

# Berks & Bucks FA

## Football Services Department



### Aggravated Misconduct Charges

#### What are they?

The County FA has the option to raise an “aggravated” misconduct charge under FA Rule E3(2) if they believe that an individual has used offensive or threatening language which included reference to one of the following protected characteristics:

Ethnic origin	Colour
Race	Nationality
Religion or belief	Gender or gender reassignment
Sexual orientation	Disability

A charge can be raised under FA Rule E3(2) for *direct or implicit* reference to one of these characteristics.

#### How do we respond?

There are two aspects to an aggravated charge which need to be responded to:

1. Improper Conduct (including foul and abusive language)
2. Improper Conduct (aggravated by reference to a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability).

Each charge is considered separately, and the player/club charged can:

1. Accept both charges;
2. Deny both charges;
3. Accept the first charge and deny the second; *i.e admit that they made an offensive remark against an opponent, but deny that the comment included reference to the protected characteristic.*

The player/club charged must confirm if they accept or deny the charges and if they wish the case to be dealt with by correspondence or they wish to attend a personal hearing. There is a fee for personal hearings (£50 at Step 5-7, £30 at Non-NLS/Youth), which will be returned if the case is found not proven.

#### What happens next?

The FA will convene a panel to consider the decision, either as a personal hearing or by correspondence. For Personal Hearings, there will be one represented from the County FA Council, one Local Football Anti-Discrimination Panel member (who is independent of the County FA) and an Independent Chairman. The panel will have all received additional training from The FA to assist them in considering discrimination cases.

Following the decision, The FA will prepare Written Reasons explaining the decision of the panel. These will be circulated to the Participant charged and complainant, and in cases involving adult football published on the FA and County FA website. Written Reasons for cases involving Young Persons (under 18s) will not be published publically.

#### Can I appeal the decision?

All proven disciplinary cases can be appealed to The FA by the player/club charged. The FA must be notified of your intention to appeal **within seven days of the decision**. More information is available by contacting [Alastair Kay](#).