

PERSONAL HEARING SUPPORT GUIDE

The FA

FOR ALL



The FA

FOR ALL



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INTRODUCTION

This guide has been produced to explain the personal hearing process from start to finish for everyone involved when a charge has been denied. It may be that you are the participant or club charged that has requested the personal hearing, the match officials or witness who have submitted reports regards an alleged incident that took place, or a witness that may be supporting the participant or club that has been charged.

Personal Hearings can now be delivered in two different ways. They can be face to face at a venue selected by the County FA or it may be delivered virtually over a suitable chosen platform e.g. Zoom, WebEx, Microsoft Teams etc.

It is important that everyone understands and feels prepared for the personal hearing process as it can be a daunting prospect, for many it will be the first time (and likely last time) they will be expected to attend so it is vital that everyone feels as comfortable as possible.

It is also imperative that everyone involved feels that they have had a fair personal hearing no matter what the end outcome, and that the process has been professionally delivered and transparent.

The safeguarding and welfare of young people under the age of 18 is of paramount importance and if you are under the age of 18 and are involved in a case no matter what the role please become familiar with the 'Young Person Protocols' on pages 18-19.

Throughout this guide you may come across words highlighted in **yellow** if you select this word then it will take you to a *'Key Words and Phrases'* section on page 24 of the guide for further explanation.





YOUR ATTENDANCE AT A PERSONAL HEARING

When a participant or club is charged by the County FA and they do not accept the charge, they have a right to request a personal hearing unless the time period to respond has expired.

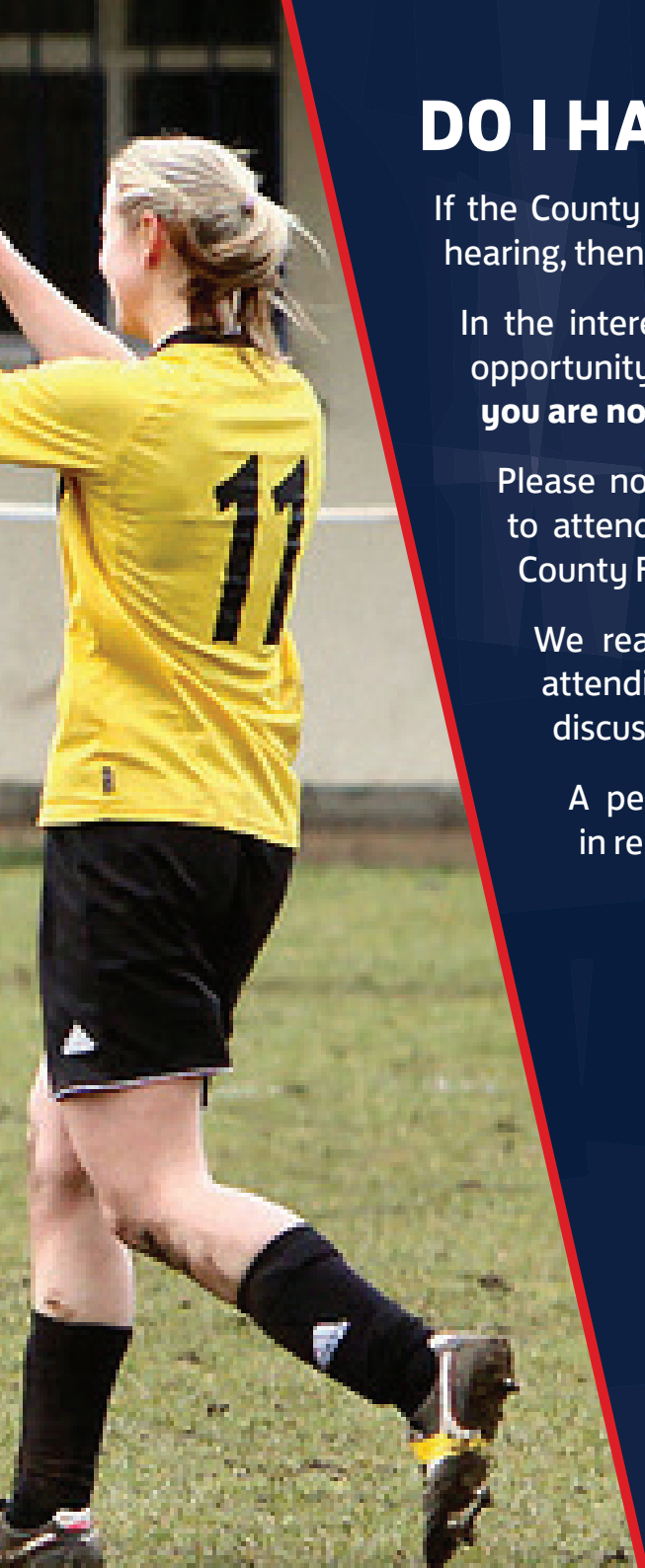
You may be asked to attend a personal hearing then in one of the following capacities:

