

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR. MAURICIO POCHETTINO

WRITTEN REASONS AND DECISION OF THE INDEPENDENT REGULATORY
COMMISSION FOLLOWING THE HEARING ON 4th MARCH 2019

1. These are the written reasons for a decision made by an Independent Regulatory Commission (“the Commission”) which sat by WebEx on 4th March 2019.
2. The Commission members were Mr. Simon Parry, (Chairman, and Independent Legal Panel Member), Mr. Alan Knight M.B.E. (Independent Football Panel Member) and Mr. Tony Agana (Independent Football Panel Member).
3. Mr. Paddy McCormack the F.A. Regulatory Commissions & Appeals Manager, acted as Secretary to the Commission.
4. The relevant incidents took place in the Premier League fixture between Burnley F.C. and Tottenham Hotspur F.C. on Saturday 23rd February 2019.
5. By letter dated 25th February 2019 the FA charged Mauricio Pochettino (“MP”) with two breaches of FA Rule E3, alleging that a) his language and/or behaviour on the field of play at the end of the fixture amounted to improper conduct and b) his language and/or behaviour in or around the tunnel area at the end of the fixture amounted to improper conduct.
6. Due to the repetitive nature of MP’s behaviour, the FA designated the case as a Non-Standard case.
7. The FA relied upon the following evidence:
 - a) The Report of the Match Referee, Mr. M. Dean, dated 24th February 2019;
 - b) The Report of the Assistant Referee, Mr. D. Robathan, dated 25th February 2019;
 - c) The Report of the Assistant Referee, Mr. I. Hussin, dated 25th February 2019; and
 - d) A video clip of the incident.
8. By written reply dated 28th February 2019 MP admitted the charge and submitted a letter of the same date in mitigation and a transcript of his pre-match press conference held on 26th February in advance of the Chelsea F.C. v Tottenham Hotspur F.C.

fixture. We noted also the observations of the Football Secretary of Tottenham Hotspur F.C., Mrs. Jennifer Urquhart, in her covering letter dated 28th February 2019 which outlined MP's deep regret, heartfelt apologies and excellent disciplinary record.

9. 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 in these reasons of any particular point or submission should not imply that the Commission did not take such point or submission into account when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials provided to it.
10. As a Non-Standard case, the Commission enjoys a discretion to impose such penalty as it considers appropriate. We nevertheless had regard to the Standard Penalties imposed for breaches of Rule E3. For completeness, the Standard Penalties are as follows:
 - (i) Standard Penalty 1:- Charge admitted and Standard Penalty accepted: 1 match touchline ban when including abusive/insulting language (nil sporting sanction when excluding abusive/insulting language) and a £8,000 fine; or
 - (ii) Standard Penalty 2:- Charge denied and subsequently found proved by a Regulatory Commission: 2 match touchline ban when including abusive/insulting language (nil sporting sanction when excluding abusive/insulting language) and a £12,000 fine.
11. The relevant part of the Match Referee's report states "*At the conclusion of the game I was approached on the field of play by the Tottenham Hotspur head coach Mauricio Pochettino and some members of his coaching staff including First team coach Jesus Perez. Mr Pochettino acted in a very irresponsible and aggressive (sic) manner. He wouldn't stop saying "you know what you are, you know what you are". I asked him to explain and he repeated "you know what you are". I then said on numerous*

occasions to go away at least 10 times and he wouldn't get out of my personnel (sic) space and then aggressively (sic) pointed his finger just a few inches from my face again saying "you know what you are". Mr. Pochettino then left me alone and left the field of play. When I reached the tunnel he was waiting at the top of the stairs again saying "you know what you are" and had to be escorted to the dressing room by security staff from Burnley."

