

IN THE FOOTBALL ASSOCIATION REGULATORY COMMISSION

**Elliott Kenton (Chair)
Mick Kearns
Matt Williams**

BETWEEN –

THE FOOTBALL ASSOCIATION

and

JACK STEPHENS

WRITTEN REASONS

INTRODUCTION

1. The Regulatory Commission is dealing with charges brought against Jack Stephens in relation to misconduct contrary to FA Rule E3.1 committed during a fixture between Southampton FC and Manchester United FC which took place on 14 September 2024 (the “**Charges**”).
2. The charge letter is dated 16 September 2024. Mr Stephens has admitted the Charges and elected a personal hearing to provide submissions in relation to sanction. Therefore, the Commission met in-person at Wembley Stadium on 24 September 2024 to hear the submissions from The FA and on Mr Stephens’ behalf in relation to sanction.

THE CHARGES

3. The charge letter reads as follows:

You are hereby charged with Misconduct in breach of FA Rule E3.1 in respect of the above fixture:

i) It is alleged that in or around the 79th minute of the fixture, following your dismissal, you used abusive and/or insulting words towards the Match Referee;

ii) It is alleged that in or around the 79th minute of the fixture, following your dismissal, you used abusive and/or insulting words towards the Fourth Official.

Please note that The Football Association has designated this as a Non-Standard Case due to the incident occurring outside the jurisdiction of the Match Officials.

THE FA's CASE

4. The FA relies on the Extraordinary Incident Report Form of Match Referee, Mr Atwell dated 14 September 2024, the Extraordinary Incident Report Form of Fourth Official, Mr Ward dated 15 September, and video evidence of the fixture. Their position is also set out in relation to sanction by way of Written Submissions on Sanction.

5. Mr Atwell reports–

Following a foul challenge in the 79th minute, I dismissed Southampton FC player Jack Stephens for Serious Foul Play. After advising Mr Stephens that the Video Assistant Referee had confirmed the decision, Mr Stephens responded by calling me a "cunt", before leaving the field of play. I considered this comment to be offensive, insulting and abusive.

Following the match, the Fourth Official (Gavin Ward), informed me that as Mr Stephens left the field of play, he had made further comments, which Mr Ward considered to be offensive, insulting, and abusive. These comments have been reported separately to The Football Association by Mr Ward.

6. Mr Ward reports-

Following the sending off of Jack Stephens for Serious Foul Play in the 79th minute and as he left the field of play, he looked right at me and said "You fucking little cunt". He then went back onto the field of play towards a group of his players, when he left to go down the tunnel this time, again he looked right at me and said "you're a cunt".

7. In their written submissions, FA divide the misconduct by way of Charge 1 and Charge 2. They state:

4.1. The FA's case is set out in the Extraordinary Incident Report Forms of Stuart Atwell

(“SA”), the Match Referee and Gavin Ward (“GW”), the Fourth Official and within the accompanying footage.

4.2. During the fixture, SA dismissed JS following a foul challenge on Alejandro Garnacho of MUFC for Serious Foul Play. The dismissal was subject to review by the Video Assistant Referee, during which time JS approached SA. SA advised JS that the decision had been confirmed and JS responded by calling SA a “cunt”. This misconduct constitutes Charge 1.

4.3. JS then left the field of play, passing GW who was stood on the edge of the technical areas. As he passed GW, JS looked at him and said “You fucking little cunt”. 6 JS returned to the field of play to pass the captain’s armband to Flynn Downes. On approaching the tunnel, JS passed GW again and said to him “You’re a cunt”. This incident constitutes Charge 2. JS’ words towards GW were entirely unprovoked and directed at an individual who it appears JS had had no prior interaction with.

8. In relation to sanction, The FA submit:

5.1. As The Commission will note, had either of the incidents occurred within the jurisdiction of the Match Officials, JS would be liable to receive a 2 match suspension in respect of each charge. Accordingly, the FA submits that the appropriate starting point is an immediate sporting sanction of 4 matches. It is open to the Commission to reduce the suspension to reflect the admission and any mitigation submitted by JS.

[...]

