

ANNUAL REPORT
OF THE
INDEPENDENT
FOOTBALL
OMBUDSMAN

2020-
2021

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN

www.theifo.co.uk



**ANNUAL REPORT
OF THE
INDEPENDENT
FOOTBALL
OMBUDSMAN**

2020-
2021

FOREWORD

I present my thirteenth 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. After 20 years involvement (7 years as Chairman of the Independent Football Commission and 13 years as the Ombudsman) I have informed the Football Authorities that I wish to stand down from my role and hence this will be my last Annual Report. 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

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.

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 Fifth ADR Annual Activity Report in February 2021 (available on the website).

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. I welcome to the Panel Professor Mark James, who takes the lead for legal issues.

In conformity with Authorities' reporting cycle, this Annual Report covers the 12 months to 30 June 2021.



**PROFESSOR
DEREK FRASER
OMBUDSMAN
JULY 2021**



CONTENTS

SECTION	PAGE
I The IFO and its Activities in the Thirteenth Year	4
2 Investigations and Adjudications	8
3 Issues and Recommendations	11
 APPENDICES	
I Adjudication Report Summaries	14
II Annual Dialogue with Supporters	17
III Membership of the Advisory Panel	18
IV The IFO Terms of Reference	19

SECTION ONE

THE IFO & ITS ACTIVITIES IN ITS THIRTEENTH 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)

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 complaints 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 Chartered Trading Standards Institute (CTSI) conducted a biennial audit in March 2020 and the CTSI Audit found that the IFO is fully compliant with all ADR Regulations.

The IFO was affected by the pandemic, like all organisations, and there was a marked drop in cases submitted by letter or phone. The number of emails was reduced, though there continued to be a steady flow of messages and over 1300 messages were submitted to the IFO during this strange year. The IFO operated normally throughout the lockdown periods. Most of the cases were dealt with by correspondence with complainants and their clubs and the IFO completed 9 Adjudication Reports, much lower than in recent years. The main impact of the crisis was the lengthening of the time frame, due to delays in getting responses from Clubs and Governing Bodies, whose staff had been furloughed or were working from home.

The year began with supporters' concerns over the proposed takeover at Newcastle United which resulted in over 70 messages to the IFO, the largest ever experienced for a single issue subject. The underlying theme to all the complaints was the delay in the Premier League completing the owners' and directors' tests for the respective members of the bidding consortium which culminated, after a period of 17 weeks, in the withdrawal of the takeover bid. Fans accused the League variously of keeping the Club in limbo to the detriment of preparations for the 2020/21 season, thereby causing competitive disadvantage, of allowing influence from third parties to affect its consideration of the takeover, of treating Newcastle differently from other clubs taken over by members of foreign royal families and of deliberately delaying the process in order to avoid having to make a decision. Many of the complainants had written to the League without

getting any response and there was a general contention that the League was treating fans with contempt. Feelings of anger and frustration were strongly expressed.

Although the ownership of clubs and the League's operation of the owners' and directors' test are not matters which fall within remit, the IFO expressed sympathy with the fans over the lack of communication by the League regarding the proposed takeover. The IFO recognised that a change of club ownership can be a big issue and that in some cases there has been strong criticism of Football Authorities for failings in the vetting of new owners; the issues were clearly not straightforward and it followed that the League needed to do due diligence in a thorough manner. The IFO also acknowledged that it was right for the process to be confidential and, hence, there were restrictions on what the League could say. The IFO nevertheless recognised that the resulting delay and absence of any communication on the matter had led to understandable frustration for fans. The Newcastle United Supporters' Trust had asked the League to make a statement to fans; the IFO found that to be a reasonable request and advised the League accordingly. The IFO welcomed the fact that the League subsequently met with the Supporters' Trust to discuss the issues and also replied in some detail to a local MP who had been making representations on behalf of disgruntled fans. These developments were mostly well received by fans and the local press, after which complaints to the IFO stopped.

