



# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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INDEPENDENT FOOTBALL  
OMBUDSMAN

ANNUAL REPORT  
**2019-20**

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

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# FOREWORD

I PRESENT MY TWELFTH 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](http://www.theifo.co.uk)

Like all aspects of British life, the IFO's activities were impacted by the pandemic. The number of calls and letters dwindled and the flow of emails was reduced, though there continued to be a steady flow of messages and new complaints registered. The IFO operated normally through the lockdown period, during which the IFO completed 9 formal adjudication reports. The total completed for the year was only marginally less than the average for the previous two years.

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 Fourth ADR Annual Activity Report in February 2020 (available on the website). Under the ADR procedures the IFO was subject to a Biennial Compliance Audit in March 2020, the outcome of which was the confirmation that the IFO was fully compliant with all ADR Regulations.

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 thank my colleague Alan Watson, Deputy Ombudsman, for his extensive and valuable contribution to the work of the IFO. I am also indebted to the Advisory Panel, whose members have placed their special expertise at the service of the IFO and who give freely of their time to attend IFO meetings.

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2020



**PROFESSOR DEREK FRASER**  
OMBUDSMAN

**JULY 2020**



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# 1

## THE IFO'S ACTIVITIES IN THE TWELFTH 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. 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](http://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. The IFO keeps the Authorities apprised of ongoing complaints, which preserves the possibility of a complaint being resolved through mediation by a Governing Body. 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. Within those regulations the IFO is subject to a Biennial Compliance Audit by the body delegated by the Secretary of State, the Chartered Trading Standards Institute (CTSI). The CTSI Audit took place in March 2020, resulting in a 7-page report. Some minor textual changes on the website were required, which have been made, and the audit outcome was that the IFO is fully compliant with all ADR Regulations.

The IFO was affected by the pandemic, like all organisations, and there was a virtual cessation of cases submitted by letter or phone. The number of emails was reduced, though there continued to be a steady flow of messages and new cases submitted. The total number of incoming messages was down about 10% compared to the previous year. The IFO operated normally throughout the lockdown period and was perhaps surprisingly busy investigating new complaints, which of course related to earlier times and in one case back to the 2019 FA Cup Final. In all, the IFO completed 9 Adjudication Reports during the lockdown and the total number for the year at 23 was only marginally below the recent average. The main impact of the crisis was the lengthening of the time frame, due to delays in getting responses from Clubs, whose staff had been furloughed or were working from home. Complainants were warned of the potential delays in a special notice posted on the website.

The IFO had only a small number of what might be termed Covid-related complaints, nearly all of which questioned the delay in processing refunds. There was one impassioned complaint from a barber, whose business was closed, querying why the returning Premier League players looked so well-groomed and deducing that they had breached regulations by having haircuts at home during the lockdown. Several people complained about players spitting and hugging, in breach of the Covid guidelines. The restart was accompanied by the Black Lives Matter initiative which generated a flurry of messages (all of which were negative) and the BLM issue attracted the largest number of messages for a single issue, over 20. The IFO understands that the football authorities had a similar response.

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, particularly after controversial matches. Messages about grassroots football and the world of the County Football Associations (CFA), continue to arrive and constituted about one eighth of all messages received during the 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. Cases involving the FA itself included requests for refunds for matches at Wembley, where ticketing problems had occurred, notably a party of six Bulgarian supporters who were refused entry because their tickets were in the home section.

There were a number of complaints where it had been alleged that there were procedural flaws or unfair treatment in action taken by the FA. One such concerned an experienced grassroots referee who had received a sanction for making an inappropriate remark, with a perceived racial overtone. He felt that he had not been treated fairly by the FA's disciplinary process. While finding that the FA had followed the correct procedure, the IFO assured the complainant that he was not judged to be a racist, but had made an improper remark on just one occasion (IFO 20/12).

As previously, there were some correspondents who had very specific personal concerns.

The topics raised included:

- **Manchester United's requirement for minors to present themselves at the ground to prove their ages**
- Delayed entry at Sheffield United following a storm
- **Cancellation of a tour at Wolverhampton Wanderers**
- Difficulties in obtaining a refund at Fleetwood Town after a postponement
- **A poor and demeaning experience at the Arsenal shop**
- The away loyalty scheme at Aston Villa
- **Disabled carers' tickets at Liverpool**
- Children's tickets at Walsall
- **The behaviour of stewards at Blackpool**
- Excessive and potentially damaging noise at the new Spurs stadium
- **A postponed match at Colchester United**
- Alleged maladministration in the Derbyshire Walking Football League





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. Because of the pandemic the dialogue with supporters this year was conducted by correspondence.