5.3. Respectfully, The FA submit that the sporting sanction imposed should be not less than 2 matches to properly reflect the presence of two separate breaches of FA Rule E3.1 in respect of two separate individuals.

5.4. In this instance, the conduct by JS fell significantly short of the expected standard of behaviour on two separate occasions, albeit proximate in time. A sanction of less than two matches, would fail to reflect the totality of the misconduct and creates an impression that a Participant can continue to use offensive, insulting or abusive language towards others without risk of further sanction.

5.5. The FA are of the view that a significant financial penalty proportionate to JS' football remuneration and the serious nature of the two charges should also be imposed.

9. Ms Deasy appeared on behalf of The FA at the personal hearing. She showed the Commission the footage of the fixture, where Mr Stephens admitted swearing at the Referee and Fourth Official. Ms Deasy stated that whilst Mr Stephens was frustrated at the sending off, his frustration manifested towards the Match Officials, and his behaviour was both abusive and insulting.
10. Ms Deasy stated that an immediate sporting sanction of 4 matches would be appropriate, with a 2-match suspension the standard penalty for abusive language towards a Match Official, and this has occurred on two separate occasions to two separate officials, albeit within a short proximity. Ms Deasy urged caution to the Commission in imposing less than 2 matches, as this would fail to reflect the totality of the misconduct. Ms Deasy also submitted that a significant financial penalty should be imposed.

MR STEPHENS CASE

11. Mr Stephens and his legal team have provided some documents to the Commission, and were in attendance at the personal hearing.
12. The Commission have sight of a written letter from Mr Stephens dated 19 September 2024. The letter is addressed to the Commission and the Commission are grateful to Mr Stephens for submitting this in advance of the hearing. The Commission have included some key extracts within these Written Reasons:

I have requested a personal hearing because I am well aware that what I said was completely unacceptable and below the standard of conduct expected of me. I am very embarrassed by my behaviour and want to apologise sincerely for it. I would hope that I can have the opportunity to give a personal apology for this situation, to explain to you that this is out of character for me and to answer any questions that you want to ask me, before you consider the consequences for me.

I am the Club Captain of Southampton Football Club and have been since the start of

the 2023/24 season. My appointment as Captain was one of the proudest days of my life. I am a Saints Foundation Ambassador, a Saints Community Champion Recipient and I coach an U16 team. I take these positions very seriously, and enjoy them, as they allow me to be an ambassador for the club and represent the club with our supporters and the community around the club. [...]

I know that with being Captain, and with all these other positions, comes extra responsibility to behave well. I am in a privileged position and am seen as a role model by others, so what I do on the pitch and off it is watched by others and influences how they behave.

Any game against Manchester United is an important match, and playing at home the atmosphere was highly charged. Being in this zone helps deliver performance for the team and for me.

At the time of the tackle we were 2-0 down but we still had time to change the outcome of the match. When the ball was played to Alejandro Garnacho I felt that I could stop a break away. As I went to tackle, he knocked the ball away. I was committed to the tackle and made contact with his knee, which was higher than I intended. It was never my intention to hurt him or indeed any fellow player. I have had a long career and know the damage that can be caused by contact to the knee.

I was sent off by Mr Atwell. I did not leave the pitch immediately as there was a VAR review and hoped that the decision would be overturned to be a booking only. The time I waited lasted a long time for me. During that time I felt awful, that I had put myself in that position but also that I had really let my team, manager and the supporters down when we were trying to get back into the match.

I then approached Mr Atwell again. When the decision was confirmed I was upset. I did something that I am very disappointed with myself for. I know the importance of accepting a referee's decision but instead I spoke to him saying something that I would not normally say. I then used that language again to Mr Ward. This is not an excuse, but it was in the heat of the moment and I was not aggressive towards either of the officials and did not argue with them and left the pitch, returning only to pass on the Captain's armband.

I sincerely apologise to Mr Atwell and Mr Ward. I have written to them today to offer a personal apology to each of them. I know how hard it is to referee a match and the importance of respecting decisions, to protect the integrity of the match and the safety of the sport that we play. I want to repeat that apology to you personally to be passed to them.

