

IN THE MATTER OF A REGULATORY COMMISSION

BETWEEN

THE FOOTBALL ASSOCIATION

and

PAUL HECKINGBOTTOM

WRITTEN REASONS OF THE REGULATORY COMMISSION

Regulatory Commission: Sally Davenport (Chair) – Independent Legal Panel Member

Francis Duku – Independent Football Panel Member

Peter Fletcher – Independent Football Panel Member

Secretary: Michael O'Connor – Judicial Services Assistant Manager

Date: 13 February 2025

Venue: Held remotely via Microsoft Teams

Attending: Paul Heckingbottom – Participant Charged
Ben Rhodes – Secretary, Preston North End FC,
representing Participant Charged
Tom Middleton - Regulatory Advocate, representing The FA
James Bell – Fourth Official, witness for The FA

Introduction

1. These are the written reasons of the Regulatory Commission (“the Commission”) that considered two charges (“the Charges”) against Paul Heckingbottom (“PH”).
2. PH is the manager of Preston North End FC (“PNE”). On 21 January 2025 PNE played an EFL Championship match (“the Match”) against Watford FC (“Watford”). According to the Match Officials, PH was sent off during the half-time interval.
3. On 22 January 2025 The FA received a report from the Referee, Tom Nield, about the sending off. The FA requested observations from the other Match Officials and received emails, all dated 23 January 2025, from the two Assistant Referees and from the Fourth Official.

The FA’s written evidence

The Referee Tom Nield

4. In his report submitted to The FA on 22 January 2025, the Referee stated that he had sent PH off for using offensive, insulting or abusive language and/or gestures. He described what happened at half time (“the Tunnel Incident”) and at the start of the second half (“the Technical Area Incident”) in the following terms:

“During the half time interval, Mr Paul Heckingbottom was dismissed for using foul and insulting language at the match officials. In addition, Mr Heckingbottom struck a wall twice in an aggressive and violent manner whilst shouting at myself at the same time.

When leaving the field of play I was confronted by Stuart McCall who was initially enquiring as to certain decisions within the game. This was done so in an appropriate and professional manner. When we arrived at the bottom of the stairs in the Watford tunnel area, Mr Heckingbottom then asked “why we were speeding up his goalkeeper in the?” I replied to this and advised Mr Heckingbottom as to the rationale and that goalkeeper Freddie Woodman needed to be careful. Mr Heckingbottom responded with the following in an aggressive and confrontational manner;

“Are you taking the fucking piss, 14 fucking seconds”

I advised Mr Heckingbottom if he wished to come out for the second half he should get in the changing room.

At this point Mr Heckingbottom turned and violently struck the wall twice, which was to his immediate left. Whilst doing this he continued to shout at me “14 seconds”, Mr Heckingbottom then further shouted, “embarrassing, fucking clueless”

In response to this I advised Mr Heckingbottom not to come out for the second half as he had been sent off. At this point me and the two assistants began walking up the stairs to our changing room and my fourth official, Mr Bell, continued in a discussion with Mr Heckingbottom where more inappropriate comments were made. Mr Heckingbottom further advised that he would be ignoring the dismissal and would be on the touchline for the second half.

The above interaction was witnessed and heard by all four match officials. The incident was all within a relatively confined space and there was no question or doubt as to Mr Heckingbottom’s actions and comments.

The kick off to the second half was delayed as Mr Heckingbottom did in fact ignore my instructions and entered the technical area at the start of the second half, Mr Bell, had to inform him again that he had been dismissed.”

Assistant Referee Alex James

5. In his email dated 23 January 2025 to The FA, AJ reported PH querying the Referee’s interpretation of timewasting by the PNE goalkeeper during the Tunnel Incident, stating as follows:

“After Tom gave his response, Paul became aggressive and shouted, ‘you taking the fucking piss. 14 fucking seconds. that is it.’ Tom asked him to return to his changing room and Paul then aggressively banged his hand against the wall and shouting, ‘what for me telling 14 seconds.’ Tom then told him again to go into the changing room, to which Paul responded, ‘you’re embarrassing, fucking clueless.’ Tom then said he will not be returning for the second half and we walked up stairs whilst James Bell took him back to the changing room”.