The IFO received similar protests about the potential change of ownership at Charlton Athletic, which produced 15 messages. On this occasion the concerns were about the EFL and its alleged delays in approving the takeover, which was causing uncertainty at the club and adversely affecting its performance. The supporters also bemoaned the lack of any communication from the Governing Body. The communication issue is discussed in [Section 3, page 11](#).

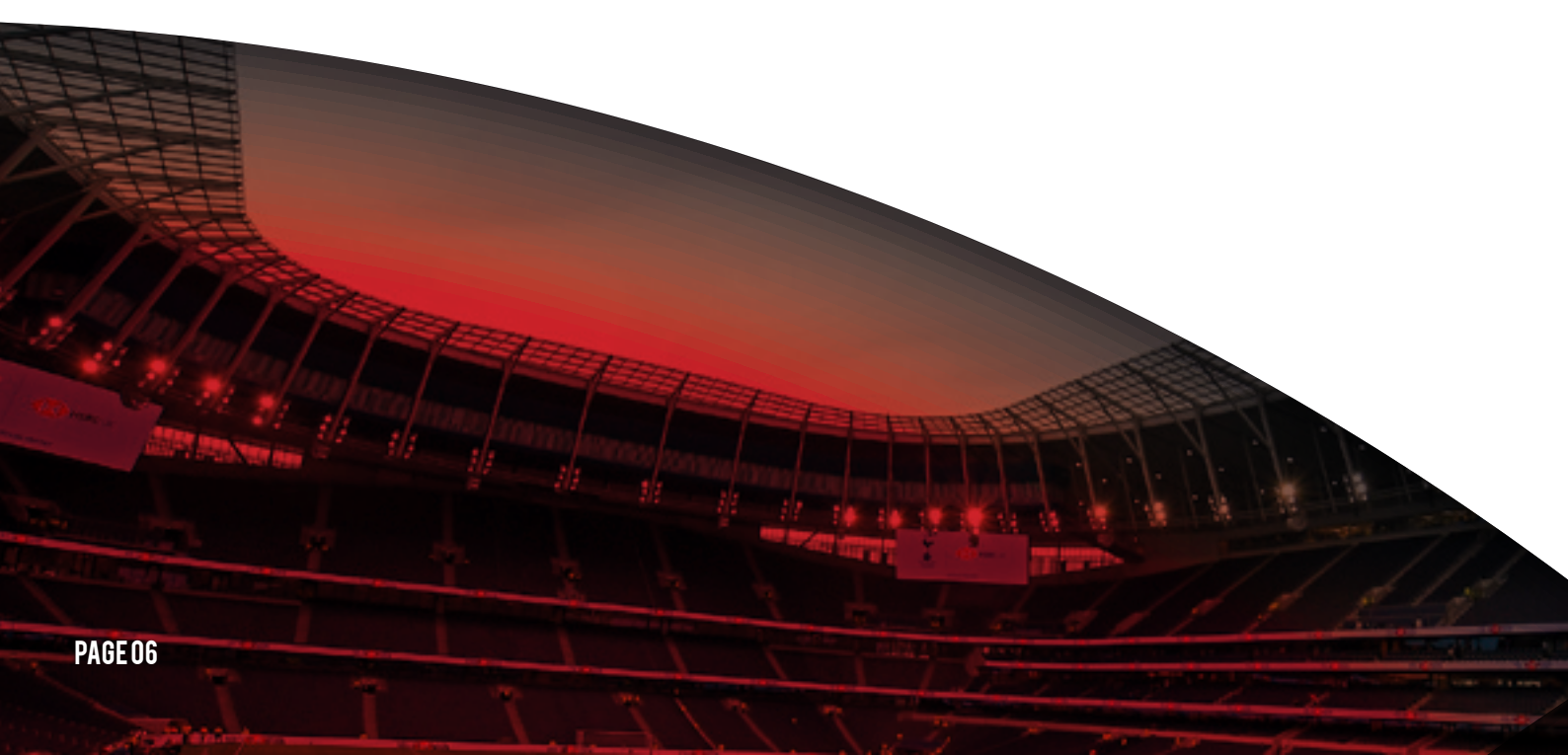
The IFO had regular messages about players' breaches of the Covid regulations, with some impassioned protests about the health implications of hugging, shouting and spitting. There were several messages from barbers, whose businesses were closed, querying how players could be so well-groomed and deducing that they had breached regulations by having haircuts at home during the lockdown. The most prominent issue referred to the IFO concerned various aspects of the refund process for the truncated 2019-20 season and then the status and disposition of funds paid to clubs for the 2020-21 season. These matters are discussed more fully in the next two Sections. The IFO received over 20 messages around the theme of "Politics in Sport", including negative responses to the BLM issue and taking the knee at matches, as well as protests about players displaying the Palestinian flag. There were retail disputes (at Spurs, West Ham, Liverpool and Manchester United) which the IFO investigated.

