

Football Association Regulatory Commission (the ‘Commission’)
in the matter of a charge of Misconduct brought against Reece
James (‘RJ’) of Chelsea FC (‘CFC’).

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Tuesday 3rd October 2023.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Tony Agana and Mr. Marvin Robinson, all three of whom are Independent Panel Members of the FA Judicial Panel.
3. Mr. Michael O’Connor of the FA’s Judicial Services acted as Secretary to the Regulatory Commission.
4. The following is a summary of the principal submissions and evidence provided to the Commission. It does not purport to contain reference to all points made, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

Background

5. Concerned by the levels of Misconduct in football, on 25 July 2023, The FA wrote to The Club Secretaries of all Premier League, EFL, National League, Women's Super League, Women's Championship, Isthmian League, Northern Premier League & Southern League in respect to 'Participant Behaviour' stating the following...

"Dear Club Secretary,

Participant Behaviour Ahead of the new season,

please note the following key changes to be aware of for both Clubs and participants:

- A Participant Charter attached (Appendix 1) sets out the core principles for both on-field and technical area behaviour. Match Officials will apply these principles in helping to determine appropriate disciplinary action.*
- Dismissed technical area occupants will not be permitted to take a seat in the stand; return to the field of play post-match or conduct post-match media interviews/conferences. In addition, any touchline bans will include a prohibition from being on the touchline or field of play before or after the game. Please find attached (Appendix 2) an updated Guidance Document for Technical Area Dismissals, Touchline Suspensions and Ground Suspensions.*
- There has been an amendment to the FA Standard Penalty Guidelines (Appendix 3) to the effect that confrontational behaviour towards Match Officials has now been included in the assessment of sporting sanction/suspensions.*

- *A reduced threshold for technical area accumulation of cautions is now in effect (Appendix 4).*
- *Club Sanctions for Accumulation of Technical Area Cautions and Dismissals - as of Season 2023/24, technical area cautions and dismissals will now contribute towards the multi-player misconduct total.*
- *Standard financial penalties remain unchanged but please note the attached guidance has been amended in terms of non-standard cases (Appendix 5).*

Should you have any questions or require clarification regarding the above information please do not hesitate to contact the On-Field team.

Thank you for your kind assistance in this matter.”

6. FA Rule E3 states: *“E3.1 A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”* Pg. 143 of The FA Handbook 2023-24.
7. The incident in question took place, in or around the tunnel area, following the completion of the Chelsea FC v Aston Villa FC Premier League fixture that took place on 24th September 2023.
8. The Match Referee, Jarred Gillet, reported the following: *“At the conclusion of the match, we were exiting the field of play to return to the match officials' change room. As we left the field of play, around the top of the tunnel in very close proximity to the Chelsea technical area, we were confronted by Chelsea player, Reece James, who wasn't on the team sheet*

for the game. James said to me as we walked towards him 'You couldn't be more fucking horrid today. All three of you. Fucking every decision.' I didn't respond to James' comments and kept walking towards the match officials' room. I reported this to the Head of Match Day Safety, Chris Baker, in the match officials' room approximately 10 minutes after the incident took place.”

9. Assistant Referee, Darren Cann, reported the following, *“At the end of the match, as the match officials were about to walk down the tunnel, I observed referee Jarred Gillett being angrily confronted by Reece James who was verbally abusive and insulting. Mr James said “You couldn’t be more fucking horrid today - all three of you. Fucking every decision”. Jarred didn’t respond to Mr James’ abusive comments. He reported the incident to Chris Baker (Head of Safety) after the match in the referee’s changing room.”*
10. Assistant Referee, Dan Robathan, reported the following: *“Observations are: At the end of the game, Mr Reece James approach us as we left the field of play, at the entrance of the tunnel. He said 'you couldn't have been more fucking horrid today. All three of you, fucking every decision.' Nor myself or my colleagues said anything back and we went down the stairs and into our dressing room.”*
11. In e-mail correspondence with The FA, Fourth Official, Simon Hooper wrote: *“In relation to this incident - I did not witness anything as I was already down the tunnel in the dressing room area so was only advised what occurred once the on-field team of officials had returned to the dressing rooms.”*

The Charge

12. The FA charged RJ on the following terms: *“You are hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. It is alleged that following the completion of the fixture, in or around the tunnel area, you used improper and/or insulting and/or abusive words and/or behaviour towards a Match Official.”*
13. The FA designated the case as a Non-Standard Case due to the unusual nature of the reported incident and due to the incident occurring outside the jurisdiction of the Match Officials.
14. The Football Association relied on the following evidence which was enclosed with the Charge letter:
 - a. *Report of the Match Referee, Mr. J. Gillett, dated 24th September 2023;*
 - b. *Report of the Assistant Referee, Mr. D. Cann, dated 24th September 2023;*
 - c. *Email correspondence between Ms. N. Gibson, The Football Association, and Mr. D. Robathan, Assistant Referee, dated 25th - 26th September 2023;*

RJ's Response to Charge

15. RJ replied to the Charge Letter on 29th September 2023 – He admitted the Charge and requested that case be dealt with on papers.