*I bitterly regret my choice of language. The language I used is out of character for me.
[...]*

I have already had some time to reflect on what happened, and will have more time over the coming days. I know the standards of behaviour expected and why they are necessary and genuinely believe in the importance of those standards. I am proud to be Club Captain [...]. I am determined not to fall below these standards again.

I know what I did was wrong and I need to deal with the situation as would be expected of me in my positions within the Club and the Foundation.

13. The Commission also have sight of two apology letters dated 19 September, submitted by Mr Stephens to Mr Ward and Mr Atwell.
14. The Commission were also assisted by submissions made at the personal hearing, by Mr Stephens counsel, Mr Sturman KC. Mr Sturman outlined that Mr Stephens is a player of exemplary character. He has undertaken 13 seasons in Southampton and never been booked for foul and abusive language. Mr Sturman asked the panel to consider the totality of Mr Stephens misconduct during the fixture in question and urged the Commission to not double count the sporting sanction based on it being two separate incidents.
15. Mr Sturman called Mr Stephens to give evidence. Mr Stephens explained that he was emotional, and he was anxious awaiting the VAR review because he had no intent to hurt the opposition player and was hoping the VAR would reverse his sending off. Mr Stephens told the Commission that he felt that he cost the team the chance of getting back into the game at that point. [REDACTED]
[REDACTED]
[REDACTED].
16. Mr Sturman reiterated to the panel that Mr Stephens was a model professional

footballer. When he knew he let his team down, he wrote to the Match Officials themselves to apologise. He has an exemplary record, and has accepted the Charges. An additional sporting sanction will be tough on Mr Stephens and his club, and it was submitted that a sporting sanction of any more than 1 match is not appropriate. In the alternative, Mr Sturman submitted that if the Commission considered that more than a 1 match ban was warranted, then the Commission should suspend part of the sporting sanction given there were clear and compelling reasons put forward by virtue of the personal mitigation.

FA RULES

13. The Commission considered the FA Rules and Regulations which underpin the misconduct in this particular case.

14. FA Rule E3 states:

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.

15. This case is designated as a non-standard case. The Commission reminded themselves of Paragraph 12 of Fast Track 2 Regulations which states:

Where a case is not designated as a Standard Case (a "non-Standard Case"), a Standard Penalty will not be offered and, where such a Charge is admitted or found proven, the Regulatory Commission shall have a discretion to impose such penalty as it considers appropriate.

16. Further, the Commission noted that they had brought powers pursuant to the FA Disciplinary Regulations to impose a number of different sanctions for misconduct, including sporting sanctions, financial penalties and other available penalties.

CASE LAW

17. The FA and Mr Stephens rely on a number of previous authorities, and these were

referred in submissions.

18. The FA relied on *The FA v Oly Casey* (3 November 2023). In that case, Mr Casey received a 2-match suspension on majority and the majority of the Commission concluded that the commensurate penalty for the overall conduct of Mr Casey is that he should receive the same match suspension that he would have received for receiving the red card for the abusive language after the red card was shown for dissimilar misconduct.
19. The FA further relied on *The FA v Virgil Van Dijk* (11 September 2023). In that case, a starting point of 2 matches was imposed and was reduced to 1 match in light of the admission of the charge.
20. Mr Stephens relies on *The FA v Neal Maupay* (17 May 2021). Mr Sturman submitted that this decision did not help The FA's case, and that in that fixture, Mr Maupay's conduct was egregious as outlined by the Match Referee. Notwithstanding that, he received a one match suspension, and his behaviour was far worse than Mr Stephens. Ms Deasy responded that *Maupay* did not direct three separate abusive comments to two different officials, but he was charged at what he collectively said to the Match Officials.
21. Ms Deasy referred the Commission to paragraph 44 of *Wilfried Zaha v The FA* (17 February 2019):

