



IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN

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OMBUDSMAN

ANNUAL REPORT
2018-19

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FOREWORD

I PRESENT MY ELEVENTH 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.

On the advice of the Authorities and in line with current business practice, the report is being published electronically and is not issued in hard copy. Digital copies will be made available to football stakeholders. It may also be downloaded from the IFO website, www.theifo.co.uk

This year the IFO continued to maintain the higher volume of published reports, exceeding the record number produced in the 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 Third ADR Annual Activity Report in February 2019 (available on the website). Under the required procedure, complainants may now go direct to the 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 thank Arthur Selman for his decade of service on the Panel and welcome a new member (Sue Watson), who has further extended the Panel's range of expertise.

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2019.



PROFESSOR DEREK FRASER
OMBUDSMAN

AUGUST 2019

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THE INDEPENDENT
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CONTENTS

SECTIONS

1: THE IFO AND ITS ACTIVITIES
IN THE ELEVENTH YEAR *page*
06



2: INVESTIGATIONS AND
ADJUDICATIONS *page*
09



3: ISSUES AND
RECOMMENDATIONS *page*
12



APPENDIX I: ADJUDICATIONS
SUMMARIES *page*
15



APPENDIX II: ANNUAL
MEETING WITH SUPPORTERS *page*
20



APPENDIX III: THE IFO
ADVISORY PANEL *page*
22



APPENDIX IV: THE IFO TERMS
OF REFERENCE *page*
23



APPENDICES

I: THE IFO'S ACTIVITIES IN ITS ELEVENTH 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 records the continuing high level of incoming and outgoing messages and the continuing high output of published Adjudication Reports. 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 and are published on the IFO website (www.theifo.co.uk)

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 the 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). 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 three 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 recent years. (Additionally, there were many hundreds of unsolicited messages offering Search Engine Optimisation or web design services). As in previous years the majority of supporters contacted the IFO by email, while in this year there was a marked increase in those submitting complaints by phone. For example, in May 2019 alone there were 20 new cases notified by phone.

In contrast to the early years of the IFO, the vast majority of issues raised with the IFO do fall within its remit and there are now far fewer expressions of outrage at referee incompetence or player misbehaviour, though these have not entirely disappeared from the IFO mailbox. Messages about grassroots football and the world of the County Football Associations (CFA), continue to arrive and constitute just over 10% of all messages received. 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 again a number of safeguarding complaints this year and the IFO sent these forward to the FA and the same as for cases 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.



Undoubtedly, the most bizarre case to come before the IFO this year was a complaint about the GoalTime Competition at Oldham Athletic. A man complained that he and his friends had the ticket for the correct time the first goal was scored, but the Club refused to pay out the £500 prize on the grounds that its timekeeper had a different time for the goal. The complainant submitted to the IFO photographic evidence that, at the goal time announced in the stadium, the ball was in play some distance from the goal. The IFO was persuaded that the complainant was factually correct about the time of the goal, but felt unable to uphold the complaint since the rules of the competition clearly stated that the winning ticket would be that which contained the time as announced over the stadium loudspeaker at the match. The complainant alleged malpractice, conspiracy and maladministration, but did not go quite as far as to claim that the wrong time was announced deliberately in order to avoid paying out.

Similarly noteworthy, though for very different reasons, was the eventual outcome of a complaint about standing supporters at Wembley. A pensioner father and his son, who both had orthopaedic problems which made standing difficult, sought compensation from the FA when Wembley stewards failed to get supporters to sit down at the FA Cup Semi-Final. The IFO (IFO 18/24) found in their favour and recommended a goodwill payment of £100. The FA rejected this recommendation, as it was entitled to do, and so the complainant resorted to the Small Claims Court. There he was successful and the FA settled his claim of over £300. He reported back to the IFO that he had done better by having the IFO recommendation rejected than if it had been accepted. The IFO found it somewhat puzzling that the FA rejected the £100 recommendation but then paid more than three times that amount later.