Assistant Referee Andrew Dallison

6. In his email dated 23 January 2025 to The FA, Andrew Dallison described the Tunnel Incident in the following terms:

“... we proceeded to enter the tunnel area. When we arrived at the bottom of the stairs leading up to match officials dressing room, we were confronted by Mr Heckingbottom. He asked the referee why he was trying to speed up his team’s

goalkeeper. The referee calmly responded to Mr Heckingbottom with his explanation about why he was working with the goalkeeper to increase his speed of restarting play. Mr Heckingbottom's response to the referee was as follows:

“Are you taking the fucking piss, 14 fucking seconds, that is it”

At this point, the referee advised Mr Heckingbottom if he wished to come out for the second half he should return to his changing room.

Before making any movement towards his team's changing room, Mr Heckingbottom aggressively struck a wall on two occasions and continued with his abuse towards the referee by shouting “14 seconds”, followed by “embarrassing, fucking clueless”.

The referee then advised Mr Heckingbottom that he would not be allowed to return to his position in the technical area for the second half as he had been dismissed from the technical area.

At this point, I walked away from the area with both the referee and other assistant to return to the dressing room for the remainder of the half-time interval.”

Fourth Official James Bell

7. In his email dated 23 January 2025 to the FA, the Fourth Official described both the Tunnel Incident and the Technical Area Incident, stating as follows:

“At half time, the Preston Manager (Paul Heckingbottom) made his way to the bottom of the tunnel standing at the base of the stairs waiting for the referee (Tom Nield). I went and stood next to Paul and he said to me "I'm just going to ask him to clarify something" to which I replied "As long as you do it in the right way that's fine".

Seconds later, the on-field officials walked down the tunnel surrounded by 3 members of the Preston North End coaching team (Stuart McCall, Peter Murphy and Mike Pollitt) who were (in my opinion) trying to apply pressure to influence the referee. Paul then confronted Tom at the bottom of the steps leading up to the match officials dressing room. He wanted to know why Tom had given a free kick against his player in the first half which Tom offered his explanation for and Peter Murphy began sarcastically laughing attempting to belittle the referee.

Paul then switched his attention to the management of his goalkeeper and Tom being proactive around potential time consuming tactics. As Tom began to explain why he had spoken to the goalkeeper during the first half Paul's tone changed quickly and dramatically as he became highly aggressive, shouting "you taking the fucking piss? 14 fucking seconds, that is it!"

As Tom said "If you want to come out for the second half you need to get in your changing room" Paul aggressively banged the wall commenting "what for me telling you 14 seconds".

At this point Tom was positioned on the first plateau of the steps and Paul was a couple of steps up from the bottom of the stairs. There was a brief exchange as Tom told Paul to get in his changing room whilst Paul repeated "14 seconds" before Paul then said in a raised voice "you're embarrassing, fucking clueless."

Tom then informed Paul that he would not be permitted to be in the technical area in the second half. I ushered Paul away from Tom into his dressing room and Paul commented defiantly "I will be there."

During the half time break Tom asked me to inform the tunnel stewards that Paul would not be permitted back out for the second half and to request their help in ensuring he wasn't permitted to enter the technical area which they agreed.

On our way back out for the second half it was apparent Paul had ignored the requests of the stewards and Tom's instruction that he would not be permitted back in the technical area. Stood inside his technical area with all players on field there was a delay to the start of the second half as I with the help of Stuart McCall had to usher Paul down the tunnel. He initially refused to leave until Stuart came over and pushed him in the direction of the tunnel."

The Charges

8. By letter dated 24 January 2025 ("the Charges Letter"), The FA charged PH with two breaches of FA Rule E3.1 as set out below:
 1. *It is alleged that during half-time in or around the tunnel area, you acted in an improper manner and/or used threatening and/or abusive and/or insulting words and/or behaviour towards the Match Official(s), leading to your dismissal.*
 2. *It is alleged that following your dismissal, you acted in an improper manner by entering the technical area prior to the commencement of the second half.*
9. The FA designated the case as a non-standard case due to the serious nature of the reported misconduct and the multiple alleged breaches.
10. PH was sent the Referee's report and the three emails referred to in paragraph 3 above together with the Charges Letter. He was also sent an extract from Essential Information for Managers, Owners and Directors 2024/2025.