1. **The charged participant or club** – You are the participant or club charged so you attend the personal hearing to deny the charge against you.
2. **Witness of the charged** – You are requested to attend by the participant or club that is charged as their witness as you may have important information that you saw or heard to support their denial claim.
3. **Match official** – You were the match official or assistant match official. The County FA will ask you to attend as their witness as they will have relied upon your submission to charge the participant or club.
4. **County FA witness** – you may get asked to attend as the victim in an alleged incident or have witnessed an incident, your submission will have been relied upon by the County FA to raise a charge.

If you are called to attend as roles 2, 3 or 4 above its important to remember that you are not on trial, you are there to verbally go through your version of an incident and answer any questions asked of you, it is the job of the appointed disciplinary panel to determine if at the end of proceedings a case is 'proven' or 'not proven' on the balance of probability.

If you are a witness and a charged participant or club tries to make contact with you about the charge, please do not communicate with them and report this immediately to your County FA using the *'County FA Contacts'* on pages 22-23.





DO I HAVE TO ATTEND?

If the County FA requests your attendance as a witness (match official or County FA witness) at a personal hearing, then you should make every effort to attend.

In the interest of fairness, the discipline panel want to hear all possible available evidence and have the opportunity to ask any questions to assist them to make their decision – **but remember as a witness you are not the one on trial!**

Please note that if you were the match official and you are called as a witness then you are expected to attend as part of The FA Referee Regulations. If you are unable to attend, you should inform your County FA as soon as possible.

We really understand that victims of abusive, discriminatory or inappropriate behaviour may find attending a personal hearing difficult. If this is the case, then please contact your County FA to discuss the matter and see what support they can offer you.

A personal hearing can be important to a witness as hopefully they can also get some closure in respect of the alleged incident.

CAN I BRING ANYONE WITH ME?

If you are the charged participant or club then you will bring the named witnesses with you to give their evidence, please ensure that on the date of the hearing the Secretary has an up to date list of attendees.

You may also bring someone with you for support during the hearing, but they may not speak. You may appoint a representative to lead the case on your behalf however.

If you are the County FA witness, then you may not bring anyone else with you to act as a witness unless they have submitted a statement themselves and are called by the County FA to give their evidence.

You may however bring someone with you for support, but this person may not speak.

If you are the match official, then the County FA Referee Development Team may be able to support you and it would be advisable to contact your County FA as soon as you become aware of the hearing details.

If you are aged 12 to 17 then it is compulsory that you have an appropriate adult with you at all times, and it would be advisable to make contact with the County FA Designated Safeguarding Officer who will be able to offer support and advice to you through this process.

WHAT SHOULD I WEAR?

A personal hearing is a formal proceeding so you may see the disciplinary panel dressed in smart attire, unless the personal hearing involves a participant who is charged, or witness under the age of 18, then the disciplinary panel dress code will be more relaxed.

There is no mandatory dress code for everyone else involved in the personal hearing, attendees should feel as comfortable and relaxed as possible.

It is important to note that what you wear will not affect your right to a fair hearing or be of any reflection on you.





WHAT SHOULD I TAKE WITH ME?

You do not need to have anything with you.

However it is generally a good idea to put together a list of any questions that you may wish to ask during the personal hearing and then also to have the following:

1. **The charged participant or club** – Your case bundle against you. This may be helpful when referring to different parts of the information and enable you to ask relevant questions.

2. **Witness of the charged** – If you submitted a statement or report prior to the hearing having a copy of that may help you when giving your evidence.

3. **Match official** – A copy of your submission may assist you in recalling the key events in an alleged incident and help you to answer any questions asked of you by the charged participant or club and the disciplinary panel.

4. **County FA witness** – have a copy of your statement with you to assist you when giving your evidence.

