

IFO

THE INDEPENDENT
FOOTBALL OMBUDSMAN



Chartered Trading
Standards Institute
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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: 19/07

A LIFETIME BAN AT LIVERPOOL

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 Liverpool FC.

The complaint

3. A Liverpool supporter complained that the Club had unfairly imposed a lifetime ban on him.

The facts of the case

4. On 2 June 2018 the Club wrote to the complainant saying that they had reason to believe that a ticket for the Champions League final purchased by him was offered for sale on social media. Some three weeks later he was informed that the Club's investigation had been completed and that the complainant's membership was being terminated and he would not be permitted to buy tickets for an indefinite period. He had the right of appeal. The complainant asserts that he never received the letter informing him of his ban and indeed visited the ground in order to purchase tickets for the next season, unaware that the ban had been issued. The letter was reissued and the complainant agreed that he had temporarily posted a sale notice, but had soon removed this and the spare ticket he had was sold to a friend at face value. Moreover, he used the friend's bank card to make the purchase and claimed that he had informed the Club of what he was doing. He was informed that his explanation would go to an appeal panel which met on 14 August. On 17 August the Club reported that the panel had upheld "the original sanction of a lifetime ban from purchasing tickets for any match involving the club". In commenting on the ban it was maintained that "the club has to be seen to be taking the strongest action against unauthorised selling and breaches in its terms and conditions".

5. On 21 August the complainant requested that the case be reheard as it appeared that the panel did not consider the evidence he had available in terms of bank statements showing that he had not sold the ticket above face value. The Club referred to the letter which explained that he could take his case to the IFO. He did not do so immediately and it was not until January 2019 that he approached the IFO to investigate his complaint. In his complaint he said,

"Before passing the ticket on to my friend I did post on a Liverpool face value selling page on Facebook to try and help out fellow fans who were not lucky enough to get a ticket in the sale. I received a lot of messages from people saying they would buy it for more than face value. When reading into the terms and conditions of selling tickets from the Liverpool club website, I realised that it would be very difficult gaining the information the club was asking for to purchase a ticket from a stranger on Facebook."

Investigation

6. The IFO carefully reviewed the documentation submitted by the complainant together with a report and correspondence supplied by the Club. The IFO had already reported on a similar case (IFO 19/04) and was familiar with the policy adopted by the club in the wake of the 2018 Champions League final

Findings

7. The Club received many complaints from fans who were unsuccessful in the ballot for Champions League tickets about the proliferation of sales being negotiated on social media at vastly inflated prices. Indeed, the Club explained to the IFO previously that much of the evidence about this originally was provided by supporters themselves who urged the club to take severe action against the perpetrators. There were around 25 such cases investigated by the Club and in the light of these cases the Club adopted a clear policy approach:

"It is recommended that all those found to have offered their tickets for sale on e-bay should receive a lifetime ban from purchasing tickets
Failure to take action to deter others from doing the same in the future will reflect poorly on the club...It is equally important that a consistent approach to all cases is taken despite the individual circumstances."

The complainant was thus one of many to have received a severe sanction for advertising his ticket for sale and the Club has taken the view that the offer was a serious breach of the Club's (and UEFA's) ticketing regulations, irrespective of whether the ticket was actually sold.

8. The complainant has admitted having initially advertised a spare ticket for sale if he was to be successful in the later ballots. There is a clear indication that he was willing to enter into negotiation and the IFO has seen a screenshot in which the complainant suggests that he would want £500 above the face value. However, the complainant maintains that when he knew he was to be successful in the third ballot he removed the post and arranged for the ticket to be provided at face value to a friend who had attended previous Champions League matches but had himself been unsuccessful. While that appears to be true, by the complainant's own admission he removed the post because of the potential difficulties in obtaining the information required by the Club in relation to a stranger.

9. In many cases the Club has concluded that it could not be certain whether a ticket advertised at an inflated price was actually sold and hence the advertising itself, which is in contravention of the ticketing terms and conditions, justified the sanction. But in this case the complainant claims that the Club knew from its own data that the ticket was not sold on and it had knowledge of what the complainant was doing. The Club admits receiving a message from the complainant in which he claimed to have a letter from his friend stating that the ticket was not sold for profit. However, the Club maintains that this cannot be verified and that there are no notes on its system in this regard. The fact that he actually used his friend's bank card to purchase the ticket and gave the Club full details of the ticket holder's name and address does not fully mitigate the fact that his original intention was to profit from the disposal of the ticket. However, given that the Club was informed of who had the second ticket and that it had not been sold for profit, the IFO wondered whether the special circumstances

might merit a time-bound rather than a lifetime ban of say 3-5 years for the complainant. The IFO recommends that something less than a lifetime ban should be considered by the Club.

Conclusion

10. The complainant continues to argue that his ban is excessive and should be rescinded and *in the special circumstances of this case* the IFO finds some merit in his claim. The IFO accepts that the advertising of the ticket was sufficient to justify a ban and that the Club wishes to be consistent with other cases. What makes this case different is that the Club did have knowledge that the ticket was not sold for profit and had the details of the recipient. The IFO suggests that something less than a lifetime ban would be proportionate and recommends that the case be referred back to the Appeals Panel with a view to amending the sanction.

Professor Derek Fraser, Ombudsman
Alan Watson CBE, Deputy Ombudsman

21 March 2019