As previously, there were some correspondents who had very specific personal concerns. The topics raised included:

- **The “scandal” of a single Arsenal share, now worthless as a result of the consolidation of ownership of the club.**
- **Maladministration and unfair treatment at Soccer Sixes.**
- **A restricted view at a seat at Newcastle United near a main exit because of the constant movement of supporters, though nobody had previously complained about the seat.**
- **The long travelling at inconvenient times suffered by Bristol City supporters because of the poorly designed EFL fixture list.**
- **Criticism of TV pundits, particularly at the FIFA Women’s World Cup.**
- **Anti-social behaviour and verbal abuse by a supporter at Liverpool which made life intolerable for his neighbours.**
- **The distasteful practice of players spitting, which is not found in other high performance sports such as rugby.**
- **The difficulty of getting tickets for occasional disabled supporters at Wolverhampton Wanderers.**



In accordance with its Terms of Reference the IFO is required to have an annual meeting with supporters' groups to discuss the work of the IFO during the previous year and any issues arising. This allows the supporters to comment on the IFO's emerging proposals and for such comments to be reflected in the Annual Report. The note of the meeting held in July 2019 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 Sports Grounds Safety Authority (SGSA) and Level Playing Field. The IFO gave evidence to the DCMS commissioned enquiry into the problem of Standing. The Ombudsman attended the 2019 annual meeting of the Ombudsman Association in Belfast. The IFO will be included in the forthcoming revised edition of Volume 28 of the well known legal guide, *Atkin's Court Forms*.



2: INVESTIGATIONS AND ADJUDICATIONS



AS IN LAST YEAR'S PROGRAMME OF INVESTIGATIONS, MANCHESTER UNITED WAS THE PREDOMINANT FOCUS OF IFO ATTENTION (8 REPORTS), JOINED THIS YEAR BY LIVERPOOL (4 REPORTS) AND TOTTENHAM HOTSPUR (ALSO 4 REPORTS). THESE THREE CLUBS ACCOUNTED FOR OVER 60% OF THE IFO'S PUBLISHED ADJUDICATION REPORTS.

The Manchester United cases with depressing familiarity were predominantly about ticketing irregularities, commonly called touting, and, as before, sometimes involved long standing supporters who had not necessarily sold their tickets, but who had allowed their tickets to find their way on to the secondary market. The IFO had sympathy for some of those caught up in the Club's commendable attack on touting. In one report (**IFO 19/11**), the IFO wrote:

the IFO is fully supportive of Manchester United's determination to bear down heavily on ticket touting, for which the sanction is clearly publicised by the Club. Yet the IFO feels that on occasion, the Club's zero tolerance policy, inflexibly and rigorously applied, sweeps into the net some supporters who do not merit such draconian treatment.

All four of the Spurs cases involved touting, with social media advertising at high prices the dominant feature, and three of the Liverpool cases were similar. Both these clubs were involved in the Champions League final which itself stimulated much unauthorised selling of tickets and both clubs made it clear that offenders would suffer severe penalties. Supporters banned for touting and other offences were often unable to get refunds for the matches missed and the Football Supporters Association (FSA) believed that this was prima facie evidence that the ticketing Terms and Conditions constituted an unfair contract. At the supporters' meeting reported in Appendix II, the FSA urged the IFO to investigate this aspect, since ticketing policies were specifically identified in the IFO Terms of Reference (see Appendix IV).

There were three reports (two at Liverpool and the other at Manchester United) where the IFO recommended that the case be referred back to the Appeals Panel, in the light of the investigation. **IFO 18/32** assessed the case against a person accused of behaving improperly towards female stewards at Liverpool. The IFO found that there were some problems over procedure and that the further evidence supplied to the IFO by the complainant raised serious doubts about his guilt. On review the Panel reinstated the supporter. Also at Liverpool, **IFO 19/07** examined the improper sale of 2018 Champions League final tickets, one of several such cases. The IFO felt that as the ticket was not actually sold for profit a time-limited ban was more appropriate than the lifetime ban imposed. The Appeals Panel agreed with the IFO and reduced the ban to three years, reviewable after 12 months. In **IFO 19/11** the IFO expressed the view that the complainants had been harshly treated in view of the limited evidence of wrongdoing cited by Manchester United. The Appeals Panel reviewed the case and reduced the sanction from three years to one. The Club expressed a willingness to discuss purchasing tickets again once the period of suspension was concluded.