16. Attached to RJ's Response to the Charge were two letters dated 29th September 2023, the first from RJ himself and the second from Chelsea FC's Director of Football /Club Secretary, David Barnard.

RJ/CFC Submissions

17. In summary RJ and Mr. Barnard made the following points in mitigation to the Charge:

- a. *RJ admitted the Charge at the earliest possible opportunity;*
- b. *RJ expressed remorse for his actions and apologised unreservedly, asking that those apologies also be passed on to Jarred Gillett, Darren Cann, and Dan Robathan;*
- c. *The fact that RJ asked that the specific circumstances of his comments be taken into account by the Commission when imposing a sanction:*
 - i. *RJ's comments were born out of an understandable frustration, both with the manner in which the Club lost the Match and also with the fact that he was "unable to positively impact things on the pitch" due to his injury situation;*
 - ii. *RJ's comments reflected an honestly held belief, based on his perception of the Match from where he was sat, that "a number of finely balanced decisions had gone against" the Club, and had contributed to AVFC eventually winning the Match;*
 - iii. *RJ's words were not "designed to attack any individual's integrity or professionalism";*
 - iv. *The comments were not delivered aggressively;*
 - v. *The Charge is an anomaly in an otherwise exemplary disciplinary career;*

- vi. *RJ's comments were made privately, rather than on the pitch or to the media in a press conference, would be relevant when considering the impact of his words on the interests of the game more broadly; and*
- vii. *The severity of RJ's actions relative to other cases – The FA v Virgil Van Dijk, The FA v Robert de Zerbi, The FA v Neal Maupay.*

18. In light of the points set out above RJ/CFC invited the Commission to “*impose a sanction sitting below those rendered in the above-mentioned cases, and specifically submits that a limited fine and a formal warning would be appropriate in this case.*”

The FA's Response to RJ's Reply to Charge and Submissions

19. On 2nd October 2023, The FA submitted a Response to RJ's Reply to Charge. The FA submitted the following “*The FA welcomes RJ's reply to charge and apology to the Match Officials. In respect of the admission, RJ has not sought to limit the plea – as such the plea is taken as an admission to charge particulars: improper and/or insulting and/or abusive words and/or behaviour towards a Match Official. Notwithstanding RJ's plea and apology, The FA refutes the suggestion that his frustration that proceeded the misconduct is in any way 'understandable' to the extent it explains or rationalises the significant and unacceptable behaviour towards the Match Officials. Moreover, RJ specifically asserts that the comments were not made aggressively, which directly conflicts with Darren Cann's evidence. Given RJ's admitted frustrations, on balance, the Commission ought to prefer the Match Official's account in this regard and find that RJ was*

indeed aggressive when he abused the Match Officials. In respect of the previous matters on which the Club/RJ rely, the Commission will appreciate that all cases turn on their own facts and that there is no strict system of precedent. Any comparison between, for instance, Virgil Van Dijk's and RJ's conduct is unlikely to assist the Commission given the very different factual matrix involved. Mr Van Dijk's conduct, albeit entirely unacceptable, was one that followed an immediately proceeding on-field referee decision to dismiss him from the field of play. RJ on the other hand was not in the match day squad and cannot be said to be affected from and/or benefit from mitigation linked to being in "the heat of battle". RJ's conduct more accurately can be compared to that exhibited in FA v Ben Mansford (Blackpool Chief Executive) and Nick Horne (Club Secretary) (written reasons appended). Messers Mansford and Horne received a one-match Ground/Stadium ban for their comments to Match Officials in their changing room following the conclusion of a match.

