

**IN THE MATTER OF THE FOOTBALL ASSOCIATION Case Ref CC/22/6120232743**  
**REGULATORY COMMISSION**

**THE FA**

**-v-**

**DARLINGTON FC**

**IN THE MATTER OF THE FOOTBALL ASSOCIATION Case Ref CC/22/3120231719**  
**REGULATORY COMMISSION**

**THE FA**

**-v-**

**SCARBOROUGH ATHLETIC FC**

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**DECISION AND REASONS**

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**Warning to the reader of this document. This document contains reference to offensive and/or discriminatory language or behaviour.**

**Regulatory Commission constitution.**

Abdul S. Iqbal KC (Chair)

Alison Royston

Phil Rainford

Michael O'Connor (Secretary)

Date of hearing : 19/6/23

1. This document sets out the written reasons for the decision in this Regulatory Commission ("the Commission").
2. This document does not set out the entirety of the evidence heard by the Commission. It sets out the relevant evidence on the central relevant issues as heard by the Commission and assessed by the Commission in reaching findings of fact.
3. The Commission dealt with these two consolidated sets of proceedings pursuant to Regulation 13 of the Disciplinary Regulations<sup>1</sup> as they both arise out of the incidents in the same match.
4. The Commission met by Microsoft Teams meeting on 19<sup>th</sup> June 2023 to consider the issues these cases raise.
5. The Commission appointed to determine the charges has the requisite experience in crowd management matters and previous crowd management disciplinary hearings.

## **(1) The charges.**

### **(i) Darlington FC**

6. By charge letter dated 16<sup>th</sup> February 2023<sup>2</sup> The Football Association ("The FA") alleged that Darlington FC ("Darlington") during the National League (North) match against Scarborough Athletic FC on 2/1/23 ("the match") failed to ensure spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion whilst attending the match.
7. Accordingly, The FA charged Darlington with :
  - i. Failing on 2/1/23 to ensure that spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour contrary to rule E21.1 of the Rules of the Football

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<sup>1</sup> FA Handbook 2022/23 page 170.

<sup>2</sup> Page 1 of the case bundle.

Association ;

- ii. In addition, The FA alleged that the words and/or behaviour made reference to gender contrary to FA rule E21.4.

8. Darlington admitted the charge in correspondence dated 10/3/23 and requested a paper hearing<sup>3</sup>.

#### (ii) Scarborough Athletic FC

9. By charge letter dated 16<sup>th</sup> February 2023<sup>4</sup> The Football Association (“The FA”) alleged that Scarborough Athletic FC (“Scarborough”) during the National League (North) match against Darlington FC on 2/1/23 (“the match”) failed to ensure spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion whilst attending the match.

10. Accordingly, The FA charged Scarborough with :

- i. Failing on 2/1/23 to ensure that spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour contrary to rule E21.1 of the Rules of the Football Association ;
- ii. In addition, The FA alleged that the words and/or behaviour made reference to gender contrary to FA rule E21.4.

11. Scarborough admitted the charge in correspondence dated 9/3/23 and requested a paper hearing<sup>5</sup>.

#### **(2) The facts.**

12. The relevant facts<sup>6</sup> as to these charges are :

- i. From around the 3<sup>rd</sup> minute of the match, the female assistant referee (“EC”) received sexist comments directed at her from an area of the ground which was segregated for

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<sup>3</sup> Page 59 of the case bundle.

<sup>4</sup> Page 30 of the case bundle.

<sup>5</sup> Page 65 of the case bundle.

<sup>6</sup> This summary is extracted from the various factual witness statements within the case bundle.