During the year the IFO looked into a number of cases which involved away supporters. These included:

- The refusal of Cheltenham Town supporters to take their allocated seats at Forest Green Rovers.
- Allegedly overcharging for children's away tickets at Barnsley
- The cancellation of over 100 tickets issued by Bristol City which were found to have been purchased by Leeds United supporters
- Similarly, the cancellation of tickets at Fulham which had been issued to purchasers with a Liverpool postcode. This retrospective action ordered by the Safety Advisory Group led to some Everton supporters forfeiting travel and hotel bookings
- Also at Fulham, the refusal to sell tickets in the club's neutral section to Newcastle supporters
- The refusal of entry to a party of five at Reading because one of the people was a known Leeds United supporter
- The ejection of an alleged Sheffield United supporter from the home section at Hull City
- Severely restricted view seats for away supporters at Queens Park Rangers

As a result of the IFO's investigations, future complimentary tickets were offered to the supporters concerned at Reading, Hull City and Queens Park Rangers.

In 27 cases the IFO investigations led to a formal Adjudication Report, the highest ever and maintaining the increased level of reporting noted in the previous year. [There was one report which was completed but not published at the request of the complainant.] 17 of the reports related to Premier League clubs, 5 to EFL clubs and 4 complaints involved the FA. [The unpublished report related to an FA Cup match]. 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 2018-19

(Listed in the order in which they were issued)

IFO Adjudication 18/19

An accident at the Middlesbrough v Wolves match, March 2018

IFO Adjudication 18/22

Duty of Care at Nottingham Forest

IFO Adjudication 18/23

Stewarding at Queens Park Rangers

IFO Adjudication 18/24

Standing at the FA Cup Semi-Final

IFO Adjudication 18/21

Improper and Allegedly Demeaning Photography at Leicester City

IFO Adjudication 18/25

Ejection for Persistent Standing at Wembley

IFO Adjudication 18/27

A Lifetime Ban at Liverpool for ticketing offences

IFO Adjudication 18/28

A Lifetime Ban at Liverpool for persistent ticketing offences

IFO Adjudication 18/30

A three year ban at Manchester United

IFO Adjudication 18/31

A disputed three year ban at Nottingham Forest

IFO Adjudication 18/33

Customer Care Issues at Manchester United

IFO Adjudication 18/29

The FA's handling of an Appeal

IFO Adjudication 18/32

An indefinite ban at Liverpool for inappropriate behaviour

IFO Adjudication 18/34

The English Football League and Blackpool FC

IFO Adjudication 19/04

Three year bans at Manchester United

IFO Adjudication 19/02

Refusal of refund and termination of membership at Tottenham Hotspur

IFO Adjudication 1901

Termination of Membership at Tottenham Hotspur

IFO Adjudication 18/35

The allocation of European away disabled tickets at Manchester United

IFO Adjudication 19/07

A lifetime ban at Liverpool

IFO Adjudication 19/05

Away ticket bans at Manchester United.

IFO Adjudication 19/06

Three year bans at Manchester United

IFO Adjudication 19/14

Termination of membership at Tottenham Hotspur.

IFO Adjudication 19/15

Poor experience at Wembley, March 2019

IFO Adjudication 19/13

A three year ban at Manchester United

IFO Adjudication 19/11

A three year ban for a father and son at Manchester United

IFO Adjudication 19/12

Termination of membership at Tottenham Hotspur

3: ISSUES AND RECOMMENDATIONS



UNDER THE TERMS OF REFERENCE, THE IFO IS INVITED TO IDENTIFY “BROADER ISSUES ARISING FROM ITS INVESTIGATIONS AND ADJUDICATIONS WHICH SHOULD BE ADDRESSED BY THE AUTHORITIES” AND THE INVESTIGATIONS AND ADJUDICATIONS THIS YEAR HAVE AGAIN RAISED A NUMBER OF MATTERS WHICH WOULD MERIT ATTENTION BY THE GOVERNING BODIES.

