

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



Chartered Trading  
Standards Institute  
ADR Competent Authority

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

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## **IFO COMPLAINT REF: 18/09** **A THREE YEAR AWAY BAN AT MANCHESTER UNITED**

### **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 Manchester United supporter complained that he had been penalised unfairly by the imposition of a three year ban on attending away fixtures, after

the Club found that he had advertised away tickets on social media, an occurrence he blamed on his account having been hacked.

### **The facts of the case**

4. This is a long-running complaint which originated in the fixture between Arsenal and Manchester United in May 2017. The Club found a post on the complainant's Facebook page offering two tickets for sale, together with photographs of the tickets which had been allocated to him. In the light of this, the complainant received a standard sanction of a three year ban on the purchase of away tickets. The complainant was free to attend home matches and he renewed his ticket for the 2017-18 season. In September he protested to the Club that his Facebook account had been hacked and he had not sold the tickets, but had used them to attend the match at Arsenal. He appealed against the ruling, but owing to an administrative oversight his appeal was not heard until February 2018. He drew attention to many other adverts for tickets on social media and explained that he had removed the post within 30-40 minutes and was being penalised for being the victim of hacking, over which he had no control. The Appeal Panel upheld the sanction and the complainant was advised of his right to refer the complaint to the IFO.

### **The investigation**

5. The IFO carefully considered the correspondence submitted and the report from the Club. The IFO and Deputy visited Old Trafford on 27 February to discuss the case with the Head of Customer Services and Experience and the Customer Services Manager. The officials explained that the offer for sale was sufficient to be a breach of the regulations even if the tickets were not eventually sold, as was made clear in the published sanctions policy. Arsenal had confirmed that on receipt of information from Manchester United the original tickets were blocked and duplicates were printed to be collected from the Arsenal ticket office on the day of the match. The duplicate tickets were not collected and are in the possession of the Club. These tickets were shown to the IFO during the meeting at Old Trafford. The Club indicated that it would be willing to return the case to the Panel on receipt of new evidence and the IFO offered to give the complainant the chance to respond.

### **Findings**

6. The IFO strongly supports the Club's efforts to combat ticket touting and the unauthorised use of tickets and accepts that part of its strategy is to punish those improperly advertising their tickets for sale. The IFO agrees that the Club does not have to prove that the tickets were actually sold for the breach of the regulations to be established. The Club is highly sceptical of the complainant's account of the alleged hacking of his account and how he was able to remove the post so quickly. In response to the IFO, the complainant explained that he had been able to close his account and relaunch it with a new password. The absence of any documentary evidence precludes a definite conclusion as to whether this is a satisfactory explanation which exonerates the complainant.

7. The IFO has found it equally difficult to judge the status of the evidence relating to the tickets. In his defence the complainant has submitted a photograph showing the stub of the ticket which his son had retained as a souvenir which, he contended, proves that they attended the match at Arsenal. The stub, of course, is not proof that the ticket was ever used. In addition, Arsenal have confirmed that the original tickets (in the possession of the complainant) were blocked and would not have allowed access and the duplicates were never collected (now with Manchester United). When the IFO put this discrepancy to the complainant he explained that indeed the tickets did not work the turnstile, but that as there was a queue building up, the steward allowed them in having inspected the tickets. In response to this contention, Arsenal stated that this could not have happened because the entry steward did not have the means to override the system to allow access. In order to resolve these contradictions, the IFO invited the complainant to submit some independent evidence of their attendance at the Emirates Stadium, such as a photo or a receipt of a purchase, but at the time of writing none has been forthcoming. In the light of the evidence that the tickets could not have been used, and the absence of evidence confirming the complainant's attendance at the match, the IFO is satisfied that the Club behaved reasonably in the application of its sanctions policy in this case. The IFO recommends that if relevant fresh evidence is submitted, then the Club should return the case to the Appeals Panel for reconsideration.

#### **8. Conclusion**

The IFO gave careful consideration to the complainants mitigating evidence, but found no grounds to demur from the Club Appeal Panel's decision to confirm the sanction imposed and the IFO cannot uphold the complaint. The Club has indicated that it is willing to reopen the case should new evidence be forthcoming.

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

**10 April 2010**