

THE FA

-v-

NORWICH CITY FC

DECISION AND REASONS

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 – Independent Legal Panel Member)

Matt Wild (Independent Football Panel Member)

Matt Williams (Independent Football Panel Member)

Michael O'Connor (Secretary)

Date of hearing : 22nd December 2023

1. This document sets out the written reasons for the decision in this independent Regulatory Commission (“the Commission”).
2. This document does not set out the entirety of the evidence considered by the Commission. It sets out the relevant evidence on the central relevant issues as considered by the Commission and assessed by the Commission in reaching findings of fact.

3. The Commission met by Microsoft Teams meeting on 22nd December 2023 to consider the issues the case raises.

4. The Commission appointed to determine the charge has the requisite experience in crowd management matters and previous crowd management disciplinary hearings.

(1) The charge.

5. By charge letter dated 22nd September 2023¹ The Football Association (“The FA”) alleged that Norwich City FC (“NCFC”) during the pre-season friendly match against King’s Lynn Town FC (“King’s Lynn”) on 8th July 2023 which was played at King’s Lynn’s ground (“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.

6. Accordingly, The FA charged NCFC with:

- i. Failing on 8th July 2023 to repeatedly ensure that its spectators and/or supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the match and do not use words or otherwise behave in a way which is improper, offensive, abusive, indecent, or insulting 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 express or implied reference to disability contrary to FA rule E21.4.

7. NCFC admitted the charge by letter dated 20th October 2023², and formally in written submissions dated 20th October 2023³, and requested a paper hearing⁴.

(2) The facts.

8. The relevant facts⁵ as to these charges are:

¹ Page 1 of the case bundle.

² Page 15 of the case bundle.

³ Pages 16 to 23 of the case bundle.

⁴ Page 16 of the case bundle.

⁵ This summary is extracted from the various factual witness statements or other documentary material within the case bundle.

- i. An anonymous post-match report⁶ was made to the “*Kick It Out*”⁷ organisation on 12th July 2023 of ableist chanting by NCFC supporters “*throughout*” the match against King’s Lynn on 8th July 2023;
- ii. The report was to the effect that at about 7 minutes 26 seconds of the match there was an initial chant of “*You’re just a town full of spastics...*”⁸;
- iii. After the first NCFC goal there was the chant “*One nil to the spastic boys...*”⁹;
- iv. After the second NCFC goal there was the chant “*Two nil to the spastic boys...*”¹⁰;
- v. After the third NCFC goal there was the chant “*Three nil to the spastic boys...*”¹¹;
- vi. After the fourth NCFC goal there was the chant “*Four nil to the spastic boys...*”¹²;
- vii. After the fifth NCFC goal there was the chant “*Five nil to the spastic boys...*”¹³;
- viii. After the sixth NCFC goal there was the chant “*Six one to the spastic boys...*”¹⁴;
- ix. It is not possible to see from the match footage which supporters were responsible for the offensive chanting¹⁵;
- x. It appears that there was no report of the offensive chanting to the stewards working at the match or indeed to any member of King’s Lynn’s staff during the match.

9. In addition to the above written evidence, the Commission viewed seven short pieces of video footage with audio of relevant aspects of the match. Those pieces of video footage

⁶ It has not been possible to clarify whether the complainant physically attended the match or based the complaint solely upon viewing footage of the match.

⁷ Page 5 of the case bundle.

⁸ See 07:23 to 07:29 of NCFC’s full footage of the match.

⁹ See 16:10 to 16:24 of NCFC’s full footage of the match.

¹⁰ See 27:20 to 27:31 of NCFC’s full footage of the match.

¹¹ See 33:06 to 33:12 of NCFC’s full footage of the match.

¹² See 47:03 to 47:16 of NCFC’s full footage of the match.

¹³ See 48:42 to 48:55 of NCFC’s full footage of the match.

¹⁴ See 55:35 to 55:49 of NCFC’s full footage of the match.

¹⁵ See NCFC “Reply Submissions’ at page 17 of the case bundle.

related to the seven separate periods of offensive chanting cited above.

10. In that video footage, the offensive chanting is clearly audible and involves a significant number of fans chanting the offensive comments cited above repeatedly on each occasion.

11. The volume of the chanting leads to the inevitable conclusion that a considerable number of supporters engaged in this ableist chanting on each occasion and that each occasion of such chanting was not a brief event.

(3) The sanction framework.

12. NCFC has admitted a breach of FA rule E21.4 by ableist chanting by its supporters.

13. The “*due diligence*” defence within FA rule E21.5¹⁶ is not available to NCFC because of the admitted breach of FA rule E21.4.

14. 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.

15. Pursuant to The FA’s “*Policy and Guidance on the Regulation of Discriminatory Conduct by Spectators*”¹⁷ dated 6th August 2020 (the “*Policy and Guidance*”)¹⁸ 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 include¹⁹ the following:

1. The number of supporters involved;

¹⁶ Page 148 of the FA Handbook 2023/24.

¹⁷ At the time of the publication of this guidance, such discriminatory breaches were regulated by FA Rule E20.1.