The issue of **sanctions imposed on supporters** was once again the dominant one in the work of the IFO during 2018-19. Most of the complaints on this subject arose from bans imposed for alleged “ticket touting”, where a season ticket holder’s ticket was found to have been advertised or traded on the secondary market, with clubs making it clear that an offence had been committed whether or not the club could prove that the ticket had actually been sold. It became increasingly common in the reports submitted by clubs to the IFO for them to include screen shots from social media sites, where tickets were listed at extortionate prices. In regard to the rules on the disposal of tickets, the clubs’ rules varied considerably. Manchester United allow supporters to give tickets to “friends and family”, whereas Liverpool require supporters to give the club prior notice if a different person is to use the ticket. An advert on the ticket agency, Stubhub, is taken by Spurs to be prima facie evidence of improper trading, whereas the same agency is used officially by Everton as its ticket exchange partner. Clubs’ own ticket exchange arrangements are not always widely known and some supporters have offered the defence that they were unaware of the options available to them. In the light of this, **the IFO recommends that all clubs should develop well managed, easy to use and widely publicised ticket exchange schemes for supporters to use when they are not able to attend a match.**

Given the large number of touting cases investigated (accounting for half of this year’s published reports) and the severity of the potential penalties, the IFO believes that supporters need even more prominent and regular reminders of their responsibility and liability as season ticket holders. The IFO therefore feels compelled to repeat last year’s **recommendation, 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.**

The familiar subject of standing in seated areas once more featured in IFO investigations. There were two examples from the same FA Cup Semi-Final weekend at Wembley, with contrasting complaints. On the Saturday two Spurs supporters complained that the Wembley Stewards took no action in dealing with standing supporters (**IFO 18/24**). By contrast on the Sunday a Chelsea supporter was aggrieved that he had been unreasonably ejected from the stadium for persistent standing (**IFO 18/25**). The FA assured the IFO that the stronger action taken on the Sunday was unrelated to the alleged failure to act on the previous day, since all cases are assessed on their operational merit.





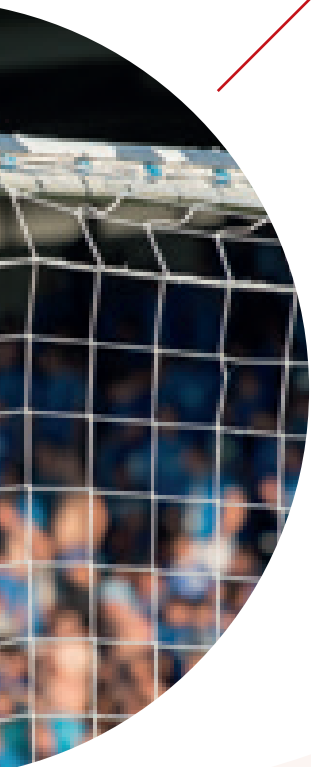
Standing supporters were also cited as the cause for children to be standing on seats at Portsmouth, where away QPR supporters had been given tickets printed for a non-existent row.

As in previous years, the IFO believes a Safe Standing strategy would be helpful in addressing this deep rooted problem.

The IFO recommends that the Authorities advocate safe standing in the wake of the Ministerial Review on the subject.

Good practice in complaints handling incorporates timely investigation and reporting. Indeed, it is a common feature of IFO reports that there may be criticism of delays in the handling of a complaint whether or not it has been upheld. This year the IFO was unable to meet its own target time scales in some cases because of delays in receiving evidence. The FA were on occasion dilatory in responding; some cases at Manchester United were delayed because of season ticket renewal activity; Liverpool material was held up while it was being redacted; and, in the most significant example, a complaint at Spurs was delayed by some three months before it could be completed.

