

COUNTY DISCIPLINARY SANCTION GUIDELINES



FOR ALL

2020/21 SEASON

THE FA SANCTIONS AND GUIDELINES DOCUMENT

INTRODUCTION

The aim of this publication is to provide guidance on the type of sanctions a Disciplinary Commission has the ability to impose, whilst also covering other key topics such as Educational Sanctions, Ground Bans and Mitigating/Aggravating factors.

In an ever-changing world of football it is important that the Association and County Associations move with the times to provide a safe, enjoyable environment for players, referees and participants alike whilst maintaining the need for a fair and transparent disciplinary process for all involved.

All individuals who sit as Chairman on Disciplinary Commissions; **both County and National Panels**, must attend a Chairman's Training session, complete and pass a written assessment that is produced by The Football Association. All other members of a Disciplinary Commission must also complete the relevant training and assessment.

The Football Association has been working closely with all County Football Associations for them to recommend their most appropriate Commission Members to be part of the National Serious Case Panel. The members on the panel will all have undergone training and passed an assessment in order to sit on disciplinary cases. Whilst this new panel enables the members to sit on cases of E3(2), E4, E3 Assault on a Match Official and E3 Physical Contact on a Match Official; County Associations are encouraged to use the members on any other disciplinary cases that they may have throughout the season. From 1st January 2018 it is a mandatory requirement for at least one independent member to sit on a Personal Hearing at a Disciplinary Commission.

The sanctions within the guidelines can be increased or decreased by a Commission depending on the aggravating or mitigating circumstances. However, where the regulations state that for such a proven offence there is a mandatory minimum sanction, the Commission would not be able to impose any sanction lower than the minimum. A possible exception might be applied when mitigation is supported by medical evidence. See Page 9 - Medical Conditions.

A copy of the Sanction Guidelines can be found at the back of this document. All sanctions imposed by County Associations only come into effect for players at Step 5 and below, which is the discipline administered by the County FA. For any discipline cases dealt with from 1st July 2017 onwards, unless dispensation has been granted by The Football Association the suspension relates to County FA football only. In turn, any sanction imposed by The FA is for FA Level only as well, meaning the individual is able to participate at County FA football. However, the exception to this is where a player is sent from the field of play at Steps 2-4 for the following offences:

- S1 – Serious Foul Play
- S2 – Violent Conduct
- S3 – Spitting

A player who is sent off for one of the above offences, at Steps 2-4 will be suspended from all Saturday football.

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HOW TO USE THE SANCTION GUIDELINES DOCUMENT

This document will serve as a useful guide and will enable Participants to have an awareness of likely sanction should the case against them be found proven.

Our principle is that the *Sporting Sanction*¹ should be consistent across ALL levels of the game and the fluctuating element would be the monetary sanction imposed to reflect the level of game.

The guide is published so clubs and players are also aware of the guidance given to County Associations and Disciplinary Commissions when assessing and deciding on disciplinary cases.

Following the hearing of the evidence and after considering the mitigating and aggravating factors, it is possible to deviate from the recommended sanction, (but not mandatory sanctions), with valid reasons but where there is a minimum sanction this must be the least sanction imposed by a Commission.

Assessment of offence, low/middle/high

Whether a low, middle or high bracket is opted for is down to the seriousness of offence. Therefore, as a natural course of action, a thorough investigation should always be carried out before the charging officer makes a decision as to which charge is issued.

¹ *Sporting Sanction is defined as the period of suspension as opposed to any monetary sanction*

DECIDING THE SCALE FROM THE TARIFF

To obtain the scale of sanctions that you will use for any one charge, there are three items for you to reference:

1. Charge – this is the charge that the charging officer has selected for the club/Participant
2. Level of football – from NLS, Non-NLS, Youth
3. Level of seriousness – Low, Middle, High

Whilst it is important to assess the level of offending in terms of low/middle/high at the outset, and a sound investigation will assist this, occasionally, having listened to all of the evidence and considered both mitigating circumstances and aggravating factors, a Commission may, with valid reasons, deviate either above or below the guidelines.

