

**IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION**

BETWEEN

THE FOOTBALL ASSOCIATION

and

DARREN FLETCHER

**WRITTEN REASONS AND DECISION OF THE INDEPENDENT REGULATORY
COMMISSION FOLLOWING A PAPER HEARING ON 04 NOVEMBER 2024**

- 1) These are the written reasons for a decision made by an Independent Regulatory Commission (the "Commission") which sat via videoconference on 04 November 2024.
- 2) The Commission members were Ms Laura McCallum (acting as Chair and Independent Legal Panel Member), Mr Udo Onwere (Independent Football Panel Member) and Mr Alan Hardy (Independent Football Panel Member).
- 3) Mr Paddy McCormack of the FA Judicial Services Department acted as Secretary to the Commission.
- 4) The following is a summary of the principal issues and matters considered by the Commission. It does not purport to contain reference to all the issues or matters considered, and the absence in these reasons of reference to any particular point or submission made by any party should not be read as implying that it was not taken into consideration. For the avoidance of doubt, all the evidence and materials provided to the Commission was taken into consideration during our deliberations.
- 5) On 22 October 2024, Mr Darren Fletcher ("Mr Fletcher") was charged with Misconduct for two breaches of FA Rule E3.1 in respect of conduct that occurred at half time during the Manchester United FC v Brentford FC fixture on 19 October 2024 (the "Match").
- 6) It was alleged that in or around the tunnel area during half time of the Match, Mr Fletcher acted in an improper and/or confrontational manner and/or used abusive and/or insulting words towards the Fourth Official ("Charge 1"). It was further alleged that, thereafter, Mr Fletcher in and around the tunnel area and again during half time of the Match, acted in an improper and/or confrontational manner and/or used abusive and/or insulting words towards the Referee and/or his Assistant Referees ("Charge 2"). Together, the "Charges".
- 7) The FA designated this case as Non-Standard due to the serious nature of the incident and/or the multiple acts of reported misconduct.
- 8) In bringing the Charges, the FA submitted several Extraordinary Incident Reports from the Match Officials.
- 9) The Fourth Official said as follows:

"Following the half time whistle and as I made my way up the tunnel, I was approached by Darren Fletcher of Manchester United in an extremely aggressive manner pointing and shouting at me "you are all fucking shit, that is a fucking joke, every fucking week." I asked him to calm down and highlighted that his behaviour was completely unacceptable at this point. He then needed to be held back by another member of staff, as he tried to get closer to me. With this, I turned away and continued to make my way to the match officials changing room. Once in the changing room and when the other match officials arrived, I made them aware of the conduct of Mr Fletcher."

- 10) The Referee said as follows:

"Following the half time whistle, we were approached by an extremely aggressive Darren Fletcher of Manchester United in the main tunnel area of the ground. Mr Fletcher repeatedly called me a "fucking joke and a disgrace" with him following us all the way through the main tunnel and towards the match officials changing room. His manner was

completely unacceptable with his gesturing, language and behaviour being insulting and confrontational. As Mr Fletcher was not named on the teamsheet no disciplinary action was taken, however I spoke with Rene Hake (Manchester United Assistant Manager) both at half time and full time to inform him that Mr Fletcher's actions would be reported in an extraordinary report."

11) Assistant Referee 1 said:

"During the half time interval, Darren Fletcher of Manchester United approached the referee in the tunnel area. His manner was extremely confrontational, shouting and gesturing very aggressively. I heard him shout "you're a fucking joke" towards the referee on several occasions. Mr Fletcher's behaviour was totally inappropriate and continued up the tunnel until we were able to get into our dressing room."

12) Assistant Referee 2 said:

"I'm writing to report the actions of Darren Fletcher of Manchester United. During the half time interval he approached the referee in the tunnel area in a very aggressive manner, shouting "you're a fucking joke." This continued all the way till we were able to enter the dressing room and was witnessed by numerous people from both teams. In my opinion, this confrontational behaviour was inappropriate and disrespectful to the referee."

13) Mr Fletcher admitted the Charges but did not request an opportunity to attend a Commission for a personal hearing. He instead opted for the matter to be dealt with at a paper hearing on the content of the documentary evidence alone.

14) Although Mr Fletcher admitted the Charges, he disputed that the incidents should form two separate charges on the basis that there was no separation of events. It was argued that the incidents should be consolidated into one charge given there was *"only 10 seconds between Darren's approach to the Fourth Official and the Referee therefore they are arguably a continuation of the same incident rather than two separate events meriting two charges."*

15) Mr Fletcher also submitted that he did not approach the Assistant Referees and therefore they should not form the basis of any charge.

16) Mr Fletcher stated the case should not have been designated as Non-Standard and a standard penalty of a fine and a warning would be sufficient to take into account the mitigating circumstances of his case.