The Response

11. On 30 January 2025 PH submitted a Disciplinary Proceedings Reply Form to The FA. He admitted Charge 1 insofar as it related to improper conduct. He denied Charge 2. He asked that the case be dealt with at a personal hearing. PNE also submitted a covering letter dated 30 January 2025, accompanied by the following documents:

- Statement from PH
- Statement from Mike Pollitt, Goalkeeper Coach, PNE
- Statement from Dr Dominic Lakeland, Club Doctor, PNE
- Statement from Paul Snellgrove, Head of Football Operations, The EFL
- Statement from Richard Walker, Head of Communications & Media Relations, Watford
- Statement from Ben Rhodes, Head of Football Operations and Club Secretary, PNE
- Screen grab from the phone of Ben Rhodes
- Three images of the tunnel/away dressing room area at Watford.

PH's written evidence

PH

12. In his written statement dated 30 January 2025, PH stated that at half time he calmly asked the Referee about the decision to keep warning the PNE goalkeeper about timewasting, highlighting that he had done so in the tunnel area, out of view of spectators and the media. He continued in the following terms:

"I should also stress again, that you can clearly hear from the audio provided from the officials' mics that I am very calm until the official says 'we all now what he's [Freddie's] like' and 'we do our research'.

These two statements got me very angry as they showed a pre-conceived bias against our team, suggesting the referee had already made his mind up before we started that we were going to be time-wasting and taking our time over set pieces.

...

After the referee made those two statements, I was angry and I admit that I used foul language, the audio can clearly hear me saying 'are you taking the fucking piss? He took 14 fucking seconds, 14 seconds'. All of this in the closed area of the tunnel, with limited people around

At this point I am walking away towards the dressing room – we have provided photographs of this area – the fourth official was at the bottom of the stairs and the match official was a few steps up, with the assistants having gone up and around the corner towards their dressing room.

As I am walking towards the dressing room door I also shout 'fucking clueless', but at this state I am facing the dressing room door. This comes across in the audio as my voice fades as I walk away from the official.

During that time, as no point do I hit or punch anything, as suggested.

At the end of the half-time interval I entered the tunnel areas again, where James Bell, the fourth official, told me I was sent off. I had been shown the red card, as you can hear from the audio, as the referee says don't both coming out" I was already on my way to the dressing room door and he was on the stairs, which as you can see from the photos, is around the corner from where I was.

As the start of the second half approached, the team and the officials went out and I headed towards the tunnel. James Bell said to me 'Hecky, you can't come out, you've been sent off'. I responded 'for what?'. He responded 'for hitting the all', I replied 'But I didn't hit the wall?'. He responded with 'I know, but just got inside', which I did.

...

After he told me I wasn't allowed out, I went back to the dressing room, but as you will be aware from EFL Regulation 35.6 I have to be provided with a feed in the dressing room, but this was not working."

13. PH then described his efforts to arrange a live feed in the dressing room, adding:

"I had no choice but to come and find someone to sort the feed issue – I was not aggravating or trying to enter the area after being asked to sent off, I merely wanted to see the game."

14. PH apologised for the language used in the tunnel, but vehemently denied being threatening or violent in any way. He reiterated that he had not punched or hit the wall, referring to the fact that Mike Pollitt, Dominic Lakeland and Richard Walker had all been present but had not witnessed this violence.

Richard Walker

15. Richard Walker provided an undated statement, in which he stated that as he usually did on matchdays, he had assumed a position in the tunnel at half time:

“After the half-time whistle I moved to the pitchside end of the tunnel as usual to allow players & officials to enter the tunnel, but quickly moved inside after hearing raised voices.

I saw immediately that the match officials were positioned on various lower steps of the staircase leading up from the tunnel and to their Officials Room, with PNE manager Paul Heckingbottom (PH) asking repeatedly for an explanation around something to do with him feeling 14 seconds was not an unreasonable time for a goal-kick to be taken.

