

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

(1) CHELSEA FOOTBALL CLUB; AND
(2) NOTTINGHAM FOREST FOOTBALL CLUB.

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING
ON 17 OCTOBER 2024

Background

1. These are the written reasons and decision made by an Independent Regulatory Commission which sat by video conference on 17 October 2024 to consider the consolidated charges against Chelsea FC and Nottingham Forest FC.
2. The Regulatory Commission members were Mr Gareth Farrelly, Chairman and Independent Football Panel Member, Ms Alison Royston, Independent Football Panel Member and Mr Matt Williams, Independent Football Panel Member.
3. Mr Michael O'Connor, FA Judicial Assistant Manager, acted as Secretary to the Regulatory Commission.

Chelsea FC

4. By letter dated 7 October 2024, The Football Association charged Chelsea FC with misconduct for a breach of FA Rule E20.1 in respect of the Premier League fixture between Chelsea FC and Nottingham Forest FC that took place on 6 October 2024.
5. It was alleged that in or around the 88th minute of the fixture Chelsea FC failed to ensure that its players did not behave in a way which was improper and/or provocative.
6. The FA designated this as a Non-Standard Case due to the involvement of technical area occupants.

Nottingham Forest FC

7. By letter dated 7 October 2024, The Football Association charged Nottingham Forest FC with misconduct for a breach of FA Rule E20.1 in respect of the Premier League fixture between Chelsea FC and Nottingham Forest FC that took place on 6 October 2024.
8. It was alleged that in or around the 88th minute of the fixture Nottingham Forest FC failed to ensure that its players did not behave in a way which was improper and/or provocative.
9. The FA also designated this as a Non-Standard Case due to the involvement of technical area occupants and a previous proven breach of FA Rule E20 arising from the fixture against Liverpool FC on 2 March 2024.

Consolidated Proceedings

10. The above referenced Charges were consolidated pursuant to Regulation 13 of the Disciplinary Regulations of The FA Handbook Season 2024/25. It was stated on each Charge that the proceedings would be conducted together, and the Charges would be determined at a joint hearing.

Rules

11. FA Rule E20 states that –

Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servants and representatives attending any Match do not:

E20.1 behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative.

Evidence

12. The FA included the following evidence with the respective charges:

- Report of the Match Referee, Mr. C Kavanagh, dated 7 October 2024;
- Two video clips of the incident; and
- Essential Information for Clubs 2024-25.

13. The Match Referee Mr Christopher Kavanagh stated, in his Extraordinary Incident Report Form:-

“In the 89th minute there is a trip by Nottingham Forest player Neco Williams on a Chelsea player. The momentum of the Chelsea player takes him into his manager and both end up on the ground. Following this there were large numbers of players, subs and technical area staff involved in a mass confrontation.

After we calmed down the situation, we cautioned Neco Williams for the trip, Marc Cucurella for dissent towards the 4th official and Levi Colwill for Adopting Aggressive attitude. The rest of the incident was confirmed as check and cleared by the VAR.

I am reporting this incident to the FA due to the number of participants involved”.

Replies to the Charges

14. Chelsea FC admitted the charge by reply on 10 October 2024. They did not request a personal hearing and their case was dealt with on the papers only. They submitted

general mitigation setting out their position on the cause and culpability of those involved in the incident, the contents of which were read and noted by the Commission.