17) A summary of Mr Fletcher's case in mitigation is as follows:

- a) Mr Fletcher has had an exemplary disciplinary record both throughout his professional playing career and his more recent career as a coach;
- b) Darren's reaction was triggered by an on-field incident involving the decision to send a Manchester United player from the pitch for treatment just before half-time as a corner was being awarded to the opposition, from which they subsequently scored;



- d) The incident was brief and took place away from the pitch. It was not witnessed by supporters or the media;
- e) Mr Fletcher was not abusive towards the Fourth Official or the Match Official, and his words were criticism (1) towards the process for managing medical treatment of the particular football player in this matter and (2) in reference to an incident in a previous home game where at a similar stage of the game a red card was incorrectly issued to a Manchester United player;
- f) Mr Fletcher's emotions were running high as he returned to the tunnel area. If there had been a period of time to calm down, he would have likely acted differently;
- g) Mr Fletcher maintains that he tried to keep a respectful distance from the Match Officials whilst venting his frustrations; and
- h) Mr Fletcher apologises for his actions.

18) A summary of the FA's submissions in response were as follows:

- a) The Charges are appropriately framed. Mr Fletcher's behaviour towards the Fourth Official and then towards the Referee represent two separate acts of Misconduct.
- b) Having confronted the Fourth Official in the manner he did, Mr Fletcher then sought out the Referee whereupon he committed a further act of misconduct. The Referee was not present when the misconduct towards the Fourth Official was taking place. Similarly, the Fourth Official had exited the tunnel by the time Mr Fletcher's conduct towards the Referee was taking place.
- c) Mr Fletcher could have stopped after he confronted the Fourth Official but he chose to seek out the Referee and act in further confrontation.
- d) The FA accepts, in relation to the second incident, that Mr Fletcher was directing his comments towards the Referee and not the Assistant Referees, albeit they state that the Assistant Referees were walking right beside him at the time in which the confrontation was taking place.
- e) The FA states that even if they had consolidated the incidents, it would not have been designated as a standard case and a standard penalty would not have been offered.
- f) The FA stated that even had there only been one incident, that would have involved at least a one match suspension and a fine for an admitted charge. The FA stressed that there are no circumstances for this type of Misconduct where the standard penalty would not involve a suspension and fine.

19) Having considered the written submissions from both parties, the Commission then watched the video evidence lodged in support of the Charges. The video evidence showed the tunnel area at Old Trafford. It provided clear colour footage of Mr Fletcher waiting in the tunnel area at Half-Time, along with a colleague. At the beginning of the footage, Mr Fletcher appears to be disgruntled. As the teams emerge from the pitch and into the tunnel area, Mr Fletcher's demeanour becomes more animated. The footage shows the Fourth Official making his way through the tunnel area. Mr Fletcher becomes agitated and starts to remonstrate with the Fourth Official, gesturing with his hands, shouting, and attempting to get closer to the Fourth Official in a confrontational manner. He is then held back and pushed away by a Manchester United colleague. There are a number of players and technical staff in the area who watch as the remonstrance occurs.

20) The Fourth Official makes his way into what is presumed to be the Old Trafford changing room area. He disappears out of the camera frame. At this point, Mr Fletcher turns on his heels and makes his way to, we initially presume, the Referee (the area in which Mr

Fletcher initially walks to is out of the camera frame). As he does so, a Manchester United colleague chases after him. A number of players are present in the camera frame and look back in the direction of Mr Fletcher (we presume because Mr Fletcher is remonstrating loudly). A Brentford Coach also stops in the middle of the tunnel area and looks back in the direction of Mr Fletcher. Mr Fletcher then appears back in the camera frame and is walking just ahead of the Referee. Mr Fletcher is again remonstrating, gesturing with his hands and acting, in our opinion, in an aggressive manner. There are a number of players and coaches watching as the remonstrating unfolds.

- 21) Having deliberated on the matter, we considered that the video evidence largely spoke for itself. It showed Mr Fletcher acting in a manner that we consider to be aggressive. The behaviour, the gesturing, and the body language was confrontational and improper. Whilst there was no sound on the camera footage, having watched Mr Fletcher's body language and facial reactions, we considered on the balance of probabilities that it was more likely than not that the words used towards the Referee and the Fourth Official were abusive and/or insulting.
- 22) The Commission took full consideration of Mr Fletcher's submissions in mitigation. We accepted that he had a good disciplinary record but that there was no other mitigation.
- 23) The Commission gave careful consideration to Mr Fletcher's argument that the incidents should be consolidated under one charge only, as there was no separation of events. However, having watched the video evidence, the Commission is satisfied that Mr Fletcher had an opportunity to stop his remonstrating after his interaction with the Fourth Official. He could have followed his team into the changing rooms, but instead he chose to turn on his heels and walk back towards the pitch and out of the camera frame and start a further remonstrating with the Referee. As such, and in those circumstances, we believe that there was a separation of events.
- 24) In determining sanction, the Commission considered that a three (3) match extended touchline suspension was a fair and reasonable sanction given the confrontational behaviour displayed on the video evidence and the fact that there was an opportunity to leave the remonstrating with the Fourth Official, but Mr Fletcher decided to carry on. Having reflected on the level of fine, the Commission considered it appropriate to impose a fine in the sum of £7,500.
- 25) This decision is subject to appeal.

Regulatory Commission

Ms Laura McCallum (Chair)

Mr Udo Onwere

Mr Alan Hardy

05 November 2024