12. There is little to add from the Reports of the Assistant Referees, save that they both corroborate the account of Mr. Dean.
13. The relevant part of MP's response highlighted that he was frustrated at some of the decisions during the match but that was in no way an excuse for the way in which he behaved by approaching Mr. Dean in the heat of the moment. He admitted he had made a mistake and offered a sincere apology to Mr. Dean. Furthermore, he noted that he had immediately acknowledged the inappropriateness of his behaviour in his post-match interviews and took the opportunity to proffer those apologies subsequently in his pre-match interview prior to the Chelsea fixture. He commented that his previous record is exemplary and his reaction was *"incredibly out of character"*.
14. In the transcript of the pre-match interview, referred to above, MP stated *"...I need to apologise to Mike Dean...I cannot behave in that way. Of course I want to apologise to Mike Dean, all the referees who were involved there. I think it's not a way to behave and of course I'm going to accept the charge from the FA"*. He continued with those apologies throughout the course of the interview.
15. It was confirmed to the Commission that MP has no previous E3 offences recorded against him, which is a substantial mitigating feature.
16. The Commission had the benefit of watching the footage of MP's behaviour. The footage spoke for itself. This was persistent display of unacceptable and disrespectful

behaviour from MP. Whilst the words used are not the worst, the choice of phrase “*you know what you are*” was used in an on-field outburst, following the conclusion of the game, that lasted for 40 seconds during which MP was, at times, very close to Mr. Dean and face-to-face. MP failed to heed numerous warnings, that we could see on the footage, from Mr. Dean to go away. MP’s position is then aggravated by the fact of the second charge, which involved him waiting for Mr. Dean in the tunnel area to resume his unacceptable comments. The Commission finds as a fact that MP did this quite deliberately.

17. The Commission took the view that the sanction in this case, albeit that there are two charges, can be dealt with as one. We do, however, have to increase our starting point to reflect the fact of the second incident in or around the tunnel. We also regarded the persistence within the first incident itself as an aggravating feature, together with the fact that this incident will have been witnessed by millions of viewers around the world over the course of that weekend. Such behaviour, at the elite level of English football, tarnishes the image of the game. Whatever decisions, and indeed whatever mistakes, may be made during a match, match officials are entitled to be treated professionally and with respect. They are not “fair game” for a frustrated manager, or player, to vent their frustrations at.
18. It seems to this Commission that the very public nature of this case means that we should take this opportunity to remind all participants of their obligations and the real importance of those obligations. Since 2008 the FA has invested considerable time and resources into the Respect campaign. The behaviour of managers and players in our professional leagues, but in particular the Premier League, is observed by millions who regard those managers and players as role models. Sadly, it means that all too often participants involved in the grassroots game, where match officials are in an even more vulnerable position than their professional colleagues, will replicate the

behaviours of those they see at the highest level. That is why incidents of this nature at the highest level will be taken seriously by Regulatory Commissions.

19. Those features of MP's conduct outlined above warranted the case being designated Non-Standard as they aggravate his position. In particular, with regards to sporting sanction we noted the distinction in "Standard" cases between the inclusion and exclusion of abusive/insulting language by a participant. As this was Non-Standard we agreed there was no pre-requisite that there must be some element of abusive/insulting language present in the reported behaviour before a Commission may impose a sporting sanction. For example, a participant may carry out an aggressive or violent act, absent of abusive/insulting language, which clearly warrants a sporting sanction. In this instance, taking into account the repetitive and aggressive nature of the reported behaviour, along with the specific facts of the case, the Commission was satisfied that a sporting sanction should be imposed. We noted the Standard Penalty 2 (including abusive/insulting language i.e. 2 match touchline ban and a £12,000 fine) and reflect those aggravating features in reaching a starting point of a three match touchline suspension and a fine of £16,000. We consider that MP's previous exemplary record, admission and apology entitles us to reduce the sanction to one of a two match touchline suspension. The Commission was particularly impressed at the fact that MP did have the courage to make his apology in a very public manner and accordingly, in our judgment, some additional credit can be given to reduce the fine to one of £10,000.

Sanction

20. For the reasons outlined above the Commission imposed the following sanctions: -
- (i) Mauricio Pochettino is immediately suspended from the touchline until such time as Tottenham Hotspur F.C. have completed two (2) first team competitive matches

in approved competitions and he shall be fined the sum of £10,000;

21. The decision is subject to any appeal as provided by the Regulations.

Mr. Simon Parry (Chairman)

Mr. Alan Knight M.B.E.

Mr. Tony Agana

6th March 2019