- only Darlington fans. Comments included “slag”, “grow a pair” and “can I have a shag”<sup>7</sup>;
- ii. Around the 7<sup>th</sup> minute, EC called the referee (Dean Watson) over to inform him that she had received sexist chants from multiple Darlington supporters saying “*get your tits out for the lads*” ;
  - iii. The referee (Dean Watson) went to the technical areas to inform the tunnel steward who informed the Safety Officer, Al Winfindale<sup>8</sup> of these events ;
  - iv. In about the 22<sup>nd</sup> minute, following a Darlington FC goal, objects (including pies and burgers) were thrown onto the field of play from a section of the ground that was segregated and contained only Darlington spectators. This was reported at the time to the tunnel steward, and confirmed after the match with the Safety Officer<sup>9</sup> ;
  - v. It seems that an operational decision was made (based on police advice) by Scarborough (the home club) not to seek to eject identified supporters at that stage due to a perceived risk that it may inflame the situation with other supporters connected to the offending supporters and cause further problems ;
  - vi. At half time, EC reported to the referee the sexist comments which were made towards her during the first half. The referee reports that EC told him that she had been subject to “*relentless*” sexist chanting from the Darlington supporters segregated area of the ground ;
  - vii. The referee asked for the Safety Officer and the Police Officer in charge (PS1584 Hallewell) to attend the dressing room. They were made aware of the continued sexist chanting. It was agreed that there would be a public announcement at the match to attempt to stop the discriminatory chanting ;
  - viii. At this point, the referee asked for a technical area representative from both clubs and the observer (Andrew Himsworth) to join the match officials, the safety officer and the police in the dressing room. The home team (Scarborough) manager and the away team (Darlington) assistant manager attended ;
  - ix. EC was “*visibly upset and had been crying*” due to the comments and chants made to her during the first half by Darlington spectators. It was then agreed that the two

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<sup>7</sup> See EC’s evidence at page 10 of the case bundle.

<sup>8</sup> See evidence of Dean Watson at pages 5 to 7 of the case bundle.

<sup>9</sup> See evidence of Dean Watson at page 7 of the case bundle.

assistant referees should change sides of the pitch to protect EC from further discriminatory chants<sup>10</sup> ;

- x. The referee informed all present that the match officials were following the discrimination protocol (which was explained to them) and that if the public announcement did not stop the sexist comments, he would suspend the game to allow the police and stewarding teams further time to deal with the situation ;
- xi. Several social media posts from both clubs to spectators were posted during the half time period reminding them of the responsibility of their respective supporters. A public announcement was also made at this time at the ground in similar terms ;
- xii. Around the 54<sup>th</sup> minute, whilst the referee was informing the safety officer about another issue, EC walked up the touchline and informed the referee that she had received further sexist comments from an area of the ground where only Scarborough fans were situated. The supporter said “*go and wash the dishes*’ towards EC ;
- xiii. At this stage, the referee made the decision to remove the players from the field of play and suspend the match ;
- xiv. The match officials returned to the dressing room, accompanied by the same police officer and safety officer. The police officer and safety officer made the decision that whilst the game was suspended, they would eject fans who they believed had been abusing the assistant referee (EC) ;
- xv. The match was suspended for a period of about 40 minutes<sup>11</sup>. At this point, the police and safety officer informed the match officials that the perpetrators had been ejected from the ground, so the match was resumed with additional stewards behind EC (the assistant referee) facing the crowd behind her ;
- xvi. There were no noted further instances of discriminatory chanting at the match and the match was completed.

### **(3) The sanction framework.**

- 13. Each of Darlington and Scarborough admitted a breach of FA rule E21.4 by sexist

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<sup>10</sup> See evidence of Andrew Himsworth at page 9 of the case bundle.

<sup>11</sup> The evidence of Andrew Himsworth at page 9 of the case bundle states the period as 28 minutes but this discrepancy may well be due to the 10 minute warm up period for the players.

chanting of one or more of its supporters.

14. The “*due diligence*” defence within FA rule E21.5<sup>12</sup> is not available to either club because of the admitted breach of FA rule E21.4.

15. However, factors relevant to due diligence are relevant to determining sanction because they are relevant to the mitigation available to a charged participant.

(i) The FA “Policy and Guidance on the Regulation of Discriminatory Conduct by Spectators”.

(a) Relevant sanctioning factors.

