

THE FOOTBALL ASSOCIATION REGULATORY COMMISSION

THE FOOTBALL ASSOCIATION LIMITED

AND

SHEFFIELD UNITED FOOTBALL CLUB

DECISION OF THE FOOTBALL ASSOCIATION

REGULATORY COMMISSION

1. Sheffield United Football Club is charged with misconduct contrary to FA Rule E20(a) in respect of the Football League One fixture between Sheffield United Football Club v Bradford City Football Club on the 28th December 2015.
2. During the above match a season ticket holder sitting in the South Stand was distressed to hear a significant group of Sheffield United supporters "on the kop" chanting "You're just a town full of Paki's" towards the Bradford City supporters. There was no immediate tannoy announcement or a reminder of the Kick It Out message on the scoreboard/advertising screen. He was concerned enough to email Kick It Out the following day at 12.19pm. Kick It Out then then contacted the Football Association.
3. Sheffield United Football Club were informed of the complaint made to Kick It Out by The Football Association's letter dated the 4th January 2016 requesting their observations and a response by the 7th January 2016.
4. The response, including the Club's report, is dated 7th January 2016. There was a further response to The Football Association from the Club on the 11th January 2016 which advised that the Club had not been able to recover requested CCTV footage.
5. Sheffield United Football Club were informed by letter dated 23rd of February 2016 that they were being charged with misconduct contrary to FA Rule E20(a).
6. Sheffield United Football Club reply form is dated the 1st of March 2016 admitting the charge but did not request a personal hearing.
7. The Regulatory Commission, who considered the matter in Wembley Stadium on 23rd March 2016, was comprised of Blondel Thompson, Specialist Chairperson, Peter Fletcher, Specialist Football Panel Member, and Chris Reeves, FA Council Member.
8. The Regulatory Commission was assisted by Mr Paddy McCormack, of the Football Association, who acted as Secretary.
9. We have had sight of the following documents:-

- Letter from T Shamel of The FA's On Field Football Regulation Department to D Fletcher, Club secretary of Sheffield United Football Club enclosing correspondence regarding complainant made to Kick It Out dated 4th January 2016.
- Email correspondence between Kick It Out and T Shamel of The FA, including complaint made to Kick It Out, dated the 29th day of December 2015.
- Email from S Hicks, Head of Operations at Sheffield United Football Club to N Dutton of The FA, including the Club's report dated the 11th January 2016.
- Criteria for Discriminatory Crowd Matters.
- Statement in mitigation from Sheffield United Football Club and an email dated the 14th March 2016 from Steve Hicks Head Of Operations to The Football Association setting out their Action Plan. The Commission were notified they would not be attending the hearing.

10. THE CHARGE

FA Rule E20(a) reads as follows:-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: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour (including, without limitation, where any such conduct, words or behaviour includes a reference, whether expressed or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) 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 onto the pitch.

FA Rule 21 reads as follows:

Any Affiliated Association, Competition or Club which fails effectively to 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 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.

This defence shall not apply where the Misconduct by spectators or any other person purporting to be a supporter or follower of the Club included a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

11. DETERMINATION OF THE SANCTION

A number of factors have to be determined in determining the correct penalty to be imposed in this offence of Strict Liability.

The factors to be applied are:-

- (a) The number of supporters involved
- (b) The nature of the behaviour of those involved
- (c) The duration of the incident(s)
- (d) Action taken against individual supporters either by club, police and/or courts
- (e) Whether the Club took all reasonable steps in their preparation and planning for the fixture
- (f) Whether the Club and/or its officers took all reasonable steps in dealing effectively with the issue/incident when it arose
- (g) The Club's actions post event in identifying any supporters involved in discriminatory behaviour.

The Commission watched the video clip that had been obtained by The Football Association. The chants were "you are just a town full of Isis". The duration was between 10-15 seconds.

Mr McCormack advised the Commission that the Club had no previous history in the current, or preceding five seasons, for an offence of this nature.

The safety officer's report is helpful in that on receipt of an email from the Social Media Manager that he had received "tweets" about a racial chant an enquiry was made of the stewards to ascertain if they were aware of it. There was no response and no action was taken at that stage despite receipt of an email that the racist chants were from Sheffield United Football Club supporters. The fact that the exact location of the racist chants were unknown is irrelevant. It was coming from spectators and supporters at the football match.

The view of The Commission is that some action should have been taken at this stage, for example a reminder of the Kick It Out message on the screen or a tannoy announcement reminding the supporters of their respective responsibilities. It is accepted that the allegations made by Radio Sheffield, The Sheffield Star and outlined in the four emails may have been contradictory but the underlying sentiment could not be mistaken or misunderstood.

We note the contents of the press release acknowledging the inappropriate behaviour by some of their supporters, the complaints received from both sets of supporters, the investigation being undertaken, the ethos of Sheffield United Football Club, the Banning Orders imposed on three supporters and that the incident was reported to South Yorkshire Police on the 7th January 2016.

The proposed "Action Plan" is comprehensive and detailed. The Commission has amended some of the proposals and placed them in order of importance.

- Work more closely with our Supporter Liaison Officers and official supporter groups to identify and agree actions.
- Seek to enhance existing "inclusion and diversity" steward training to improve reaction to such issues and help with the supporter education promotion.
- Continue our close dialogue with "Kick It Out" and enhance relationships by seeking advice and ratification of new associated policies and procedures.
- Establish a "Inclusion Advisory Group" with internal and external terms of reference and which works closely with Kick It Out.
- Regular match day PA announcements to include reference to the prevention of offensive words and behaviour.
- Fabrication and display of appropriate signage in all areas of the stadium.
- Seek ways to increase the already comprehensive coverage of "Kick It Out" reporting information and principles displayed around the stadium and in the match-day programme.
- Use of web site, social media and match-day programme notes to raise awareness about offensive words and behaviour.
- Update the Customer Charter section on inclusion and diversity to set out principles in relation to offensiveness.

- Develop a corporate risk policy to include equality and anti-discrimination.
- Utilise our "Kick It Out" designated games to enhance messages and education on offensiveness.
- Utilise our recent success in achieving the minimum standard in the "Football League's Code of Practice" for "inclusion and anti-discrimination" by promoting its success to supporters and associating initiatives with it.

12. OBSERVATION

The Commission observed during its determination the absence of regular announcements or the reminder of the "Kick It Out" message during matches at any level which is hoped will be rectified.

13. SANCTION

That The Football Association actively monitor the implementation of the Action Plan to their satisfaction.

No further penalty is imposed.

14. APPEAL

Please note this decision may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

Blondel Thompson

Specialist Chairperson of The Football Association Regulatory Commission.

Mr Peter Fletcher

Specialist Football Panel Member.

Mr Chris Reeves

Football Association Council Member.

22nd March 2016