44) Ultimately we concluded that none of the previous decisions to which we were referred are really comparable to the present case. We did not find it terribly helpful to ask whether the Player's misconduct in this case was 'more serious' or 'less serious' than other types of misconduct in other cases; to do so risks comparing apples and oranges and attempting to decide which is the tastier fruit. Indeed, it was broadly common ground between the parties

a) That whether or not a suspension was justified would always depend on the circumstances of the case rather than the particular 'type' of misconduct;

b) That while aggressive or confrontational conduct following dismissal would frequently justify a suspension, aggressive or confrontational conduct was not a prerequisite to a suspension being imposed for post-dismissal misconduct; other forms

of post-dismissal misconduct could justify a suspension;

c) That the potential consequences of post-match dissent would generally be different to the potential consequences of post-dismissal dissent (whether verbal or by conduct) during a match. As the FA contended and the Player accepted, criticism of match officials during a match has the potential to undermine their ability to manage the game and can adversely impact on performance during the rest of the game. It will be witnessed by teammates, opposition and supporters, and carries with it an inherent risk of provocation and further acts of dissent or criticism taking place; bluntly, it has the real potential to 'raise the temperature' of the game. It can impact the flow of the game and cause delay. It also sets a bad example to those who witness it and who subsequently, at any level of play, might copy it.

45) [...] Attitudes change, in football as in life, over time. The perceived gravity of what might have been considered acceptable behaviour at a particular point in time, or behaviour that warranted only a relatively minor sanction at that point in time, can alter over time. Future Regulatory Commissions may well wish to consider for themselves whether, given the fundamental importance of upholding respect for the role of decision makers, a 1 match suspension is now a sufficient sporting sanction for a player who behaves in an aggressive or confrontational manner following his dismissal.

DISCUSSION

22. As Mr Stephens has accepted the Charges, the Commission considered sanction.
23. As a starting point, the Commission considered that this was a serious case of misconduct. Mr Stephens had acted improperly and used foul and abusive language against two different officials, on three separate occasions in short succession. Calling Match Officials, 'cunts' was egregious, and unacceptable.
24. The Commission were cautious in trying to compare other cases to this one, and was generally not persuaded by submissions made about how Mr Stephens behaviour was similar or different to other participants that had been charged with similar offences. The Commission considered that each fixture, and type of misconduct that arises from it is unique. The Commission applied the comments made by the Appeal Board at paragraph 44 of *Wilfried Zaha v The FA* when assessing this case.

25. Mr Stephens is the Captain of a Premier League Football Club. As such, he carries a great responsibility to behave properly and be a leader within his squad, represent his club and represent the values of the league in which he operates. Although the Commission accept that Mr Stephens spoke the words 'cunt' three times, and did not shout them, or otherwise act visibly abusive to the Match Officials, his language would have likely been heard from his teammates, opposition, those on the bench and some spectators and undermined the values of the professional game. The Commission considered that Mr Stephens would have been aware of the Participant Charter by virtue of his status.
26. The Commission considered that a 3-match suspension was appropriate, given the three separate incidents of foul and abusive language, coupled with Mr Stephens role as Captain which the Commission considered was aggravating.
27. However, the Commission considered that there was mitigation present which would warrant a downward adjustment to the sanction. Mr Stephens has no previous misconduct offence on his record, covering the current season and the previous five full seasons, has put forward personal mitigation and accepted the Charges. However, the Commission were of the view that this mitigation was not clear and compelling to warrant a suspended sanction under the FA Regulations, nor reduce this sporting sanction to one match as Mr Sturman suggested. Given the seriousness of the misconduct and Mr Stephens' position, coupled with the standard sanction for this offence being a 2-match suspension, had he been dismissed directly for his language, the Commission considered that a 2 match suspension was warranted.
28. The Commission also considered that a significant financial penalty should be imposed. The Commission had regard to the financial information put forward by Mr Stephens as well as the submissions made by Ms Deasy and Mr Sturman in relation to financial penalty and considered that a financial penalty of £60,000 should be imposed given the seriousness of the misconduct. However, after accounting for mitigation as described above, the Commission considered that a financial penalty of £50,000 was proportionate.

CONCLUSION

29. The Commission makes the following order –

- (1) Mr Stephens is suspended, with immediate effect, from all domestic club football until Southampton FC completes two (2) First Team Competitive Matches (ie Category 1) in approved competitions.
 - (2) A financial penalty of £50,000 is imposed.
 - (3) There is no order as to costs.
30. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton
Mick Kearns
Matt Williams

27 September 2024