Although outside its remit the IFO received an increased number of messages about alleged referee incompetence, which may be the result of the large number of matches which were shown live on TV. Messages about grassroots football and the world of the County Football Associations (CFA), continue to arrive and constitute about 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. In parallel with the professional game, there were complaints about the lack of refunds from grassroots clubs, whose training sessions and matches were curtailed by the pandemic. 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, which resulted in three published reports.

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

- **Excessive delays in leaving Manchester United’s car parks following changed parking allocations.**
- **New rules to regulate throw-ins at professional matches.**
- **The structure of non-league football and “suspect” promotion rules.**
- **The educational impact on an A Level student by missing school to train with Yeovil Town.**
- **The lack of clarity in FA guidance on the return of schools football.**
- **Difficulties in contacting the FA and failures to respond.**
- **Alleged bias in football commentaries on televised matches.**
- **The pernicious effects of VAR.**
- **The operation of the student discount scheme at Charlton Athletic.**
- **Norwich City’s response to the gift of a portrait of their manager by a local professional artist.**

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 2021 virtual meeting is provided at Appendix II. In addition to this annual joint meeting with supporters’ groups, the IFO would normally have regular meetings with the Football Authorities and hold a number of stakeholder meetings to keep abreast of current issues and concerns. Because of the Covid regulations no external meeting were held this year.





SECTION TWO

INVESTIGATIONS AND ADJUDICATIONS

A part from the abortive take-over of Newcastle United, the topic which generated most responses from supporters was the issue of refunds. The problems raised were shared between the truncated 2019-20 season and the 2020-21 season, during which there were virtually no matches played with supporters present. In all, the supporters of 21 clubs (5 Premier League and 16 EFL) wrote to the IFO to complain about how their clubs were handling refunds.

For the **2019-20 season** the main burden of the complaints was delay in processing any refunds due, with Derby County having the most complaints. The IFO found that clubs were operating with skeleton staffing and there were delays in getting responses and the lack of staff was usually cited as the reason for the delay in dealing with supporters' entitlement to a refund. Larger clubs offered a pro-rata cash refund or a credit on the next season's ticket. Lower down the leagues the preference was often to offer a credit rather than a cash alternative. Given the clubs' dire financial problems in dealing with the pandemic without matchday revenues, the IFO found this strategy acceptable, so long as clubs displayed flexibility in dealing with health or age issues, where the supporter would not have been able to attend matches in the following season and where a credit would have been of no value.

The IFO referred complaints back to the clubs and for the most part the complainants did not return to the IFO, though some reminders were necessary at Derby County, Sheffield Wednesday and Huddersfield Town. In three cases, two at Manchester United and one at Birmingham City, the IFO issued adjudication reports. The two Manchester United reports (**IFO 20/15 and 20/16**) concerned the Executive Club membership. For ordinary season ticketholders the club operated a pro-rata cash refund, but for Executive Club members the club argued that the scheme provided both matchday and other benefits and did not specify a particular number of matches. The refund offered was therefore akin to a goodwill gesture of 10%, which the complainants believed was unfair. The Birmingham City case (**IFO 20/18**) involved a complicated dispute over the viewing programme and whether the membership had been correctly renewed. There was one case investigated at Gillingham, where a refund of the 2020-21 fee was made following a complaint about the lack of clarity over the 2019-20 refund policy at the club. (**IFO 20/19**)