¹⁸ The Policy and Guidance document can be found in electronic format here : <https://www.thefa.com/news/2020/aug/06/new-charging-policies-and-sanctioning-guidelines-for-discrimination-published-070720>

¹⁹ The Policy and Guidance makes it plain that these factors are not exhaustive. See page 11 of the case bundle under the title “DETERMINATION OF THE CHARGE AND SANCTIONS”.

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;
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.

16. 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.

17. 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.”

18. By Table 1, the applicable fine range for such a breach of FA rule E21.4 for an EFL Championship Club (as NCFE was at the material time) is £5,000 to £75,000.

(4) The submissions on sanction.

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

20. 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.

21. The Commission read and considered:

- i. The FA's “*Submissions on Sanction*” (Pages 60 to 67 of the case bundle).

22. In summary, the submissions made by and contentions of The FA to the Commission are:

- i. It is accepted that it is not possible to identify the specific number of supporters involved from the footage. It is not accepted however that the numbers involved were “very low”;
- ii. It is somewhat surprising that stewarding staff did not hear and report the offensive chanting bearing in mind the clarity and volume of the audio of the chanting contained on the footage and the fact it was sufficiently loud and consistent to be reported by a supporter in attendance;

- iii. There is little difference in the volume of the offensive discriminatory chants compared to the non-offensive goal chants. This suggests “*not insignificant*” numbers of NCFC supporters engaged in the discriminatory chanting rather than a small isolated group;
- iv. The word “*spastic*” is plainly grossly offensive within its ordinary meaning and regardless of any intention;
- v. Each instance of the offensive chanting was limited in duration and only occurred after a NCFC goal was scored. It is further accepted that this language or similar chanting was not used at other points of the game, suggesting that frequency was dictated by the score at the relevant time;
- vi. However, the discriminatory chanting was consistently repeated after each goal with supporters feeling comfortable or confident to continue to use such offensive language;
- vii. NCFC did not perceive there to be a risk of crowd or individual misconduct at this fixture generally. As such, no consideration was given to the risk of discriminatory chanting. Evidence was provided by NCFC as to the previously friendly nature of this fixture and it is accepted that any such risks are likely reduced given its status as a pre-season friendly;
- viii. It is further accepted that as the visiting team, NCFC did not have as much control over pre-match planning and strategies as would be the case at their home ground (Carrow Road);
- ix. However, NCFC could have taken some simple steps generally which may have reduced the likelihood of such discriminatory conduct and allow it to be addressed proactively;
- x. NCFC should consider sharing the material evidenced from “*Kick It Out*”, “*Love Football. Protect the Game*” and their own campaign “*A Home for Everyone*” prior to all fixtures including away fixtures on social media and through NCFC’s website and social media accounts;
- xi. NCFC made no provision for any NCFC official to attend the match who would be in a position to engage with King’s Lynn Town FC to manage any misconduct and provide a proactive response. Consideration should have been given to the attendance of NCFC’s Designated Football Officer despite the low risk assessment associated with the match;

- xii. The FA acknowledges the more general measures NCFC has put in place to combat discriminatory behaviour by its spectators:
 - a. The club banning orders for those found guilty of discriminatory behaviour;
 - b. "Preliminary Level" accreditation under the Premier League's Equality, Diversity and inclusion standard and work towards to "Intermediate Level" by 2025;
 - c. Appointment of a full-time Inclusion and Wellbeing Officer and a commitment to support and promotion of EDI initiatives;
 - d. A dedicated text message service for reporting general supporter misconduct, including discrimination, and publication of that service at Carrow Road, including during matchday public announcements.
 - e. The NCFC Community Sports Foundation.
- xiii. NCFC were not aware of the discriminatory chanting at the time and therefore could not take steps to deal with it effectively. However, NCFC also state that none of the staff at the fixture would have been in a position to deal with the incident even if they were aware or it had been reported contemporaneously. It is submitted that no reasonable steps were in place to be taken in response to such an incident arising, and awareness of NCFC staff would not in fact have resulted in a different outcome;
- xiv. The footage from the fixture does not provide NCFC with the opportunity to identify the supporters involved. At each stage discriminatory chanting could be heard, the camera was focused on the pitch rather than the stands. There were therefore limited steps NCFC could have taken to identify the supporters involved;
- xv. NCFC contends they have attempted to engage with King's Lynn Town FC since the fixture but had not received a response. The nature and extent of the attempt(s) has not been detailed or evidenced within the documentation supplied;
- xvi. The FA acknowledges that had supporters been capable of identification, they would have been referred to NCFC's Sanction Panel. It is evident that NCFC takes sanctioning of discriminatory behaviour seriously, placing it within the highest offence level (category 4) in the "*Sanction Tariff*"²⁰ with the most serious recommended sanction (3 seasons to an official lifetime ban). The sanction range is appropriate and

²⁰ Page 27 of the case bundle.

demonstrates the Club's robust approach to discriminatory conduct;