16. Pursuant to The FA’s “*Policy and Guidance on the Regulation of Discriminatory Conduct by Spectators*”<sup>13</sup> dated 6<sup>th</sup> August 2020 (the “*Policy and Guidance*”)<sup>14</sup> under the heading “*Factors to be considered when determining sanction*” it is stated :

“A Regulatory Commission will have due regard to the circumstances and seriousness of the incident when determining the appropriate sanction (to include the level of any financial penalty that may be imposed). In so doing, the Regulatory Commission will consider a range of factors, to include the following:

1. The number of supporters involved;
2. The nature of the behaviour of those involved;
3. The duration of the incident(s);
4. Whether the Club (and/or its officers):
  - a. took all reasonable steps in its preparation and planning for the fixture in which the Relevant Breach occurred;
  - b. took all reasonable steps in dealing effectively with the incident, when it arose;
  - c. took all reasonable steps in identifying the supporter(s) involved;
  - d. took sufficient action against those supporters responsible where those individuals were identified;
5. Whether the Club cooperated in full with The FA;

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<sup>12</sup> Page 146 of the FA Handbook 2022/23.

<sup>13</sup> At the time of the publication of this guidance, such discriminatory breaches were regulated by FA Rule E20.1.

<sup>14</sup> Pages 88 to 93 of the case bundle.

6. The previous disciplinary record of the Club or its Participants in relation to Aggravated Breaches or Relevant Breaches;
7. In cases where an Action Plan has previously been imposed on a Club, whether the Club has complied in full with that Action Plan.“

(b) Action Plan.

17. The Policy and Guidance states in relation to a first offence as follows :

“Where a finding of a Relevant Breach is made against a Club, a Regulatory Commission shall impose on the Club an action plan in terms that it sees fit with the aim of precluding, a repeat of the conduct, which formed the basis of the relevant breach {“Action Plan”}.

Such an Action Plan shall, as a minimum, set out :

- the operational advice and/or practical measures to be carried out by the Club;
- the period during which the Action Plan shall remain in force;
- the external support to the Club that may be required; and
- The process through which the Club’s compliance with the Action Plan shall be audited by The FA and the frequency, with which the audit shall take place.”

(c) Financial penalty.

18. The Policy and Guidance states in relation to a first offence as follows :

“A Regulatory Commission may also consider imposing a financial penalty in accordance with Table 1 below where it considers it appropriate, having regard to the particular circumstances of the case and the factors set out below,

A Regulatory Commission may order that part of any financial penalty imposed is suspended in accordance with paragraphs 42 and 43 of Part A to the Disciplinary Regulations.”

19. By Table 1, the applicable fine range for such a breach of FA rule E21.4 for a National League (North and South) Club is £375 to £5,000.

#### **(4) The submissions on sanction.**

20. The Commission read and considered all of the following written documents when considering the appropriate sanction in this case.

21. The contents of each of those documents and appendices are not repeated in this document save for where reference is necessary to explain whether a submission or factor was regarded as relevant or irrelevant to sanction.

##### **(i) The FA.**

22. The Commission read and considered :

- i. The FA's "*submissions on Sanction*" (pages 84 to 87 of the case bundle with appendices at pages 88 to 93).

##### **(ii) Darlington**

23. The Commission read and considered :

- i. Signed Statement by Jonathan Jowett dated 10<sup>th</sup> March 2023 (pages 60 to 64 of the case bundle) ;
- ii. Darlington FC's "*Response to The FA's Submissions on Sanction*" (pages 94 to 99 of the case bundle).

##### **(iii) Scarborough.**

24. The Commission read and considered :

- i. Email from Club Secretary of Scarborough Athletic FC, Mr Jack Fewster (pages 66 to 67 of the case bundle) ;
- ii. Incident Response - Scarborough Athletic FC (pages 68 to 70 of the case bundle) ;
- iii. Appendix 1 - Post Match Report by Safety Officer, Al Winfindale (pages 73 to 76 of the case bundle) ;
- iv. Appendix 2 - Social Media Release on Morning of the Game, dated 2 January 2023 (page 71 of the case bundle) ;
- v. Appendix 3 - Social Media Release During and After the Game, dated 2 January 2023 (page 72 of the case bundle) ;



