

COUNTY DISCIPLINARY SANCTION GUIDELINES



FOR ALL

2017-18 SEASON

THE FA SANCTIONS AND GUIDELINES DOCUMENT

INTRODUCTION

In 2011 the Football Association, following a vote from County Associations at the 2011 Disciplinary Conference, decided to implement a Sanctions Guideline document to improve consistency across all Associations in the application of sanctions. That principal was then taken through to the Disciplinary Sub-Committee and subsequently approved by FA Council.

The aim of this publication is to provide guidance on the type of sanctions a Disciplinary Commission have the ability to impose, whilst also covering other key topics such as Educational Sanctions, Touchline/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 must attend a Chairman's Training session, complete and pass a written assessment that is produced by The Football Association.

The Football Association has been working closely with all County Associations for them to appoint members to their Local Football Anti-Discrimination Panel (LFADP). The members on the panel will all have to undergone training and passed an assessment in order to sit on disciplinary cases. Whilst the Panel enables the members to sit on cases of E3(2) or E4 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 states that for such a proven offence there is a minimum sanction, the Commission would not be able to impose any sanction lower than the minimum.

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 football and will not be permitted to play any Saturday football whilst serving the suspension.

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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 for when assessing and deciding on disciplinary cases.

It is of course possible that following the hearing of the evidence and 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 at the very least be 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 you will have reference to:

1. Charge – this is the charge that the charging officer has selected for the club/Participant
2. Level of football – from Step 5-7, 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 have 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 step 5-7.

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 touchline/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 sufficient evidence not be provided to support the decision this does increase the chances of an appeal to be lodged.

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 make 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 more lengthy suspension to match that of the previous term based system. Likewise, should a proportionate sanction take over a month to serve would not be reasons for a Commission to reduce the punishment that is imposed.

Exceptional circumstances – term based, 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 against a match official
- E3 Improper Conduct – including any or a combination of Violent Conduct, Serious Foul Play, Threatening, Indecent, Abusive Language or Gestures
- E3 (2) Improper Conduct – aggravated breach where it includes a reference to any one or more of the following: ethnic origin, colour, race, nationality, gender or sexual orientation
- E4 – Discrimination by reference to a person's ethnic origin, colour, race, nationality, gender or sexual orientation
- 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.

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 in a hearing.

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

Having used the Sanctions 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

The amount of times the Participant commits the offence(s) is an obvious aggravating factor.

Previous poor record

In the reverse of a Participant using a good disciplinary record as a mitigating factor, they may be subject to a larger sanction by way of a poor disciplinary record. Only the previous 5 years record may be taken in to consideration and cases of proven misconduct.

Number of 'phases' incident(s) took place

If a Participant was issued a misconduct charge for further language having been sent from the field of play, then shouted further profanities from the sidelines and finished it off with a comment at full time, this would signal three phases.

MITIGATING CIRCUMSTANCES

Mitigating Factors are any evidence presented regarding the charged Participant's character or the circumstances of the incident, which would cause Commission to apply a lesser sanction. Remember at a hearing following a case that has been found proven a Participant has a right to present 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 'he hasn't had a personal hearing or attended a person 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 good record

The most 'traditional' method of Mitigating Circumstances is a Participants previous record. When considering a previous good record, you also need to consider the individuals length of time they have participated in the game for. A clean record of a 16 year old would not carry as much weight as a player who has been participating in the game 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 circumstances

A substantiated medical circumstance 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.

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.

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

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 or sanctions the suspension will be **from all football and 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
- Touchline ban – see below for further details
- 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 CWO 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.

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 deal with the following issues;

- 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 will be mandated to attend an Equality Education course.

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.

Safeguarding Children Workshop

If there are concerns over a Participant who hasn't acted appropriately in-and-around minors a disciplinary Commission can enforce that they attend a Safeguarding Children Workshop. It is best practice in instances such as this to set a timeframe in which to have completed this by.

Any order made by a disciplinary Commission must be at the cost of the CFA.

Laws of the Game course/presentation

If it becomes apparent that the club/Participant are incorrect in law with their views, 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.

It should be noted that if a Commission would like to go down the route of asking a Participant to attend any of the courses/presentations listed above, they cannot ask the Participant or club to fund this.

SUSPENDED PUNISHMENTS

In exceptional cases, when deliberating over whether to accept 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 (i.e. when the Participant is found proven of a similar offence in the above timeframe)

TOUCHLINE BAN

Disciplinary Commissions do have the power to enforce a touchline ban on any official they feel is deserving of one providing it is proportionate to the offence.

This is fairly straight forward at any ground in the NLS which have proper dugouts and post and rail pitches but is harder to 'police' on a true grassroots level.

The fact remains that if a Participant has been given a ban, they ignore this and then the individual is reported they must be charged with participating whilst under a suspension.

Start date – a Commission will clearly define the start date of any touchline ban

Sitting near the touchline – a Participant serving a touchline ban should take up a position in the directors box if one is in existence. Where there is no directors box (or a position is not available) they are required to take a position in a stand or position which is detached from and some distance away from the dugouts.

Communication with the technical area – the Participant can make communication with members of the coaching team within the dugout but only via the use of a telephone or a 'runner'.

All games under the jurisdiction of the Football Association – a touchline ban covers all levels of football played – first team, reserve, youth and friendly matches – during the period of the ban. All of the restrictions apply to other matches not used to complete the terms of the suspension. The matches to be used are those which would be applicable for a player serving a match-based suspension.

Playing – a Participant who is subject to a touchline ban may not take part as a player until the touchline ban is completed.

Other restrictions – a Participant who is subject to a touchline ban may not make contact with match officials, match delegates or assessors prior, during or after the match.

GROUND BAN

A ground ban is a type of sanction a Commission can impose which restricts a Participant from attending a ground where the team they represent is playing. In the simplest of explanations, it is a ban from attending the ground before, during or after any match that a particular team participates. When a Commission is deciding on the sporting sanction they have the ability to impose a Touchline Ban or Ground ban. A touchline ban is more appropriate where a Club participates between steps 5-7 and have the infrastructure in place for the suspension to be managed. Outside the National League system and at the heart of grassroots football a touchline ban would not be effective or be able to be policed, a Commission would therefore consider a ground ban which is more appropriate and effective. An individual subject to a ground ban is not permitted to attend the ground for which that team is participating at any time before/during or immediately after the game. They are 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 teams play 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 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 make 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 made to control the away supporters.

E22 – Due Diligence

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 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 E22 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

For the 2017-18 Season new mandatory minimum sanctions have been introduced for certain offences where a charge is found proven against a Match Official. 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.

Whilst it was recognised that the sanction guidelines were recommendations, a mandatory minimum sanction for the following charges must be applied:

- i. **Assault on a Match Official** – minimum sanction of 5 years. Where the sanction is imposed against a Young person (18 years and below in Youth football) and deemed appropriate in truly exceptional circumstances part of the sanction may be suspended. The Disciplinary Commission would be required to provide written reasons for their decision to The Football Association should such an order be made.
- ii. **Physical contact on a Match Official** – Recommended 182 days suspension and £150 fine but minimum sanction of 84 days & £100 fine
- iii. **Threatening a Match Official** – Recommended 112 days or 12 matches and £100 fine but minimum sanction of 56 days/6 matches and £50 fine