The note of the 2020 virtual meeting 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), Kick it Out and the Football Supporters Association (FSA).

The Ombudsman made a number of presentations, including at two EFL Customer Service seminars in London and Preston; at the Premier League Supporter Liaison conference in Birmingham; and at the Premier League Disability Advisory Group meeting in Watford.





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# INVESTIGATIONS AND ADJUDICATIONS



As in recent years the topic which generated most investigations was the improper selling of tickets on the secondary market, commonly known as “touting”. Manchester United complaints generated four reports and there were two at Liverpool and one each at Tottenham and Leeds United. Touting reports accounted for a third of the year’s Adjudication Reports.

The most common defence was that the supporter had not been personally involved in the selling of tickets, but it was others who had allowed their tickets to find their way on to the secondary market. In one case (IFO 20/07) a supporter had openly passed on tickets at face value when they could not be used, believing that this was permitted by the regulations. The most tortuous and complex case was at Liverpool (IFO 19/10), where a supporter’s family season tickets were stolen from his car and then were found to be in possession of overseas visitors. The complainant was then sanctioned for having also breached away ticketing regulations. Like many others facing sanctions, he was a lifelong supporter who attended all matches, home and away, and felt particularly aggrieved at his treatment. A somewhat different case involved two Manchester United supporters whose trip to Norwich was blighted by the loss of their tickets the night before the match. (IFO 20/08) They returned home without attending the match and it was found that their tickets had been sold on a website. The IFO felt that there was some credence in their story and recommended that their ban be reduced to away tickets only. The Club felt unable to accept this recommendation and in line with the agreed procedure, Manchester United posted a statement on their website explaining their reasons.

The IFO investigated several cases of supporter bans for offences other than touting. Arsenal imposed a three year ban on a supporter making Nazi salutes at a Champions League match in Germany (IFO 19/28). Hull City imposed a two year ban on a supporter for making racist and homophobic remarks (IFO 19/20), while Stevenage imposed a one year ban on a supporter who had a pyrotechnic device in his possession while travelling to an away match (IFO 19/18). In two cases submitted by the FSA on behalf of the complainants, the issue was raised as to whether supporters were “representatives” of their clubs, particularly when travelling away. Sheffield Wednesday and Brighton and Hove Albion had imposed sanctions on supporters who were deemed to have actually or potentially damaged their clubs’ reputation. Clubs are responsible for the behaviour of their supporters when travelling to away grounds and this was an important element in the adjudications. The Brighton case (IFO 20/02) involved some complex issues (eg free speech) which are worthy of further debate among football’s stakeholders.

Four complaints were submitted to the IFO about ejections, surprisingly including one relating to the Manchester United Treble Reunion exhibition match after a seating dispute between two families.

At Charlton a Leeds United supporter complained about an unjust ejection, but high quality CCTV proved the complaint to be without merit, as he was observed allowing another person to “tailgate” him through the turnstile into the stadium and his accusation of improper searching was without foundation. (IFO 19/29)



Fulham also had good CCTV but that did not prevent the Club from making an egregious error in ejecting the wrong people (IFO 19/30). It was the lack of clear CCTV evidence which made the ejection of a Manchester City supporter at the 2019 FA Cup Final so problematic (IFO 20/09). The IFO found that in both the Fulham and Wembley complaints there had been mistaken identity and recommended significant financial recompense in these cases.

