

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



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

IFO COMPLAINT REF: 19/05

AWAY TICKET BANS AT MANCHESTER UNITED

The 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 full cooperation from Manchester United FC.

The complaint

3. A married couple, long standing season ticket holders, complained that they had been unfairly banned by Manchester United for touting offences at a match which they claim to have attended themselves.

The complainant's account

4. The complainants have been season ticket holders at Manchester United for many years and have recently accumulated enough credits to be able to apply for away tickets. They were successful in the ballot and attended their first away match at West Ham United on 29 September 2018, enjoying their day out at a stadium they had never visited before. On 5 November they were each astounded to receive a letter notifying them that the Club was suspending them for three years for the advertising or unauthorised re-selling of tickets for the match away to West Ham United. The complainants appealed against that decision, explaining how they had travelled to the match and that they had moved house from the south in order to be nearer to Old Trafford, adding that they would never contemplate doing anything which would endanger their tickets. They were asked to provide any evidence to show that they had attended the game, but responded that they did not take credit cards or phones to matches, paying only by cash, had not taken any photographs and had not retained the tickets stubs. They said that their tickets had been checked by a man with a dark beard who was wearing a green coat; they had assumed that the checking and photographing of tickets was the norm for away matches. When told that the sanction was being upheld, they asked for sight of the Club's evidence. While this matter was progressing, they received tickets for the away match at Southampton which they attended, armed with a mobile phone to record any security checks, though none occurred. On 3 December they were informed that the Appeals Panel had considered their case and upheld the sanction because of the Club's "consistent and zero tolerance approach to this issue". On 15 January 2019 the couple referred their complaint to the IFO.

The investigation

5. The IFO carefully reviewed the evidence submitted by the complainants, their responses to IFO queries and a report provided by the Club. On 28 February the Deputy IFO visited Old Trafford and met with the Head of Customer Service and Experience and the Customer Service Manager. They explained that in response to supporters' complaints about unauthorised attendance at away matches, systematic checks were being conducted. At West Ham Manchester United officials had conducted checks outside the turnstiles of those who did not fit the profile of regular away fans. They asked for photo identification and asked, if the holder was not the original purchaser, how they had obtained the tickets. A Club checking officer noticed people being directed to the turnstiles by a known ticket tout. He identified them as an Israeli family who were in possession of two pairs of tickets which, they said, they had bought online. The checker photographed

the complainants' tickets and returned them to the Israelis. The IFO has copies of the photographs of the complainants' tickets, though the Club admitted that of themselves they are not wholly conclusive since it is not revealed who is holding the tickets.

6. The Club officials said that they had tried to obtain information to corroborate the complainants' account of having attended the match, but the complainants had said that they had not retained their tickets, had no receipts for any expenditure, had not taken any photographs, and had not been able to obtain any images of themselves captured by other supporters. The complainants had continued to protest their innocence. They had made a subject access request and the Club had sent them copies of all the correspondence.

7. The Deputy pointed out that the complainants had told the Club that their tickets had been checked by a bearded man who was wearing a green coat and that the complainants had supplied the IFO with a photograph of such a man checking tickets, which had been provided to them by another supporter. The Club were aware of the image which, they said, had been circulated on social media and was available to anyone. As such they did not regard it as acceptable evidence in support of the complainants. Their view was that the complainants may have been persuaded to obtain their tickets for a third party, which is known to be a common practice. With regard to the complainants' assertion that they got their tickets only two days before the match, the officials pointed out that they would have known well before that they had been allocated tickets and could have arranged a sale accordingly.

8. The Deputy expressed concern about the paucity of information in the checking officer's report which simply said "From Israel. Wife bought online?". The officials accepted that more detail in the report would have given greater certainty, but maintained that their staff clearly remembered the Israeli family, who had had two pairs of tickets which they had bought online. The Head of Customer Service accepted that there may have been a degree of naivety in the complainants' approach to the process regarding away tickets, given that it was the first time that they had been successful, and that they may have been duped into obtaining them for a third party. In addition, a greater amount of detail in the Club report would have given greater certainty over the situation. In light of that she was prepared to allow the complainants to purchase season tickets for next season, but they would remain banned from obtaining away tickets for three years and would miss the rest of this season's home matches.

9. The Deputy discussed with officials whether more information could be provided by those checking tickets. The Head of Customer Service said that the Club are not permitted to take photographs of people, but she intends introducing a system of recording identifying features, which will provide greater certainty where matters are disputed in cases such as this.

The findings

10. The IFO is aware of the more stringent checks which took place at the West Ham United fixture which has already led to one published Adjudication Report (IFO 19/04). Those checks were witnessed by the Football Supporters Federation which confirmed that the checks were being conducted for the right reasons. The IFO notes that the complainants have consistently protested their innocence and, although it may not seem likely that the couple would sell their tickets the first time they had been successful in the ballot, they were unable to provide any evidence that they had attended the match and the Club is satisfied that the tickets were in the hands of persons not entitled to have them. The IFO gives more credence to the complainants' description of the ticket checker than the Club officials allow. The description was provided in their very first response while the photograph only emerged months later. The complainants ask how they could have described the man if they had not been there. However, the officials remained sceptical regarding the evidence about the description of the ticket checker and also pointed out that tickets can be advertised before they are received.

11. The IFO finds the case against the complainants less compelling than evidence seen in previous cases he has considered, where the Club has been able to cite such things as screenshots of tickets for sale, direct witness evidence of sale or failed ID checks. However, the Club is satisfied that the complainants' tickets were in the possession of persons not entitled to have them and the IFO has seen no concrete evidence such as would persuade the Club to overturn the sanctions imposed. Following discussions with the IFO the Club has made the concession that will allow the complainants to purchase tickets for next season. Although the complainants will no doubt feel that they have been unfairly sanctioned, the IFO welcomes the reinstatement for home matches from 2019-20 onward as a reasonable and positive outcome.

Conclusion

12. The IFO wishes to reiterate its support for the Club's stringent approach to ticket touting offences, which is supported by their own fans. Sometimes, as in this case, there remain doubts as to the culpability of the actual ticket holder. The IFO commends Manchester United for its flexibility in allowing the complainants to be reinstated for the 2019-20 season, while still imposing a stiff penalty for away matches.

Professor Derek Fraser, Ombudsman

8 April 2019

Alan Watson CBE, Deputy Ombudsman