

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



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## **IFO COMPLAINT REF: 18/12**

### **A THREE YEAR BAN FOR MANCHESTER UNITED AWAY MATCHES**

#### **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 [FA], The Premier League and The English Football League [EFL]) 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 the full cooperation of Manchester United FC.

### **The Complaint**

3. A committee member of an official Manchester United Supporters' Club complained that, despite her having done nothing wrong, Manchester United have banned her from away matches for three years. [There were a number of supporters similarly sanctioned and one other approached the IFO with a complaint which he did not pursue.]

### **The complainant's account**

4. The complainant has supported Manchester United for 45 years. Both she and her husband are committee members of the Supporters' Club. The Supporters' Club are eligible to apply, subject to stadium capacity, for two "branch tickets" which can be allocated only to committee members for away matches. The secretary of the Supporters' Club (the Secretary) applied for two branch tickets for the game at Leicester City on 23 December 2017, apparently not realising that the complainant and her husband would be on holiday in Spain from 22 to 27 December. (That holiday had been booked on 1 August.) On 20 December the complainant returned the tickets to the Secretary. According to the complainant, on 21 December the Secretary telephoned the Club's Ticket Office and asked for the complainant's husband's ticket to be transferred to another committee member; the Secretary said that the complainant's ticket would not be used. The Club advised him to hand the ticket in to the Ticket Office at Leicester if he was unable to get it to Old Trafford. The complainant regarded the ticket as having been properly cancelled; it was not used and is still in her possession as there had been no Manchester United official at Leicester to whom the Secretary could give it. On 28 December the complainant received a letter from the Club saying that they had received information relating to a ticket allocated to her for the Leicester game which allegedly indicated that the ticket was to be used by another supporter, and that her season ticket was being fraudulently used to apply for match tickets not for her own use. The complainant is adamant that the allegation is untrue.

5. The complainant also complained that, pending an appeal, her ticket was sold on by the Club for the Southampton and Derby games before the Club had even contacted her, and they refused to consider refunding her the cost until the end of the season.

### **The investigation**

6. The IFO and Deputy visited the Club on 25 January and again on 27 February and met with the Head of Customer Services and Experience and the Customer Services Manager. The officials explained that away tickets are non-transferable, a condition which applies equally to all named ticket holders, even those who belong to a supporters' club. The

Club stressed that a supporter is responsible for returning the ticket to the Club in the event that it is known beforehand that it will not be used. The demand for away tickets far exceeds the supply and any tickets returned to the Club are then issued to another supporter. The rules, checks and sanctions around away tickets have been implemented with the full agreement of the Fans' Forum and are a key part of measures designed to increase the Club's away ticket allocation. [The complainant maintains that the arrangements are different for the branch tickets, See Para 14].

7. On 17 November the Secretary telephoned the Ticket Office to allocate the Committee's tickets to the complainant and her husband. In mid-November the Club issued standard letters to all successful applicants, including the complainant, confirming arrangements, and giving a reminder about the official sanctions procedures in relation to misuse of tickets. On 19 December (not 21 December as the complainant contended) the Secretary telephoned the Ticket Office to reallocate the complainant's husband's ticket to another committee member, which was permitted. The IFO and Deputy listened to a recording of that conversation. The Secretary made no mention that the complainant's ticket was not going to be used. The ticket was not returned to the Club.

8. At the meetings with the officials the Club showed to the IFO convincing evidence that the Supporters' Club regularly re-allocated tickets among the membership, which was quite contrary to the ticketing regulations. It was this evidence which had been used to identify the members to be sanctioned, including the complainant. It was confirmed that on 23 December, while on the bus travelling to Leicester, the Secretary telephoned the Club to confirm that the complainant's husband's ticket had been transferred and to check which seat was involved; he also said that the other branch ticket was not going to be used and would be returned to the Ticket Office at Leicester.

9. On 28 December the Club issued the complainant with a ban of three years for all matches. She appealed, providing evidence that she had not attended the Leicester match as she was in Spain, and contending that the Secretary had arranged to return her ticket. The Appeals Panel reduced the ban to away matches only.

10. The officials explained that the complainant's ticket for the Southampton match on 30 December was made available for sale on 29 December, after the complainant's ban had been issued and the same arrangement applied to the Derby match. The officials said that the Club have a responsibility to make tickets available for re-sale promptly as re-sale funds are the basis of a supporter's refund for missed matches.

