

Football Association Independent Regulatory Commission

(the 'Commission')

**in the matter of consolidated FA Rule E20 (a) charges for
misconduct brought by The FA against Norwich City FC ('Norwich')
and Sunderland AFC ('Sunderland').**

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat at Wembley Stadium on 25th April 2016.
2. The Commission members were Mr. S. Ripley (Chairman), Mr. A. Knight and Mr. M. Clarke
3. Mr. P. McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. The Clubs were both charged with misconduct for breaching FA Rule E20(a) in that they failed to ensure that their respective players and/or officials conducted themselves in an orderly fashion during the Norwich City FC v Sunderland AFC Premier League fixture which took place on Saturday 16th April 2016.
5. The FA designated the case as Non-Standard due to the involvement of technical area occupants.

6. The charges against the two clubs were consolidated pursuant to Regulation 3.3 of the Disciplinary Procedures Regulations at page 319 of The FA Handbook Season 2015-16.
7. Norwich denied the charge against it whereas Sunderland admitted the charge.
8. Both clubs chose not to avail themselves of the opportunity to attend a personal hearing, instead electing to have the matter dealt with by way of a paper hearing.
9. Prior to the Hearing, the Commission members were presented with the following documentation:
 - a. An Extraordinary incident Report Form from the Referee, Mr. A. Mariner;
 - b. Soundless video footage of the incident;
 - c. A letter dated 21st April 2016 from Norwich Club Secretary, Mr. A. Blofeld (the Commission gave no weight to any reference of commentary from the video as they reviewed a soundless clip);
 - d. A witness statement from Norwich player, Robbie Brady, dated 21st April 2016;
 - e. A witness statement from Norwich Player, Cameron Jerome, dated 21st April 2016;
 - f. A letter dated 21st April 2016 from Sunderland Football Operations Director, Mr. R. Sachs; and
 - g. Statements in mitigation dated 21st April 2016 from Sunderland staff members, Sam Allardyce, Robbie Stockdale, Adrian Tucker,

Adrian Lamb, Ishtiaq Rehman, Peter Brand, David Binningsley, Craig Russell.

10. At the Hearing, following cross disclosure, the Commission members were presented with two letters dated 25th April 2016 from Mr. A. Blofeld (Norwich) and Mr. R. Sachs (Sunderland) containing further observations.

11. All of the above mentioned documentation was read and noted by the Commission members. The absence in these reasons of any particular point, or submission within the above mentioned documentation, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

12. The Commission commenced the Hearing by determining whether or not The FA charge was made out against Norwich.

13. To this end the Commission noted the following:

- a. The video footage shows that at least five Norwich players and at least five substitutes/technical area staff become involved in the incident;
- b. Norwich players, substitutes and staff members have moved from their respective positions on the pitch and the Norwich technical area and have entered into the Sunderland technical area in order to get involved in the incident;

c. Having entered the Sunderland technical area, the Norwich substitute, Cameron Jerome and player, Jonny Howson, become involved in an exchange of confrontational pushing and shoving with the Sunderland Manager, Sam Allardyce.

14. The Commission noted from guidance that where two or more players and/or Club Officials from a team are involved in a confrontation with opposing players and/or Club Officials this was known as a 'Mass Confrontation'. The Commission further noted the number of players and/or Club Officials involved in the incident; the nature of the behaviour of those involved; the duration of the incident.

15. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

16. Given the above, the Commission unanimously decided that the FA charge was made out against Norwich.

17. With the charge made out against both clubs the Commission then turned its attention to the imposition of an appropriate sanction for each of the clubs.

18. The Commission noted that the Referee stated in his Extraordinary Incident Report that, "...after it had all calmed down I decided to speak to Sam Allardyce manager of Sunderland AFC to remind him of his

responsibilities. I am reporting this incident as I felt it tarnished the image of the game ”

19. The Commission members viewed the video footage on numerous occasions and unanimously felt that the higher level of aggression had come from Sunderland staff members. In particular, the Commission noted that it was the Sunderland Goalkeeping coach, Adrian Tucker, who initially leapt from the bench and confronted the Norwich player, Robbie Brady, which in the opinion of the Commission significantly escalated the incident.
20. In addition, the Commission noted that the Sunderland Manager's actions in grabbing and pushing Cameron Jerome and then pushing Jonny Howson had also aggravated and perpetuated the situation.
21. The Commission gave credit to Sunderland for admitting the charge but felt that the elevated level of aggression shown by its staff during the incident was an aggravating factor that ought to be considered when assessing the sanction to be imposed on the club.
22. With regard to Norwich, the Commission felt that its players and technical staff had shown a lower level of aggression during the incident and this was taken into account by the Commission but Norwich had also denied the charge and therefore no credit could be given by the Commission for an admittance to the charge as was the case with Sunderland.
23. The Commission noted the previous disciplinary record of both clubs with regard to similar E20 (a) charges.

Norwich City FC had the following sanctions: £7,000 fine vs. Sheffield United on 28/12/10; £20,000 fine vs. Cardiff City FC on 26/10/2013; £30,000 fine vs. Newcastle United FC on 28/01/14; and £5,000 fine vs. Watford FC on 21/02/15.

Sunderland AFC had the following sanctions: £20,000 fine vs. Newcastle United FC on 04/03/12; £30,000 fine vs. Manchester City FC on 31/03/12; and £20,000 fine vs. Everton FC on 09/11/14.

24. The Commission members were reminded by the Secretary that the fine amount for a 'Standard Penalty 1' (charge admitted and standard penalty accepted) for the Premier League was £20,000. The fine amount for 'Standard Penalty 2' (charge denied and subsequently found proved) was £30,000 for a Premier League club. The Commission were conscious that these charges had not been deemed 'standard' as were noted on the charge letters as 'non-standard' as outlined at point 5 above.

25. Having considered all the evidence before it, and having taken into consideration all the mitigating and aggravating factors in respect to both clubs, the Commission decided that both clubs should be fined the sum of £30,000 each and warned as to their future conduct.

26. This decision may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

Stuart Ripley

Regulatory Commission Chairman

27th April 2015