For the **2020-21** season there was only one Premier League complaint, which was referred back to the club and resolved. By contrast there were many EFL club complaints, which all related to the I-Follow arrangements, which clubs offered as the alternative to attending matches. The IFO had already received I-Follow complaints about access issues, including discontinuity between sound and vision, buffering and poor quality reception. The complaints for the 2020-21 season concerned whether clubs were entitled to deduct an amount (usually £10 per match) from any refund that was processed. For example, a refund at Gillingham was reduced by £140, since the club maintained that the supporter had watched 14 matches on I-Follow.

The IFO regards I-Follow matches as substitutes for attending live matches and accepts that both could be deemed to have an actual or notional monetary value. Just as it was reasonable for clubs to have declined to give supporters a refund for matches they had attended in 2019-20, so in the following season it might be reasonable to refuse a refund for I-Follow matches, provided two prerequisites were in place:

1. That the club's I-Follow policy was clearly communicated to supporters, so that they could make a reasoned judgment whether to access the matches.
2. That the supporter had actually viewed the matches. The IFO does not believe it was right to deduct fees simply because of the availability of the I-Follow streaming service at a club, whether the supporter had wanted or used the service or not.

In defence of their position, some clubs argued that a season ticket gives the right of access to live matches and it is then up to the supporter to attend or not. Similarly, it could be argued that the 2020-21 season ticket granted access to I-Follow matches and it was fair to assume that supporters had used this facility, justifying a deduction from any credit. This argument would only be valid if the club's stance had been clarified **at the point and time of sale**. In fact, the cases brought to the IFO's attention featured statements that the I-Follow matches were "free" to season ticket holders, only for retrospective and hence unexpected deductions to be made. (See p.11) It is relevant to acknowledge that clubs operated in the later part of 2020 on the premise that some matches would be open to supporters and it was only in early 2021 that it became clear that this would not be possible.

The other area which consumed a major amount of IFO time and attention concerned the FA's regulatory and disciplinary role. The IFO investigated three complex cases. The first involved a man who wished to play local grassroots football and was prevented by a ban imposed for a historic offence committed when he was a minor. **(IFO 21/02)**. The second was an allegation that the FA had not taken seriously enough concerns expressed about financial and safeguarding problems at a local club **(IFO 20/20)**. The third was a complaint brought by a father who believed his son had not been treated fairly when he was alleged to have made a racist remark while playing in a match. The IFO investigation **(IFO 21/03)** revealed delays and shortcomings which the IFO believed merited a £150 goodwill payment, which the FA accepted.

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

- A 2019-20 cash refund for a Portsmouth supporter, whose claim had been rejected by the club's appeals panel.
- **A goodwill partial refund to a Spurs supporter who had inadvertently duplicated a shirt order for his grandson.**
- The expediting of refund claims at Derby County and Sheffield Wednesday.
- **Bringing forward an appeal hearing at Brighton and Hove Albion for a supporter accused of making racist remarks, after he was initially told it would be delayed until the end of the year.**
- A £50 goodwill payment at Oldham Athletic for a supporter who objected to the club's I-Follow policy when he lacked the technology to view the matches.
- **A 50% refund payment at Port Vale to a supporter with special needs who could not access I-Follow matches.**
- A full refund to a Chelsea supporter whose daughter's name was mis-spelled on a shirt which had been purchased.

In 9 cases the IFO investigations led to a formal Adjudication Report. [There was a tenth report which was completed but not issued, as the disputed refund amount was secured via a credit card claim]. 3 of the published reports related to Premier League clubs, 3 to EFL clubs and 3 complaints involved the FA. 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 2020-21

The reports are listed in the order in which they were issued.

