



COUNTY FA DISCIPLINARY SANCTION GUIDELINES

SEASON 2021/22



FOR ALL



FOR ALL



CONTENTS

- 4** Introduction
- 6** How to use the Sanction Guidelines document
- 7** Deciding the scale from the tariff
- 8** Match or term-based suspension
- 9** Aggravating Factors
- 11** Mitigating Circumstances
- 12** Types of Suspensions
- 13** Education Sanctions
- 13** RESPECT Courses
- 14** Equality Education Course
- 14** Safeguarding Children Workshop
- 15** Laws of the Game course/presentation
- 15** Suspended Sanctions
- 16** Touchline Ban
- 16** Ground Ban
- 16** FA Rule E20
- 17** Responsibility
- 17** FA Rule E21 – Due Diligence
- 18** Mandatory Minimum Sanctions
- 19** Sanctioning Guidelines 21-22

INTRODUCTION

The aim of this publication is to provide guidance on the types of sanctions a Disciplinary Commission can impose, whilst also covering key topics such as Education Sanctions, Ground Bans and Mitigating/Aggravating factors.

In an ever-changing world of football, it is important that The FA and County FAs move with the times to provide a safe, enjoyable environment for players, referees and all participants alike, whilst maintaining the need for a fair and transparent disciplinary process for all involved.





HOW TO USE THE SANCTION GUIDELINES DOCUMENT

This document will serve as a useful guide and will enable participants to have an awareness of the likely sanctions should the case against them be found proven.

Our principle is that the Sporting Sanction, i.e. a period of suspension opposed to a monetary sanction, should be consistent across all levels of the game. A monetary sanction will fluctuate to reflect the level of the game.

The guide is published so Clubs and Players are also aware of the guidance given to County FAs and Disciplinary Commissions when assessing and deciding upon disciplinary cases.

Following the hearing of the evidence and after considering the mitigating and aggravating factors, it is possible to deviate from the recommended sanction, with valid reasons but where there is a standard minimum sanction this needs to be adhered to by the Commission.



DECIDING THE SCALE FROM THE TARIFF

To obtain the scale of sanction that you will use for any one charge, there are three items for you to reference:

1. Charge
2. Level of Football (NLS, Non-NLS, Youth)
3. Level of seriousness (Low, Medium, High)

Whilst it is important to assess the level of offending in terms of low/middle/high at the outset, occasionally, having listened to all the evidence and considered both mitigating circumstances and aggravating factors, a Commission may deviate either above or below the guidelines.

It is important that the Commission has this flexibility, but any deviation must be documented during the hearing.

NATIONAL LEAGUE SYSTEM (NLS), TEAMS and PLAYERS/OFFICIALS		
Low	Mid	High
0/2	1/3	3/6
£0 - £40	£15- £60	£20- £100

The example shown above contains low/middle/high scales for a charge of a Player competing within the NLS.

The first row, highlighted **yellow**, contains the sporting sanction, i.e. suspension. This would indicate to a Commission that if they were dealing with a “low” case the suspension would be between 0 and 2 matches.

The sporting sanction can be either a playing suspension in the case of a Player, or a Ground Ban in the case of a Team Official

The second row, highlighted **green**, contains the monetary sanctions. In our example, this would indicate a fine between £0 and £40.

A Commission does have the ability to increase or decrease the sanction depending on the aggravating or mitigating circumstances present. Where the regulation stipulates a standard minimum sanction, the Commission would not be permitted to go below this threshold. Should a Commission deviate from the recommended sanction but not provide sufficient evidence to support the decision, the chances of an appeal against the decision are increased.

MATCH OR TERM-BASED SUSPENSION

A Commission should always impose a sanction against an individual that is proportionate to the offence, with any alterations made for mitigating/aggravating factors.

Just because a Participant's 3 match suspension could be over within 8 days should not make a Commission consider a longer suspension to match that of the previous term-based system

Likewise, a proportionate sanction that takes over a month to serve would not be a reason for a Commission to reduce the sanction that is imposed.

There will be, of course, exceptions to the rule when a term-based suspension could and/or should be implemented.

Charges that may carry this include:

- E3 Improper Conduct – Assault or attempted Assault on a Match Official, Physical Contact or attempted Physical Contact on a Match Official, Threatening a Match Official, Assault by Participant on Participant

Additionally, a sanction imposed on a non-player, i.e. Referee, does not lend itself to a match-based sanction. In these circumstances a term-based sanction must be applied. However, this does not apply to Team Officials who can serve match-based suspensions.





AGGRAVATING FACTORS

What is an aggravating factor?