- xvii. The FA welcomes NCFC's work with "*Kick It Out*" to provide educational opportunities in specific circumstances of misconduct;
- xviii. NCFC has co-operated fully with The FA;
- xix. NCFC do not have a previous relevant disciplinary record;
- xx. NCFC has not previously been subject to an Action Plan;
- xxi. As this is NCFC's first offence of this nature, the primary focus for the Commission should be the imposition of a dedicated action plan;
- xxii. The Commission is also invited to consider a financial penalty in line with the published range at Table 1 of Sanction Guidelines²¹ taking into account the fact this was a friendly match;
- xxiii. The decision of the Commission in *The FA v Millwall FC* (6th October 2023) can be distinguished from the present case. The Commission in that case was invited to impose a sanction which focused on the imposition of a workable Action Plan and The FA did not specifically seek to persuade the Commission to impose a financial penalty. This approach reflected the significant steps by Millwall FC to prevent such an occurrence and the detailed documents submitted to support those steps. Each case must be determined on its particular factual circumstances and merits.

(ii) NCFC.

23. The Commission read and considered:
- i. "*Reply Submissions of Norwich City Football Club*" dated 20th October 2023 (Pages 16 to 23 of the case bundle);
 - ii. Exhibit 1 - Match Footage (Page 24 of the case bundle);
 - iii. Exhibit 2 - Email exchange with King's Lynn (Pages 25 to 26 of the case bundle);
 - iv. Exhibit 3 - Sanction Tariff (Page 27 of the case bundle);

²¹ £5,000 to £75,000.

- v. Exhibit 4 - Anti-discrimination graphics (Pages 28 to 32 of the case bundle);
- vi. Exhibit 5 - The decision in *The FA v Millwall FC* (Pages 33 to 59 of the case bundle);
- vii. Norwich City FC's "*Observations on The FA's Submissions on Sanction*" dated 30th November 2023 (Pages 68 to 70 of the case bundle).

24. In summary, the submissions and contentions made by NCFC to the Commission are:

- i. It is not possible to see from the footage which supporters were responsible for the discriminatory chanting;
- ii. King's Lynn FC confirmed that no other footage of the chanting is available, nor was any chanting heard by or reported to the stewards working at the match or to any member of King's Lynn's staff;
- iii. The spectators at the match were unsegregated. This made it impossible to identify which team's supporters were responsible for the discriminatory chanting based on the area of the ground the chanting appeared to emanate from;
- iv. NCFC contends that it would be contradictory for its supporters to have sung both the initial chant and the goal chants. In other words, it would not make sense for supporters of NCFC to chant "*You're just a town full of spastics...*" about King's Lynn and then chant "*One nil to the spastic boys...*" after NCFC scored each goal;
- v. NCFC therefore contends that either:
 - a. Supporters of King's Lynn were responsible the initial chant and that supporters of NCFC were responsible for the subsequent goal chants, which were sung ironically in response to the initial chant (which NCFC acknowledged did not justify the language used); or
 - b. Supporters of King's Lynn were responsible for both the initial chant ("*You're just a town full of spastics...*" about NCFC) and the goal chants (for example "*One nil to the spastic boys...*") after NCFC scored each goal.
- vi. In the circumstances, therefore, NCFC considers that it is not possible to conclusively identify which team's supporters were responsible for the discriminatory chanting;
- vii. However, given that it is possible that one or more of the chants may have been sung by NCFC supporters, NCFC admits the charge;

- viii. NCFC contends that the number of supporters involved was very low based upon the audio of the footage, which gives the impression that a limited number of supporters were involved and the fact that King's Lynn confirmed that no chanting was heard by or reported to the stewards working at the match or any member of King's Lynn's staff;
- ix. NCFC does not accept The FA's contention that a "*not insignificant*" number of supporters were involved in the discriminatory chanting. Given the small size of the ground, is likely to have made the volume of any chanting in close proximity to the camera seem louder in the audio than it was at the ground. Therefore, The FA's submission that the clarity of the audio suggests a significant number of supporters were involved is conjecture given that there is no footage showing, or other evidence of, the number of supporters involved;
- x. NCFC accepts that the words used by the supporters were offensive and discriminatory on the basis that those words were used in the pejorative and therefore ableist;
- xi. Whilst seven discriminatory chants were sung, the duration of each chant was relatively short, and each can be heard on the footage to end very quickly;
- xii. Save for the initial chant, similar words were not chanted at any time during the match other than after each of NCFC's goals;
- xiii. As the match was a local pre-season friendly which had been played without incident in previous pre-seasons, NCFC (and King's Lynn Town FC) considered the match to be low-risk and therefore did not take any particular steps to mitigate against the risk of any conduct such as that subject of the charge;
- xiv. NCFC contends that, in the circumstances, this approach was reasonable;
- xv. The match was supervised solely by King's Lynn and the local police force, that neither club's Dedicated Football Officer ("DFO") attended the match due to its low risk, and that none of NCFC's stewards nor its Supporter Liaison Officer attended the match;
- xvi. NCFC did offer to provide stewarding support to King's Lynn for the corresponding game in July 2022, but that offer was declined by King's Lynn. That offer was therefore not made again in respect of the match, nor was any particular support or pre-match liaison sought by King's Lynn or the local police;
- xvii. The issue of policing at a match is a matter for the home club and the local police force. The DFO for Norfolk oversees both NCFC and King's Lynn, rather than NCFC

exclusively. Therefore, consideration was given to the attendance of the DFO for Norfolk by King's Lynn, the Norfolk Constabulary and the DFO for Norfolk himself, who all considered that the DFO's attendance was not necessary given the risk level of the match. Accordingly, NCFC's decision not to send an official who would have been in a position to respond to any incident was a reasonable one;