The IFO appreciates that officers are sometimes hard pressed by the volume of work flowing through their offices. There will be short term pressures which build up, such as the situation at Spurs where staff changes, the opening of a new stadium and qualification for the Champions League final created what one colleague called “a perfect storm”. Despite this, the IFO hopes that clubs and governing bodies will ensure that there is a timely flow of information, allowing the IFO to complete its investigations within a reasonable time scale.



APPENDICES

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APPENDIX I: ADJUDICATION SUMMARIES: 2018-19



[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 18/19

An accident at the Middlesbrough v Wolves match 30 March 2018

The IFO found that Middlesbrough had responded quickly and effectively in giving first aid assistance to the complainant's mother, who had been injured. The IFO was satisfied that the accident was not the result of shortcomings in the stewarding arrangements.

IFO Adjudication 18/22

A dispute over duty of care at Nottingham Forest

A mother complained that her 15 years' old son and his 16 years' old friend had been unfairly treated while on an official Club coach trip to Hull City. Despite finding uncertainty over precisely what had happened, the IFO recommended that the Club make a goodwill gesture to the boys in recognition of their loyalty. The Club offered each boy a £20 voucher for the club shop.

IFO Adjudication 18/23

Stewarding and overall experience at Queens Park Rangers

A young lady complained of an extremely negative experience at Loftus Road while attending as an away supporter of Milton Keynes Dons; several supporters, including her boyfriend, had been ejected for no apparent reason. The IFO was satisfied that the boyfriend had been treated harshly and the complainant unsympathetically and that she had received poor customer service thereafter. QPR accepted the IFO recommendation to make the complainant and her boyfriend goodwill gestures of £50 each.

IFO Adjudication 18/24

Standing at the FA cup semi-final at Wembley April 2018

A Tottenham supporter complained that he and his son had been forced to stand throughout the match in order to see it and that stewards had done nothing to enforce the ground regulations. He further complained about delays in responding to him. The IFO recommended that the FA and Wembley review their strategies for dealing with standing spectators and to discuss with the safety officer how better to meet the needs of those wishing to remain seated. In light of the experience on the day and the poor customer service thereafter, the IFO recommended that the FA offer either two complimentary tickets for a future England match, or a cash payment of £100. The FA chose not to implement that IFO recommendation.

IFO Adjudication 18/21

The improper and allegedly demeaning use of a photograph by Leicester City.

A Leicester City supporter complained on behalf of himself and five friends that they had been demeaned by an unauthorised photograph of themselves in the club programme. The Club's Commercial Director had apologised and the Club had undertaken to publish a full apology in a future programme. The IFO could not find evidence to support the claim for £200 compensation per person and regarded as reasonable the Club's offer of a hospitality package for a future match comprising premium seats, pre and post match hospitality and access to the post match press conference.

IFO Adjudication 18/25**An ejection for persistent standing at Wembley**

A Chelsea supporter complained on behalf of himself and two others about having been unfairly ejected from Wembley during the FA cup semi-final in April 2018. From viewing relevant CCTV footage and reading the steward's report, the IFO was satisfied that there was ample evidence to justify removal from the ground and that the decision to eject was not vitiated by the complainant having been seated for a few minutes before removal.

IFO Adjudication 18/27**A lifetime ban at Liverpool for a ticketing offence.**

A season ticket holder of more than 30 years complained that the Club had unjustly terminated his membership and given him a lifetime ban. The IFO was satisfied in the light of clear evidence that the complainant's ticket was advertised on a re-sale site in breach of the ticketing terms and conditions and that the Club were justified in imposing a sanction.

IFO Adjudication 18/28**A lifetime ban at Liverpool for persistent ticketing offences.**

A priority rights holder who had supported Liverpool for over 30 years complained that the Club had unjustly terminated his membership and given him a lifetime ban. In the light of compelling evidence, the IFO was satisfied that the complainant's tickets had been advertised on a re-sale website and that the Club were justified in imposing the sanction.