The suggestion that RJ's conduct ought only to receive a warning and 'limited' fine, also runs contrary to the newly introduced Participant Behaviour Charter (the Charter) and updated Standard Penalty Guidelines (both appended). As the Commission will be aware, the culture of misconduct towards Match Officials needs to be robustly addressed. All clubs are aware of the Charter and the consequent increased focus on such misconduct. As the updated penalty guidelines show, had this been a standard technical area occupant charge – the sporting sanction threshold is clearly crossed. The FA strongly submits that the imposition of a sporting sanction of a 1-match immediate suspension in the instant matter is clearly necessary and proportionate to mark the seriousness of RJ's misconduct. In the event the Regulatory Commission imposes a match ban, in light of RJ's injury, The FA appreciates that RJ is unlikely to actually miss participating in a match. Notwithstanding this, The FA is nevertheless

resolutely of the view the misconduct ought to be marked by a sporting sanction. The FA also considers that a financial penalty is appropriate. In order to have any meaningful impact on RJ, The FA submits that a fine tantamount to one week's wages is reasonable and proportionate.

CONCLUSION

In light of the above, The FA respectfully invites the Commission to impose an immediate sporting sanction of a 1 match suspension and a fine commensurate with RJ's weekly income."

The Hearing

20. The Commission considered the submissions of both parties with care including the various cases that had been drawn to the attention of the Commission.

21. The Commission were informed that RJ, to his credit, had no previous misconduct offence on his disciplinary history, covering the current season prior to the incident in question, and the preceeding five full seasons.

22. The Commission turned its mind to the issue of whether or not RJ had spoken the words '*aggressively*' or not as this was the only area of dispute between the parties. The Commission decided that, on the balance of probability, RJ had spoken the words with an element of aggression. In coming to that conclusion the Commission noted the report of the Assistant Referee, who stated that, "*I observed referee Jarred Gillett being angrily confronted by Reece James who was verbally abusive and insulting*", and noted that insulting and confrontational words such as those used by RJ are rarely spoken without some level of aggression. The Commission considered the words being delivered '*angrily*' and with an element of '*aggression*' to be an aggravating factor.

23. The Commission considered the cases cited by the Club but felt that the particular circumstances of this case were unusual in that RJ was not involved in the match or in the CFC squad and as such would not have been subject to the same pressures that were at play in the cases cited. To the mind of the Commission there seemed to be more correlation with the case cited by The FA (FA v Ben Mansford (Blackpool Chief Executive) and Nick Horne (Club Secretary) but even so the Commission considered that this particular case ought to be considered on its own facts without particular reference or comparison to other cases.

24. The Commission disagreed with RJ's and the Club's submissions that the incident did not merit a sporting sanction. In light of the letter sent by The FA in respect to 'Participant Behaviour', the 'Participant Behaviour Charter' and the updated 'Standard Penalty Guidelines' the Commission felt that a sporting sanction was required in order to reinforce that the abuse of match officials is simply not acceptable.

25. The Commission felt that the fact that RJ was not directly involved in the fixture in any capacity and therefore not subject to the adrenaline and pressures attached to participation but still chose to approach the officials and insult them as an aggravating factor.

26. Notwithstanding the above, the Commission noted and agreed with the Club's point that RJ's actions were not seen by the general public or a TV audience and as such had a limited impact on the 'wider game'.

27. The Commission noted that the automatic sanction for a player dismissed for 'using offensive, insulting and abusive language and/or actions' is a two (2) match suspension. However, the Commission felt that a suspension of two

matches would be excessive in this case given the mitigating factors. Thus, in respect to the imposition of a sporting sanction, the Commission decided that a one (1) match suspension would be appropriate, given all the circumstances.

28. In respect to the additional imposition of a fine, the Commission felt that a fine proportionate to RJ's means would be appropriate given the circumstances of the case.

29. In coming to a starting point in respect to the level of fine to be imposed the Commission took into consideration RJ's income which had been revealed to the Commission on his Reply to Charge Form, the submissions of both parties in respect to a fine and the aggravating factors of the case. The Commission determined that a starting point of £115,000 was appropriate.

30. However, in order to come to the final figure, the Commission felt that RJ ought to derive some credit for his admittance to the Charge, his written apologies and the fact that he has no previous misconduct offence on his disciplinary record, covering the current season prior to the incident in question, as well as the previous five full seasons. A reduction of £25,000 was therefore applied.

31. As such the Commission decided that the final sanction shall be as follows:

- a. RJ is immediately suspended from all domestic club football until CFC complete one (1) First Team Competitive Match in an approved competition (Category 1);
- b. RJ is fined the sum of £90,000.

32. The Commission was aware that under the FA's Disciplinary Regulations it had the power to suspend any or part of the sanction but did not feel that there was any compelling reason for it to do so.

33. This decision is subject to Appeal in accordance with the FA's Rules and Regulations.

Stuart Ripley

Regulatory Commission Chairman

4th October 2023