Aggravating factors are any relevant circumstances, supported by the evidence provided, that increase the potential sanction against the offending party. This may be evidenced in the investigation by the County FA at the outset or as part of the evidence given in a Hearing.

Before taking into consideration any aggravating factors, it is important to set an “entry point” for the sanction.

Having used the Sanction Guidelines tariff to establish an entry point, the sanction can be adjusted to ensure that a proportionate sanction is given.

Aggravating and mitigating factors should not be considered when deciding liability of the offence. These factors must only be considered after liability has been established and are in relation to any sanction.

Below are examples of Aggravating Factors:

PREMEDITATION

A Participant that rationally considers the timing and method of committing misconduct, in order to either increase the likelihood of success, or to evade detection by the Match Official or other Participants.

TARGETING AN INDIVIDUAL

Becoming more common via social media. Comments suggesting that a Participant may cause harm to another Participant in an upcoming match could be an example of this.

POSITION HELD BY PARTICIPANT

Dependent on the nature of the charge, it could be viewed that a Participant in a position of authority or trust has greater responsibility to act in a proper manner. Welfare Officers or Referees could fit into this bracket as they should be aware of the various programmes or simply be aware of how to behave properly.

REPEATED USE OF WORDS/GESTURES/VIOLENCE

Repeated or prolonged commitment of the offence(s) is an aggravating factor.

NUMBER OF “PHASES” INCIDENTS(S) TOOK PLACE

If a Participant was issued a misconduct charge for language having been sent from the field of play for an initial offence, then commits further offences from the touchline and adds a comment at full time, then there are multiple phases which is an aggravating factor.

MATCH OFFICIAL

Whilst all forms of improper conduct against a Match Official are unacceptable, a Commission should see an offence against a Match Official who is under the age of 18 as an aggravating factor. County FAs operate schemes to identify an U18 Referee, including different colour shirts or arm bands. Any misconduct against a Match Official who is clearly identifiable as U18 should be an aggravating factor.





MITIGATING CIRCUMSTANCES

Mitigating factors are any evidence presented regarding the Participants character or the circumstances of the incident, which might cause the Disciplinary Commission to apply a lesser sanction. Remember, at a Hearing following a case that has been found proven, a Participant has the right to present a final plea in mitigation before the sanction is decided.

Again, it is useful to understand the “entry point” before taking the mitigation into consideration.

Below are examples of Mitigating Circumstances:

PREVIOUS OFFENCE HISTORY

When considering a previous good record, you also need to consider the length of time they have been a participant over the previous 5 years. A clean record of a “new” participant would not carry as much weight as a Player who has been involved in the game regularly for many years. Only the previous 5 years of an offence history can be taken into consideration.

PROVOCATION/DIDN'T INITIATE THE INCIDENT

Whilst a Participant is in control of their own actions, they may react to comments or actions from other aimed towards them. An explanation should be considered by a Commission.

PERSONAL ISSUES

Every Player is human and may have family or personal issues which run far deeper than the football world. There is something that a Commission can only get a feel for at a Hearing and each circumstance will differ.

MEDICAL CONDITION

A medical condition could be used as a mitigating circumstance. There are various learning difficulties that also fall within this category. Again, remember that this is a mitigating factor and not used to determine liability. The medical circumstances should be verified by a qualified medical practitioner, ideally in the form of written confirmation to allow the Commission to assess the legitimacy of the mitigation.

INCIDENT HAS EDUCATED THE PARTICIPANT

A Participant, particularly one with a good record, may state that the sending off itself was sufficient and they have learnt from the experience. With younger Players in particular, this is something the Commission should take into consideration (See “Educational Sanctions”).

REMORSE

Like most things in life certain situations happen with a split-second decision. It may have been that immediately after the event a Player has shown remorse, maybe by checking to see that the opposing Player wasn't injured or apologising to the Match Official. It is for the Disciplinary Commission to assess the sincerity of the remorse.

TYPES OF SUSPENSIONS

This section details all types of suspensions available to a Disciplinary Commission. Unless specified within the hearing results or charge, a suspension is from playing and refereeing only. Should an individual be found proven of one the following charges, the suspension will be from all football activity at a County FA level. Should County FAs wish to extend this to a National level, then an application is to be made to The FA outlining the rationale and including all necessary information for that to be considered.