- vi. Appendix 4 - Banning Order of Mr Alec Owens (page 77 of the case bundle) ;
- vii. Appendix 5 - Social Media Release, dated 4 January 2023 (page 78 of the case bundle) ;
- viii. Appendix 6 - Social Media Release, dated 6 January 2023 (page 79 of the case bundle);
- ix. Appendix 7 - Letter by Chairman of Scarborough Athletic FC, Mr. Trevor Bull, to Ms. Emily Carney, dated 6 January 2023 (page 80 of the case bundle) ;
- x. Whatsapp Image of Scarborough Athletic FC's Facebook Post, dated 24 February 2023 (page 81 of the case bundle) ;
- xi. Whatsapp Image entitled 'WhatsApp Image 2023-03-08 at 21.52.13' (page 82 of the case bundle) ;
- xii. Whatsapp Image entitled 'WhatsApp Image 2023-03-08 at 21.53.19' (page 83 of the case bundle) ;
- xiii. Scarborough Athletic FC's Response to The FA's Submissions on Sanction (pages 100 to 108 of the case bundle).

**(5) The Commission’s factual findings and legal conclusions as to sanction.**

25. Where it is necessary for the Commission to come to any conclusion(s) as to the relevant facts, the burden of proof is borne by The FA to prove the fact(s) upon the balance of probability.

26. The test to be applied is 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.

27. Firstly, the Commission considered the relevant sanctioning factors within the Policy and Guidance.

**(i) Darlington.**

**1. The number of supporters involved.**

28. There were “multiple” supporters who were involved.

**2. The nature of the behaviour of those involved.**

29. The words used by the supporters included “slag”, “grow a pair”, “can I have a shag” and “get your tits out for the lads”.

### 3. The duration of the incident(s).

30. The incidents were described as “*relentless*” during the first half.

### 4a. Whether the Club (and/or its officers) took all reasonable steps in its preparation and planning for the fixture in which the relevant breach occurred.

31. This was an away match for Darlington. Tickets for away supporters were sold by Scarborough. Darlington liaised with Scarborough, the police, and the Scarborough safety officer before the match in relation to ticket sales and the match generally.

32. However, the Commission noted that Darlington appeared not to have specifically considered misogynistic factors in its risk assessment as to their supporters as Darlington had not faced such a scenario before.

33. This was not a reasonable approach for Darlington to have adopted. By its very nature, a risk assessment will need to consider proactively all reasonable eventualities including such events as occurred here.

### 4b. Whether the Club (and/or its officers) took all reasonable steps in dealing effectively with the incident, when it arose.

34. The Commission considered that Darlington reacted relatively quickly once the misconduct of its supporters was brought to the attention of Darlington officials.

35. Although action could have been taken more swiftly (by as early as the 7<sup>th</sup> minute of the match), operational decisions were the responsibility of Scarborough. A decision was taken by Scarborough (on the advice of the police) not to eject the identified offending supporters.

36. Darlington posted social media messages condemning the sexist abuse and reminding supporters of their responsibilities.

37. A public announcement was made at half time to spectators to which Darlington no doubt contributed.

38. For these efforts, Darlington deserve credit.

### 4c. Whether the Club (and/or its officers) took all reasonable steps in identifying the supporter(s) involved.

39. To a degree, Darlington (as the visiting team) were reliant on Scarborough officials and/or the police to identify the relevant Darlington supporters.

40. The details of the two ejected Darlington supporters were taken by the police at the

time they were ejected.

41. It was noted, however, that (even after more than 5 months that have elapsed since the match) that Darlington had not yet identified the details of one of those two supporters.

42. This is somewhat disappointing and is something that should have been capable of being resolved well before now by following up requests for such information to the police.

4d. Whether the Club (and/or its officers) took sufficient action against those supporters responsible where those individuals were identified.

43. Darlington had identified one supporter involved in these incidents and had already banned him from attendance at matches for 12 months (with 6 months of that ban itself suspended due to mitigating factors).

5. Whether the Club co-operated in full with The FA.

44. It was noted by the Commission that Darlington had responded promptly to the charges and admitted the misconduct.

6. The previous disciplinary record of the Club or its participants in relation to aggravated breaches or relevant breaches.

45. Darlington has no relevant misconduct record.

7. In cases where an Action Plan has previously been imposed on a Club, whether the Club has complied in full with that Action Plan.