During the year there were several occasions when the involvement of the IFO was sufficient to secure a financial resolution of the complaint without a formal report. These included

- **The reimbursement of a Croatian’s travel and hotel costs after Manchester City cancelled his tickets for a Champions League match at the Etihad Stadium.**
- **Also at Manchester City, the refund of supplements paid as part of the age concession scheme.**
- **The provision of cleaning costs and the reimbursement of postage for a coat damaged by wet paint at Sheffield United.**
- **Reimbursement of ticket cost and a modest goodwill payment to an Aston Villa wheelchair supporter for a blocked view at Fulham.**
- **Reimbursement of the costs of an Easter children’s training camp after it was cancelled by Cambridge United because of the lockdown.**

In 23 cases the IFO investigations led to a formal Adjudication Report. *[There were two reports which were completed but not published at the request of the complainant, both of which concerned touting offences at Premier League Clubs.]*

11 of the published reports related to Premier League clubs, 8 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 2019-20

(Listed in the order in which they were issued)

## IFO Adjudication 19/17

Termination of memberships at Tottenham Hotspur

## IFO Adjudication 19/18

12 months ban at Stevenage

## IFO Adjudication 19/10

Restrictions on home tickets and a ban on away tickets at Liverpool

## IFO Adjudication 19/22

An ejection at Manchester United

## IFO Adjudication 19/26

A claim of unfair treatment at Leeds United

## IFO Adjudication 19/24

Intrusive searching by stewards at Doncaster Rovers

## IFO Adjudication 19/20

A two year ban at Hull City

## IFO Adjudication 19/28

A three year ban at Arsenal

## IFO Adjudication 19/29

Ejection at Charlton Athletic

## IFO Adjudication 19/30

Ejection at Fulham

## IFO Adjudication 20/04

A refund request at Tottenham Hotspur

## IFO Adjudication 20/01

A ban at Sheffield Wednesday

## IFO Adjudication 20/05

An indefinite suspension at Manchester United

## IFO Adjudication 20/07

One year suspensions at Manchester United

## IFO Adjudication 20/08

A one year suspension at Manchester United

## IFO Adjudication 20/09

Ejection through alleged mistaken identity at the 2019 Cup Final

## IFO Adjudication 20/02

A suspension at Brighton and Hove Albion

## IFO Adjudication 20/11

Ticketing problems at Manchester United

## IFO Adjudication 20/10

Associate director issues at Norwich City

## IFO Adjudication 20/12

An allegation of unfair treatment in the FA disciplinary process

## IFO Adjudication 20/13

Cancellation of tickets for the Derby County v Manchester United cup tie



# 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.**

**Mistaken Identity:** There were two long investigations into alleged mistaken identity, both involving the discharge of smoke bombs, while a third complaint is still under investigation. At the 2019 Cup Final a Manchester City supporter was ejected from Wembley and had a potential criminal charge hanging over him after being accused by stewards of being responsible for a smoke bomb. At Fulham a father and his teenage son were ejected from the Charlton away section for a similar offence. The IFO found in favour of both complainants, recommending significant financial recompense. In both cases those identifying the “culprit” were not involved in the actual ejection, highlighting communication shortcomings between the control room and the stewards.

*The IFO recommends that Safety Officers review their ejection procedures to ensure sure that the supporters have been correctly identified for removal from the stadium.*





**“Touting” sanctions:** As in recent years the sanctions imposed by Clubs on supporters accused of selling tickets on the secondary market was the issue most reported on. Again, this involved Manchester United more than any other club. There were also cases at Liverpool, Tottenham Hotspur and Leeds United. The IFO understands that in 80% of cases the mitigation offered by those accused is that the tickets were given to a friend or family member. There is still some variability in the rules for the use of unwanted tickets (and official re-sale facilities) and this suggests that even greater publicity should be given to supporters about the potential penalties for the misuse of tickets. All Clubs justifiably hold the ticket holder responsible for any misdemeanours, whether or not they were personally involved in the improper sale. *This reinforces the IFO message that supporters should have even stronger and more regular reminders of the need to guard their tickets and avoid misuse.*

**Ticketing Regulations:** Several cases raised the clarity and application of terms and conditions for the purchase of tickets. These included the operation of the age concession policies at both Manchester United and Manchester City, the away loyalty scheme at Norwich City and the ban on away supporters purchasing home tickets at Derby County. Sometimes there was inconsistency between different categories of supporters and there was a need to operate the schemes with some discretion to take account of special circumstances. Broader issues were raised in the Sheffield Wednesday and Brighton cases (discussed on p.9), where the FSA argued that the Clubs had imposed unreasonable obligations on supporters by regarding them as “representatives”. The FSA went further and, citing an opinion from Trading Standards, argued that some aspects of the terms and conditions, such as the refusal of refunds after a sanction and the limits on free speech, constituted an “unfair contract”. The IFO is not a legal tribunal and the issue could only be legally resolved by a test case. In the light of the relevant complaints investigated this year, *the IFO recommends that the Governing Bodies and Clubs review their ticketing regulations with reference to the rights and obligation of supporters.*