- xviii. The low-risk nature of the match is demonstrated by the fact that NCFC's fans could buy tickets from King's Lynn's website or on the gate, and that there was no segregation in place on the day;
- xix. Given that no chanting was heard by or reported to the stewards working at the match or any member of King's Lynn's staff, nor was it heard by or reported to any of NCFC's staff at the match, there was nothing that any of NCFC's staff in attendance at the match could have done to deal with the incident when it arose;
- xx. It has not been possible for NCFC to take any steps to identify the supporters involved because the supporters responsible for the chanting cannot be identified from the available footage and no other reports of the incidents were made to or taken by King's Lynn's stewards or staff on the day. NCFC has attempted to follow up with King's Lynn, but has not received any response;
- xxi. For the reasons stated, NCFC has been unable to take any action against the supporters involved;
- xxii. If NCFC had been able to identify any such supporters, it would have referred them to NCFC's Sanction Panel, which regularly hears cases of misconduct by its supporters and imposes sanctions where reports of misconduct are upheld. In the past three seasons, NCFC has imposed 47 bans on supporters, including 14 for discriminatory abuse. This demonstrates the proactive and robust approach NCFC takes to unacceptable behaviour, in particular its zero-tolerance policy towards all forms of discrimination;
- xxiii. NCFC is currently working with "*Kick It Out*" to provide NCFC supporters with the option of attending an anti-discrimination workshop in certain circumstances in order to avoid or reduce a ban imposed by the Sanction Panel;
- xxiv. NCFC has co-operated in full with The FA and has accepted the charge;
- xxv. NCFC has not previously been charged with a breach of Rule E21.4 by The FA, nor any other similar breach of the FA Rules. NCFC has a good disciplinary record more

generally;

- xxvi. An Action Plan has not been imposed on NCFC previously;
- xxvii. NCFC has currently achieved “*preliminary level*” accreditation under the Premier League’s Equality, Diversity and Inclusion Standard and is currently working towards ‘*intermediate level*’ accreditation, which it is hoping to achieve by 2025;
- xxviii. NCFC has developed its “*A Home for Everyone*” campaign, which incorporates its commitment and work within the area of equality, diversity, inclusion and mental health;
- xxix. A dedicated page on NCFC’s website (www.canaries.co.uk/club/ahomeforeveryone) contains information for supporters about NCFC’s commitments in this area, relevant club policies, including NCFC’s EDI policy, information on how supporters can report discriminatory or anti-social behaviour, and mental health resources;
- xxx. NCFC also employs a full time Inclusion and Wellbeing Officer to drive EDI initiatives and culture throughout NCFC (both internally and amongst the Club’s supporters) and investigate any incidents of discrimination;
- xxxi. NCFC operates a dedicated text message number for reporting discriminatory or anti-social behaviour on matchdays. An associated “*A Home for Everyone*” graphic is included in every matchday programme and is posted on social media on the matchday morning, which links to NCFC’s sanctions tariff. Carrow Road also has a static pitch side advertising board with the same graphic and posters of the graphic are located in the concourse and around the stadium;
- xxxii. NCFC also includes similar “*Kick It Out*” and EFL graphics in its matchday programme²²;
- xxxiii. NCFC’s matchday public announcement script includes “*If you see, hear or are subject to any form of discrimination, please speak to your nearest steward or text 80011*”, which is read out just after the introduction at approximately 14:15, after the stadium safety announcement approximately 13 minutes before kick-off and at half time;
- xxxiv. Stewards are reminded in their briefing of the reporting number and the Club’s zero tolerance policy towards all forms of discrimination;
- xxxv. NCFC regularly supports and promotes EDI initiatives, including LGBTQ+ initiatives,

²² Exhibit 4 at pages 28 to 32 of the case bundle.

Black History Month, Level Playing Field, Women's History Month, International Women's Day and World Mental Health Day. In particular, NCFC's recent "Check in on those around you" video in support of Samaritans released for this year's World Mental Health Day went viral, with the Club's tweet of the video receiving 54 million views;

- xxxvi. NCFC Community Sports Foundation does a significant amount of work with local people with disabilities so that they can enjoy the physical, mental, and social benefits of sport, including sports sessions and opportunities to attend matches at Carrow Road;
- xxxvii. NCFC contends that any sanction imposed by the Commission should be limited to a warning as to future conduct;
- xxxviii. NCFC contends that an action plan is not necessary given the matters set out above. In particular:
 - a. The incidents in question were limited in nature and involved a very low number of supporters. In addition, there is no suggestion that incidents of discrimination such as this or otherwise are prevalent amongst the Club's supporters or likely to occur again in the future;
 - b. Given that the incident happened at King's Lynn's ground and no evidence is available to identify those involved, there is nothing to suggest that an action plan is needed to address areas such as the Club's matchday operational planning, its stewarding, its crowd monitoring, its communications, or its investigation and sanctioning processes.
 - c. Similarly, given the significant work that NCFC does to promote equality, diversity, inclusion, mental health and wellbeing, there is also nothing to suggest that an action plan is needed in those areas;
- xxxix. NCFC contends that it would not be reasonable or proportionate for the Commission to impose a fine upon NCFC. In this regard, NCFC relies upon the decision in *The FA v Millwall FC* dated 6th October 2023, which related to discriminatory chanting by Millwall FC supporters at an away match against Wigan Athletic, in respect of which no fine was imposed on Millwall by the Commission²³;
- xl. NCFC contends that the incidents in the Millwall case involved a significant number of