PH clearly didn’t get the response he was hoping for and the incident ended with him using foul language towards both referee Tom Nield and fourth official James Bell, before he walked off into his changing-room.

I would guess, given the other noise around, that PH did not hear the officials tell him “you’re not coming out for the second half”.

At no point did PH do anything physical such as punching the wall or kicking a door. There is absolutely no material damage to any tunnel walls, and they are prone to such force given they’re only plasterboard. Any such action would result in obvious outcomes.”

Mike Pollitt

16. In his statement dated 28 January 2025, Mike Pollett referred to questionable decisions in the first half, including repeated warnings to the goalkeeper. He described the Tunnel Incident in the following terms:

“As the referee reached the stairwell, I was stood to the left, between the stairwell and the dressing room door. The match official had got onto the stairs and the fourth official was stood by Paul at the foot of the stairs.

The referee claimed he ‘knew’ about Freddie’s tactics and said that he had ‘done his research’, suggesting a pre-conceived bias over the way he was going to officiate our player and the match.

This incensed the manager, who shouted and swore at the match official, disgusted by the suggestion that this was a regular tactic and planned. This exchange lasted just a few seconds, with the manager continuing to shout as he walked towards

the dressing room door, as the referee moved up the stairs around the corner, before the manager entered the dressing room for half-time.

At no point did the manager punch or hit the wall, as suggested. He was in my full view and the if, he had hit the walls, which were plastic, they would have caused damage to them and him.”

Dominic Lakeland

17. In his statement dated 29 January 2025, Dominic Lakeland described the Tunnel Incident in the following terms:

“I was positioned in the tunnel area, adjacent to the stairwell leading to the official’s room. On return from the field of play the Manager, Paul Heckingbottom, engaged in conversation with the match officials who were positioned in the stairwell entrance. I did not have line of sight of the officials, but could see the Manager clearly. There was an initial jovial, good humoured, exchange about the decision to award a freekick against one of our players during the first half, relating to an opposition high foot and our player attempting to head the ball. Thereafter the Manager engaged the officials in a heated discussion about our goalkeeper and the perception of his ‘timewasting’, where it was pointed out the time he took with the relevant restart was merely 13 seconds. This went backward and forward and was more confrontational than the initial exchange. The officials threatened to send the manager off, for which he responded along the lines of ‘what for saying 13 seconds’. At no time did I see, or hear, the manager strike the wall or any other object. The manager returned to the away dressing room.”

Other statements

18. The statements of Ben Rhodes and Paul Snellgrove commented only on the issue of sorting out the defective live feed in the changing room. This evidence was not disputed by The FA and is not therefore discussed further.

The Hearing

19. In advance of the hearing the Commission read the documents referred to in paragraphs 3 to 18 above and listened to two audio clips that were provided by PGMOL. The FA provided written submissions, which the Commission also read.

20. During the hearing the Commission was informed that the parties had agreed between them that the only witnesses that should be called were the Fourth Official and PH himself. The Commission was therefore only able to test the evidence to a limited extent.
21. These Written Reasons summarise the evidence and submissions provided to the Commission. They do not purport to cover all the points made. The absence of a point or submission in these Reasons should not imply that the Commission did not take that point or submission into account when determining the case. For the avoidance of doubt, the Commission carefully considered all the material before it.

The FA's Case

22. In its written submissions in response to PH's Reply to the Charges, The FA highlighted the consistency in the accounts of all four Match Officials when it came to the words used and the fact that PH had hit a tunnel wall in an aggressive manner. It submitted that the terms "*abusive*" and "*insulting*" should be afforded their ordinary meaning and that the Commission should consider whether PH's words and/or behaviour were objectively abusive and/or insulting. It submitted that in view of the evidence, including the audio evidence, PH's words could not be anything other than abusive and insulting. It further submitted that PH's behaviour was threatening, drawing attention to two distinct banging noises on the audio clip and the fact that the two Assistant Referees both referred to PH striking the wall twice. It submitted that PH had become angry and had aggressively struck the wall, which was capable of amounting to threatening behaviour when considered objectively.
23. In terms of Charge 2, The FA submitted that according to the Fourth Official, PH had made it clear that he intended to return to the technical area for the second half, which he had done, causing a delay to the restart. It accepted that there was an issue with the match feed in the dressing room, but this did not excuse PH's behaviour.