WARNING

REPEATED EXPOSURE TO THIS SIGNAL MAY CAUSE  
THE FOLLOWING SYMPTOMS: HEADACHE, DIZZINESS,  
DROWSINESS, NAUSEA, VERTIGO, Tinnitus, and  
HEARING LOSS. IF YOU EXPERIENCE ANY OF THESE  
SYMPTOMS, STOP USING THIS SIGNAL IMMEDIATELY  
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# APPENDICES



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# APPENDIX I: ADJUDICATION SUMMARIES 2019-20

[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 19/17**

### ***Termination of memberships at Tottenham Hotspur***

The IFO found that the complainant's away tickets, which he had allowed a friend to use, may well not have been sold on the secondary market and, therefore, judged the issue purely on the Club's prohibition on the transfer of away tickets. The IFO recommended that, rather than terminating the memberships, the Club time limit the bans to a specific number of matches or a specific period. The Club subsequently banned the complainant for the first three matches in 2019/20 season and he was not allowed away tickets for the whole of that season.

## **IFO Adjudication 19/18**

### ***12 months ban at Stevenage***

The complainant was found in possession of pyrotechnics some two miles from the stadium. He contended that they were not his and that he had no intention of taking them into the stadium or discharging them. The IFO was satisfied that the incident, which included spending ten hours in a police cell without his medication, followed by a period of four months when he had been unable to watch matches, had had a traumatic effect on the complainant. The IFO was satisfied that the complainant did not pose a future risk and recommended that the ban be suspended, allowing him to purchase a 2019/20 season ticket, subject to him completing a good behaviour agreement. The Club accepted the recommendation.

## **IFO Adjudication 19/10**

### ***Restriction on home tickets and a ban on away tickets at Liverpool***

The IFO was satisfied that there was clear evidence that the complainant was in breach of the home ticketing regulations when three away fans were found in possession of his tickets. The IFO was also satisfied that the Club had well founded suspicions over the misuse of his away tickets, but found that what was a single breach of the regulations merited a ban of twelve months rather than an indefinite ban. The Club accepted the IFO recommendation.

## **IFO Adjudication 19/22**

### ***An ejection at Manchester United***

The IFO found that a minor dispute over a seat escalated into a major confrontation which led the Security Supervisor to eject all those involved. While the IFO had sympathy for the complainant, he found that the Club had been justified in the action they took.

## **IFO Adjudication 19/26**

### ***A claim of unfair treatment at Leeds United***

A Leeds supporter complained that the Club had banned him unfairly and then delayed dealing with his reinstatement, with the result that he missed the deadline for the renewal of his ticket. The IFO found that there was ample evidence to justify the complainant's suspension, but was unable to assess the scale of the impact of delay on the complainant's ability to buy a season ticket. The Club offered to consider sympathetically his reinstatement as a member, provided he signs a good behaviour agreement.

**IFO Adjudication I9/24*****Intrusive searching by stewards at Doncaster Rovers***

A Fleetwood Town supporter complained that he had been subjected to an intrusive search at the away match at Doncaster on 17 August 2019, as a result of which his mobile phone had been damaged, and his two sons, aged 14 and 12, had been searched despite his having denied permission. The IFO saw no evidence that there was any irregularity in the process, and found that the Club had been justified in the action they took and were not culpable over any damage which may have occurred with his mobile phone. The IFO could draw no conclusion as to whether the sons had been searched without permission.

**IFO Adjudication I9/20*****A two year ban at Hull City***

A Hull City supporter, who has learning difficulties and mental health problems, complained that the Club had imposed a ban on him. The IFO found that, in the absence of knowledge about the complainant's special needs, the Club had been justified in imposing the ban for what were offensive and unacceptable remarks by the complainant. The IFO identified the actions the complainant is advised to take in order to achieve reinstatement and the Club expressed a willingness to review the ban if the suggested steps are taken.