If you forget any documents at the start of the personal hearing, please inform the appointed Secretary to the disciplinary panel.

Taking notes during the personal hearing is entirely an individual choice but please note under FA Regulations personal hearings are held in private and it is not permitted to record the proceedings.

WHO WILL BE AT A PERSONAL HEARING?

As well as the participant or club charged and their witnesses, match officials and County FA witnesses there will also be the following people:

- Chairperson of the appointed disciplinary panel
- Two disciplinary panel members (wing members)
- Secretary to the disciplinary panel

In addition to this there may be individuals who attend who are offering support to the match officials or witnesses, and accompanying adults for anyone under the age of 18. These individuals however take no part in the personal hearing and must not speak.

The only exception to this will be if an individual is there to support a participant with their communication or any appointed representatives.





WHAT IF SOMEONE CANNOT ATTEND?

If you are the charged participant or club, a County FA witness and/or match official and you cannot attend the personal hearing then you should contact the County FA and/or appointed Secretary immediately.

The appointed Chairperson will need to view the reasons for the non-availability and determine whether the personal hearing can go ahead or be rescheduled.

Please note that ordinarily one postponement may be granted to each party. Should you have already been granted one postponement and you need to request a second it will ultimately be up to the appointed Chair to consider the reasons for this and make the decision.

If you are the charged participant or club and you have a witness that cannot attend, then you either need to find a replacement reliable witness and/or ask the original witness to submit a written statement to the County FA as soon as possible prior to the personal hearing or request a postponement.

If your witness cannot attend at short notice then you can still ask them to submit a written statement and you need to make the appointed Secretary aware of this prior to the personal hearing starting, so that the statements can be distributed to the discipline panel.

WHAT IF SOMEONE NEEDS A REASONABLE ADJUSTMENT?

A reasonable adjustment is when an organisation makes changes to a service to accommodate or support a specific need that a person may have in order to fully take part, in this case a disciplinary personal hearing. These include examples such as (but not limited to);

- providing an interpreter if you are hard of hearing or are deaf;
- providing correspondence in large font if you are partially sighted, or braille if you are blind;
- communicating clear instructions throughout the process, including the personal hearing, if you are dyslexic;
- moving the personal hearing to a different day if it falls on a religious day which is observed by you.

What is meant by reasonable?

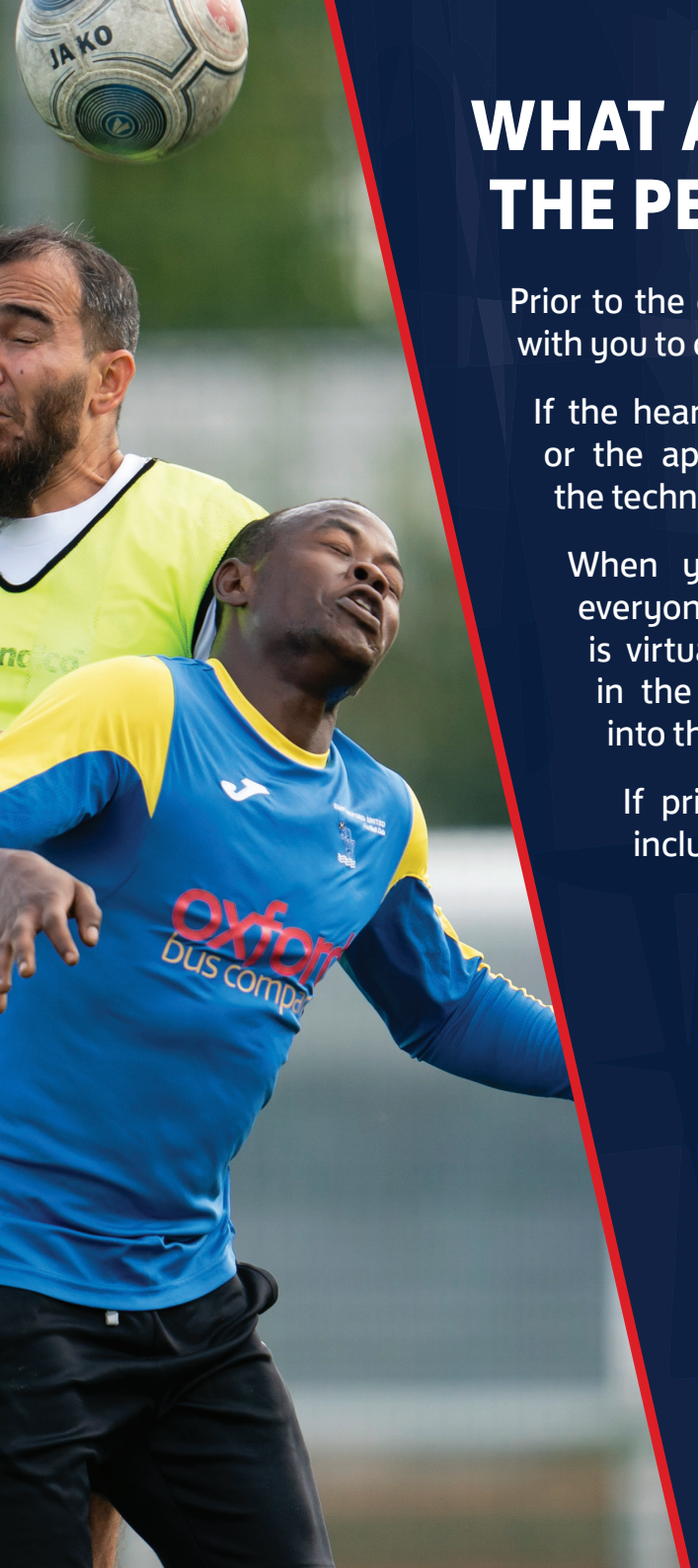
In line with the Equality Act 2010 a County FA can make adjustments, if it is reasonable to do so.