15. In summary, it was their position that the incident was the result of the actions of the Nottingham Forest player. The reactive actions of Mr Colwill were in defence of his teammates and manager. Mr Fofana was the first individual to reach Mr Colwill and sought to break apart the confrontation. It was submitted that the incident did not last for long and the majority of individuals involved were acting as peacemakers rather than instigators of provocative behaviour. Whilst their players were involved, there was no violence, and the levels of aggression were low. The manager had addressed the incident in his team talk after the game, and had organised a meeting with the squad when the players returned from the international break.
16. Furthermore, the technical area occupants were involved given the proximity of the incident to the technical area. Once the cautions were issued, the game resumed without further incident. Finally, the Commission were directed to the fact that the club had not been charged with a breach of FA Rule E20.1 in the previous 12 months, and they had admitted the charge at the earliest opportunity. They believed that any sanction should be a minimum deviation from the standard penalty.
17. Nottingham Forest FC also provided their response on 10 October 2024. In their reply, they accepted the charge. They did not request a personal hearing and their case was dealt with on the papers only.
18. It was their position that the confrontation was initiated by Mr Colwill who reacted in an extremely aggressive manner and was then joined by his teammates who displayed similar levels of aggression. Mr Williams was the only Nottingham Forest player involved in the altercation, and his teammates rushed in to support him. It was averred that this was a natural reaction and normal in the circumstances. Mr Williams' foul on Mr Cucurella did not justify the reaction. Finally, as with Chelsea, it was submitted that the further player involvement assisted in calming and diffusing the situation.
19. It was further submitted that despite Mr Jackson slapping one of their players during the confrontation, their players reacted with commendable restraint; and this was reflective of the steps the club had taken to address the criticism it received in a previous case of a similar nature. It was also submitted that the club had reminded its players of their obligations under Rule E20 following this incident.
20. With regard to sanction, the club acknowledged the previous breach on 2 March 2024 against Liverpool FC but sought to distinguish this on the basis that it was Nottingham Forest FC staff surrounding a Match Official in this instance not the players. Moreover, this was due to an error from the Match Official, and the sanction of £75,000 in that case reflected the strong mitigation circumstances which applied to that charge.
21. The club anticipated that the number of players involved, and the potential incitement of the crowd would be cited as aggravating factors by the Regulatory Commission. To

that end the club wished to point out that these elements were solely attributable to Chelsea players, particularly the actions of Mr Colwill and Mr Fofana, and should therefore not impact the determination of the club's sanction. The club also referenced the standard penalty and the applicable financial sanction of £20,000 for standard cases.

22. For completeness, The FA provided a response to the replies and submissions on sanctions including the written reasons for *The FA v Ipswich Town FC U18s & AFC Bournemouth U18s* and *The FA v Nottingham Forest FC & Wolverhampton Wanderers FC*.
23. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence of a point, or submission, in these reasons should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the written and video evidence in respect of this case.

Sanction

24. The Regulatory Commission viewed the video evidence in detail and gave consideration to a number of factors - the number of players involved from both sides, the duration of the incident, the level of aggression involved and the proximity to the crowd. For completeness, there was no finding as to the level of culpability of both sides. It was evident that the foul by Mr Williams, the push, caused Mr Cucurella to collide with the manager resulting in the manager being knocked off his feet. Consequentially, this was the catalyst for the incident, and the reaction of both sets of players followed.
25. The Regulatory Commission considered previous sanctions imposed on Chelsea FC with regard to breaches of Rule E20 which are detailed as follows:
 - (1) The club was fined £22,500.00 for an incident that occurred in a Premier League fixture v Leicester City FC on 18 May 2021;
 - (2) The club was also fined £25,000.00 for an incident that occurred in a Premier League fixture v Liverpool FC on 28 August 2021.
26. It was noted by the Regulatory Commission that this is the third incident of this nature in over three years and four months. The club submissions were not persuasive. It was not accepted that Mr Colwill's actions were simply to defend his teammate and manager. It is unclear what he was seeking to defend them from. In addition, the technical area occupants entering the field of play and their actions clearly escalated the incident. In cases of this nature, it is invariably claimed that the intention of those individuals who become involved is to de-escalate the incident and act as peacemakers, but it is discouraged and unsightly. This was a televised, high profile Premier League

fixture. There was no justifiable reason for the conduct of those involved and it only served to inflame the incident.