**IFO Adjudication I9/28*****A three year ban at Arsenal***

A longstanding Arsenal supporter complained about his three year ban, which he considered to be an unduly harsh sanction from the Club. He contended that the Club had not taken due account of mitigating circumstances and the unenviable choices he had faced when travelling as an away supporter in Germany. The IFO concluded that the Club had been justified in applying their standard sanction for unacceptable behaviour. The IFO noted that the Club had offered a goodwill gesture by allocating both tickets to the complainant's son so that he could take a friend with him to matches, while the complainant remained banned. That was a very reasonable concession which suggested that the Club had taken some account of the circumstances of the case.

**IFO Adjudication I9/29*****Ejection at Charlton Athletic***

A 19 years' old Leeds United supporter complained that he had been unjustly ejected from his club's match at Charlton on 28 September 2019 and that his subsequent complaint had not been handled properly. The IFO was satisfied by the very clear CCTV evidence of collusion between the complainant and a man who tailgated him through the turnstile, that the Club were justified in ejecting him from the stadium. The CCTV record also refuted his claim that a female steward took his wallet from his pocket without his permission. Since that accusation had been circulated on social media and was patently false, the IFO suggested that the complainant should rescind it.

**IFO Adjudication I9/30*****Ejection at Fulham***

A Charlton supporter complained that he and his son had been unjustly ejected at the Club's away match at Fulham. He further complained about the way in which the Club had handled his complaint and his subsequent enquiries. Taking on trust that the correct visual information had been supplied, the IFO initially found that the Club had acted reasonably in ejecting those deemed responsible for setting off a flare. However, evidence subsequently submitted by the complainant proved conclusively that an egregious error had been committed by the Club in ejecting the wrong people. The IFO found that the complainant and his son had been subject to unwarranted and prolonged distress which entitled them to significant recompense. The IFO recommended that the Club issue an unreserved apology, should refund the cost of the two match tickets and in recognition of the distress caused, the damage to their reputations and the delay in dealing with the complaint, the Club should make a goodwill compensation payment of £500. The Club promptly implemented the recommendations.



**IFO Adjudication 20/04*****A refund request at Tottenham Hotspur***

A longstanding Spurs supporter complained about a very poor experience at the Champions League match against Bayern Munich, when she, her husband, her son and grandson were unable to occupy their designated seats and spent the first half in an uncomfortable and frustrating dialogue with stewards who were unable to resolve their problem. The IFO accepted that what should have been a memorable special family occasion turned out to be a miserable experience. The Club had already identified, and paid, the sum of £62 to the complainant for not having ordered concessionary tickets, plus a £96.50 refund for the cost of son and grandson's tickets. The Club accepted the IFO recommendation to make a further goodwill gesture of £62.

**IFO Adjudication 20/01*****A ban at Sheffield Wednesday***

A Sheffield Wednesday supporter complained that the sanction imposed on him by the Club was not proportionate to the offence, which he had admitted and apologised for at the earliest opportunity. He maintained that the Club were not entitled to prevent him from attending away matches and were not entitled to share information about his ban with other clubs. In light of the seriousness of the abuse which the complainant had directed at female stewards, and the fact that he had also been ejected at the Rotherham match when abuse of stewards had also featured, the IFO considered the complainant fortunate not to have received a longer ban. The IFO was also satisfied that the Club were entitled both to share information about the ban with other clubs and to impose a condition banning him from away games. The IFO recommended that the Club publicise their appeal process on their website and consider the introduction of a schedule of official Club sanctions for particular offences.

**IFO Adjudication 20/05*****An indefinite suspension at Manchester United***

The IFO was satisfied that the Club had evidence to strongly suggest that the complainant was advertising tickets on social media, and the complainant was unable to provide evidence to the contrary. The IFO was satisfied that the Club were entitled to have taken the action they did.

