

# IFO

**THE INDEPENDENT  
FOOTBALL OMBUDSMAN**



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The Independent Football Ombudsman is approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

**IFO COMPLAINT REF: IFO75**

**A 10 Match Suspension at Brighton and Hove Albion FC**

## **The Role of the Independent Football Ombudsman (IFO)**

1. The office of the IFO has been established by the three English football authorities (The Football Association, The Premier League and The English Football League) with the agreement of Government. The IFO has been designated as the final stage for the adjudication of complaints which have not been resolved within football's complaints procedure. The IFO is an Approved Alternative Dispute Resolution Body and its findings are non-binding. IFO Adjudications will normally comprise two parts: an impartial assessment of the substantive complaint and a review of the procedure by which the complaint was handled. The IFO's role is to investigate the complaint and judge whether it was dealt with properly and whether the outcomes were reasonable for all parties concerned. Under the procedure agreed by the Football Governing Bodies, the adjudication of the IFO is final and there is no right of appeal against IFO findings.

2. The IFO must make clear that in investigating this complaint he has received full cooperation from Brighton and Hove Albion Football Club (the Club) in replying to enquiries.

### **The Complaint**

3. The complaint originated out of circumstances leading up to the Leeds v Brighton fixture on Saturday 11 March 2023, which the Supporter was due to attend with their son. Before the match, the Supporter states that their son had a panic attack. The Supporter called their brother who lived in Leeds, who then came to collect the Supporter and their son. The Supporter's nephew was in the car, so the Supporter gave their son's match ticket to their nephew, who attended the game. The Supporter's nephew had their identification checked before entering the stadium and was permitted entry, following discussions with stewards. The Supporter noted that their nephew was told *'not to worry, we'd probably get a letter with a warning about sharing tickets.'*

4. After the game, the Club wrote to the Supporter stating that their son had been issued with a ten-match home suspension. The Supporter sent evidence to the Club about the circumstances, their son's anxiety and health considerations, and the Supporter's brother's proof of address; confirming it was their decision to pass on the ticket, not their son's. The ban was reduced to a five-match home suspension on appeal, although the loyalty point deduction remained. However, the Supporter stated that the appeal outcome email contained *'no reference to his [their son's] anxiety or mental health but they'd reduced it [the suspension] due to the fact that the ticket wasn't tampered with or defaced...'* The Supporter therefore feels that the case *'hasn't been looked into as an individual one.'* The Supporter was also dissatisfied at being told by the Club that the official minutes of the appeal meeting were not available, as the *discussions 'were private and confidential.'*

### **The Club's Response**

5. The Club responded, stating that this was *'a category three offence which carries a ten match-suspension.'* The Club have further explained that stewards do not have jurisdiction to deny entry to an away ground and further, emails were sent on 10 March 2025 (the day before the match) to both the Supporter and their son,

confirming that identification checks would take place and the name on the ticket must match that on the photo identification.

### **The Investigation**

6. The IFO have considered all the information provided by both parties. The Supporter has commented regarding the lack of availability of the minutes and that they believe that this potentially raises issues relating to GDPR. The IFO is not the appropriate forum for issues surrounding data protection. As such, the IFO is not able to consider this aspect of the complaint.

7. The Supporter has referenced another decision published by the IFO, however the IFO must clarify that each decision taken by the IFO is on a case-by-case basis considering all the circumstances of each case and that no precedent is created by previous decisions by way of a published adjudication, or otherwise.

### **The IFO's Findings**

8. The IFO has had regards to the circumstances around the Supporter and their son's non-attendance at the fixture in question and expresses their empathy regarding the situation. The parties have provided correspondence exchanged between the Club and Supporter, including copies of the evidence provided in mitigation, containing an email from the Supporter's son's Cognitive Behavioural Therapist. As noted in paragraph 5, the Club stated that a category three offence occurred which corresponds with a ten match-suspension for a first offence under the Club's Supporters' Charter. The IFO have verified this in the current version of the Club's Supporters' Charter;

#### **'CATEGORY 3**

- a. *Tickets being transferred, resold or advertised for sale outside of our documented authorised processes.'*

Under the 'Recommended Sanction' for a first offence:

*'10 home league match ban, plus potential loyalty point deduction.'*

9. In their evidence, the Club further explained that their stewards did not have jurisdiction to deny entry to an away ground;

*'Our stewards who checked the ticket do not have jurisdiction to prevent someone entering an away stadium, this has been explained.'*

The Club added that emails were sent to the Supporter and their son, on 10 March 2025 (the day before the fixture) that confirmed identification checks would take place and the name on the ticket must match that on the photo identification.

*'Dear [Supporter's sons' name],*

*Thank you for purchasing tickets for tomorrow's match at Leeds United...*

*We would like to remind you that ad-hoc ID checks will be taking place at the turnstiles, so you will need to bring photo ID (eg Passport, Driver's Licence) with you to the game. The ID must match the name written on the ticket...*

*Although we're aware the number of fans involved in this activity is minimal, we wanted to remind you that any supporter found to be passing on away tickets will be subject to a 1-home match ban. During that time the excluded supporter will not be able to purchase away tickets and a 50-point loyalty deduction will be made.*

*For full details please see the club charter sanctions tariff.'*

10. The IFO have had sight of this email and note that the driving licence provided by the Supporter's nephew does not match the name on the ticket. The IFO therefore considers that it was not unreasonable for the Club to reach the decision it did in the first instance, given the circumstances.

11. Turning therefore to the appeal, the IFO have considered the information that the Supporter provided in mitigation and the Club's response. The Club's email to the Supporter following the appeal states:

*'The decision [to reduce the suspension] has been made due to the reasons and evidence for not being able to attend and the fact that the ticket was not defaced or the name forged in any way.'*

Whilst the Supporter's son's medical factors are not specifically referenced, the IFO is satisfied that there appears to have been consideration of the mitigating factors in reaching the appeal decision.

12. The IFO considers that the Supporters' Charter could be clearer to confirm when discretion may be exercised by the appeals panel to reduce a suspension (or indeed increase it), however the IFO does not consider that this has caused any detriment in this instance.

### **Summary**

13. Having had regard to this matter, the IFO finds no grounds to uphold the case in the Supporters' favour. Whilst the Club could have been more explicit as to how the factors the Supporter provided in mitigation were considered by the panel, the IFO are satisfied that there was reference to the reasons for the ticket being transferred. The IFO will be making recommendations to the Club around the appeals process more broadly, but do not consider that these affect the outcome of this case.

14. In reaching its conclusions, the IFO have reviewed the comments made by both parties and have sought counsel from members of its Advisory Panel, Alan Watson CBE and Mark James, Professor of Sports Law at Manchester Metropolitan University and Head of Research at Manchester Law School.

### **Conclusion**

15. For the reasons set out above, the IFO finds no grounds to uphold a case in the Supporter's favour in this instance.