It is important that the Commission has this flexibility but any deviation must be documented, including the valid reason, during the hearing.

Step 5 -7 Teams			
	Low	Mid	High
(a)	0/1	1/2	2/3
(b)	£0 - £25	£15- £40	£20- £50

The example shown above contains low/middle/high scales for a charge of a player competing at the NLS.

First row (a) contains the sporting sanction i.e. suspension, this would indicate to a Commission that if they were dealing with a 'low' case the suspension would be between 0 and 1 match.

The sporting sanction can be either a playing suspension in the case of a player or a ground ban in the case of a Manager/Coach etc.

Row 'b' contains the monetary sanction – the example above indicates that it would be between £0 and £25.

A Commission does have the ability to increase or decrease the sanction depending on the aggravating or mitigating circumstances present. Where the regulation stipulates a minimum sanction for a proven offence the Commission would not be permitted to go below this threshold. Should a Commission deviate from the recommended sanction and not provide sufficient evidence to support the decision, the chances of an appeal against the decision are increased.

MATCH OR TERM-BASED SUSPENSION?

It is important that we completely forget the previous guidelines that applied to the old term-based process and focus on match-based sanctions only. A Commission should always impose a sanction against an individual that is proportionate to the offence, with any alterations made for mitigating/aggravating factors.

Just because a Participant's 3 match suspension could be over within 8 days should not make a Commission consider a longer suspension to match that of the previous term-based system. Likewise, a proportionate sanction that takes over a month to serve would not be a reason for a Commission to reduce the sanction that is imposed.

Exceptional circumstances:

There will be, of course, exceptions to the rule when a term-based suspension could and/or should be implemented.

Charges that may carry this include:

- E3 Improper Conduct – including assault, physical contact or threatening behaviour against a match official
- E3 Improper conduct – including assault Participant on Participant
- E4 – Discrimination by reference to a person's ethnic origin, colour, race, nationality, gender, sexual orientation, religion or belief, gender reassignment, disability, age, pregnancy or maternity and marital status or civil partnership.
- E14 – Failure to report misconduct

Additionally, a sanction imposed on a non-player (i.e. referee) does not lend itself to a match-based sanction. In these circumstances a term-based sanction must always be applied. However, this does not apply to team officials (managers, coaches) who can serve a match-based suspension.

AGGRAVATING FACTORS

What is an aggravating factor?

Aggravating Factors are any relevant circumstances, supported by the evidence provided, that increase the potential sanction against the offending party. This may be evidenced in the investigation by the charging officer at the outset, a Disciplinary Commission, or as part of the evidence given in a hearing.

Before taking into consideration any aggravating factors it is important to set an 'entry point' for the punishment.

Having used the Sanction Guidelines Tariff to establish the entry point, the fine, suspension and penalty points can all be adjusted to ensure that a proportionate sanction is given.

Aggravating and mitigating factors should not be considered when deciding the liability of the offence. These factors must only be considered after liability has been established and are in relation to any sanction.

TYPES OF AGGRAVATING FACTORS (INCLUDING BUT NOT LIMITED TO)

Premeditation

A Participant that rationally considers the timing or method of committing misconduct, in order to either increase the likelihood of success, or to evade detection by the Match Officials or fellow Participants.

Targeting an individual

Becoming more common via social networking sites such as Twitter and Facebook. Comments suggesting that a Participant may cause harm on another Participant in an upcoming match could be an example of this.

Position held by Participant

Dependant on the nature of the charge it could be viewed that a Participant in a position of authority or trust has a far thinner line between proper and improper behaviour. Welfare Officers or Referees could fit into this bracket as, more than anyone, they should be aware of various programmes, campaigns or simply how to behave appropriately.

Repeated use of words/gestures/violence

Repeated or prolonged commitment of the offence(s) is an aggravating factor.

Number of 'phases' incident(s) took place

If a Participant was issued a misconduct charge for language having been sent from the field of play for an initial offence, then shouts further profanities from the side-lines and finishes it off with a comment at full time, this would be three phases.