24. In his opening submissions Mr Middleton invited the Commission to find all elements of Charge 1 proven. In terms of Charge 2, he pointed to the evidence of the Referee and the Fourth Official regarding the fact that PH had been told not to come out for the second half and had said he would ignore that instruction, which he had then done. The FA relied on the written evidence of the four Match Officials who had given true and honest accounts that were backed up by the audio clips.

The Fourth Official's oral evidence

25. The Fourth Official confirmed that his email of 23 January 2025 was a true and accurate account of events. He had re-read it and had nothing to add or change. He also confirmed that when he wrote his email he had not seen or heard the clips from PGMOL, although he had subsequently viewed and listened to them.

26. The Fourth Official described the Referee entering the tunnel flanked by the PNE coaching staff. He said that PH had begun by asking about a freekick, stating that he could see why PH had been frustrated, because he had not thought that it was a freekick either. He described PH as relaxed at that point, but said that he had quickly become angry following the Referee's response to a question about the goalkeeper and timewasting. His tone of voice had changed and he had started swearing. PH had hit the wall twice with his right hand. He had a clear recollection of that. He stated that the referee had not shown PH a red card, but had said "*he's not coming back out*".

27. The Fourth Official indicated that he had tried to calm things down and had ushered PH towards the dressing room, repeating that the Referee had said that he could not come back out. PH's response had been "*I'll be out*" in a defiant tone. The Fourth Official had left it at that as he had not wanted to inflame the situation.

28. The Fourth Official described coming back down the stairs from the Match Official's dressing room at the start of the second half. He could see PH in the technical area. He had felt that he should be the person to deal with the situation

rather than the Referee so as not to draw attention to what was happening. He had told PH that he had been sent off and could not be there. PH had initially refused to leave, saying “*I’m staying*”. He could not recall whether they had had a conversation about hitting the wall.

29. In response to questions from Mr Rhodes and the Commission about the Technical Area Incident, the Fourth Official commented that he would not have answered PH’s question about the goalkeeper in the way that the Referee had done. He could not recall if PH had asked why he had been sent off, but vividly recalled him saying that he was not leaving. In his opinion PH knew that he had been sent off. He explained that the conversation at the start of the second half would not have been captured on his audio because he had to push a button to activate it. It did not record automatically and when speaking to managers he did not press the button as a matter of course. He commented that he had known PH for a long time and he was a really good character. He thought PH had let his emotions get the better of him on the day.

PH’s Case

30. By way of opening, Mr Rhodes submitted that as The FA had not required its witnesses to attend, it was accepting their written evidence, particularly around the hitting of the wall. He pointed to the impartiality of the Watford witness, saying he had “*no skin in the game*”. PH accepted that he had used bad language, but everything else was untrue.

PH’s oral evidence

31. PH stated that he had initially been chatting with the Referee about a decision, but the Referee had then showed prejudice towards his goalkeeper and that had incensed him. He had sworn. However, he had turned away from the Referee and by the time that he had said “*you’re embarrassing, fucking clueless*” he had been in the dressing room. He had not heard the Referee say that he should not come back out. It was only when he had subsequently listened to the audio that he had

heard the Referee's remark. He accepted that he had sworn, but was adamant that he had not hit the wall. PH commented that the two sounds were metallic. He pointed out that the stairs had metal strips on them and it was likely that the sound on the audio clip was studs on metal.

32. In response to questions from Mr Middleton, PH confirmed that he had been angry but denied being over-emotional, saying that pressure and emotion were part of his job. He did not think that his words were insulting. He accused the Match Officials of lies and exaggeration, saying that the Fourth Official had not been honest at all. After he had gone into his dressing room he did not speak to either the Fourth Official or the Referee. He reiterated that he had not known that he had been dismissed. The Fourth Official was wrong when he stated in evidence that he had reaffirmed the Referee's decision.