46. Darlington had no Action Plan previously imposed.

**(ii) Scarborough.**

1. The number of supporters involved.

47. The evidence suggested there was one supporter who was involved.

2. The nature of the behaviour of those involved.

48. The words used by the supporter were “*go and wash the dishes*”.

3. The duration of the incident(s).

49. The incident appears to have been a single incident that then triggered immediate action by the match officials to suspend the match.

4a. Whether the Club (and/or its officers) took all reasonable steps in its preparation and planning for the fixture in which the relevant breach occurred.

50. The Commission concluded that some proactive steps had been taken by Scarborough

in respect of this match and the security risks attached to it (for example consideration of the date of the fixture and an early kick-off) but that there was a lack of supportive documentation to evaluate properly the due diligence carried out by Scarborough prior to this match :

- i. The Commission was not supplied with any briefing document in relation to stewards at the match ;
- ii. The Commission was not supplied with any documentation as to a formal pre-match risk assessment but instead were sent only a post-events log ;
- iii. The Commission was not sent the Safety Officer's decision log ;
- iv. Although the Commission was sent a staff list of security and stewarding staff (the Commission noted that 40 members of staff and 9 volunteers were deployed at the match) there was no evidence of any deployment plan sent to the Commission ;
- v. The Commission saw no evidence of any formal contingency plans in the event of such discriminatory chanting. The fact that the half-time public announcement message required a formal meeting to discuss and formulate most probably is a reflection of this fact ;
- vi. There were insufficient CCTV facilities to capture the events that ultimately took place.

4b. Whether the Club (and/or its officers) took all reasonable steps in dealing effectively with the incident, when it arose.

51. In respect of this factor, Scarborough (as the home team) necessarily bears a heavier burden than Darlington.

52. The Commission considered that Scarborough reacted relatively quickly once the misconduct of supporters was brought to the attention of Darlington officials.

53. However, the Commission noted that as early as the 7<sup>th</sup> minute of the match, the referee had been informed of the discriminatory chanting and he in turn had informed the Safety Officer.

54. It would have been far more appropriate and far more effective for stewarding and/or security staff to have been deployed immediately near to EC to ensure that such chanting stopped and was not repeated.

55. Thereafter, Scarborough posted social media messages condemning the sexist abuse and reminding supporters of their responsibilities.

56. A public announcement was made at half time to spectators.

57. For these efforts, Scarborough deserved credit.

4c. Whether the Club (and/or its officers) took all reasonable steps in identifying the supporter(s) involved.

58. As stated above, had stewarding and/or security staff been immediately deployed near to EC, it would perhaps made it easier to identify the offending spectator(s).

59. Ultimately, two Darlington supporters and one Scarborough supporter were identified by the club as offending spectators.

60. On the available evidence, it is very likely that more Darlington supporters were involved in this misconduct.

4d. Whether the Club (and/or its officers) took sufficient action against those supporters responsible where those individuals were identified.

61. Scarborough had taken decisive and firm action against its identified supporter by issuing an indefinite ban.

5. Whether the Club co-operated in full with The FA.

62. It was noted by the Commission that Scarborough had responded promptly to the charges and admitted the misconduct.

6. The previous disciplinary record of the Club or its participants in relation to aggravated breaches or relevant breaches.

63. Scarborough has no relevant misconduct record.

7. In cases where an Action Plan has previously been imposed on a Club, whether the Club has complied in full with that Action Plan.

64. Scarborough had no Action Plan previously imposed.

**(6) Sanction.**

**(i) A fine.**

65. The Commission unanimously concluded that a financial penalty was warranted and appropriate for both Darlington and Scarborough for the admitted misconduct.

66. The Commission noted the various aggravating and mitigating factors set out above for each club.

67. The Commission noted that the misconduct of the Darlington supporters was much more serious (both by numbers involved and the nature of the discriminatory chanting) than that of the single Scarborough supporter.

68. However, pre-match planning and operational decisions at the match itself were the responsibility of Scarborough (as the home team) and not Darlington.

69. For the reasons set out above, there were deficiencies as to pre-match planning and some defects in the approach adopted by Scarborough to the incidents that had been identified very early during the match.

70. In addition, it is noted that in the second half a Scarborough supporter made a discriminatory comment despite all of the warnings at half time that warned supporters not to do so.