IFO Adjudication 20/15

Executive Membership at Manchester United

IFO Adjudication 20/16

Disputed Executive Membership refunds at Manchester United

IFO Adjudication 20/17

A ticketing sanction at Tottenham Hotspur

IFO Adjudication 20/19

Disputes at Gillingham

IFO Adjudication 20/18

Refusal of subscription extension at Birmingham City

IFO Adjudication 21/02

An allegation of unfair treatment by the FA

IFO Adjudication 20/20

Alleged failures at the FA

IFO Adjudication 21/05

Associate Director Issues at Norwich City

IFO Adjudication 21/03

Alleged failures at the FA

SECTION THREE

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.

Communication over Club Ownership:

Ownership issues are often contentious matters for supporters, whose emotional commitment to their clubs sometimes appears to be forgotten in the transfer negotiations. As mentioned, the IFO received nearly 100 messages about ownership issues at Newcastle United and Charlton Athletic. In the wake of the abortive European Super League proposal, opposition to the current overseas owners featured prominently in the protests at several clubs. It is likely that club ownership will continue to be a contentious matter. The IFO acknowledges that changes in club ownership involve a complex due diligence vetting process, the details of which must necessarily be confidential. Nevertheless, the IFO finds that communication with supporters has been limited or non-existent and that supporters, as important and vital club stakeholders, have a legitimate expectation that they be kept informed. **The IFO recommends that the Football Authorities ensure that during potential changes of ownership supporters are given regular updates, consistent with the required limit of confidentiality.**

Refunds Policy:

The two recent seasons (2019-20 and 2020-21) have been subject to unprecedented disruption, for which there was understandably little prior preparation. Clubs necessarily had to respond in an ad hoc pragmatic manner and faced severe financial challenges in running their operations, deprived of much of their income. For the 2019-20 season the issue of entitlement was broadly handled on a pro-rata basis, with either a cash refund or a credit towards the following season. Many fans were sympathetic and were willing to make donations of their entitlement to a club academy or charity. But many were also themselves in financial difficulty and felt that they needed a cash refund. It was not always clear from the terms and conditions what the refund rules were and sometimes it would have been necessary to resort to overall consumer law to secure a refund. In two cases investigated by the IFO, supporters were reimbursed a disputed refund deduction via a credit card claim.

Clubs granting a credit towards purchase of the 2020-21 season ticket did so in good faith, in the hope and expectation that normality would return. In the event further government restrictions meant that only a very small number of fans were able to see live matches in the few trial events which were held. The status of the funds held by clubs for the 2020-21 season then became problematic. Many clubs rolled the credits forward yet again which was acceptable for most fans. Yet there were some for whom the credit was inappropriate or even unfair, if they would be unable to attend matches in the future. The I-Follow issue in the EFL has been discussed above and the IFO has identified prerequisites that should have been in place. In many cases fans were under the impression that I-Follow matches were free for season ticket holders and then disputed any subsequent deductions. **In the light of recent experience, the IFO recommends that clubs review their ticketing conditions to ensure that entitlements to refunds are clearly specified.**

The FA's Disciplinary Process:

Complainants who approach the IFO about alleged failures in the FA's handling of disciplinary and regulatory matters are informed that the IFO cannot act as a further appeal stage nor challenge the findings of properly constituted review panels. The IFO can investigate procedural shortcomings or delays and administrative problems. All three of the formal FA adjudications conducted by the IFO this year revealed administrative delays which led to frustration on the part of complainants. Two of the cases involved communications failures and some procedural shortcomings. The FA is invited to review these cases and identify where improvements might be made. The IFO notes that appellants have a short window in which to request reasons for judicial decisions by appeal panels. **The IFO recommends that the FA gives serious consideration to incorporating reasons in all judgments, in the interests of transparency.**

APPENDICES



APPENDIX ONE

ADJUDICATION SUMMARIES 2020-21

[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 20/15

Executive Membership at Manchester United

A man complained that the Club refused to refund his executive club membership proportionate to the number of matches missed because of the pandemic. For season 2019/20 he had paid £5,000 plus VAT for the membership which entitled him to a ticket for all home matches. As a gesture of goodwill, although under no obligation to do so, the Club had offered executive club members a 10% discount on renewal, or to be taken as a cash refund. The man contended that he should be entitled to 20%. The IFO found that, unlike a season ticket, the membership is not related to a specific number of matches and that, in offering a goodwill gesture to executive club members beyond its contractual obligations, the Club had treated members in a fair manner.