²³ See Exhibit 5 at pages 33 to 59 of the case bundle.

supporters, the discriminatory chanting was repeated, Millwall had been found guilty of misconduct related to discriminatory supporter chanting previously and it had also been subject to an action plan before;

- xli. Whilst NCFC appreciates that each matter should be determined on its merits, NCFC nevertheless avers that the *Millwall* decision is an appropriate reference point which justifies no fine being imposed upon NCFC for this breach of the regulations.

(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.

1. The number of supporters involved.

28. NCFC has admitted the charge and thereby accepts that NCFC supporters were involved in this discriminatory chanting.

29. It follows that NCFC accepts that the Commission must proceed on the basis that its supporters were involved in (at least) the offensive chanting after each goal was scored by NCFC.

30. The evidence suggests on the balance of probability that there was a significant number of NCFC supporters involved in the ableist chanting.

31. This conclusion is supported by the fact that the post-match complaint was based on the chanting being clearly audible and the video footage (with audio) that depicts the chanting clearly and loudly by significant numbers of NCFC supporters.

32. The Commission is satisfied that the discriminatory chanting involved more than a small number of NCFC supporters.

2. The nature of the behaviour of those involved.

33. The words used by the offending spectators referenced a negative attitude towards the disabled community.

34. The use of the phrase “*spastic*” is obviously and plainly discriminatory and highly offensive. The chanting is highly abusive and offensive to those right-thinking people who heard it or came to know of its use in these circumstances.

3. The duration of the incident(s).

35. The ableist chanting depicted on the video footage was repeatedly chanted (albeit for a few seconds at a time) but after each of the six goals was scored by NCFC.

36. Accordingly, this was not an isolated single incident of such offensive behaviour by NCFC supporters.

37. Accordingly, the Commission is satisfied that the discriminatory chanting was of significant duration and was repeated chanting.

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.

38. The documentary and other material relied upon by NCFC evidences in the view of the Commission that NCFC concluded there was little to no risk associated with this fixture of discriminatory chanting.

39. It appears from the material before the Commission that King’s Lynn and the police also had concluded that there was little or no risk of discriminatory chanting from attendees at the match.

40. By the events that unfolded, it follows that the pre-match conclusions of NCFC, King’s Lynn and the police were wrong.

41. Plainly, wherever there are substantial numbers of supporters²⁴ of competing football clubs attending a match, there is a *risk* of crowd misconduct.

²⁴ The reported attendance at this match was 2,397. See <https://www.kltown.co.uk/2023/07/09/match-report-norwich-city-h/>

42. It is for this reason that each such match requires a proper and sufficient pre-match assessment as to risk to be completed. This applies whether it is a friendly match with no history of crowd disorder or a professional match. Whatever the level of assessed risk, due diligence requires that adequate measures are taken to meet all reasonably possible outcomes.

43. In this case, the Commission concluded that the conclusions reached by NCFC (and indeed King's Lynn) were reached without proper consultation with all relevant parties and without proper consideration of the resources that ought properly to be deployed *even if* the match was to be categorised as a low risk fixture.

44. The decision not to segregate supporters of the two football clubs was in the judgement of the Commission not justified. Ultimately that decision contributed to or caused the inability to safely identify those supporters who engaged in the discriminatory chanting that occurred.

45. There was no material placed before the Commission that properly evidenced any proper pre-match communication between NCFC and its supporters to reinforce the message that discriminatory behaviour is entirely unacceptable and that any such behaviour at the match by NCFC supporters would be met with a stern club sanction.

46. It is noted by the Commission that neither King's Lynn's nor NCFC's Dedicated Football Officer attended the match due to its perceived low risk, and that none of NCFC's stewards nor its Supporter Liaison Officer attended the match. The match was policed by the local King's Lynn police force.

47. The lack of attendance of such personnel no doubt contributed to the circumstances where such offensive chanting was not detected at the time by either club despite it occurring on seven occasions during the match.

48. The failure of such important personnel to attend the match was a significant oversight and compounded the lack of detection of the offensive chanting and any ability to deal with the situation that then developed.

49. The Commission was satisfied that NCFC had considered the issue of risk of crowd disorder at the match but NCFC had not done all that could reasonably have been done in assessing pre-match the risk of such discriminatory chanting before this away fixture against King's Lynn.