71. Such circumstances and deficiencies needed to be reflected in the respective culpability of each club.

72. Considering all of these factors, the Commission saw no reason to distinguish between the two clubs as to financial sanction.

73. The Commission noted this was a National League (North) match. The sanctioning guidelines<sup>15</sup> indicate a sanction range of £375 to £5,000.

74. Balancing all of the aggravating and mitigating factors, the Commission concluded that each of Darlington and Scarborough :

- i. Shall be fined £1,500 ;
- ii. £1,000 of the total fine of £1,500 is payable immediately ;
- iii. £500 of the total fine of £1,500 is suspended ;
- iv. In the event that the club is found to be in further breach of FA rule E21 for any incident(s) on or before 19<sup>th</sup> June 2024, the club will pay the suspended fine of £500 immediately (in addition to any separate penalty imposed for any such further breach).

## **(ii) An Action Plan.**

75. The Commission concluded that an action plan in accordance with Annex 1 to the

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<sup>15</sup> Table 1 in the Policy and Guidance document.

Policy and Guidance was necessary in the case of each club.

(a) Darlington.

76. In order to reduce the risk of further such breaches of FA rule E21, there shall be an action plan in the case of Darlington in the following terms

“1. The Club shall:-

- Develop proactive supporter anti-discriminatory prevention, deterrent and detection initiatives for usage and communication ahead of both home and away fixtures, in addressing the potential for discriminatory or other inappropriate supporter behaviour.
- Develop ongoing positive dialogue with ‘Kick It Out’, ‘Her Game Too’, local police force and other local/national organisations to further enhance their relationships by seeking advice and ratification of new and developing anti-discrimination policies and procedures.
- Develop additional supporter and steward educational programmes in conjunction with ‘Kick It Out’, ‘Her Game Too’ and other local/national organisations to include the issues associated with the potential inappropriate usage of words, chanting, gestures or conduct associated with ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability, including supporter education programmes especially in the raised awareness of acceptable fan behaviour.

2. The Club shall:-

- Develop an auditable, effective and continuous process, whereby pre match verbal and written communications are maintained with all clubs to which Darlington FC (DFC) will be travelling for a League or Cup fixture. Such information should include previous intelligence associated with the behaviour of their travelling fans, current, expected or anticipated intelligence relating to the potential attendance and behaviour of their travelling fans, and any other useful information which may assist the host club in maintaining discipline and order amongst the crowd at the fixture.
- Develop the introduction of a Club ‘Supporter Liaison Officer’, whose role will be to attend all DFC fixtures home and away fixtures to act as a high profile conduit between the Club and its supporters. This will help the proactive communication of the new policies contained within this action plan and also assist in the live monitoring of DFC fan behaviour, combined with an early identification of any trends of risk or threat associated with DFC fan behaviour.
- Liaise with the host club to communicate the composition of the travelling party including, players, backroom staff, directors and club guests in order to evaluate and risk assess any potential targets of discriminatory or abusive behaviour from the home supporters. Similarly, the same information associated with the host club, plus

information on the composition of the match officials, should be obtained so that any appropriate risk can be assessed and acted upon prior to DFC and its supporters arrival.

- Review ticket sales policies (including away tickets) and procure data as practicable to potentially support post-match investigations and sanctions.

3. The Club shall ensure that the following steps are taken:-

- The new Supporter Liaison Officer shall attend every DFC away fixture to liaise throughout the fixture with the host club and its stewarding operation, provide close liaison and communication with the travelling DFC travelling fans at the stadium (appropriately risk assessed), act as a communicational conduit between the host club and the travelling DFC fans, seek to formulate evidential reports concerning any poor behaviour associated with the travelling DFC fans, and develop and collate appropriate intelligence on the travelling DFC fan base.

4. The Club shall:-

- Continue their full liaison and auditable meetings with their local police football liaison department ahead of every away fixture, and the onward dissemination of any available intelligence to police resources where DFC and its fans will be travelling.

