

# IFO

THE INDEPENDENT  
FOOTBALL OMBUDSMAN



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## **IFO COMPLAINT REF: 18/10**

### **A DISPUTED THREE YEAR BAN AT MANCHESTER UNITED FOR ALLEGED TICKET TOUTING**

#### **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. This is one of a series of complaints of a similar nature which have been referred to the IFO.

### **The Complaint**

3. A Manchester United season ticket holder complained, on behalf of himself and his brother, that they had been banned unfairly for alleged ticket touting. He vigorously denied the allegation as the tickets had been given to a friend, confirmed in a call to the ticket office on the day of the match.

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

4. The complainant and his brother are based in Dublin and cannot attend all matches. They have had season tickets for 6 years without any problem. The complainant has had some serious health issues which reduced further his capacity to attend matches and he has given tickets to family members or friends, as permitted by the regulations. For the match against Moscow on 5 December 2017, the tickets were given to a friend whose wife also had tickets, so they decided to travel from Dublin as a family and attend the match with each parent taking one of their children into the ground. The father and his son were unable to gain access through the turnstiles and were required to attend at the ticket office to get replacement tickets. He phoned the complainant to inform him what had happened and the complainant phoned the ticket office and was told that there would be no problem and the friend would be given replacement paper tickets. Instead the friend was required to fill in a form and purchase memberships and new tickets for different seats in the stadium. The complainant's and his brother's tickets were confiscated and two days later the brothers received letters from Manchester United stating that they had been banned for three years. The complainant appealed and the Appeals Panel upheld the sanction at its meeting of 19 December. The complainant contacted the IFO by phone thereafter, but the investigation did not begin fully until February 2018, as the complainant was not able to submit detailed evidence owing to the surgery which he required.

### **The investigation**

5. The IFO carefully considered the correspondence submitted, the report from the Club and the responses to several subsequent IFO enquiries. 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 random ticket checks take place which block access to the stadium. In such cases the ticket holder is required to attend the ticket office to verify their identity or their connection to the owner of the ticket. Where the holder of the ticket is unable to do this, they are required to fill in a form explaining how they acquired the ticket. In return the Club allows the holder to buy a ticket and so attend the match. In this case the Club had a form on which the person holding the tickets stated that they had been purchased from an unknown source for £75 and with this evidence the Club was fully justified in imposing the standard sanction of a three year ban. The Panel had considered the further evidence submitted, which included an email from the complainant's friend denying that he said that he had bought the tickets, and had rejected the appeal.

## **Findings**

6. It is important at the outset to stress that the IFO strongly supports the Club's efforts to combat ticket touting and the unauthorised use of tickets. The key question in this case is whether the complainant was indeed involved in ticket touting. The season ticket brochure clearly states, "you can share your season ticket with friends and family if you are not able to attend a game", so that on the face of it the complainant and his brother were within the regulations to give their tickets to friends, as they had done on several occasions previously. The regulations also quite properly state that any breach of the regulations by the recipient is deemed to be a breach by the season ticket holder. Hence, in the absence of any mitigating or contradictory evidence, the ticket holder may be sanctioned for allowing their ticket to be re-sold. The IFO cannot criticise the Club for imposing the sanction, given the evidence the form provided which appeared to confirm that the tickets were bought for £75 (though the complainant asserts that they don't use sterling in Ireland and that tickets were available from the Club at £40). Given the volume of cases being dealt with, neither officials nor the Panel have the time to pursue detailed enquiries and must necessarily rely on documentary evidence. Moreover, the IFO accepts that the Club is right to be sceptical about post-hoc statements, such as the one provided by the friend which retracted and challenged the alleged contents of the form. However, the IFO has pursued further enquiries which elicited facts and clarifications from both the complainant and his friend which makes a case for mitigation.

7. The IFO is not a legal tribunal but, having seen the form, doubts whether it would stand up to scrutiny in a court of law. The friend admits that he filled out a form, though continues to deny that he said that he had paid for the tickets, since he had been given them by the complainant. It remains something of a mystery why the friend did not explain the perfectly legitimate arrangement he had entered into with the complainant and why he did not name him as the source of the tickets. The IFO is persuaded that his version has credence. The family had come specially from Dublin for the match and it was to be his son's first visit to Old Trafford; he knew his wife and other child were already in the stadium; he was anxious not to disappoint his son; and it was near to kick-off (in fact they finally entered the stadium 30 minutes into the game). He claims that he felt pressurised into filling the form, according to the complainant was of a nervous disposition, and was panicked into giving the information he thought the Club wanted in order to be allowed to get in to see the match. For this serious misjudgement the complainant and his brother have already paid a heavy price, missing virtually half a season and prevented from attending a cup semi-final at Wembley.

8. The IFO finds that a three year ban on the complainant is excessive, given that he operated within the regulations in giving his ticket to a friend. The IFO

gives due weight (which the Club does not) to the fact that *the complainant phoned the ticket office on the night of the game* to explain that his friend had been unable to access the stadium. It was unfortunate that the agent who took the call was not the person who the friend dealt with at the window and he compounded his problems by failing to clarify his status as a friend of the complainant with permission to use his ticket. The form cannot be gainsaid and justifies the Club's actions in imposing its standard sanction. Yet the IFO finds that the complainant is blameless and has been sufficiently punished for the puzzling failure of his friend to offer a satisfactory explanation at the ticket office. **The IFO recommends that the time served is sufficient penalty and that therefore the three year ban should be rescinded and the complainant and his brother should be reinstated forthwith. The rescinding of the ban should be accompanied by the restoration of silver membership, which was cancelled by virtue of the ban.** In line with Club policy, at the end of the season the brothers are entitled to request a refund for the cost of their tickets which the Club had managed to re-sell, less an administrative charge.

#### 9. Conclusion

The IFO has found this a puzzling case to investigate since the complainant entered into a perfectly legitimate arrangement to give the tickets to a friend and would no doubt have heard nothing more had there not been a random ticket check. His friend failed to give satisfactory explanation, though a simple statement of the facts would have provided one. The form justified the Club's action, but the IFO's investigation has revealed that the penalty imposed was unduly harsh. The time served is more than enough punishment for the friend's misjudgement. The IFO hopes that Manchester United will accept the recommendation to rescind the ban and that this will be actioned promptly, so that the complainant and his brother can resume their membership for the remainder of the season.

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

**10 April 2018**