33. PH stated that he had walked out as normal for the second half. The footage showed that the Match Officials were already on the pitch when he came out. When the Fourth Official spoke to him and told him that he had been sent off, he left the pitch within 5-10 seconds in a calm manner. He denied that his assistant Stuart McCall had had to usher him off the pitch. They had had a brief conversation regarding arrangements for the second half. He stated that no stewards had spoken to him as he returned to the technical area for the second half.

Closing submissions on behalf of the FA

34. Mr Middleton stated that nothing stated in the course of the hearing would lead him to depart from The FA's written submissions. There should be no doubt that PH's conduct was abusive and insulting. PH accepted that he had sworn and the audio clip reaffirmed this. All four Match Officials had given consistent accounts about the circumstances in which PH had struck the wall on two occasions in an aggressive manner. Two distinct bangs could be heard and PH's explanation for them was not plausible. Mr Middleton conceded that several of the defence witnesses said in their statements that they had not witnessed any banging on the wall. However, those witnesses may not have seen all of the Tunnel Incident or may have been mistaken as to their recollections. He pointed to an error regarding

the number of seconds in Dominic Lakeland's statement and invited the Commission to dismiss remarks such as "*I would guess*" as being purely speculative. He emphasised that the fact that The FA had not asked for the witnesses to be called, did not mean that their evidence was accepted in its entirety.

35. Mr Middleton referred the Commission to the test for threatening behaviour set out in The FA's written submissions and invited it to find that PH's behaviour was threatening, coming as it did in the middle of an angry outburst. In the alternative, the banging on the wall should at the very least be found to be part of the improper conduct and an aggravating factor.

36. In relation to Charge 2, Mr Middleton conceded that there was considerable tension between the parties' accounts of the Technical Area Incident. He invited the Commission to resolve that tension in The FA's favour. The Fourth Official had been a fair and balanced witness and the suggestion that the Match Officials had fabricated the allegation lacked credibility. PH had indicated during the half-time interval that he did not intend to be bound by the Referee's decision and had reiterated that refusal in the technical area.

Closing submissions on behalf of PH

37. Mr Rhodes invited the Commission to find on the balance of probabilities that PH had not punched, hit or slapped the wall. He referred to the confined space in which the parties were standing, the impediments to a clear line of sight and the lack of evidence that the Assistant Referees could see what was going on.

38. Mr Rhodes reminded the Commission that PH's evidence was that he had not known that he had been sent off. PH had accepted that his language was improper, but beyond that everything else was unproven.

Relevant Rules

39. FA Rule E3.1 states:

“A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

The Commission’s Decision

40. The Commission reminded itself that the burden was on the FA to prove the Charges, insofar as they were denied, and that the applicable standard of proof was the balance of probabilities.
41. The Commission’s ability to test the evidence was hampered by the fact that the only two witnesses before it were PH and the Fourth Official. While there was no dispute as to the words used by PH in relation to Charge 1, there was a clear factual dispute about whether he had struck the wall and about what had happened during the Technical Area Incident. The Commission therefore had to pay particular attention to the witness statements and the audio/video footage provided. For the avoidance of doubt, the Commission rejected the suggestion that the Match Officials had colluded and lied. It found both the Fourth Official and PH to be largely credible witnesses, although it did not accept everything that they each said, for the reasons set out below.
42. The written accounts of the Referee and the other Match Officials in relation to the Tunnel Incident were consistent with one another. They were also consistent with the audio clip. All four witnesses described PH hitting the wall and stated when that occurred. Two bangs in quick succession could be heard on the audio clip at the very moment in the dialogue when the Match Officials described the wall being struck. The Commission noted that PH denied hitting the wall and that three witnesses, including one from the opposition team, stated that they had not seen any such action by him. However, the consistent evidence of the Match Officials that a wall had been hit, and the fact that this was corroborated by the audio clip, meant that the Commission was satisfied on the balance of probabilities that PH had struck the wall.