5. The Club shall:-

- Endeavour to open frank and constructive communications with their DFC fan groups, and in particular groups which have a tendency to only travel to away matches. Such communications should promote and increase intelligence, appropriate consultations and be a valuable conduit to provide educational exchange of information of the Club's expectant behaviour of their fans, especially when attending away fixtures.
- Develop additional fan communicational lines and resourced facilities within the Club to provide ideally 'live' or secondly 'post-match' reporting of concerning fan behavioural issues via telephone or anonymous text reporting systems. Such intelligence will help inform the Club's ongoing policies and processes in the prevention and detection of discriminatory or poor fan behaviour.

6. The Club shall:-



- Visit and liaise with other local Non-League / EFL clubs as practical in order to obtain best practice policies associated with the prevention and detection of discriminatory and inappropriate fan behaviour.
- Thereafter regularly review and develop their own policies for the prevention and detection of discriminatory and inappropriate behaviour in light of the policies and best practices of other clubs.

7. The Club shall:-

- Develop a Club Supporter Charter which shall include relevant and specific information on discriminatory or offensive chanting, words or behaviour, in an effort to educate supporters on what language and actions are acceptable/unacceptable at their own stadium or any other away stadium.
- Further develop this Club Supporter Charter, listing relevant match day offences and associated sanctions for both home and away fixtures, in particular relating to discriminatory and disorderly behaviour.
- Also create a Fan webpage on their Club website which will reference the revised Charter and any relevant match communications, likely to affect supporter behaviour as appropriate.

8. Upon publication of:-

- a. The Regulatory Commission's Written Reasons
- b. This Action Plan

the Club shall communicate via its Club website, via social media and in the match day programme for its next home match, an appropriate message and response to their supporters. Such message and response should explain:-

- the background to the Charge,
- the Club's condemnation of the reported discriminatory and disorderly behaviour which underpinned the Charge,
- the sanctions imposed on the Club by the Regulatory Commission and implications of its suspended financial penalty,
- the associated initiatives the Club is to develop to make the it more inclusive and more proactive in the prevention and detection of any potential discriminatory or disorderly behaviour going forward.

9. The Club shall:-

- Introduce an appropriate media campaign across its website and social media accounts emphasising the Club's policies and zero tolerance toward discriminatory and disorderly behaviour.

10. This action plan shall remain in place until the end of season 2023/2024.

11. The FA shall monitor the Club's compliance with this action plan by periodic checks as deemed appropriate, so as to ensure that the various constituents of the action plan have been initiated and being complied with."

**(b) Scarborough.**

77. In order to reduce the risk of further such breaches of FA rule E21, there shall be an action plan in the case of Scarborough in the following terms :

"1. The Club shall:-

- Develop proactive supporter anti-discriminatory prevention, deterrent and detection initiatives for usage and communication ahead of both home and away fixtures, in addressing the potential for discriminatory or other inappropriate supporter behaviour.
- Develop ongoing positive dialogue with 'Kick It Out', 'Her Game Too', local police force and other local/national organisations to further enhance their relationships by seeking advice and ratification of new and developing anti-discrimination policies and procedures.
- Develop additional supporter and steward educational programmes in conjunction with 'Kick It Out', 'Her Game Too' and other local/national organisations to include the issues associated with the potential inappropriate usage of words, chanting, gestures or conduct associated with ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability, including supporter education programmes especially in the raised awareness of acceptable fan behaviour.

2. The Club shall:-

- Develop an auditable, effective and continuous process, whereby pre match verbal and written communications are maintained with all clubs to which Scarborough Athletic FC (SAFC) will be travelling for a League or Cup fixture. Such information should include previous intelligence associated with the behaviour of their travelling fans, current, expected or anticipated intelligence relating to the potential attendance and behaviour of their travelling fans, and any other useful information which may assist the host club in maintaining discipline and order amongst the crowd at the fixture.
- Develop the introduction of a Club 'Supporter Liaison Officer', whose role will be to attend all SAFC fixtures home and away fixtures to act as a high profile conduit between

the Club and its supporters. This will help the proactive communication of the new policies contained within this action plan and also assist in the live monitoring of SAFC fan behaviour, combined with an early identification of any trends of risk or threat associated with DFC fan behaviour.