IFO Adjudication 20/16

Disputed Executive Membership refunds at Manchester United

The complaint and the issues were similar to adjudication 20/15 above. The IFO recommended that the Club explicitly clarify the basis for any future rebates so executive club members can make informed decisions on whether to renew membership. The IFO also identified some delays and failures in communications with the complainant, for which the Club apologised. The IFO recommended that the Club make a modest goodwill gesture to reflect those shortcomings.

IFO Adjudication 20/17

A ticketing sanction at Tottenham Hotspur

A season ticket holder complained that the Club had imposed on him an excess sanction of the loss of 50% loyalty points for an inadvertent breach of the away ticketing regulations. The man, unable to use his ticket, had passed it on to a friend who had ended up in police custody, which had alerted the Club to the fact that the ticket had been used improperly. The IFO was satisfied that, although the man's intention in transferring his away ticket had been honourable, and had not been done for financial gain, it had been in clear breach of the published regulations, which justified the sanction. The Club apologised for some delay in their actions and for failing to keep the complainant apprised, and they agreed to review their ticket re-sale arrangements which did not permit returns within seven days of a match.

IFO Adjudication 20/19

Disputes at Gillingham

A longstanding season ticket holder complained that the Club had treated him unfairly by refusing his request for a refund for matches missed due to the pandemic and by banning him for the 2020/21 season without good cause. The IFO found that the dispute might have been avoided if the Club had clarified its refunds policy for 2019/20 and if the complainant had used more temperate language in his pursuit of a refund. In response to the complaint the Club refunded the cost of the complainant's 2020-21 season ticket. The IFO recommended that the Club make a clear statement of what it intends to do in relation to matches missed. As a result of the IFO's involvement, the complainant's reinstatement is a possibility. The IFO also reminded the Club of their obligation to meet charter commitments with regard to responding to communications.

IFO Adjudication 20/18

Refusal of subscription extension at Birmingham City

A woman complained that the Club had refused to honour an undertaking to extend by three months her access to Bluestv in compensation for match postponements caused by the pandemic. In February 2020 the woman had turned off the auto-renew of her subscription, which was valid to 12 July. The IFO found it difficult to draw a distinction, as the Club had done, between someone who had turned off the auto-renew and someone who had not. Both had subscriptions current at the time of the resumption of matches and both had been similarly affected by the impact of the pandemic on matches. However, the IFO found that the woman had managed to buy an annual subscription for 2020/21, which according to the Club should not have been available. By doing so she had unwittingly benefited to an extent which far outweighed an extension of three months to her original subscription. The Club allowed her new subscription to remain in place and made her a pro-rata refund for three delayed games played after the expiry of her original subscription.

IFO Adjudication 21/02

An allegation of unfair treatment by the FA

A man complained that he was being unreasonably prevented from playing football because of a sine die ban imposed on him for safeguarding reasons following a serious offence when he was a minor. When serving a sentence in a young offenders' centre he had been encouraged to play football as part of his rehabilitation and following his release he had played for several seasons without any problem, until the FA had become aware of his past. From a rehabilitation of offenders' perspective, the IFO sympathised with the man's wish to be fully integrated into society, particularly as his offence had been committed when he was a minor. However, the IFO found that the ban had been imposed through a properly conducted independent judicial process during which he had been afforded a personal hearing at which he was allowed to argue his case. The IFO advised the man to continue working with his case officer.