**IFO Adjudication 20/07*****One year suspensions at Manchester United***

A Manchester United supporter complained that the Club had unjustly imposed suspensions on him and his two sons because of an inadvertent breach of the ticketing terms and conditions; he had believed that he could pass tickets to family and friends at face value. The IFO was satisfied that the complainant had not advertised tickets, but he had accepted money for them. The complainant contended that he had not accepted more than face value. The IFO was satisfied that the complainant's offence was much less serious than those who advertise and sell tickets on the secondary market, often at extortionate prices, which would attract a one year ban for a first offence. In such circumstances, the IFO found that the matches missed represented sufficient sanction and recommended that the complainant's suspension be lifted and the season tickets returned. The IFO also recommended that the Club strengthen the wording of the conditions, particularly paragraph 32, to make absolutely clear that that friends and family are only allowed to use tickets free of any charge; and that the Club review their sanctions policy to take into account the sort of circumstances appertaining to this case. The Club's reaction was that they were standing by their decision as it was clear to them that the tickets were not being used in accordance with the season ticket terms and conditions. The Club nevertheless expressed a willingness to reduce the suspension to the end of the season and offer the complainant a more suitable product for next season which would give flexibility to allow "associates" to attend matches in his absence.





### **IFO Adjudication 20/08**

#### ***A one year suspension at Manchester United***

The complainant's and his friend's tickets were lost on the evening before the Club's match at Norwich and ended up on the secondary market. The IFO found sympathy for the complainant's assertion that a home and away ban was harsh for a single incident, the result of a combination of bad luck and a failure to keep the tickets safe. The Club agreed the IFO's recommendation that the Appeal Panel should consider reducing the ban to away tickets only and reinstating the home season tickets. However, the Panel felt unable to amend the sanction and a Club statement explaining the reasons was posted on their website, in line with the agreed procedure.

### **IFO Adjudication 20/09**

#### ***Ejection through alleged mistaken identity at the 2019 FA cup final***

The IFO found on the balance of probability that the complainant had been wrongly ejected and had endured a long period of distress during which his complaint was not handled well by the FA. The FA had eventually offered the complainant and the rest of his party a substantial hospitality package, which he had rejected because of his unhappy experience at Wembley, and the substantial outlay required to take up the offer. The IFO recommended a goodwill payment based on the monetary cost of the FA's offer, which the IFO expected to be not less than £1000.

### **IFO Adjudication 20/02**

#### ***A suspension at Brighton and Hove Albion***

A Brighton supporter used a fans' website which he runs to post comments about Manchester City, who had just beaten Brighton, thereby causing embarrassment to Brighton's owner and senior officials in the Manchester City boardroom after the match. On appeal the complainant's suspension was reduced from five years to a review after one year. The IFO found that the Club's action was reasonable in relation to the ticketing terms and conditions as they stood, which stated that offences could be committed online as if actioned in person. The case raised important issues, such as freedom of speech, which will no doubt be subject to further debate within football.

### **IFO Adjudication 20/11**

#### ***Ticketing problems at Manchester United***

A man complained that tickets he had bought for the Manchester derby against City had not worked and because of a huge queue at the ticket office he had missed the match. The IFO found that it had been unwise of the complainant not to turn up until five minutes before kick off, and if he had waited he would have seen at least the second half and would have received a partial refund. As it was, the Club made him a full refund, even though they could have refused, given that he had bought the tickets via someone else's membership. The IFO regarded that as a fair outcome.

### **IFO Adjudication 20/10**

#### ***Associate Director issues at Norwich City***

The IFO found not justified the complainant's claim that an inheritor of shares should retain the deceased's seat free of charge. The IFO accepted the Club's contention that, by exchanging his commercial seat for two general admission seats, the complainant had ceded access to away tickets through the Club's corporate hospitality team. The IFO found that bird droppings had caused an unpleasant experience for the complainant and his wife and the Club had not honoured an undertaking to rectify the problem. The Club accepted the IFO's recommendation to make a goodwill payment of £100 to the complainant.

**IFO Adjudication 20/12*****An allegation of unfair treatment in the FA disciplinary process***

A grassroots referee complained that he had been treated unfairly by the FA's disciplinary process when a charge of an aggravated breach of the FA rules was found to be proven and he lost his subsequent appeal. It was not the role of the IFO to review the judicial decisions but to investigate whether the FA had followed due process. Although the complainant still believes that he was treated unfairly, the IFO found no shortcomings by the FA in implementing their normal disciplinary procedures.

**IFO Adjudication 20/13*****Cancellation of tickets for the Derby County v Manchester United cup tie***

A woman complained that tickets she had purchased for the cup tie as a present for her husband had been cancelled by Derby without compensation. The IFO found that Derby were justified in cancelling the tickets when they realised that the complainant was a Manchester United fan. However, the IFO found the refusal of a refund unreasonable as the complainant had self-identified as a United fan, and the ticket money had been taken from her account on the same day as the tickets were cancelled. Derby agreed the IFO's recommendation to make a full refund.