50. The material before the Commission shows that NCFC had not carried out a proper and comprehensive risk assessment prior to the away fixture with King's Lynn and had not

taken all appropriate measures to minimise the risk of such discriminatory chanting and to deal effectively with any such chanting at the match by NCFC supporters.

51. In all of these circumstances, the Commission was satisfied that NCFC had exercised *some* diligence and taken *some* steps in its planning and preparation for the away fixture with King's Lynn but that those measures did not amount to *due* diligence.

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

52. It seems that the offensive ableist chanting by NCFC supporters was not detected by King's Lynn officials at the match. Accordingly, no report was made to any NCFC staff or officials at the time or shortly afterwards.

53. Nor did any NCFC staff detect the chanting themselves at the match.

54. It is noted by the Commission that neither King's Lynn's nor NCFC's Dedicated Football Officer attended the match due to its perceived low risk, and that none of NCFC's stewards nor its Supporter Liaison Officer attended the match. The match was policed by the local King's Lynn police force.

55. The lack of attendance of such personnel no doubt contributed to the circumstances where such offensive chanting was not detected despite it occurring on seven occasions during the match.

56. There is no evidence before the Commission therefore that King's Lynn (as the home club) took any steps during the match, by way of public announcements or otherwise, to discourage such offensive chanting. This was because they had not detected the offensive chanting.

57. Accordingly, no action was taken by either King's Lynn or NCFC officials during the match, simply for the reason that they were unaware of any ableist chanting at the time.

58. The Commission is disappointed that such repeated offensive chanting by a significant number of supporters was not detected at the time by any King's Lynn and/or NCFC staff.

59. Had the relevant personnel cited above from both King's Lynn and NCFC attended the match, the Commission is satisfied that the offensive chanting would have been detected at the time and appropriate measures could have been taken to stop that form of chanting.

60. Such lack of personnel therefore on any sensible view contributed to the lack of detection and response in relation to the offensive chanting.

61. However, the Commission notes that NCFC was the away team and that the principal responsibility for stewarding and safety staffing ultimately rested with King's Lynn as the home team for this match.

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

62. The fixture between King's Lynn and NCFC took place at King's Lynn's stadium. Necessarily, therefore, NCFC had limited ability *during the match* to collate evidence.

63. *Even if* the offensive chanting had been detected by any relevant safety or security officials at the time, NCFC officials would not be responsible for crowd control at this match.

64. It has already been noted that the lack of a Dedicated Football Officer and Supporter Liaison Officer from either club at the match contributed to the lack of ability to detect and then to identify the perpetrators of the offensive chanting. The match was policed by the local King's Lynn police force.

65. Once the discriminatory chanting was brought to the attention of NCFC officials about 19 days after the match on 8th July 2023, the Commission accepts that NCFC took reasonable steps to seek access to video footage that might identify those NCFC supporters involved in the discriminatory chanting.

66. The Commission has been informed that the video footage that was ultimately available to NCFC does not enable NCFC to identify any of those supporters involved in the discriminatory chanting. This is because it involves a fixed camera providing a fixed view essentially of the pitch only.

67. It is noted that it is not contested by The FA that NCFC could or should have been able to identify any of its supporters involved in the discriminatory chanting from the footage supplied by King's Lynn to NCFC or from any other available footage.

68. The Commission is disappointed that no supporters involved in this offensive discriminatory chanting have been identified and sanctioned.

69. The Commission repeats the fact that the lack of attendance by King's Lynn's and

NCFC's Dedicated Football Officer and Supporter Liaison Officer at the match contributed to the inability to detect (and then to identify the perpetrators of) the offensive chanting.

70. However, the Commission accepts that NCFC took all reasonable steps in identifying the supporters involved when these matters were brought to NCFC's attention about 19 days later. It has simply not been possible in all of the circumstances for any of them to be identified.

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

71. For the reasons set out above, no action has been taken against any NCFC supporter involved in this discriminatory chanting.

72. The Commission is satisfied that had any of those supporters been identified, that stern and appropriate action would have been taken against them by NCFC as part of its zero tolerance policy to discrimination relating to all protected characteristics within the FA rules.

73. The Commission is satisfied that the "*Sanction Tariff*"²⁵ in use by NCFC adequately and appropriately reflects the serious culpability attached to such discriminatory chanting.

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

74. It is noted by the Commission that NCFC 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.

75. The Commission notes that NCFC 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.

76. NCFC had no Action Plan previously imposed post the Policy and Guidance issued in

²⁵ Page 27 of the case bundle.

August 2020.

(6) Sanction.

(i) A fine.

77. NCFC rightly conclude that any such discriminatory chanting amounts to serious discriminatory misconduct about which they are rightly disappointed.

78. The Policy and Guidance states as follows²⁶ :

“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.”

79. The Commission noted the various factors within the Policy and Guidance that are considered and set out above.

80. The Commission had to balance all of the factors cited above in deciding whether a financial sanction was appropriate and, if so, the level of that financial sanction.

81. The Commission has concluded that there was a lack of adequate pre-match planning that contributed to the inability to detect and then to deal with the offensive chanting.

82. The Commission noted that the misconduct of the NCFC supporters was a series of relatively brief but not isolated incidents of offensive and highly insulting discriminatory chanting.