- Threatening behaviour towards a Match Official
- Physical Contact or attempted Physical Contact against a Match Official
- Assault on a Match Official
- Assault by Participant on Participant
- Where the sanction is in excess of 10 matches/112 days

Alternative suspension types a Disciplinary Commission may include, but are not limited to:

- Administration – this may be used where an individual holds an administrative role with a Club or Leagues
- Role Specific – i.e. Treasurer. It is important to relate the sanction to the type of offence committed
- Education – required to attend some form of education
- Ground ban – see below for further details





EDUCATION SANCTIONS

As football evolves, new ways in which to educate rather than punish (in appropriate circumstances) are increasingly on the agenda. Below list several alternatives to the traditional sanctions that may be used by a Disciplinary Commission.

Education sanctions are a great tool when dealing with young players, whereby the Designated Safeguarding Officer at a County FA can play a key role by discussing the “rights” and “wrongs” with a Participant.

It is important to note that the requirement to attend these sessions can only be enforced by an order of a Disciplinary Commission. A suitable timeframe to complete the session should be given by the Commission (considering the regularity of any courses) and they can order that a suspension be imposed for non-compliance. The County FA cannot impose a suspension for non-compliance without this being included as part of a sanction by the Disciplinary Commission.

RESPECT COURSES

RESPECT Courses run by the County FA can be a positive way of dealing with poor behaviour across the game, but in particular for Managers and Coaches. Two different versions of the course have been produced dealing with Participants in Adult and Youth Football. The courses are supported by high quality resources and have the following objectives:

- To oblige the offenders to reflect on how they are perceived on and off the pitch
- To oblige offenders to reflect on the behaviour which led to the original charge
- To heighten awareness of the impact of improper conduct on others
- To test the understanding of the Laws of the Game on offenders
- To develop a better understanding of the demands placed upon Match Officials

Clubs that have reached the 2nd or 3rd thresholds of the Discipline Penalty Points System can be obliged to host a course. Clubs that are in danger of having their Club Accreditation revoked can also be required to host a course as part of an action plan.

EQUALITY EDUCATION COURSE

Where an individual has been charged and found proven following a Breach of FA Rule E3.2 they will be mandated to complete an Equality Education course whether that be online or face-to-face.

This short course is provided for any Participant found proven of misconduct which included an aggravated/discriminatory element. Participants discuss what discrimination looks like in sport and its impact on football, what The FA and the Law say about discrimination, and what we can all do to prevent and challenge it. Tackling all forms of discrimination makes football safe and enjoyable for everyone. This Equality Education Course can only be requested by the order of a Disciplinary Commission and not by the County FA.

EDUCATION FOR OFFENCES AGAINST MATCH OFFICIALS

Additionally, where an individual has been charged and found proven of the following offences, they will be mandated to complete an Education course, whether that be online or face-to-face:

1. Threatening Behaviour towards a Match Official
2. Physical Contact or attempted Physical Contact on a Match Official
3. Assault or attempted Assault on a Match Official

ONLINE SAFEGUARDING CHILDREN WORKSHOP

If there are concerns over a Participant who hasn't acted appropriately around Young People, a Disciplinary Commission can enforce their attendance at a Safeguarding Children Workshop. It is best practice in instances such as this to set a timeframe in which the Workshop is to be completed.

Any order regarding a Workshop, made by a Disciplinary Commission, must be at the cost of the County FA.





LAWS OF THE GAME COURSE/PRESENTATION

If it becomes apparent that the Club and/or Participants view contradicts the Laws of the Game, this would be an ideal opportunity for the Referee Development Officer to visit the Club and give a course/presentation on the Laws of the Game.

Such presentations can help address and remove barriers that are present between some Players and Match Officials.

SUSPENDED SANCTIONS

In exception cases, having considered any mitigating circumstances presented by a Participant, a Disciplinary Commission may wish to opt for Suspended Sanctions.

This should only be used in truly exceptional circumstances and not as an alternative to apply the correct and appropriate sanction.

Such punishment should have a timescale, such as subject to no further proven charges of that nature for 12 or 24 months and should not be used when clearly an active sanction is the appropriate course of action.

This can be a useful tool when dealing with young Players within the disciplinary system and can form part of their education process.

If this option is chosen, the Secretary of the Commission must make a note of this in the public notes section in order to log it. This would then appear on the Offence History should they commit a further act of misconduct in the future.

Any suspended sanction must include:

- Period of suspension (i.e. 2 years)
- When to be activated (i.e. when the Participant is found proven of a similar offence within the specified timeframe)

TOUCHLINE BAN

Touchline bans are not suitable for football at County FA level, as they would not be effective or be able to be policed. A Commission should therefore implement a Ground Ban which is more appropriate and effective.