IFO Adjudication 18/30**A three year ban at Manchester United for a ticketing offence.**

The IFO was satisfied that the complainant had breached the rules by allowing his ticket to reach the secondary market, even if unintentionally, when he remained responsible for its proper use, and that the Club were justified in imposing a sanction.

IFO Adjudication 18/31**A disputed three year ban at Nottingham Forest**

A season ticket holder complained that the Club had banned him for alleged coin throwing in the home match against Derby County, even though, following an interview, the police had not charged him. The IFO saw nothing in the relevant CCTV footage to persuade him to challenge the Club's decision to impose a ban. The Club indicated that they would review the ban after two years with the possibility of reinstating the complainant, subject to him completing a good behaviour agreement.

IFO Adjudication 18/33**Customer care issues at Manchester United**

A man complained that the Club had failed to provide tickets for seats which meet his special needs. He is disabled but wished to sit away from the wheelchair area. While the IFO was unable to resolve some factual disputes, it was clear that there had been failures of communication on both sides, which had led to misunderstandings. The IFO recommended that the Club apologise for failing to contact the man successfully and make him a goodwill gesture. The IFO welcomed the prospect of a stable relationship between the parties based on a better mutual understanding.



IFO Adjudication 18/29**The FA's handling of an appeal**

A grassroots football club complained that, after they had been denied promotion, despite finishing in a promotion place, the FA had both failed to inform them of the appeal procedure and had given them contradictory information about what they believed was their formal appeal. The IFO found that some of the FA's correspondence lacked clarity and caused confusion for the club, but the club had contributed to their failure to make an effective appeal by not acting on a clear instruction from the FA. The IFO recommended that the FA review the wording of their Regulations to make clearer the differentiation between an Intention to Appeal and a Notice of Appeal. The FA referred the matter to their Legal Department for consideration.

**IFO Adjudication 18/32****An indefinite ban at Liverpool for inappropriate behaviour**

A season ticket holder complained that he was innocent of the allegation that he had behaved inappropriately toward a female steward. The IFO's evaluation of the complainant's evidence and testimony, and inconsistencies surrounding the event, led him to conclude that there was a more than reasonable doubt that the complainant was the guilty party in the incident with the steward. As the IFO had gained evidence not considered by the Club's appeal panel, he recommended that the matter be referred back to them.

IFO Adjudication 18/34**The English Football League and Blackpool FC**

The complainant wished to bring about a change of ownership of Blackpool FC and alleged that the EFL had failed to take appropriate action in the face of what he viewed as transgressions by the owners. The IFO found that it was not within the power of the EFL to force a change of ownership. The IFO recognised the strength of feeling of Blackpool fans but was unable to uphold the complaint.

IFO Adjudication 19/04**Three year bans at Manchester United**

The IFO was satisfied that the complainant had breached the ticketing terms and conditions for away tickets by putting them in the hands of a third party, who then sold them on the secondary market. The complainant remained responsible for their proper use and the Club were justified in imposing a sanction.

IFO Adjudication 19/02**Refusal of refund and termination of memberships at Tottenham Hotspur**

The IFO was satisfied that the Club had evidence that tickets purchased by the complainant had been sold on the secondary market and were entitled to impose the sanction they had. It was also clear from the ticketing terms and conditions that the complainant was not entitled to a refund.

IFO Adjudication 19/01**Termination of membership at Tottenham Hotspur**

The IFO was satisfied that the complainant was in breach of the regulations by advertising his ticket on the secondary market at an inflated price. The IFO considered him fortunate that the Club accepted his mitigation of not actually having sold the ticket and reduced the ban to the end of the season.

IFO Adjudication 18/35**The allocation of European disabled away tickets at Manchester United**

A season ticket holder complained that the system for allocation of away disabled European tickets did not take account of the special needs of himself and his son. The IFO found failures of communication by both parties. The IFO was satisfied that the substantive issues raised by the complainant can be resolved by his assurance that he will provide the requisite information with each specific ticket request, and that the Club system is able to meet those needs.