83. The Commission has to balance the deficient pre-match due diligence by NCFC with the other mitigating factors set out already in this document, most particularly that NCFC was the away club at this fixture.

84. The Commission concluded that the substantial lack of pre-match due diligence was a significant aggravating factor that made the culpability of NCFC very significantly higher than

²⁶ See Annex 1 at page 218 of the case bundle.

that of Millwall FC in the cited case relied upon by NCFC.

85. The pre-match due diligence exhibited by Millwall FC in the cited case was to a far higher standard than that exhibited by NCFC and in many ways amounted to the exercise of all due diligence. It was an exceptional case.

86. In all of these circumstances, the Commission concluded unanimously that a financial penalty was appropriate and warranted in this case due to the seriousness of this type of discriminatory misconduct and the need to mark such behaviour with a punitive element.

87. The Commission also took into account the fact that this was a pre-season friendly match.

88. The Commission concluded that all of the circumstances of this case categorised this case as one of reasonably low culpability.

89. Balancing all of the aggravating and mitigating factors stated above, and applying the sanction guidelines within Table 1 of the Policy and Guidance, the Commission concluded that the appropriate financial penalty commensurate with this misconduct is £10,000.

90. The Commission considered whether any part of the financial sanction should be suspended.

91. Regulation 44 of the FA disciplinary regulations²⁷ provides (our emphasis):

“44. When considering imposing a suspended penalty, a Regulatory Commission must:

a) Determine the appropriate penalty for the breach, irrespective of any consideration of it being suspended; and

b) Consider whether there is a clear and compelling reason(s) for suspending that penalty; if so

i. Set out what the clear and compelling reason(s) are; and

ii. Decide the period of the suspension, or event, until which the penalty will be suspended; and

iii. Upon what other terms or conditions, if any, the penalty will be suspended.”

²⁷ Page 177 of the FA Handbook 2023 / 24 under “A – General Provisions – Section One: All Panels”.

92. Having considered the regulations, the Commission concluded there was no clear and compelling reason for suspending the financial sanction. Therefore, the financial sanction is not suspended.

93. Accordingly, NCFC is fined the sum of £10,000.

(ii) An Action Plan.

94. The Commission concluded unanimously that an Action Plan in accordance with Annex 1 to the Policy and Guidance was necessary and proportionate in this case.

95. The Commission noted that NCFC are already engaged in positive work to reduce the risk of discriminatory misconduct.

96. Nonetheless, the Commission concluded that a comprehensive Action Plan is necessary and appropriate to ensure that there is compliance with a wide-ranging approach to risk reduction.

97. In order to reduce the risk of further such breaches of FA rule E21, there shall be an Action Plan in the case of NCFC in the following terms with immediate effect :

“1. Upon publication of the Regulatory Commission’s Written Reasons and this Action Plan, Norwich City Football Club (**‘the Club’**) shall communicate via the Club website and via its social media accounts :

- a. The fact and background to the charge, including the fact that it involved abusive, offensive, discriminatory chanting by Club supporters at a match against King’s Lynn Town FC.
- b. The Club’s condemnation of the chanting that underpinned the charge and the fact that it has a zero-tolerance policy towards discriminatory abuse of all kinds.
- c. Further it should state that those responsible were committing a criminal offence and anyone subsequently identified will be banned.
- d. The fact that this resulted in the Club being charged and found guilty of misconduct under the FA Rules, being fined £10,000, being warned as to its future conduct, and having an Action Plan imposed upon it.
- e. The Club’s intention to continue to develop existing initiatives to make it more inclusive and more proactive in the prevention and detection of any potentially discriminatory or

inappropriate words or behaviour in the future, at both home and away fixtures.

2. The Club shall :

- a. Forthwith conduct a full review of its stewarding management, provision, deployments, and quality of stewarding training. In addition existing processes should be closely examined to ensure good quality steward incident reporting (verbal & written) is in place to support proportionate reactions to matchday incidents and potential post-match investigations.
- b. Continue to ensure all its matchday operational planning, match specific risk assessments and stewarding briefing documents are fully documented to support and evidence due procedure, and to ensure that the prevention and detection of any discriminatory or inappropriate behaviour is sufficiently addressed, and is readily available for inspection by the Football Authorities and the appropriate Safety Advisory Group.
- c. Continue to maintain a detailed operational matchday protocol in support of their safety management and stewarding teams to include stewarding reporting methods, prepared Public Address messages to assist in the prevention of abusive and discriminatory behaviour, and to include any match-specific action plans for dealing with such behaviour.
- d. Evaluate their existing CCTV capabilities and operator training in relation to crowd monitoring and evidence gathering including the use of body worn cameras.
- e. If not already in place, establish a pre-match and post-match management group, consisting of relevant heads of department, to share information and plan for and review each fixture accordingly. Such meetings should have any action plans specifically allocated and be properly minuted. It shall be the responsibility of each head of department to properly convey relevant information arising from the pre-match and post-match meetings to their respective team members.
- f. The Club's Safety Officer and Club Secretary should continue to liaise with the opposition club prior to all fixtures both home and away to exchange relevant intelligence whether directly or via the EFL WhatsApp group :
 - i) on any factors which may negatively affect or influence the behaviour of identified club supporters who are or may be attending the fixture (this should

include any members of the opposing club whether they be current or former players, backroom staff, directors or club guests who may be potential targets of discriminatory behaviour from the supporters) ;