What is reasonable depends on things like:

- your disability or personal circumstances;
- how practicable the changes are;
- if the change you ask for would overcome the disadvantage you experience;
- the money and resources available at the time to make the changes.

If you need support, please contact your County FA using the *'County FA contacts'* on page 22-23 to discuss your circumstances.





WHAT ARE THE PROCEDURES BEFORE THE PERSONAL HEARING?

Prior to the day of the hearing taking place the County FA and/or appointed Secretary will be in contact with you to confirm the hearing date, time and venue location.

If the hearing is to be held virtually then you should receive joining instructions via your County FA or the appointed Secretary prior to the hearing and they should make contact with you to test the technology to be used to ensure the hearing runs as smoothly as possible.

When you arrive at the hearing venue the appointed Secretary will meet you and record everyone's attendance. You will be shown where to wait before the hearing starts. If the hearing is virtual then when you join the hearing you will be placed in a 'waiting room', you will remain in the 'waiting room' until you are required to join the hearing, the Secretary will accept you into the hearing room when they are ready.

If prior to the hearing you have additional written documents or statements that you want including as part of the hearing you must inform the appointed secretary before the hearing starts.

WHAT ARE THE PROCEDURES AT THE PERSONAL HEARING?

The Chairperson will conduct a general introduction with all parties involved in the hearing, this is to ensure that clear procedural instructions are laid out before the hearing starts.

When the hearing starts the only people in the hearing room will be the appointed Chairperson, two Wing Members, Secretary, the charged participant or club, the first County FA witness that could be a match official or a general witness and also any representatives of the charged and/or witnesses.

All other parties will return to the waiting rooms.

The Chairperson will begin by ensuring that the charged participant or club has had sight and is in possession of the full case bundle related to their charge.

