

WILTSHIRE FA
DISCIPLINE
AMENDMENTS
FOR SEASON 20/21



INTRODUCTION

Below is a summary of the Discipline changes for County Football Associations for the 2020/21 Season. There are other amendments that in the min impact FA Discipline as opposed to the CA process.

Always refer to The FA Handbook/Rules and Regulations for the full regulations.

The format of this document will show:

- a. The Regulation changed
- b. The details of the amendment
- c. The Rationale/Explanation for the change

In addition to these changes, a new version of the Sanction Guidelines Document has been prepared for the 2020/21 Season and should be distributed to all Panel Members.

PART A: GENERAL PROVISIONS, SECTION ONE: ALL PANELS, OTHER PROCEEDINGS, PARAGRAPH 24

AMENDMENT

24 The result of ~~those~~ any proceedings referred to in paragraph 23 (save for an acquittal) and findings upon which such result is based shall be presumed to be correct and true unless it is shown, by clear and convincing evidence, that this is not the case. An acquittal or equivalent result in civil, disciplinary or regulatory proceedings (and any finding upon which such result is based) shall only be presumed to be correct if the applicable standard of proof in those proceedings was the same or lower than the applicable standard of proof in the proceedings brought under the Rules.

EXPLANATION/RATIONALE

This provision seeks to avoid The FA having to 're-litigate' matters which have already been effectively decided by another court/other tribunal to a similar or higher burden of proof.

This amendment specifically carves-out a scenario whereby an individual has been acquitted on the basis of not reaching the requisite standard of proof (e.g. for a criminal conviction – beyond reasonable doubt) but may nonetheless meet the requisite standard of proof in The FA/CFA's disciplinary proceedings, (Balance of Probability).

PART A: GENERAL PROVISIONS, SECTION TWO: REGULATORY COMMISSIONS, PENALTIES AND ORDERS, GENERAL, PARAGRAPH 41

AMENDMENT

41 In imposing penalties, a Regulatory Commission ~~shall consider~~ must apply any:

41.1 applicable standard sanctions ~~or sanction guidelines~~ as may be communicated by The Association from time to time. A Regulatory Commission ~~shall have the discretion, to may~~ only depart from such standard sanctions ~~guidelines~~ where it, ~~in its absolute discretion,~~ deems it appropriate having regard to the facts of an individual case (for example, where a particular act of Misconduct is sufficiently serious that the guideline sanction would not constitute a sufficient penalty for the Misconduct that has taken place).....

EXPLANATION/RATIONALE

To clarify that a Commission is required to follow standard sanctions, save for in truly exceptional circumstances. This provides certainty/consistency but also allows flexibility for Commissions should the circumstances warrant it. However, where there are mandatory sanctions, these must be applied.

PART A: GENERAL PROVISIONS, SECTION TWO: REGULATORY COMMISSIONS, PENALTIES AND ORDERS, SUSPENDED PENALTY, PARAGRAPH 43

AMENDMENT

~~43 Where the penalty to be imposed is to be suspended, no more than three quarters of any such penalty may be suspended. If the period of such a suspension is a lifetime, the non-suspended period must be no less than eight years.~~

EXPLANATION/RATIONALE

To give a Commission the power to suspend such period of a penalty as it considers appropriate. It is not clear why the limits in place at existing Regulation 43 were set. CFA's should also refer to the Sanction Guidelines regarding suspended sanctions.

PART A: GENERAL PROVISIONS, SECTION TWO: REGULATORY COMMISSIONS, AGGRAVATED BREACHES (FA RULE E3 (2))

AMENDMENT

46 Where an Aggravated Breach is found proven, a Regulatory Commission shall apply The Association's sanction guidelines for Aggravated Breaches set out at Appendix 1 to Part A: Section One: General Provisions.

Note: Remainder of section fully deleted and incorporated into the Sanction Guidelines

EXPLANATION/RATIONALE

This has been amended to incorporate the new sanction guidelines for Aggravated Breaches which have now been approved by the FRA. The Guidelines should be read in full.

D: ON FIELD REGULATIONS, SECTION THREE, REGULATION 17

AMENDMENT

Save for single cautionable offences also punished by a temporary dismissal, an administration fee will be charged to the Player through their Club for the cost of processing each notification made in accordance with paragraph 16 above. The applicable administration fee is ~~£10.00~~ £12.00 for each notification of a cautionable offence and £15.00 for each notification of a sending-off offence. It is the responsibility of the Club to collect the administration fee from the Player and forward it to the Affiliated Association upon request.

EXPLANATION/RATIONALE

This increase was proposed by the NGB and approved by the Discipline Sub Committee.

PART G: APPENDICES, APPENDIX II – COUNTY AND OTHER AFFILIATED ASSOCIATIONS – HEARINGS BEFORE DISCIPLINARY COMMISSIONS, PARAGRAPHS 7 & 8

AMENDMENT

7.1 A child aged ~~13 or~~ under 12 must not appear at a Disciplinary Commission as either a witness or the Participant Charged.

7.2 Where a child aged under 12 would otherwise have been charged with a disciplinary offence, An alternative method should be adopted options should be considered to address the issues arising from any incident or behaviour. These which could include:

7.2.1 convening a meeting to bring the parties together to talk through the issues.

7.2.2 the Affiliated Association Welfare Officer talking to the child to warn them about their behaviour and/or requesting the child undertake an education programme which is deemed relevant to the incident or behaviour. A parent/carer should be present at any meeting.

7.3 Where a child aged under 12 would otherwise have been a witness before a Disciplinary Commission, the following options should be considered:

7.3.1 the Affiliated Association Welfare Officer obtaining a written statement from the child, with the Disciplinary Commission proceeding on the basis of written submissions. The Affiliated Association Welfare Officer may need to write the statement in conjunction with the child and parent/carer.

7.3.2 convening a private meeting between the child and Affiliated Association Welfare Officer to establish the child's version of events, with the Affiliated Association Welfare Officer reporting verbally to Disciplinary Commission. The Affiliated Association Welfare Officer should make a contemporaneous note of the meeting and a parent/carer should be present throughout.

8 A child ~~between the ages of 14 12 and over and 18 years inclusive~~ may attend a Disciplinary Commission provided that:

8.1 they understand it is their duty to speak the truth;

8.2 their evidence is sufficiently important to justify it being heard;

8.3 the appropriate procedures relating to minors are adopted. The child must be accompanied by a parent/carer;

8.4 A child between the ages of 12 and 15 shall only give evidence via an electronic platform, or any method other than in person;

8.5 A child between the ages of 16 or 17 shall be permitted to give evidence in person but a Disciplinary Commission may permit evidence to be given by another method if it is considered appropriate in the circumstances of the case.

EXPLANATION/RATIONALE

To permit CFAs to deal with disciplinary matters by way of education where appropriate.

To clarify how young people can give evidence at Disciplinary Commissions.

It ensures:

- No child under 12 is to be charged and the matter should be dealt with in an alternative manner
- Young people aged 12-15 can only attend a hearing by video conference
- Young people aged 16 and 17 may attend in person but CFA's should also give consideration for attendance by video conference.