Match Official

Whilst all forms of improper conduct against a match official are unacceptable, the Commission should see an offence against a match official who is under the age of 18 as an aggravating factor.

Many County Football Associations operate an U18 policy which identifies the presence of an U18 Referee during a fixture, this may be in the form of; different colour jerseys, U18 arm band etc. Any misconduct against such a Match Official should be considered as an aggravating factor as the Referee can clearly be seen to be under the age of 18.

MITIGATING CIRCUMSTANCES

Mitigating Factors are any evidence presented regarding the charged Participant's character or the circumstances of the incident, which might cause the Disciplinary Commission to apply a lesser sanction. **Remember at a hearing following a case that has been found proven a Participant has the right to present a final plea of mitigation before sanction.**

Again, it is useful to understand the 'entry point' before taking the circumstances into consideration. The weight of such should be decided on whether a Participant has appealed in writing or in person, but the attitude of 's/he hasn't had a personal hearing or attended a personal plea so just give them the standard punishment' is not the correct way to proceed.

TYPES OF MITIGATING CIRCUMSTANCES (INCLUDING BUT NOT LIMITED TO)

Previous offence history

The most 'traditional' method of Mitigating Circumstances is a Participant's previous record. When considering a previous good record, you also need to consider the length of time that they have been a participant over the previous 5 years. A clean record of a 'new' participant would not carry as much weight as a player who has been participating in the game regularly for many years. Only the previous 5 years record may be taken in to consideration.

Provocation/didn't initiate incident

Whilst a Participant is in control of their own actions, from time-to-time they may react to comments or actions aimed towards them. An explanation should be considered by a Commission.

Personal issues

Every player is human and may have family or personal issues that run far deeper than the footballing world. This is something that a Commission can only get a feel for at a hearing and each circumstance will differ.

Medical Condition

A medical condition could also be used as a mitigating circumstance. There are various learning difficulties that also fall under this category. Again, remember that this is a mitigating factor and not a factor to determine culpability. **The medical circumstances should be verified by a qualified medical practitioner, ideally in the form of written confirmation to allow the Commission to assess the legitimacy of the mitigation.**

Incident has educated the Participant

A Participant, particularly one with a good record, may state that the sending off itself was sufficient and that they had learnt from the experience. With younger players in particular this is something the Commission should take into consideration (see 'Educational Sanctions').

Remorse

Like most things in life certain situations happen with a split-second decision. It may have been that immediately after the event a player has shown remorse, maybe checking to see that the opposing player wasn't injured or apologising to the Match Officials after the match. **It is for the Disciplinary Commission to assess the sincerity of the remorse.**

Match Officials should be encouraged to add this to their report in order for the Commission to have all of the facts before coming to its decision.

Type of Charge

A physical contact charge is of lesser severity than assault on a Match Official however a Commission should not see this as an immediate mitigating factor. The Charging Officer should have already recognised the difference in severity when raising the charge and, consequently, the Commission should ensure the entry point is the recommended sanction for that charge.

TYPES OF SUSPENSION

This section details all types of suspension available to a Disciplinary Commission. Unless specified within the hearing results or charge, a suspension is from playing and refereeing only. Should an individual be found proven of one of the following charges, the suspension will be **from all football activities at County FA level. Should Counties wish this to be extended to national level, then an application is to be made to Judicial Services outlining the rationale and including all necessary information for that to be considered.**

- Threatening behaviour towards a match official
- Physical Contact or Attempted Physical contact against a match official
- Assault on a Match Official
- Assault by participant on participant
- Where a sanction is in excess of 10 matches and/or 112 days

Alternative suspension types a Disciplinary Commission may include but are not limited to:

- Administration—this may be used where an individual holds an administration role with a club or league
- Role Specific – i.e. Treasurer etc. It is important to relate the sanction to the type of offence committed
- Educational – Requirement to attend some form of education
- Ground bans – see below for further details

EDUCATIONAL SANCTIONS

As football evolves, new ways in which to educate rather than punish (in appropriate circumstances) are increasingly on the agenda. Below lists several alternatives to the traditional sanctions that may be used and imposed by a Disciplinary Commission.