# APPENDIX II: NOTE OF THE VIRTUAL MEETING BETWEEN THE IFO AND SUPPORTERS JULY 2020

**Organisations Involved:** IFO, FOOTBALL SUPPORTERS ASSOCIATION, LEVEL PLAYING FIELD, 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 2020) which appears on the IFO Website
- The IFO had been subject to a biennial ADR Compliance Audit which took place in March 2020. The Audit confirmed that the IFO was fully compliant with all ADR regulations.
- It was reported that the IFO operated normally during the lockdown period, during which time 9 Adjudication Reports were completed

## 2. Issues Arising From IFO Investigations

- **Mistaken Identity:** There were two long investigations into alleged mistaken identity, both involving the discharge of smoke bombs. At the 2019 Cup Final a Manchester City supporter was ejected from Wembley and had a potential criminal charge hanging over him after being accused by stewards of being responsible for a smoke bomb. At Fulham a father and his teenage son were ejected from the Charlton away section for a similar offence. The IFO found in favour of both complainants, recommending significant financial recompense. Both cases highlighted the need for Safety Officers to be sure that the correct supporters were being ejected.
- **The Supporter-Club Relationship:** In two cases submitted by the FSA on behalf of complainants, the issue was raised as to whether supporters were “representatives” of their clubs, particularly when travelling away. Sheffield Wednesday and Brighton and Hove Albion had imposed sanctions on supporters who were deemed to have actually or potentially damaged their clubs' reputation. Clubs are responsible for the behaviour of their supporters when travelling to away grounds and this was an important element in the adjudications. The Brighton case involved some complex issues (eg free speech) which are worthy of further debate among football's stakeholders.
- **“Touting” sanctions:** As in recent years the sanctions imposed by clubs on supporters accused of selling tickets on the secondary market was the issue most reported on. Again, this involved Manchester United more than any other club. There were also cases at Liverpool, Tottenham and Leeds United. The most common defence was that the ticket holder was not personally involved and their ticket was given to a friend or family member. This reinforces the IFO message that supporters should have even stronger and more regular reminders of the need to guard their tickets and avoid misuse.
- **Ticketing Regulations:** Several cases raised the clarity and application of terms and conditions for the purchase of tickets. These included the operation of the age concession policies at both Manchester United and Manchester City, the away loyalty scheme at Norwich City and the ban on away supporters purchasing home tickets at Derby County. Sometimes there was some inconsistency between different categories of supporters and there was need to operate the schemes with some discretion to take account of special circumstances.



### 3. Any other business

- LEVEL PLAYING FIELD submitted a report on the organisation's activities. During 2019-20 LPF handled some 300 enquiries. The first national forum was held in November 2019 attended by nearly 200 people. LPF has conducted a survey on the impact that Covid-19 was having on disabled supporters, the results from which will be supplied to the DCMS call for evidence.
- FSA offered comments on both the IFO's update (above) and on specific cases in which the FSA had been involved when representing complainants. The FSA believed that too often the onus was on the supporter to prove what the Club had said was wrong. The FSA did not accept that the Brighton case was complex, but very straightforward. The case questioned the reasonableness of the club's ticketing regulations, which was a matter of concern which the FSA had previously registered with the IFO. The FSA expressed disappointment that the IFO had failed to address these concerns and had appeared reluctant to engage substantively with the ticketing issue.
- The IFO proposed to meet with each of the organisations individually before the end of the year.





# 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 since 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

## I July 2016

### 1. Preamble

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

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

### 2. The Independent Football Ombudsman's Terms of Reference

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

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

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

- Codes of Best Practice relating to supporters and customers in general, and customer charters or other relevant policies issued by each of the football authorities, and by individual clubs;
- the football authorities' operation of the complaints resolution hierarchy based on the Codes of Best Practice, with the

Independent Football Ombudsman as the final step in that hierarchy checking that due process was followed; and

- the football authorities' procedures for review and monitoring of commercial and customer matters.

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

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

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

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

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

### 3. The Constitution of the IFO

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

### 4. Appointments

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



# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN

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