11. When the IFO apprised the complainant with details of the Secretary's telephone call of 19 December, she contacted the Secretary about the matter. He told her that immediately after the call to transfer her husband's ticket, he had called a named ticketing agent direct to cancel the complainant's ticket and to check how many games two other supporters had missed. The Club do not have a record of this call. The ticketing official has no recollection of the second call allegedly made by the Secretary, but does recollect a call from the Secretary on the day before the match to say that one ticket (unspecified) would not be used; the official's advice had been to return the ticket to Old Trafford.

### **Subsequent events**

12. On 21 March Club officials met with the Supporters' Club to discuss unauthorised ticket activity, but the meeting did not produce any clear evidence which led them to amend the sanction imposed on the complainant. In the event that the Club's ongoing investigation reveals further relevant information, this might lead the Club to review the complainant's sanction.

### **Findings**

13. Manchester United take the misuse of away tickets very seriously as the demand for tickets is high and they try to be fair to everyone seeking tickets. The allocation of committee tickets to the complainant and her husband was clearly a mistake on the part of the Supporters' Club as their holiday had been booked for some time. However, once they had received tickets in their name, it was their responsibility to ensure that they were disposed of appropriately. They undoubtedly considered it safe to ask the Secretary to make the necessary arrangements, but while that was successful in relation to the husband's ticket, the IFO has not seen or heard any evidence that any attempt was made to cancel the complainant's ticket prior to the Secretary's phone call on the day before the match, or that from the bus travelling to Leicester. The Club asserts that the complainant had a month to make the necessary arrangements, though the complainant disputes this and claims to have received the ticket only one week before the match.

14. The complainant cites the letter sent by the Ticketing Manager to the Supporters' Club which places the responsibility for the reallocation or return of the tickets on the Secretary. In the light of this she asserts that she is being punished for the mistakes made by the Supporters' Club and there is some validity to this argument. Conversely, the Club points to the individual letter sent to the supporter, which means that there was a shared responsibility to return an unused ticket. The sanction seems harsh on the complainant compared to her husband, in that neither wanted the tickets in the first place, nor took any personal action other

than relying on the Secretary to cancel/reallocate the tickets. Because the Secretary reallocated the husband's ticket correctly he suffered no penalty, while the complainant, having behaved in the same way, received a sanction. The IFO has seen no evidence that the use of the tickets might not have been different, with the complainant's having been the one chosen for reallocation, in which case there would have been no sanction on her.

15. The IFO is persuaded that the complainant had some, but not the sole, responsibility for ensuring that the ticket was returned. Moreover, the Club has compelling evidence (used by the Club to identify those Supporters' Club members who were sanctioned), which the IFO has seen, that, whether or not she was aware of the situation, her ticket appears, contrary to the applicable terms and conditions, to have been allocated to another member of the Supporters' Club (not a designated Committee member), who was to collect it on the bus going to the match. That clearly did not happen. If the Secretary knew that that arrangement had changed, it might well account for why he telephoned on the day before the match (see paragraph 11), to cancel the complainant's ticket; and as he had not been able to return the ticket to Old Trafford as advised, why he had telephoned the Club from the bus. In addition, it seems on the balance of probability that the complainant, as a long-standing official of the Supporters' Club, would have been aware of the reallocation practice which was apparently so well established.

14. In the circumstances, the IFO is satisfied that the Club have given the complainant's case due consideration and were entitled to apply a sanction. However, the IFO believes that the penalty is unduly harsh and **recommends that the away ticket ban be ended at the end of the current season and that the complainant be free to purchase away tickets from the start of the next season, subject to any relevant information revealed by the Club's ongoing investigation.**

### **Conclusion**

15. The sanction imposed on the complainant was the result of irregularities revealed about the way the Supporters' Club handled its members' ticket allocations. To a significant extent she was penalised for the wider unauthorised practices of the Club and in that regard the time already served is sufficient penalty. The IFO hopes that the complainant will be returned to her former status before the start of the next season.

**Professor Derek Fraser, Ombudsman**  
**Alan Watson CBE, Deputy Ombudsman**

**20 April 2018**