IFO Adjudication 20/20

Alleged failures at the FA

The former manager of a youth football team, a banker by profession, complained about the way in which the FA had handled complaints he had made surrounding what he regarded as financial irregularities and other matters at a youth football club. Much of the case concerned the complainant's belief that the FA had not investigated his allegations properly and had refused to show him evidence from their investigations in order to allay his concerns. The IFO accepted that the FA were limited in the sort of information they could reveal to the complainant. The FA had, nevertheless, in confidence given the IFO relevant confidential information and evidence relating to their investigation, such as to satisfy the IFO that they had taken the allegations seriously and had taken appropriate action with the club and the relevant County FA.

IFO Adjudication 21/05

Associate Director Issues at Norwich City

A Norwich City Associate Director (AD) made a number of complaints primarily surrounding the rights of inheritors of shares, away ticketing arrangements for ADs and refunds for matches missed. The IFO found no evidence on which to alter a previous adjudication on inheritor rights and away membership, nor anything to suggest that the complainant had been misled into believing that the Club were proposing to readdress those issues. The IFO also accepted the Club's stance on inheritor rights not being an equality issue. The IFO was also satisfied that as ADs had seats for life in return for one-off investments, the Club was under no obligation to compensate them for matches missed.

IFO Adjudication 21/03

Alleged failures at the FA

A man complained that the FA had mishandled an appeal against a ban imposed on his son by his local County FA, as a result of which he had been denied a fair hearing. He also complained that responses to his subsequent correspondence had been subject to lengthy delays. Although the IFO did not find fault with the appeal hearing itself, he found that the complainant had been quite unnecessarily confused by what procedural shortcomings in the process leading up to the hearing, in the absence of which much of the post hearing correspondence would have been unnecessary. The FA accepted the IFO's recommendation that they make a goodwill payment of £150 in recognition of the confusion caused. The IFO also recommended that in the true spirit of transparency, the FA should give serious consideration to making it an automatic requirement that reasons for appeal decisions are included in the decision letters.



APPENDIX TWO

NOTE OF THE VIRTUAL MEETING BETWEEN THE IFO AND SUPPORTERS – JUNE 2021

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. The Ombudsman provided an update on IFO activities, including compliance with ADR requirements and IFO personnel changes.
2. The main issues dealt with by the IFO during the 2020-21 reporting year included changes in club ownership at Newcastle United and Charlton Athletic; refund issues for the truncated 2019-20 season and the status and disposition of credits held by clubs for 2020-21, during which the I-Follow provision in the EFL was the subject of many complaints; the handling of disciplinary and regulatory cases by the FA. In all cases full details of the issues and investigations are provided in the body of the Annual Report.
3. Level Playing Field wished Derek Fraser well for the future. They reported a busy year despite the pandemic with 500 cases dealt with, involving a variety of issues, many Covid related. They conducted their own surveys, provided evidence for the DCMS, contributed to the SGSA guidance on social distancing and successfully campaigned against the exclusion of Clinically Extremely Vulnerable at Test Events.
4. Football Supporters Federation wished to place on record thanks to Derek Fraser for his many years of service. They expressed disappointment that the IFO had not held clubs to account for their obligations under consumer law. While clubs' financial difficulties were acknowledged, the organisation's first obligation was to supporters, many of whom suffered financial uncertainty and difficulties. They had managed to adopt a "business as usual" approach and had been busy with the European Super League and the Fan Led Review. They cooperated with MIND to develop mental health activities under the banner Terrace Talk and Fans for Diversity has continued to flourish.

APPENDIX THREE

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.

PROFESSOR MARK JAMES – LEGAL ISSUES

Mark James is Professor of Sports Law at Manchester Metropolitan University and has published widely in his field. He has written extensively on how the law applies to football fans, sports stadiums and ticketing and is the author of the textbook, Sports Law.

APPENDIX FOUR

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 Digital, 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 George Street
Leeds LS1 3AJ

Telephone (Voicemail): 0800 588 4066

Email: contact@theifo.co.uk

Website: www.theifo.co.uk

©The Independent Football Ombudsman
Company Registration Number (IFC) 4309460

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN