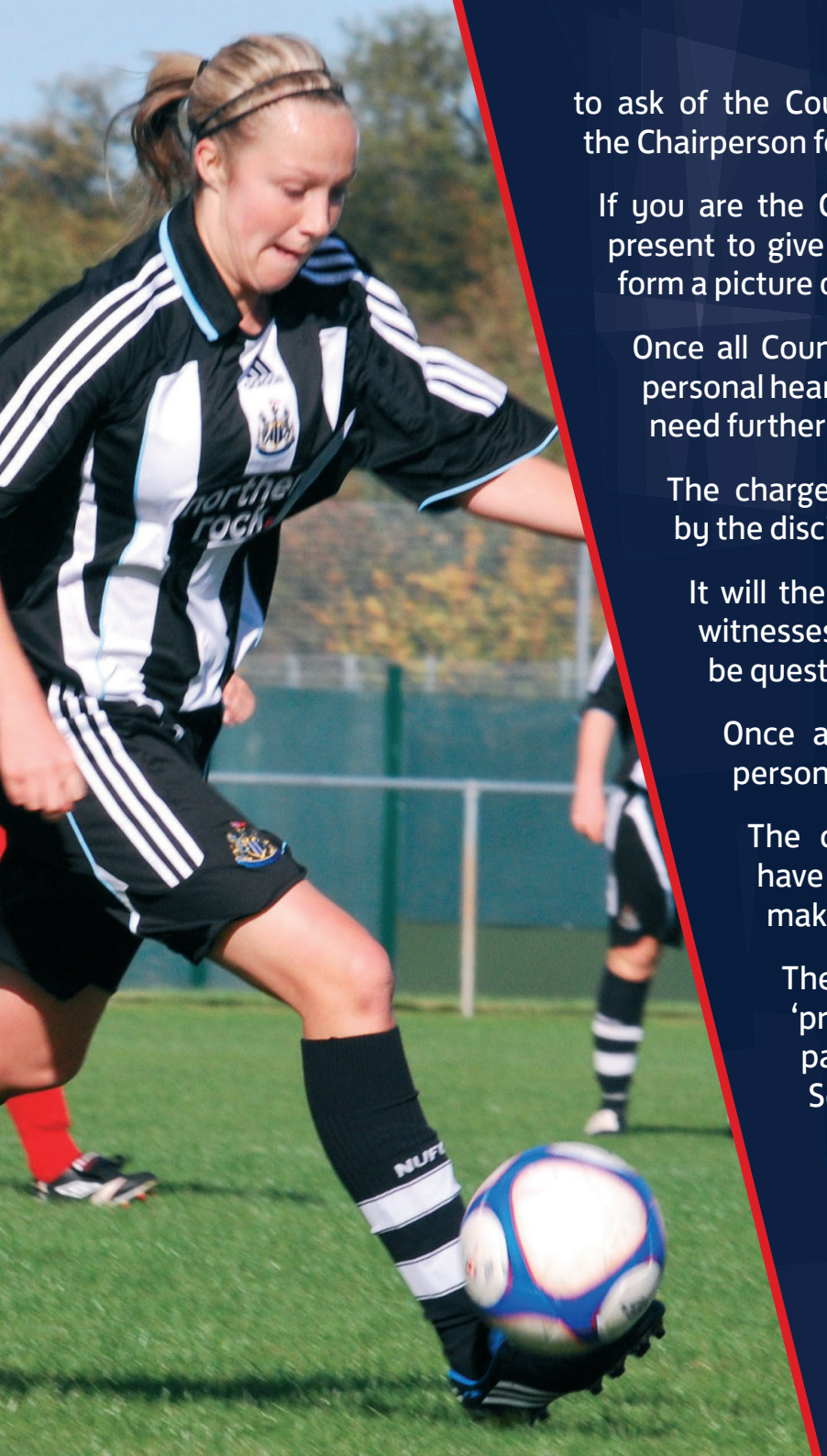
Proceedings will then start with the discipline panel and the charged participant or club being able to ask questions of the first County FA witness in relation to their submission.

If you are a young person under the age of 18 then the process will vary:

- If you are under the age of 12 you will not attend a hearing, your written submission will be all that is viewed and considered. This may be in the form of a written statement, or may be that an appropriate adult (e.g. the County FA Designated Safeguarding Officer) gives your statement verbally to the discipline panel.
- If you are aged between 12 to 15 then you will only attend a hearing virtually.
- If you are aged 16 or 17 then you may attend a hearing in person (if face to face) however you may still deliver your submission virtually if deemed appropriate.

A person aged under the age of 18 in a personal hearing will only ever be asked questions by the appointed Chairperson. If you are the charged participant or club and you have questions





to ask of the County FA witness who is under the age of 18 your questions must be put to the Chairperson for them to decide and ask the witness.

If you are the County FA witness please remember you are not the person on trial, you are present to give your version of events as honestly as you can to assist the discipline panel to form a picture of what happened on the day of the alleged event and to determine an outcome.

Once all County FA witnesses have answered all questions, they may be asked to leave the personal hearing completely, or maybe asked to stay in their waiting room in case anything may need further clarification later in the hearing.

The charged participant or club will then give their own submission and be questioned by the disciplinary panel.

It will then be the turn of the charged participant or club to bring into the hearing their witnesses, they will come into the hearing one by one to give their submission and be questioned by the disciplinary panel.

Once all witnesses have answered all questions, they may be asked to leave the personal hearing completely.

The charged participant or club will then be asked by the Chairperson if they have had the opportunity to ask all their questions and be given the chance to make their closing submission before being asked to return to the waiting room.

The disciplinary panel will then decide in private if the charge(s) are found 'proven' or 'not proven' based on the balance of probability, the charged participant or club will then be brought back into the hearing room and the Secretary will read out the outcome.

If the charge(s) are found 'not proven' then the charged participant or club will be free to go, and the appeal fee and administration fee will be returned at a later date by the County FA.

If the case is found 'proven' then the Secretary will read out the previous offence history of the charged participant or club for consideration, and the charged participant or club will then be asked if they wish to make a plea of leniency which will be considered by the discipline panel when making their final decision on the sanction where they will consider any aggravating factors or mitigating factors.

The charged participant or club will then be asked to return to the waiting room again whilst the discipline panel decides in private on the appropriate sanction.

The charged participant or club will then be brought back into the hearing room and the Secretary will read out the final outcome and sanction, however the discipline panel do have the right to send out the final outcome and sanction by letter (or through FA Whole Game System) if it is felt that is more appropriate.

Please note that a discipline panel also has the right to add costs to any fine imposed if the charge is found 'proven'.

WILL I HEAR THE OUTCOME OF A PERSONAL HEARING?

The participant or club that the charge is against will normally hear the outcome of the personal hearing at its conclusion, or at least within 24 hours of the end of the personal hearing.

The result letter will be sent through The FA Whole Game System to the club if the charge was against the club or a participant of the club.

If the participant charged was charged with individual misconduct not linked to their club then they will receive correspondence directly through the post or via email.

County FA witnesses (including match officials) do not necessarily receive the outcome, if the County FA do not send you notification of the outcome you can always make contact with them and request this information by using the *'County FA contacts'* list on page 22-23





CAN I GIVE FEEDBACK?

A feedback survey has been introduced which will allow anyone involved in the disciplinary process to provide feedback to The FA of their experience. This feedback form should be circulated to everyone involved following a personal hearing to ensure we are capturing as much data as possible.

If you do not receive communication from your County FA with the feedback survey link then please contact them using the *'County FA contacts'* list on page 22-23

Alternatively the survey can be completed here.

WHAT HAPPENS IF I AM NOT HAPPY WITH THE OUTCOME?

Where a charge is found 'proven' by a disciplinary panel then only the participant or club charged or The FA has the right to appeal the outcome. The result letter will inform you how to appeal.

Your intention to appeal must be made and received by The FA within seven days of the result letter. The full written submissions are required to be received by The FA within 14 days of the result letter.

If your charge was an 'FA Serious Case' then your appeal timeframe starts from the time you receive Written Reasons from your County FA.

Written Reasons are only mandatory for 'FA Serious Cases' and these charges are:

- E20 – Club charge which is aggravated breach
- E3.2 – Individual charge which is an aggravated breach
- E3.1 – Individual charge with physical contact on a match official
- E3.1 – Individual charge with assault on a match official
- E4 – Victimisation or discrimination as defined in the Equality Act 2010

If you have followed the process above through and you are still not happy with the outcome, then you will need to follow The FA complaints procedure which can be obtained by emailing CFAseriouscases@thefa.com Please note the complaints process cannot change the outcome of the hearing.

YOUNG PERSON PROTOCOLS

The safeguarding and welfare of young people under the age of 18 is of paramount importance and if you are under the age of 18 and are involved in a case no matter what the role please become familiar with key points below which have already been mentioned throughout this guide.

1. It is mandatory that if you are under the age of 18 that you have an appropriate adult with you at a personal hearing. If you have any questions regards this contact your County FA using the 'County FA contacts' page on pages 22-23.
2. You can wear whatever you like to a personal hearing whether you attend in person or virtually – it is important that you feel as comfortable as possible.
3. If you are the match official or County FA witness, you are not the one on trial. Questions may be asked of you to enable the discipline panel to make a decision on the outcome.
4. If you are the charged participant of course this can be stressful, it is never nice to be charged and attend a personal hearing, but please remember the discipline panel will do everything they can to ensure you are comfortable and are given a fair hearing.
5. The personal hearing process will vary depending on your age:
    - If you are under the age of 12 you will not attend a hearing, your written submission will be all that is viewed and considered.
    - If you are aged between 12 to 15 then you will only attend a hearing virtually.
    - If you are aged 16 or 17 then you may attend a hearing in person (if face to face) however you may still deliver your submission virtually if deemed appropriate.





6. During a personal hearing if you are the match official or County FA witness, the only people that will be present in the hearing room when you give your evidence will be your appropriate adult, Chairperson, two wing members, discipline panel secretary, the charged participant or club and their representative(s) if they have any.

7. The only person that will engage with you in a personal hearing is the Chairperson, all questions will be directed to the Chairperson and asked by the Chairperson.

8. The Chairperson and two wing members will have completed FA personal development training with regards to sitting on a discipline panel involving young people.

9. It is important to give feedback on your experience so that The FA can always look at ways to improve the process of personal hearings. You should be given the link to the survey at the end of the personal hearing or access it here.

THINGS TO REMEMBER FOR VIRTUAL HEARINGS

- You will need to provide the County FA with an appropriate email address and contact number for yourself. If you are the charged participant or club, you will need to provide a contact email and contact number for each of your witnesses.
- If the personal hearing is to take place virtually then the County FA should contact you before the date of the personal hearing to make sure you have the correct access to the software required (this will be WebEx, Zoom or Microsoft Teams). Familiarise yourself with the software especially understanding how to mute/unmute yourself and how to turn on/off the camera.
- You should be provided with a contact number of someone at the County FA in case of any problems during the personal hearing.
- Make sure you are in a private location and that any background noise is as minimal as possible.
- Where possible face any natural light, if light is behind you this will impact on screen clarity and what others in the personal hearing can see of you. If light is behind, or to the side of you consider drawing any blinds or curtains.
- If you do not have a hard copy of any paperwork you require consider using a second device, one to join the personal hearing virtually and a second device to have your papers accessible to you.
- Ensure that your device has enough battery charge to last for the personal hearing. If you can be close to a power source and you have a power cable ready that would be beneficial.




McDonald's

COUNTY FA CONTACTS

Amateur FA	www.amateur-fa.com	Discipline@amateur-fa.com
Army FA	www.armyfa.com	Discipline@armyfa.com
Bedfordshire FA	www.bedfordshirefa.com	Discipline@bedfordshirefa.com
Berks & Bucks FA	www.berks-bucksfa.com	Discipline@berks-bucksfa.com
Birmingham FA	www.birminghamfa.com	Discipline@birminghamfa.com
Cambridgeshire FA	www.cambridgeshirefa.com	Discipline@cambridgeshirefa.com
Cheshire FA	www.cheshirefa.com	Discipline@cheshirefa.com
Cornwall FA	www.cornwallfa.com	Discipline@cornwallfa.com
Cumberland FA	www.cumberlandfa.com	Discipline@cumberlandfa.com
Derbyshire FA	www.derbyshirefa.com	Discipline@derbyshirefa.com
Devon FA	www.devonfa.com	Discipline@devonfa.com
Dorset FA	www.dorsetfa.com	Discipline@dorsetfa.com
Durham FA	www.durhamfa.com	Discipline@durhamfa.com
East Riding FA	www.eastridingfa.com	Discipline@eastridingfa.com
English Schools FA	schoolsfootball.org	Discipline@schoolsfa.com
Essex FA	www.essexfa.com	Discipline@essexfa.com
Gloucestershire FA	www.gloucestershirefa.com	discipline@gloucestershirefa.com
Guernsey FA	www.guernseyfa.com	Discipline@guernseyfa.com
Hampshire FA	www.hampshirefa.com	Discipline@hampshirefa.com
Herefordshire FA	www.herefordshirefa.com	Discipline@herefordshirefa.com
Hertfordshire FA	www.hertfordshirefa.com	Discipline@hertfordshirefa.com
Huntingdonshire FA	www.huntsfa.com	Discipline@huntsfa.com
Isle of Man FA	www.isleofmanfa.com	Discipline@isleofmanfa.com
Jersey FA	www.jerseyfa.com	Discipline@jerseyfa.com
Kent FA	www.kentfa.com	Discipline@kentfa.com
Lancashire FA	www.lancashirefa.com	Discipline@lancashirefa.com

Leicestershire & Rutland FA	www.leicestershirefa.com	Discipline@leicestershirefa.com
Lincolnshire FA	www.lincolnshirefa.com	Discipline@lincolnshirefa.com
Liverpool FA	www.liverpoolfa.com	Discipline@liverpoolFA.com
London FA	www.londonfa.com	Discipline@londonfa.com
Manchester FA	www.manchesterfa.com	Discipline@manchesterfa.com
Middlesex FA	www.middlesexfa.com	Discipline@MiddlesexFA.com
Norfolk FA	www.norfolkfa.com	Discipline@norfolkfa.com
North Riding FA	www.northridingfa.com	Support@northridingfa.com
Northamptonshire FA	www.northamptonshirefa.com	Discipline@Northantsfa.com
Northumberland FA	www.northumberlandfa.com	Discipline@NorthumberlandFA.com
Nottinghamshire FA	www.nottinghamshirefa.com	Discipline@NottinghamshireFA.com
Oxfordshire FA	www.oxfordshirefa.com	Discipline@OxfordshireFA.com
Royal Air Force FA	www.royalairforcefa.com	Discipline@royalairforcefa.com
Royal Navy FA	www.royalnavyfa.com	Discipline@navyfa.com
Sheffield & Hallamshire FA	www.sheffieldfa.com	Discipline@sheffieldfa.com
Shropshire FA	www.shropshirefa.com	Discipline@ShropshireFA.com
Somerset FA	www.somersetfa.com	Discipline@SomersetFA.com
Staffordshire FA	www.staffordshirefa.com	Discipline@Staffordshirefa.com
Suffolk FA	www.suffolkfa.com	Discipline@suffolkfa.com
Surrey FA	www.surreyfa.com	Discipline@surreyfa.com
Sussex FA	www.sussexfa.com	Discipline@sussexfa.com
West Riding FA	www.westridingfa.com	Discipline@westridingfa.com
Westmorland FA	www.westmorlandfa.com	Discipline@WestmorlandFA.com
Wiltshire FA	www.wiltshirefa.com	Discipline@wiltshirefa.com
Worcestershire FA	www.worcestershirefa.com	Discipline@worcestershirefa.com

KEY WORDS AND PHRASES

EQUALITY ACT 2010
The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It provides Britain with a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
www.legislation.gov.uk/ukpga/2010/15/contents

BALANCE OF PROBABILITY
This is the standard of proof used to decide on the outcome of the charge. A discipline panel will decide whether or not the alleged offence was more likely to have taken place than not. If the discipline panel believe the offence was more likely than not to have taken place then they will find the case 'proven'.

DISCIPLINARY PANEL
The three people appointed to listen to the evidence and ask any questions to determine the outcome of a charge, this is the Chairperson and two wing members.

PROVEN
The charge in question is upheld (proven) and the charged participant or club will then receive a relevant sanction.

NOT PROVEN
The charge in question is dismissed (not proven) and the charge against the participant or club will be expunged.

APPROPRIATE ADULT
This could be your parent/carer or another adult who agrees to support you at the hearing.

RELIED UPON
The County FA will have used a submission to them (referee report, personal statement, screen shot, video etc) in the evidence to make a charge against a participant or club.





CASE BUNDLE

This is the pack of information that the discipline panel members and the charged participant or club receive, it contains the charge letter, the evidence that the County FA has relied upon to make the charge, and then the charge response and any statements submitted prior to the personal hearing from the charged participant or club.

FA SERIOUS CASE

This is a charge that The FA will appoint a disciplinary panel to, not the County FA due to the seriousness of the charge.

FA WHOLE GAME SYSTEM

This is The FA's online system that match officials and clubs have access to.

AGGRAVATED BREACH

An alleged charge includes a reference, whether express or implied, to any one or more of the following – ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

PLEA OF LENIENCY

This is a submission (verbally in a personal hearing) that can be given to apologise, show remorse, or give reasons to why the discipline panel should consider a minimal sanction when the charge is 'proven'.

MITIGATING FACTORS

These are things that a disciplinary panel may consider to reduce a sanction if the charge is 'proven'.

AGGRAVATING FACTORS

These are things that a disciplinary panel may consider to increase a sanction if the charge is 'proven'.

OTHER USEFUL RESOURCES

- County FA Disciplinary Sanction Guidelines
- Essential Information for Clubs (Step 5 and below)
- FA Handbook 2020/21 – Discipline Regulations
- FA Complaints Procedure
- Equality Act 2010




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