Educational Sanctions are a great tool when dealing with younger players, your DSO can play a key role by discussing the 'rights' and 'wrongs' with the Participants during or following a disciplinary investigation.

It is important to note that the requirement to attend these sessions can only be enforced by an order of a Disciplinary Commission. A suitable timeframe to complete the session should be given by the Commission (taking account of the regularity and availability of any courses), and if they deem appropriate they can order that a suspension will then follow if the session has not been completed. The County cannot impose a suspension for non-compliance without this being included as part of a sanction by a Disciplinary Commission.

RESPECT Courses

RESPECT courses run by the County's Respect Lead Officer can be a positive way of dealing with poor behaviour across the game but in particular with club managers or coaches. Two different versions of the course have been produced dealing with Participants in Adult and Youth football. The courses are supported by high quality resources and have the following objectives;

- To oblige offenders to reflect on how they are perceived on and off the pitch
- To oblige offenders to reflect on the behaviour which led to the original charge
- To heighten awareness of the impact of poor, abusive or violent conduct on others
- To test the understanding of the Laws of the game on offenders
- To develop a better understanding of the demands placed on Match Officials

These courses can either be run with individuals that have been charged with misconduct or with teams or clubs that have amassed a poor disciplinary record. Clubs that have reached the 2nd or 3rd thresholds of a CFA's Penalty Points System can be obliged to host a course for its key club officials. Clubs that are in danger of having their Charter Standard status revoked can also be required to host a course as part of their action plan.

Equality Education Course

Where an individual has been charged and found guilty following a breach of FA Rule E3(2) or E4 they will be mandated to complete an Equality Education course whether that be online or face-to-face.

This short course is provided for any Participant found guilty of misconduct which includes an element of discrimination. Participants discuss what discrimination looks like in sport and its impact on football, what The FA and the law say about discrimination, and what we can all do to prevent and challenge it. Tackling all forms of discrimination makes football safe and enjoyable for everyone. **The Equality Education Course can only be requested by the order of a Disciplinary Commission and not by the County Football Association.**

Safeguarding Children Workshop

If there are concerns over a Participant who hasn't acted appropriately in-and-around minors a Disciplinary Commission can enforce the Participant's attendance at a Safeguarding Children Workshop. It is best practice in instances such as this to set a timeframe in which the Workshop is to be completed.

Any order regarding a Workshop, made by a Disciplinary Commission must be at the cost of the County FA.

Laws of the Game course/presentation

If it becomes apparent that the Club/Participant's view contradicts the Laws of the Game, this could be an ideal opportunity for the RDO or senior refereeing member from the local area to visit the club and give a talk/presentation on the Laws of the Game.

Such presentations can help address and remove barriers that are present between some players/clubs and Match Officials.

Any order made by a Disciplinary Commission regarding attendance at any of the courses/presentations listed above must be at the cost of the County FA

SUSPENDED SANCTIONS

In exceptional cases, having considered any mitigating circumstances presented by a Participant, a Disciplinary Commission may wish to opt for a Suspended Punishment.

This should only be used in truly exceptional cases and not as an alternative to apply the correct and appropriate sanction.

Such punishment should have a timescale such as no further proven charges of that nature for 12 or 24 months and should not be used when clearly an active sanction is the appropriate course of action.

This can be a useful tool when dealing with younger players within the disciplinary system and can form a part of their education process.

If this option is chosen, the Secretary to the Commission must make a note of this in the public notes section in order to log it. This would then appear in the Participant's history should they commit a further act of misconduct in the future.

Any suspended sanction must include:

- Period of suspension (i.e. 2 years)
- When to be activated (e.g. when the Participant is found proven of a similar offence in the above timeframe)

TOUCHLINE BAN

Touchline bans are no longer suitable for football at CFA level as they would not be effective or be able to be policed, a Commission should therefore implement a ground ban which is more appropriate and effective.