27. In determining the fines issued to clubs at this level, the Commission considered the Standard Penalty Guidelines for Premier League Clubs in relation to such incidents, that being as referenced by both clubs, a £20,000.00 fine. However, this was not a Standard Case, and the Commission has a discretion with regard to sanction. In the *Essential Information for Clubs 2024-2025*, it is stated, inter alia, that the maximum fine for Non-Standard E20 breaches is £250,000. Furthermore, the Guidance states: - *“for each successive breach of Rule E20, including E20.1 and E20.2, within a 12 month period the maximum fine shall double and then treble (and so on) as set out”*.
28. The Regulatory Commission did take into account the fact that the charge was admitted and acknowledged the written submissions. However, this was a serious incident involving a large number of players from both sides, and any sanction must be reflective of this. Taking the offending behaviour into account and the club’s previous disciplinary record, notably this being the third incident within the previous five seasons, the Commission were minded to impose a fine of £50,000.00. There was credit given for the admittance and the fine was reduced to £40,000.00.
29. The same approach was taken with Nottingham Forest FC. The Commission considered previous sanctions imposed on Nottingham Forest FC with regard to breaches of Rule E20 which are detailed as follows:
 - (1) The club was fined £10,000.00 for an incident that occurred in an EFL Championship fixture v Derby County FC on 22 January 2022;
 - (2) The club was fined £25,000.00 for an incident that occurred in a Premier League fixture v Crystal Palace FC on 12 November 2022;
 - (3) The club was fined £40,000.00 for an incident that occurred in an EFL Cup fixture v Wolverhampton Wanderers FC on 11 January 2023;
 - (4) The club was fined £55,000.00 for an incident that occurred in a Premier League fixture v Wolverhampton Wanderers on 1 April 2023; and
 - (5) The club was fined £75,000.00 for an incident that occurred in a Premier League fixture v Liverpool FC on 2 March 2024.
30. This was the sixth incident of this nature in two years and eight months. Again, the club’s submissions were not persuasive. The club failed to accept the part that Mr Williams’ conduct had played in the incident. The submission that the number of players involved, and the potential incitement of the crowd was solely attributable to the Chelsea players, specifically Mr Colwill and Mr Fofana, was not accepted and sought to contradict the evidence. But for Mr Williams actions, the incident would not have occurred. This may be viewed as simplistic, but it is obvious from the video evidence. What happened as a consequence of this brings us to the charge and the role of the Commission to determine what they believe to be a fair and proportionate sanction.

31. It is telling that in the previous breach *The FA v Nottingham Forest FC & Wolverhampton Wanderers FC* on 24 January 2023, the Commission stated, inter alia, at paragraph 18: -

“Turning to NFFC, we accept that their role within the incident itself was a lesser one, but nevertheless contributed to a deeply unseemly scene. Their position is aggravated by a significantly worse misconduct history for E20 offences. It seems to this Commission that the Club are doing very little to address this sort of behaviour. Indeed, we note in NFFC’s written submissions there is not one word of regret or apology, which is disappointing nor any indication that they are addressing the issues that clearly exist. However, we give them credit for their admission of the charge”.

32. In this case, again, Nottingham Forest FC have failed to accept any responsibility for their role in the incident, seeking to apportion all of the blame to Chelsea FC. This was not accepted by the Commission. In addition, the club made reference to the previous sanction of £75,000 for the E20 breach in the Liverpool fixture but failed to set out any of the alleged “*strong mitigation circumstances*” that applied to this case. Therefore, the Commission were not in a position to consider the merits of this mitigation and any application to the current case. Aside from a cursory mention of reminding their players of their obligations under Rule E20, the club appears to have taken no proactive steps to address the recurring behaviour.
33. Under the *Essential Information for Clubs 2024-2025*, and The FA submissions, the Commission were drawn to the fact that this is a second non-standard breach of Rule E20 for Nottingham Forest FC within 12 months, the previous fine being £75,000.00. However, this does not tell the whole story. As set out above, this is the sixth breach in two years and eight months. The maximum fine available to the Commission is £500,000.00. The FA submissions state that any sanction must sufficiently punish the respective clubs but also serve as an adequate deterrent going forward. More importantly, the Commission notes that any sanction must be fair and proportionate. The previous record of Nottingham Forest FC is an aggravating factor as is the lack of contrition. There has been no evidence put forward to the Commission to demonstrate that the club are addressing what is now becoming a serial problem. Applying the same analysis as above, by taking the offending behaviour into account and the club’s previous disciplinary record, notably this being the sixth incident within the previous five seasons, and the second non-standard charge within 12 months, the Commission were minded to impose a fine of £150,000.00. There was limited credit given for the admittance and the fine was reduced to £125,000.00.

Conclusion

34. The Regulatory Commission, having carefully considered the Regulations, have imposed the following sanctions:

Chelsea FC

- (i) Chelsea Football Club is fined the sum of £40,000.00.

Nottingham Forest FC

- (ii) Nottingham Forest FC is fined the sum of £125,000.00.

Appeal

35. These decisions are subject to the relevant Appeal Regulations.

Mr Gareth Farrelly, Chairman and Independent Panel Member

Ms Alison Royston, Independent Football Panel Member

Mr Matt Williams, Independent Football Panel Member

21 October 2024