

In the Matter of
The Football Association Ltd

-v-

Rio Ferdinand (Queens Park Rangers FC)

Reasons for Regulatory Commission Decision Wednesday 29th October 2014

The Regulatory Commission members were Messrs. B. M. Jones, S. Ripley and Major W. T. E. Thomson appointed by the Football Association. Mr. R. Marsh, the Judicial Services Manager of the Football Association, acted as Secretary to the Commission.

These are the Written Reasons for a Football Association Regulatory Commission decision made on Wednesday 29th October 2014.

1. On the 1st September 2014 at 9.11pm Mr. Rio Ferdinand posted the following on his Twitter account : ***"@ManCunian56: @rioferdy5 @matiousmarston Maybe QPR will sign a good CB they need one" > get ya mum in, plays the field well son! #sket"***
2. By letter dated the 13th October 2014 Mr. Ferdinand was charged with misconduct for a breach of FA Rule E3 in respect of the comment and it was alleged that such a comment was abusive and/or indecent and/or insulting and/or improper. Further it was alleged that the breach of Rule E3(1) is an "Aggravated Breach" as defined in Rule E3(2) as it included reference to gender.
3. The Regulatory Commission members had before them the following documents:
 - Charge letter dated 13th October 2014;
 - A letter from Mrs. Kennedy of the FA to Mr. Ferdinand dated the 2nd September 2014;
 - A screenshot referred to in Mrs. Kennedy's letter;
 - A Letter from Mishcon de Reya Solicitors on Mr. Ferdinand's behalf to Mrs. Kennedy dated 11th September 2014; and
 - An Expert Report by Mr. T. Thorne, Language and Innovation Consultant at Kings College London, dated 6th October 2014. Those documents were sent with the Charge letter to Mr. Ferdinand.
4. With the Charge letter Mr. Ferdinand was sent the Reply Form and Witness List Form and was asked to return the same to the FA by 6pm on the 21st October 2014. He failed to do so.

5. Although Mr. Ferdinand did not respond to the Charge his solicitors had responded on his behalf to a request for observations from The FA as part of the investigation. It is perfectly clear from the solicitor's letter that Mr. Ferdinand controls his own Twitter account and it is stated that he has nearly 6 million followers.
6. The letter accepts that Mr. Ferdinand responded with the comments quoted in the letter from Mrs. Kennedy and repeated in the charge letter.
7. Further the letter from his solicitors explains that the #sket was being used to indicate that the "mum" was able to play anywhere, i.e. including the centre back position in which the original sender had apparently claimed Mr. Ferdinand needed to be replaced, and it was not a comment intended to denigrate the recipient's mother. Given the nature of the preceding comment, namely "get ya mum in, plays the field well son!", the Regulatory Commission rejects Mr. Ferdinand's explanation.
8. The Regulatory Commission members carefully considered the full contents of the letter from the solicitors.
9. The Regulatory Commission members had a report from the Expert, Mr. T. Thorne, who was familiar with the word "sket" and submits that it is a sexual slur, understood to have originated in Jamaican usage and has since been used in a slang register in the UK.
10. The term sket is defined in Mr. Thorne's own 'Bloomsbury Dictionary of Contemporary Slang' as follows: "a promiscuous and/or disreputable female. A term used by young street-gang members in London since around 2000".
11. Mr. Thorne is firmly of the expert opinion that a neutral person would assume in this case that 'sket' is a term of abuse and in this context would be taken as insulting.
12. Further the word in almost every case cited refers to the female gender, and in this instance it follows closely on from a reference to a mother.

Conclusion

13. Having carefully considered all of the available evidence as identified above the Regulatory Commission members were of the unanimous view that the charge of a breach of FA Rule E3 was proven and since there was a clear reference to 'gender', that was an Aggravated Breach under FA Rule E3(2).
14. Having found the case proven the Regulatory Commission members were informed that Mr. Ferdinand had a previous record of a breach of FA Rule E3 aggravated by reference to race in 2012 and when he was fined the sum of £45,000.

Sanction

15. FA Rule E3 (3) (ii) states “ *Where a Participant commits a second or further Aggravated Breach of Rule E3(1), a Regulatory Commission shall impose an immediate suspension of more than five matches, taking into consideration an entry point of an immediate suspension of ten matches, and any aggravating or mitigating factors present*”.
16. The Regulatory Commission members reminded themselves that this was Mr. Ferdinand’s second proven Aggravated Breach of FA Rule E3.
17. However the Regulatory Commission members then referred to FA Rule E3(4) which states “*Where an Aggravated Breach of Rule E3(1) is committed in writing only; or via the use of any communication device, public communication network or broadcast media only; or by reference only to nationality, a Regulatory Commission will not be bound to impose an immediate suspension of at least five matches for a first such breach, or of more than five matches for a second or further such breach. Instead the Regulatory Commission may impose any sanction that it considers appropriate, taking into account any aggravating or mitigating factors present*”. This case fell under that category since it was a twitter comment.
18. With nearly six million followers Mr. Ferdinand is clearly an experienced twitter user and he should know better than to respond in the way that he did. It is said on his behalf that he is one of the most high profile sportsmen on Twitter and he is, without doubt, a role model for many young people, no doubt throughout the World. His responsibility is therefore that much greater than many others.
19. Unfortunately there is no formal or direct admission and there is certainly no sign of remorse. The Regulatory Commission members extracted what ‘mitigation’ they could from the solicitor’s letter, but again reminded themselves that Mr. Ferdinand had simply not responded at all to the actual charge brought against him despite several requests for him to do so.
20. The Members of the Regulatory Commission considered it an aggravating factor that this was Mr. Ferdinand’s second aggravated breach in less than three years.
21. Having carefully considered all aspects of the matter Mr. Ferdinand is to be severely warned as to his future conduct.
22. Mr. Ferdinand is to be suspended from all domestic football until Queens Park Rangers FC have completed 3 first team matches in approved competitions and he is to be fined the sum of £25,000.
23. Further Mr. Ferdinand is to undertake an education programme in accordance with FA Rule E3(9) within four months.

24. The decision is subject to the relevant Appeal Regulations.

Brian M Jones (Chairman)

Stuart Ripley

Major W. T. E. Thomson

3rd November 2014.