GROUND BAN

A Ground Ban is a sanction a Disciplinary Commission can impose which restricts a Participant from attending a Ground where the Team they represent is playing. It is a ban from the attending Ground before, during or after any match in which the particular team participates.

A Ground Ban can be imposed by a Commission where the Team plays on public field as Participants agree by their very participation to abide by the Rule and Regulations of The FA and therefore to any orders made by a Disciplinary Commission. Failure to comply with a Ground Ban could result in a further charge for a breach of FA Rule E10/E12 being imposed.

FA RULE E20

Each Affiliated Association, Competition and Club shall be responsible for ensuring:

E20.1 that its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere; and

E20.2 that no spectators or unauthorised persons are permitted to encroach onto the pitch area, save for reasons of crowd safety, or to throw missiles, bottles or other potentially harmful or dangerous objects at or on to the pitch.





RESPONSIBILITY

In grounds that are part of the National League System it is expected that the home club makes reasonable attempts to ensure that the conduct of BOTH sets of Spectators is acceptable.

For those grounds that use crowd safety officials it should be noted that the home team may also be questioned as to what reasonable steps the Club took to control away supporters.

FA RULE E21 – DUE DILIGENCE

Any Affiliated Association, Competition or Club which fails effectively to discharge its said responsibility in any respect whatsoever shall be guilty of Misconduct. It shall be a defence in respect of charges against a Club for Misconduct by spectators and all persons purporting to be supporters or followers of the Club, if it can show that all events, incidents or occurrences complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged.

This defence shall not apply where the Misconduct by spectators or any other person purporting to be a supporter or follower of the Club included a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

MANDATORY MINIMUM SANCTIONS

Mandatory minimum sanctions have been introduced for certain offences where a charge is found proven against a Match Official, and other serious cases. Each case must be considered on its own merits, should the case have mitigating factors there is a mandatory minimum sanction. The recommended sanction should only be varied where appropriate mitigating or aggravating factors are present. The mandatory minimum should not be used as an entry level and the recommended sanction is not the upper limit for a sanction. Where appropriate the recommended sanction should be increased.

Whilst it is recognised that the sanction guidelines are recommendations, a mandatory minimum sanction for the following charges must be applied:

- 1.** Assault or attempted Assault on a Match Official – standard minimum suspension from all football activity for 5 years from the date of the suspension. Where the assault causes serious injury, the standard minimum shall be 10 years. Such mandatory suspension shall be reduced to 2 years for a Participant aged 14 or under.
- 2.** Physical Contact or attempted Physical Contact on a Match Official – recommended suspension from all football activities for a period of 182 days and £150 fine, with a mandatory minimum of 112 days from all football activity and £75 fine.
- 3.** Threatening a Match Official – recommended suspension from all football activity for a period of 112 days and £100 fine, with a standard minimum suspension from all football activity for a period of 56 days and £50 fine.
- 4.** Assault by Participant on Participant – for a Player or Club Official the mandatory minimum sanction is 140-day suspension and £150 fine. Where the offence is committed by a Match Official there is a mandatory minimum suspension from all football activities for 5 years.
- 5.** E3.2 Aggravated Breaches – See

“Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches”



