

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
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IFO COMPLAINT REF: 18/15

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.

The Complaint

3. A Manchester United season ticket holder complained that he has been banned unfairly for alleged ticket touting. He vigorously denied the allegation as he had given his tickets for the home match against Stoke on 15 January to his daughter free of charge, who was to use them with friends.

The complainant's account

4. The complainant said that as his daughter's work commitments had changed on the day of the match, her friends had attended the match without her. No money was requested or paid. During half-time a steward had taken one of the friends, whom the complainant named (to whom the IFO refers as Mr A), into an office, had asked him questions and made him sign a statement. Mr A had been scared, had not known what to do and had been worried that he was going to be ejected. As a result, Mr A had said that he had paid for the tickets as he believed that was what the steward wanted to hear. Since then Mr A had made a statement saying why he had said that he had paid for the tickets and retracting his earlier statement. The complainant explained that he and his wife have been attending matches, home and away, since 1983 including a recent period of two years when they had kept their season tickets, although living in Aberdeen. They cannot always attend because of her disability and allow family and friends to use the tickets without charge. His appeal against a three years' ban for alleged ticket touting was unsuccessful.

The Club's account

5. The Club said that at the match against Derby County on 5 January 2018 they had undertaken a ticket check. That meant that the complainant's entry cards would not work at the turnstiles and the ticketholders had been required to attend the ticket office in order to confirm who they were, and if not the season ticket holders, to show that they had obtained the tickets appropriately. The Club's records showed that the cards had been used close to kick off time to try to access the stadium, but no one had attended the ticket office to arrange entry to see the match.

6. That had prompted the Club to undertake a seat check at the Stoke match. (A seat check is where the person in possession of the season ticket is allowed access through the turnstiles but is approached in their seat by a member of staff and asked to validate the appropriate use of the ticket.) The person holding the ticket was Mr A, the man named by the complainant. Mr A completed a form saying he had bought three tickets from "the season ticket holder" for £80. The Club had then served the complainant with a ban of three years for ticket touting. In his appeal the complainant had initially said that Mr A did not want to provide a statement, but the Club had subsequently received a forwarded email from Mr A saying that he had said that he had paid for the tickets only because

he feared he would be ejected from the stadium if he had not paid. The Appeals Panel, including the independent supporter representative, had unanimously agreed that the sanction should remain in place.

The investigation

7. The IFO carefully considered the correspondence submitted, the report from the Club and the responses to several subsequent IFO enquiries. The IFO asked the complainant for an explanation about the use of his tickets for the Derby match. He said that the match was on a Friday evening when he had been required to work, and he had given the tickets to a work colleague free of charge. On returning the tickets to him, the colleague had said that they had not worked at the turnstile, but a steward had allowed access to the stadium. The colleague had not been required to attend the ticket office. At the IFO's request, the Club subsequently conducted an IT systems check which revealed that those tickets were recorded as "2 x forced passage", ie a steward had over-ridden the turnstile and allowed entry, thus confirming the complainant's account.

Findings

8. 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 the complainant was within the regulations to give the tickets to his daughter. 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 information Mr A provided on the form about having bought the tickets.

9. The IFO is satisfied that the complainant is not a ticket tout and that he acted in all good faith in giving the tickets to his daughter, just as he had allowed a colleague to use them for the Derby match. Unfortunately, his daughter then allowed them to be used by a third party, albeit one of her friends, Mr A. It is something of a mystery why Mr A did not explain how he had come by the tickets. He claims that for fear of ejection, he gave information he thought the Club wanted to hear in order to be allowed to remain in the stadium. The IFO understands why the Club might be sceptical about post-hoc statements, such as the one provided by Mr A which retracted what he had said on the form. The IFO also finds it significant that in completing the form, Mr A did not name the complainant, but simply said that the tickets had been purchased from "the season ticket holder", which suggests that he could not be counted as one of the complainant's "friends" for the purpose of using his season tickets.

10. The complainant has been through the Club's Appeal Panel, which includes independent membership, and which upheld the sanctions imposed. The IFO has found no reason to demur from the decision that an offence was committed in that the complainant was deemed responsible for the fact that tickets his tickets were used by a third party. However, the IFO finds that the application of the Club's sanctions policy has not recognised the distinction between those directly touting tickets and those apparently let down, having in good faith passed on their tickets to friends or family. The IFO is clear that the Club were within their rights to apply the full sanction on the basis of the evidence, but considers that the Club should exercise discretion in the circumstances of this particular case, where there is no doubt of the complainant's commitment and loyalty to the Club. The IFO was proposing that the ban should be reduced and is pleased to find that in the light of the information arising from the IFO's investigation that had not been available to the club's Appeals Panel previously, the Club took the opportunity to review the case again. **It has now concluded that the sanction be reduced to a suspension to the end of the current season. The IFO considers that to be a fair and just outcome to this complaint.**

11. **Conclusion**

The IFO sympathises with the effort of Manchester United to bear down hard on those who abuse the ticketing regulations for personal gain, a policy endorsed by their supporters. In this case the Club had evidence to suggest that complainant's ticket had been traded, which justified the imposition of a sanction. However, further enquiries revealed facts which needed to be considered in mitigation. The IFO welcomes the willingness of the Club to review the sanction and to reinstate the complainant at the end of the season. He is free to renew his season ticket, though it may not be possible for him to return to his original location.

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

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