IFO Adjudication 19/07**A lifetime ban at Liverpool**

The IFO accepted that the complainant's advertising of his ticket justified a ban, but what made the case different from others was that the ticket was not sold for profit and the Club had details of the purchaser. The IFO suggested that a reduction in the ban and recommended that the case be referred back to the appeals panel for further consideration.

IFO Adjudication 19/05**Away ticket bans at Manchester United**

A married couple complained that they had been banned for ticket touting offences when they had attended the match themselves. The IFO found the case less compelling than some, but the Club were satisfied that the couple's tickets had been found in the possession of persons not entitled to have them. The IFO saw no evidence such as would persuade the Club to overturn the sanctions, but the Club allowed the couple to purchase season tickets for 2019/20, while maintaining the ban on away tickets.

IFO Adjudication 19/06**Three year bans at Manchester United**

The IFO was satisfied that the complainant and his mother had breached the ticketing terms and conditions by allowing their tickets to reach the secondary market, even if unintentionally, and that the Club were justified in imposing the sanction.

IFO Adjudication 19/14**Termination of membership at Tottenham Hotspur**

The IFO was in no doubt that the complainant was in breach of the ticketing regulations in advertising his ticket on the secondary market, whether or not the inflated price was deliberate, and that the Club were entitled to impose a sanction. The IFO was also satisfied that publicised Club policy was not to make refunds in such circumstances.



IFO Adjudication 19/15**Poor experience at the Tottenham v Arsenal match in March 2019**

A Tottenham supporter complained on behalf of himself and two friends that their tickets had not worked and they had missed 20 minutes of the match before accessing the stadium. The IFO accepted that the problem with the tickets had led to an unsatisfactory experience, which was compounded by the Club's failure to deal with the resultant complaint. After the IFO's intervention the Club agreed to make refunds and provide complimentary stadium tours.

**IFO Adjudication 19/13****A three year ban at Manchester United**

The complainant maintained that he had lost his tickets and the IFO found no direct evidence that he had sold them, but they did end up with away fans in the home stand. The IFO considered the ban excessive and the Club agreed the recommendation to reduce it to one year.

IFO Adjudication 19/11**A three year ban for a father and son at Manchester United**

The Club believed they had strong grounds for suspecting the improper use of tickets but the IFO found that suspicion without firm evidence did not justify the sanctions. The IFO obtained additional evidence which he trusted the appeals panel would take into account, together with his view that the sanctions were harsh.

IFO Adjudication 19/12**Termination of membership at Tottenham Hotspur**

From the evidence seen, the IFO was in no doubt that the complainant was in breach of the ticketing regulations by advertising tickets on the secondary market, and that the Club were justified in imposing the sanction.

APPENDIX II: NOTE OF THE MEETING BETWEEN THE IFO AND SUPPORTERS

23 JULY 2019



ORGANISATIONS PRESENT: IFO, FSA, LEVEL PLAYING FIELD: APOLOGIES - KICK IT OUT
BACKGROUND: THIS ANNUAL MEETING ALLOWS THE IFO TO SHARE WITH SUPPORTERS THE MAIN ISSUES AND EMERGING RECOMMENDATIONS IN THE NEXT ANNUAL REPORT, WHICH WILL REFLECT THIS MEETING'S DISCUSSION.

1. IFO Operations

- Attention was drawn to the Annual ADR Activity Report (Feb 2019) which appears on the IFO Website
- It was reported that the Ombudsman had attended the Annual Conference of the Ombudsman Association
- Sue Watson had been appointed to the Advisory Panel following a public advertisement, with a brief for safety and stadium operations