43. The Commission had no difficulty in concluding that PH's swearing and the hitting of the wall amounted not only to improper conduct, but also constituted abusive and insulting behaviour. However, it was not satisfied on the balance of probabilities that PH's behaviour was also threatening. It accepted that the Referee did not need to feel threatened in order for the charge to be made out and that it was an objective test. It was very aware of the speed with which PH had moved from a calm discussion to abusive shouting and swearing. Nonetheless, it noted that there was no suggestion from any of the Match Officials that PH's behaviour towards the Referee had been threatening. Furthermore, PH and the Referee had not been in close proximity to one another and PH had quickly moved away to the dressing room. It therefore concluded that all elements of Charge 1 were made out, other than the threatening behaviour, and found Charge 1 proven.
44. There was a direct conflict in evidence regarding the Technical Area Incident. Other than the evidence of the Fourth Official and PH, and a very brief comment from the Referee in his statement, there were no accounts of what had happened, even though there were clearly other people in the vicinity. PH repeatedly stated that he had not realised that he had been sent off. The Commission noted that the Referee had not shown PH a red card, nor did he specifically state that he was sending PH off, saying instead "*don't bother coming out for the second half*". It also noted that PH had been angry and upset, was still shouting and had been moving towards his dressing room at the time. In his evidence the Fourth Official said that his main focus had been to calm things down. Given PH's heightened state, the Commission was not satisfied that PH had understood from what the Fourth Official said to him that he had been sent off. Furthermore, the Commission would have expected PH to do something about the defective live feed during half-time had he known that he had been sent off.
45. Given that the PGMOL video was taken from the other side of the pitch, it was difficult for the Commission to see the exact sequence of events at the start of the second half. However, The FA did not challenge PH's evidence that he had come out after the Match Officials were already on the pitch. Furthermore, PH appeared to leave relatively rapidly after the Fourth Official had spoken to him, without

obvious resistance. For all of these reasons the Commission could not be satisfied on the balance of probabilities that PH had known that he had been sent off and had deliberately chosen to ignore the red card and return to the technical area. It therefore found Charge 2 not proven.

Submissions on Sanction

46. The parties were invited to address the Commission on sanction and on aggravating and mitigating factors.
47. The Secretary confirmed that PH had had one previous proven misconduct charge in February 2023 when he was the manager of Sheffield United.
48. Mr Middleton stated that he remained of the view that this was a serious case and that the sanction should exceed the standard penalty for a charge denied but subsequently found proven (2 matches and a £3,000 fine). He submitted that the repeated use of foul and abusive language and the aggressive striking of the wall were aggravating factors, as were the fact that PH was an experienced player and manager in a high profile position and the fact that this was a high-profile game. He referred to the details of the previous proven charge and pointed to the limited degree of remorse shown. He said that there had been a partial admission from PH, but that afforded only limited mitigation, given that elements of Charge 1 had been denied and a personal hearing had been required. He invited the Commission to impose a minimum three-match ban together with a fine commensurate with PH's income.
49. Mr Rhodes referred to the recent sending off of a member of PNE's coaching staff in a local derby. He had accepted a standard penalty and had only received a one-match ban and a fine of £1,000. Mr Rhodes also reminded the Commission that the Tunnel Incident had occurred away from public view.

Decision on Sanction

50. The Commission agreed with Mr Middleton that this was a serious case. Nonetheless, it had not found the most serious element of Charge 1, namely

threatening behaviour, made out. It had also found Charge 2 not proven. It rejected the suggestion that PH's profile and the profile of the Match were aggravating factors, as the Tunnel Incident was not viewed by spectators and was not picked up by the media coverage. Taking all these matters into account it concluded that the appropriate sanction was a two-match ban and a fine commensurate with PH's income. For the avoidance of doubt, the income figure quoted on PH's reply form was incorrect and had been corrected by PNE ahead of the hearing.

51. The Commission made the following order:

- PH is suspended from all domestic club football with immediate effect until such time as PNE has completed two competitive fixtures in approved competitions.
- PH must pay a fine of £7,500.
- PH is warned as to his future conduct.

52. The decision of the Commission may be appealed in accordance with the appropriate Appeal Regulations.

Sally Davenport

Francis Duku

Peter Fletcher

18 February 2025