthur Selman has a legal and public sector regulatory background. He 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 TalkSPORT.

## **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, a qualified lawyer, is the Chief Executive and Chief Ombudsman at Dispute Resolution Ombudsman Limited (which operates The Furniture Ombudsman and from November 2018 will operate the newly appointed The Rail Ombudsman). He sits on the Executive Committee of the Ombudsman Association and is vastly experienced in dealing with consumer disputes and their resolution.

## **Ela Mistry-Jackson - Diversity and Equality**

Ela Mistry-Jackson is programme leader for social work at the University of Bradford and has experience of diversity and equality within various sectors. She has been an assessor for the Premier League, evaluating clubs seeking their Equality Standard.

## **Gillian Fleming - Safeguarding**

Gillian Fleming has extensive experience of ADR and Ombudsman schemes across higher education, property professionals, health and local government, including safeguarding. She has reviewed complaints about the Disclosure and Barring Service and undertaken complaint reviews in other sectors. She has regulatory roles and has past and current experience as a Non-Executive Director.



# The IFO

## Terms of reference

### 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

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FOOTBALL OMBUDSMAN

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