- Liaise with the host club to communicate the composition of the travelling party including, players, backroom staff, directors and club guests in order to evaluate and risk assess any potential targets of discriminatory or abusive behaviour from the home supporters. Similarly, the same information associated with the host club, plus information on the composition of the match officials, should be obtained so that any appropriate risk can be assessed and acted upon prior to SAFC and its supporters arrival.
- Review ticket sales policies (including away tickets) and procure data as practicable to potentially support post-match investigations and sanctions.

3. The Club shall ensure that the following steps are taken:-

- The new Supporter Liaison Officer shall attend every SAFC away fixture to liaise throughout the fixture with the host club and its stewarding operation, provide close liaison and communication with the travelling SAFC travelling fans at the stadium (appropriately risk assessed), act as a communicational conduit between the host club and the travelling SAFC fans, seek to formulate evidential reports concerning any poor behaviour associated with the travelling SAFC fans, and develop and collate appropriate intelligence on the travelling SAFC fan base.

4. The Club shall:-

- Continue their full liaison and auditable meetings with their local police football liaison department ahead of every away fixture, and the onward dissemination of any available intelligence to police resources where SAFC and its fans will be travelling.

5. The Club shall:-

- Endeavour to open frank and constructive communications with their SAFC fan groups, and in particular groups which have a tendency to only travel to away matches. Such communications should promote and increase intelligence, appropriate consultations and be a valuable conduit to provide educational exchange of information of the Club's expectant behaviour of their fans, especially when attending away fixtures.
- Develop additional fan communicational lines and resourced facilities within the Club to provide ideally 'live' or secondly 'post-match' reporting of concerning fan behavioural issues via telephone or anonymous text reporting systems. Such intelligence will help

inform the Club's ongoing policies and processes in the prevention and detection of discriminatory or poor fan behaviour.

6. The Club shall:-

- Visit and liaise with other local Non-League / EFL clubs as practical in order to obtain best practice policies associated with the prevention and detection of discriminatory and inappropriate fan behaviour.
- Thereafter regularly review and develop their own policies for the prevention and detection of discriminatory and inappropriate behaviour in light of the policies and best practices of other clubs.

7. The Club shall:-

- Develop a Club Supporter Charter which shall include relevant and specific information on discriminatory or offensive chanting, words or behaviour, in an effort to educate supporters on what language and actions are acceptable/unacceptable at their own stadium or any other away stadium.
- Further develop this Club Supporter Charter, listing relevant match day offences and associated sanctions for both home and away fixtures, in particular relating to discriminatory and disorderly behaviour.
- Also create a Fan webpage on their Club website which will reference the revised Charter and any relevant match communications, likely to affect supporter behaviour as appropriate.

8. Upon publication of:-

a. The Regulatory Commission's Written Reasons

b. This Action Plan

the Club shall communicate via its Club website, via social media and in the match day programme for its next home match, an appropriate message and response to their supporters. Such message and response should explain:-

- the background to the Charge,
- the Club's condemnation of the reported discriminatory and disorderly behaviour which underpinned the Charge,
- the sanctions imposed on the Club by the Regulatory Commission and implications of its suspended financial penalty,

- the associated initiatives the Club is to develop to make the it more inclusive and more proactive in the prevention and detection of any potential discriminatory or disorderly behaviour going forward.

9. The Club shall:-

- Introduce an appropriate media campaign across its website and social media accounts emphasising the Club's policies and zero tolerance toward discriminatory and disorderly behaviour.

10. The Club shall :-

- use its proposed new CCTV system to collect evidence relating to poor fan behaviour and also provide some added protection to the stewards themselves during any interactions with supporters manifesting raised tensions or illegal behaviour.
- Ensure that such a CCTV system is complimented by trained and appropriately SIA licensed CCTV operators.

11. This action plan shall remain in place until the end of season 2023/2024.

12. The FA shall monitor the Club's compliance with this action plan by periodic checks as deemed appropriate, so as to ensure that the various constituents of the action plan have been initiated and being complied with."

78. The above sanctions are formally imposed.

79. There is the right to appeal these decisions in accordance with FA Regulations.

ABDUL S. IQBAL KC

ALISON ROYSTON

PHIL RAINSFORD

20<sup>th</sup> June 2023