Please Note: These are Guideline/Minimum Sanctions and must be followed but can be varied where appropriate mitigation or aggravating factors exist.		NATIONAL LEAGUE SYSTEM (NLS), TEAMS and PLAYERS/OFFICIALS			(Including Youth Club Officials) OUTSIDE NLS LEAGUES, TEAMS and PLAYERS/OFFICIALS			(Excluding Youth Club Officials) YOUTH LEAGUES, TEAMS and PLAYERS		
FA Rule	Charge Description	Low	Mid	High	Low	Mid	High	Low	Mid	High
E1.2	Failed to comply with the Rules and Regulations of The Association (Club and/or League Charge)	£0-£40	£40-£125	£75-£200	£0-£30	£30-£100	£75-£200	£0-£30	£30-£75	£75-£150
E3	Improper Conduct (Failure to report misconduct) (Referee Charge)	0-14 days £0-£25	14-28 days £15-£40	21-42 days £20-£50	0-14 days £0-£20	14-28 days £10-£30	21-42 days £20-£40	0-14 days £0-£15	14-28 days £10-£20	21-42 days £20-£30
E3	Improper Conduct (Not including Threatening and/or Abusive Language/Behaviour)	0/1 £0-£25	1/2 £15-£40	2/3 £20-£50	0/1 £0-£20	1/2 £10-£30	2/3 £20-£40	0/1 £0-£15	1/2 £10-£20	2/3 £20-£40
E3	Improper Conduct (including foul & abusive language)	1/3 £0-£25	2/4 £15-£40	3/10 £20-£50	1/3 £0-£20	2/4 £10-£30	3/10 £20-£40	1/3 £0-£15	2/4 £10-£20	3/10 £20-£40
E3	Improper Conduct (Including Threatening and/or Abusive Language/Behaviour)	1/2 £15-£30	2/4 £30-£70	3/7 £60-£100	1/2 £10-£25	2/4 £30-£60	3/7 £50-£80	1/2 £10-£25	2/4 £30-£60	3/7 £50-£80
E3	Improper Conduct (Including Violent Conduct and Threatening and/or Abusive Language/Behaviour)	1/3 £30-£60	2/4 £50-£100	3/10 £75-£150	1/3 £20-£50	2/4 £40-£80	3/10 £70-£125	1/3 £15-£30	2/4 £20-£50	3/10 £40-£80
E3	Improper Conduct against a Match Official (Including Abusive Language/Behaviour)	0/2 £0-£40	1/3 £15-£60	3/6 £20-£100	0/2 £0-£35	1/3 £10-£50	3/6 £20-£70	0/2 £0-£25	1/3 £10-£30	3/6 £20-£50
E3	Improper Conduct against a Match Official (Including Threatening and/or Abusive Behaviour)	Suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days. A fine of up to £100, with a mandatory minimum of £50								
E3	Improper Conduct against a Match Official (Including Physical Contact or attempted Physical Contact, Violent Conduct and Threatening and/or Abusive Language/Behaviour)	Suspension from all football activity for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors, is 182 days. A fine of up to £150, with a mandatory minimum of £75								
E3	Assault or attempted Assault on a Match Official	Suspension from all football activity for a period of between 5 years and 10 years*								
E3	Assault by Participant on Participant	140 Days £150	1 to 2 Years £150	5 Years £150	140 Days £150	1 to 2 Years £150	5 Years £150	140 Days £150	1 to 2 Years £150	2 to 5 Years £150
E4	Discrimination on Grounds of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation, disability, age, pregnancy, maternity, marital status or civil partnership	6 £30-£60	6/7 £50-£75	7/10 £60-£150	6 £20-£50	6/7 £40-£65	7/10 £50-£125	6 £20-£40	6/7 £30-£50	7/10 £50-£100
E10	Failed to comply with a decision of the Association (Participant Charge)	1/2 £0-£25	2/4 £15-£40	3/5 £20-£50	1/2 £0-£20	2/4 £10-£30	3/5 £20-£40	1/2 £0-£15	2/4 £10-£20	3/5 £20-£40
E12	Failed to comply with a decision of the Association (Club Charge)	£0-£40	£40-£125	£75-£200	£0-£30	£30-£100	£75-£200	£0-£30	£30-£75	£75-£150
E20	Failed to ensure Players/Spectators and/or Club Officials conducted themselves in an orderly fashion	£0-£75	£75-£150	£150-250	£0-£50	£25-£75	£75-£150	£0-£40	£25-£60	£60-£100

Notes

- In the event of any breach of Rule E3.1 including a reference to any one or more of the following: ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability (an "aggravating charge") (resulting in an E3.2 charge), a Commission shall follow the sanctioning range listed in Appendix 1 of the disciplinary regulations. In all cases where an aggravating factor exists, save for those which fall within the exceptions contained within Appendix 1, the minimum sanction of 6 matches, with a fine being at the discretion of the commission. For a First offence, the minimum is a 6 match suspension which will be increased if aggravating factors are present and an FA Education course must be imposed by the Disciplinary Commission.
For a second offence, a suspension of more than seven matches with an entry point of 11 matches and an FA Education course must be imposed by the Disciplinary Commission. Any further such offence(s) shall give rise to consideration of a permanent suspension.
- An FA Education course must be imposed by the Disciplinary Commission for proven offences of: Threatening Behaviour towards a Match Official, Physical Contact or attempted Physical Contact on a Match Official, Assault or attempted Assault on a Match Official.
- In such circumstances that the offence relates to playing whilst under suspension, the sanction imposed must be in addition to the number of matches the player participated in whilst under suspension.
- Social Media Offences should carry sporting sanctions in line with the guidelines outlined above.
- *Standard minimum sanction for Assault or attempted Assault on a Match Official by a Participant aged 14 and below is 2 years. Where any Assault causes serious injury to the Match Official, the standard minimum shall be 10 years.
- Offences committed by Participants where it is inappropriate to impose matches, then an appropriate period sanction should be imposed in its place. Such Participants include Match Officials or Club Officials.

TheFA



FOR ALL