2. Issues Arising From IFO Investigations

- As in the previous year, the main focus had been on touting and the sanctions imposed by clubs. Manchester United were again prominent along with Liverpool and Spurs. FSA argued that where supporters abused fellow supporters by selling at extortionate prices they deserved a severe sanction. However, the FSA took issue with the refusal of clubs to refund the cost of matches missed, as it was felt that it was imposing a de facto financial penalty on top of any sanction. The FSA pressed the IFO to declare the Terms and Conditions which permitted this, to be an unfair contract. Advisory Panel members commented that it was not the role of the Ombudsman to rule on the legality of ticketing contracts, but it would be helpful for the IFO to comment on their impact in specific cases. The FSA reminded the meeting that the IFO website refers to the IFO having particular regard to ticketing policies.
- Several complaints had concerned away supporters in home sections and the meeting discussed the possible risk factors involved.
- The IFO reported that there had been delays in supplying information which in the worst case meant that a report had taken 3 months to complete. FSA said that the structured dialogue with supporters was working tolerably well in most clubs, but there had been a failure to act where shortcomings had been revealed. FSA also drew attention to the poor service away supporters received when they complained and the IFO confirmed that this was true in a number of cases referred for investigation. The FSA reported that it was extremely difficult to get redress when a fan alleged physical assault by a steward, in contrast to the response to stewards' allegations against fans.



- The IFO reviewed complaints involving disabled supporters and Level Playing Field said that it was important that such supporters were afforded a choice of the type of seat they preferred. The main discussion concerned a case at the new Spurs stadium where a disabled away supporter had a restricted view because of people standing. Level Playing Field argued that this revealed a serious design flaw and expressed disappointment that the supporter had not been offered a refund or compensation. [Subsequent to the meeting the supporter was offered compensation]



- The IFO reported on a case at Liverpool where a supporter had been wrongly accused of improper conduct and he had alleged racial discrimination. FSA had been involved in the follow up which led to a review of the Club's procedures.

3. Any other business

- It was asked whether the impending new CEO appointments at the GBs presaged the revival of a reform agenda. The FSA saw no evidence of this and was concerned about Clubs in difficulty, such as Bolton and Bury, where fans were powerless to act.
- Several cases had involved the problems of standing and reference was made to the Ministerial Review to which the IFO had given evidence. It was reported that SGSA had issued new guidance which, in certain circumstances, will permit standing in parts of the stadium in future.



APPENDIX III: THE IFO ADVISORY PANEL



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 and is doing research on the work of football in the community foundations.

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 The Rail Ombudsman). He has been a member of 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.

SUSAN WATSON – SAFETY AND STADIUM OPERATIONS

Susan Watson has had significant experience of safety management and was involved in the 2012 London Olympic Games. She runs a successful safety training company and is currently the Safety Officer at Leeds United.

APPENDIX IV: THE IFO TERMS OF REFERENCE



1 July 2016

1. Preamble

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

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

2. The Independent Football Ombudsman's Terms of Reference

(i) The IFO acts as a check and balance within football's complaints procedures and its adjudications will be published. These adjudications shall be final and the football authorities expect that normally IFO recommendations will be implemented. If, in exceptional cases, there is a failure to agree, the football bodies concerned will publish their reasons and their proposed alternative resolution of the issue.

The IFO's role is not to interpret the rules and regulations of the football authorities and it cannot change the outcome of disputes, overturn decisions made or provide alternative interpretation of the rules. Instead the IFO's function is to check that due process is followed, and, where necessary, check that the process is a reasonable one - for example, the timeliness of response and whether it has been viewed by appropriate levels within the football authorities.

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

- Codes of Best Practice relating to supporters and customers in

general, and customer charters or other relevant policies issued by each of the football authorities, and by individual clubs;

- the football authorities' operation of the complaints resolution hierarchy based on the Codes of Best Practice, with the Independent Football Ombudsman as the final step in that hierarchy checking that due process was followed; and
- the football authorities' procedures for review and monitoring of commercial and customer matters.

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

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

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

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

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

3. The Constitution of the IFO

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

4. Appointments

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

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN

THE INDEPENDENT FOOTBALL OMBUDSMAN
SUITE 49
33 GREAT GEORGE STREET
LEEDS LS1 3AJ

Telephone (Voicemail): 0800 588 4066

Email: contact@theifo.co.uk

Website: www.theifo.co.uk