GROUND BAN

A ground ban is a sanction a Commission can impose which restricts a Participant from attending a ground where the team they represent is playing. It is a ban from attending the ground before, during, or after any match in which their particular team participates.

The Participant is also not permitted to assist with the setup on match day e.g. putting the nets up.

A ground ban can be imposed by a Commission even where the team plays on public playing fields as Participants agree by their very participation to abide by the Rules and Regulations of The Football Association and therefore to any orders made by a Disciplinary Commission. **Failure to comply with a ground ban will result in further E10/E12 charges being imposed.**

FAILURE TO CONTROL (E20)

Each Affiliated Association, Competition and Club shall be responsible for ensuring:

- (a) That its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: racist, violent, threatening, abusive, obscene or provocative behaviour, conduct or language whilst attending at or taking part in a match in which it is involved, whether on its own ground or elsewhere; and
- (b) That no spectators or unauthorised persons are permitted to encroach onto the pitch area, save for reasons of crowd safety, or to throw missiles, bottles or other potentially harmful or dangerous objects at or on to the pitch

Responsibility

In grounds that are part of the National League System it is expected that the home club makes reasonable attempts to ensure that the conduct of BOTH sets of spectators is acceptable.

For those grounds that use crowd safety officials it should be noted that the home team may also be questioned as to what reasonable steps the club took to control the away supporters.

E21 – Due Diligence

Any Affiliated Association, Competition or Club which fails to effectively discharge its said responsibility in any respect whatsoever shall be guilty of Misconduct. It shall be a defence in respect of charges against a Club for misconduct by spectators and all persons purporting to be supporters or followers of the Club, if it can show that all events, incidents or occurrences complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged.

A Club **will not** be permitted to use E21 as a defence following a charge of FA Rule E20 for misconduct by spectators including direct or indirect reference to ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

MANDATORY MINIMUM SANCTIONS

Mandatory minimum sanctions have been introduced for certain offences where a charge is found proven against a Match Official, and other serious cases. Whilst the recommended guidelines have not changed for such offences and each case must be considered on its own merits, should the case have mitigating factors there is a mandatory minimum sanction. The recommended sanction should only be varied where appropriate mitigating or aggravating factors are present; the mandatory minimum should not be used as entry level and the recommended sanction is not the 'upper limit' for a sanction. Where appropriate the recommended sanction should be increased.

Whilst it was recognised that the sanction guidelines were recommendations, a mandatory minimum sanction for the following charges must be applied (Relevant Regulation in brackets):

- i. **Assault on a Match Official** – mandatory suspension from all football and football activities for 5 years from the date of the suspension. Where the assault causes serious injury the review period should be extended to 10 years. Such mandatory suspension shall be reduced to 2 years for a Participant aged 14 or under. (Regulation 101.5 Section Three of the Disciplinary Procedures)
- ii. **Physical contact on a Match Official** – Recommended 182 days suspension and £150 fine but minimum sanction of 84 days and £100 fine. (Regulations 101.3 and 101.4 of Section Three of the Disciplinary Procedures)
- iii. **Threatening a Match Official** – Recommended 112 days or 12 matches and £100 fine but minimum sanction of 56 days or 6 matches and £50 fine (Regulation 101.1 and 101.2 of Section Three of the Disciplinary Procedures)
- iv. **Assault Participant on Participant** – For a player or club official the mandatory minimum is a 140 day suspension. Where the offence is committed by a Match Official there is a mandatory suspension from all football and football activities for 5 years (Regulation 107 of Section Three of the Disciplinary Procedures)
- v. **E3(2) “aggravated breach”** – for a first offence, a mandatory minimum six match suspension must be imposed alongside mandatory completion of an education programme. Exceptions apply where the participant is aged 12-15 inclusive, the offence is committed in writing only or on social media, the offence is with reference to nationality only, or where a match-based sanction is not appropriate due to the participant’s role. Full details and sanctions for subsequent breaches are found in FA Regulations and should be reviewed in full by the Disciplinary Commission responsible for hearing such cases. (Regulation 48 to 50 of The FA Disciplinary Regulations)

Sanctions Guidelines Document