

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MANCHESTER CITY FOOTBALL CLUB.

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING

ON 14 FEBRUARY 2017

Background

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat by WebEx on 14 February 2017.
2. The Regulatory Commission members were Mr G Farrelly, Chairman, Mr M Robinson and Mr P Raven.
3. Mr M Ives of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.

Charges and Replies

4. By letters dated 11 January 2017, The Football Association (“The FA”) charged Manchester City Football Club with misconduct for a breach of The FA Rule E1.
5. It was alleged that the Club failed to ensure that the Club Whereabouts information was accurate, contrary to Anti-Doping Regulation 14D. For completeness, Rule 14 of the Anti-Doping Regulations addresses the Club obligations and states that –
 - (a) *All Clubs must furnish The FA upon request with any whereabouts information The FA requires from time to time in respect of any Players who are not IRTP Players or NRTP Players. That information shall include as a minimum:*
 - (i) *training dates;*
 - (ii) *start and finish times of training;*
 - (iii) *the address at which such training will take place; and*
 - (iv) *the home address for a Player and any other address at which a Player regularly resides overnight.*
 - (b) *The FA (whether through the Anti-Doping Unit or otherwise) may issue directions from time to time about:*
 - (i) *the type of whereabouts information to be submitted by Clubs; and/or*
 - (ii) *the manner and time frame in which such whereabouts information must be submitted.*
 - (c) *It shall be a breach of this Regulation 14 for a Club to fail to provide regular details of the times, dates and venues of the Club’s training sessions in the manner directed by The FA.*
 - (d) *It shall also be a breach of this Regulation 14 by the Club if the information contained in such reports is either initially inaccurate or has not been updated by the Club as necessary to ensure it remains accurate.*
6. On 7 December 2016, an FA Anti-Doping team conducted drug tests on members of the Manchester City Reserve Team Squad as part of the annual Anti-Doping Control Programme. On arriving at the venue to conduct the test, The FA Anti-Doping team

were told by a Club Official that six (6) players were absent from training and had been given the day off.

7. With regard to the FA Anti-Doping Whereabouts provisions, this was the third incident involving Manchester City FC. On the 22 July 2016, the Club incurred their first Whereabouts strike when they failed to notify The FA of an additional training session for the First Team Squad on 12 July 2016 and that the lack of notice was due to a communication error within the Club.
8. On 15 September 2016, the Club incurred a second Whereabouts strike. On 1 September 2016, An FA Anti-Doping team attempted to conduct a drugs test on a member of the first team squad at approximately 07.00am. They were informed by hotel staff that the player no longer resided at this address. It was noted that Manchester City FC failed to ensure that the home address for that member of the first team squad was accurate and up to date as at 7 September 2016. Within the correspondence, the Club was warned that if it incurred three (3) Whereabouts strikes within a rolling twelve (12) month period, disciplinary proceedings would be brought against the Club for a breach of the Anti-Doping Regulations.
9. All Clubs are provided with the The FA Anti-Doping Whereabouts Guide. This is a comprehensive guide and this is further supported by updates from the Football and Administration Division of The FA. The Regulatory Commission was also aware that these provisions have been in place for a number of years now.
10. On 14 November 2016, The FA Anti-Doping Whereabouts Administrator wrote to the Club stating that –

“It is a requirement for Clubs to notify the FA if five or more players in a particular squad are given a day off from the scheduled training session. The FA was not notified in advance that six (6) players had been given the day off.

As you will be aware, pursuant to Regulation 14 of The FA Anti-Doping Regulations, it is the responsibility of the Club to ensure that any changes to the Whereabouts Information submitted to The FA are communicated to The FA in advance of the change taking effect. We do fully appreciate that training locations and times of training may vary due to several factors. However, without receiving updates in advance from a Club, it is difficult to ascertain whether a squad is not available for drug testing due to late changes to the training schedule or due to a deliberate attempt to avoid testing”.

11. On 27 January 2017, the Club admitted the Charge and submitted correspondence seeking to explain the incidents and respond to the points raised by The FA. The Club submitted that there had been some administrative errors with regard to the first and third strikes and that this was directly related to new management being in place at the time. This resulted in a period of adjustment for the players and staff to new training regimes and systems. With regard to the second strike, the Club submitted that they

had grounds to challenge this strike on the basis that on the evening of 31 August 2016, when Club personnel left the Club, all information relating to the player was correct. This point was not accepted by The FA who submitted that the records had in fact not been updated for eight (8) days after the player had moved address. It would appear that the Club despite considering there were grounds to challenge, in the interest of saving time and costs for all parties accepted the Charge.

12. For the avoidance of doubt, the Regulatory Commission has carefully considered all the evidence and materials provided in connection with this case. It is aware of the importance of the Anti-Doping Regulations and that there is an increased focus in this area. This is reflected in the additional resources being allocated to it. It is natural that with this increased focus there will be more breaches whilst Participants continue to familiarise themselves with their responsibilities and obligations. However, it is no less concerning that in this case, despite the Club being made aware of their breaches on two previous occasions, the resources available to the Club, they failed to deal with these and implement a system to correct this. The Club submitted that these areas are being addressed now.
13. The Regulatory Commission is also aware that the Anti-Doping Whereabouts Guide has been in place in its current format, without the sanction guidelines having been altered, for a number of years. The Regulatory Commission recognised its discretion to deviate from the guidance, where appropriate, and apply a sanction having taken all the relevant factors into consideration.
14. Finally, the Regulatory Commission also had regard to the fact that the Charge was admitted by Manchester City FC. Credit was given for this admission by way of reduction in the overall sanction the Commission were originally minded to impose having noted all the other applicable considerations.

Conclusion

15. Having carefully considered all the relevant factors, and having carefully considered the submissions made on behalf of Manchester City FC, the Regulatory Commission has unanimously decided to impose the following sanctions which the members consider fair and proportionate:
 - (i) Manchester City FC is fined the sum of £35,000.
16. This decision is subject to the relevant Appeal Regulations.

Mr G Farrelly, Chairman

Mr M Robinson

Mr P Raven

17 February 2017