- ii) Similarly, the same information should be obtained associated with the opposing club so any appropriate risk assessment can be made and acted upon prior to the fixture ;
 - iii) Such information should then be addressed at the pre-match meeting of both the management group and stewards.
- g. The Club Safety Officer should appraise the match officials before every home game to discuss and evaluate any potential issues relating to crowd behaviour, particularly any discriminatory behaviour, and have in place methods of communicating with match officials should it be necessary as per the matchday protocol referred to earlier in this Action Plan.

3. The Club shall :

- a. Continue to develop proactive supporter initiatives for usage and communication ahead of both home and away fixtures, in addressing the potential for discriminatory or other inappropriate supporter behaviour.
- b. Continue to develop an ongoing positive dialogue with “Kick It Out”, the EFL and other local organisations to further enhance their relationship by seeking advice on the development of and ratification of new policies and procedures relating to discriminatory behaviour.
- c. Develop additional supporter and steward educational programmes in conjunction with “Kick It Out”, the EFL and other local organisations for the purpose of increasing awareness of unacceptable behaviour, deterring and minimising discriminatory and other inappropriate supporter behaviour, including the inappropriate usage of words, chanting, gestures, behaviour and conduct associated with ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation and disability.

4. The Club shall continue to develop and publicise the Club’s policies in relation to

Equality, Diversity and Inclusion which must :

- a. include a prominent "*Discrimination*" section containing relevant and specific information on all aspects of discriminatory and offensive words and behaviour in an effort to educate supporters on what language and actions are acceptable or unacceptable, whether at home or away fixtures.
- b. Continue to publicise the Club's text reporting system and The NCFC Equality Policy on the Club's website in particular in relation to the procedures and facilities available to attendees at matches for reporting abuse, particularly that of a discriminatory nature.

5. The Club shall continue to develop and implement an appropriate media campaign across the Club website and the Club's social media accounts emphasising the Club's policies and its zero tolerance toward discriminatory, abusive and insulting language, behaviour and conduct.

6. The Club shall continuously review ticket sales policies to ensure that such policies do not increase the risk of discriminatory or inappropriate supporter behaviour, and to provide useable data to support post-match investigations and potential associated sanctions.

7. The Club shall continue to develop and deploy:

- a. match day public announcements ; and
- b. printed messages in its match day programme, on any available big screen, on advertising boards and on stadium advisory posters ; and
- c. content on the Club's website and social media platforms

to proactively target the prevention and detection of any potential discriminatory words or behaviour.

Such announcements, messages and content :

- i. shall make clear in plain effective language that discriminatory and abusive behaviour is offensive, may be criminal, and will not be tolerated by the Club, and
- ii. must be supported by clear reporting methods and facilities.

8. Prior to each match the Club shall publish warnings to its supporters against the use of discriminatory and other inappropriate supporter behaviour and language. Such warnings :
 - a. shall be published on the Club's website and social media outlets, whether as a stand-alone warning, and for away fixtures as part of a '*Travelling Fans Guide*', and
 - b. shall be communicated directly, whether by text message or other suitable means, to those supporters that the Club knows have purchased tickets for the relevant away game and/or are travelling to the relevant away game.

9. The Club shall (at the Club's own cost and not that of the host Club) make all reasonable efforts to :
 - a. Together with the Club's Supporter Liaison Officer (SLO) send a minimum of two travelling away stewards to any Club away fixture assessed to be 'high risk'.
 - b. Provide the host Club with full contact details of the Club's SLO and travelling stewards.
 - c. Ensure that the Club's SLO and travelling stewards liaise throughout the fixture with the host club, its Safety Officer and its stewarding operation to provide close liaison and communication with the travelling fans at the stadium and act as a communicational conduit between the host club and the Club's travelling fans and in doing so seek to formulate evidential reports concerning any poor behaviour associated with the travelling fans in order to develop and collate appropriate intelligence on the Club's travelling fan base.
 - d. Provide any travelling stewards with an appropriate body worn camera in order that they may deter, detect and evidence any incidents of discriminatory or anti-social behaviour.

10. The Club shall review all its safety management plans and policies at least once a season.

11. This Action Plan shall be in place for the remainder of the 2023/24 season and the duration of the 2024/25 season and will be monitored by The Football Association.

12. The Club shall invite The FA to ensure that an FA / EFL Compliance Officer is present at any home fixture where, as a result of the match-specific risk assessment, the Club assesses

there is a high risk of discriminatory language or behaviour from supporters.”

98. The FA will monitor the Action Plan. It is implicit that the FA Compliance Officer will use a level of appropriate discretion in ensuring that the Action Plan is workable and implemented in an effective manner.

99. NCFE is formally warned as to future conduct.

100. The above sanctions are formally imposed.

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

ABDUL S. IQBAL KC

MATT WILD

MATT WILLIAMS

29th December 2023