

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

NOTTINGHAM FOREST FC & STEVEN REID

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING
ON 20 MARCH 2024

Background

1. These are the written reasons and decisions made by an Independent Regulatory Commission which sat by Microsoft Team video link on 20 March 2024 to consider the charges against Nottingham Forest FC (“NFFC”) and Steven Reid (“SR”), a coach at NFFC.
2. The Regulatory Commission members were Mr Jonathan Rennie, Chairman and Independent Legal Panel Member, Mr Alan Hardy Independent Football Panel Member and Mr Mick Kearns, Independent Football Panel Member.
3. Mr Paddy McCormack, The FA Judicial Services Manager acted as Secretary to the Regulatory Commission.
4. By letter dated 5 March 2024, The Football Association (“The FA”) charged NFFC with misconduct for a breach of The FA Rules pursuant to Rule E20.1 in respect of the Premier League fixture between NFFC and Liverpool FC that took place on 2 March 2024.
5. The alleged breach was that after the completion of the fixture NFFC failed to ensure that its players and/or technical area occupants conducted themselves in an orderly fashion and consequently that they had acted improperly. The allegation principally concerned the players and/or technical area occupants surrounding a match official.
6. By letter dated 5 March 2024, The FA also charged SR with misconduct for two breaches of The FA Rules pursuant to Rule E3.1 in respect of the same Premier League fixture. The first charge alleged that following completion of the fixture his language was abusive and/or insulting towards a match official, leading to his dismissal. The second charge related to the period after SR’s dismissal where it was again alleged that his language was abusive and/or insulting towards a match official.
7. The respective charges against NFFC and SR were consolidated and heard together in a joint hearing as is permitted by Regulation 13 of the Disciplinary Rules for season 2023/24.

Rules

8. FA Rule E3.1 states that –

“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.”

9. FA Rule E20.1 states that –

“Each Affiliated Association, Competition and Club shall be responsible for ensuring that its directors, players, officials, employees, servants, representatives, attending any Match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative.”

Evidence

10. The FA included the following evidence with the respective Charges:

- (1) Report of the Match Referee, Mr Paul Tierney dated 3 March 2024;
- (2) Email correspondence between the FA and Mr R West, Assistant Referee dated 4 March 2024;
- (3) Email correspondence between the FA and Mr S Ledger, Assistant Referee dated 4 March 2024;
- (4) Two video clips of the incidents;
- (5) Participant Behaviour Letter – Season 2023/24;
- (6) Appendix 1 – Participant Behaviour Letter;
- (7) Appendix 2 – Guidance Document for technical area dismissals, touchline suspensions and ground suspensions – Season 2023/24;
- (8) Extract from Essential Information for Clubs for Season 2023/24; and
- (9) Non-standard Penalties 2023/24

11. The Match Referee Mr Tierney stated, in his Extraordinary Incident Report Form dated 3 March 2024–

Following the final whistle I was surrounded by members of Nottingham Forrest’s substitutes and backroom staff on the field of play. One of those who approached me was Steven Reid (a coach of Nottingham Forest) who was not listed on the teamsheet. He asked me about a decision and I said to him that I will speak to him inside and not outside on the field of play. He then continued to question me and I repeated that I would speak to him inside. He then said, “it’s the same every week, you cunt.” I showed him the red card and then he said “I worked with you fucking lot every fucking week last season. It’s the same every fucking week you cunt”. He then continued to use the word fuck and called me a cunt on at least one more occasion (making that a minimum of 3 in total) as we were making our way off the field of play.

12. The Assistant Referee Mr Ledger stated, in his emails with the FA dated 4 March 2024–

After the final whistle while we were leaving the field of play, we were approached by Nottingham Forest coach Steven Reid. Reid made several comments regarding our integrity as a group of officials. Reid made a comment calling Paul a “Cunt” at least three times. Also after being shown the red card he continued to make comments about the PGMOL making reference to the group of referees being against his club”.

13. The Assistant Referee Mr West stated, in his emails with the FA dated 4 March 2024–

Following the final whistle of the match between Nottingham Forest and Liverpool, the match officials, which I was one of, were approached by numerous team officials from Nottingham Forest. The majority of the Nottingham Forest personnel expressed their disappointment and moved away. Steven Reid remained in front of us and was shouting at the referee, Paul Tierney. I recall some of the comments made by Reid...I heard him call Paul a “fucking cunt” on a number of occasions. Paul reacted to this by showing Reid a red card. Even after being shown the red card Reid continued to confront Paul to the extent that I stepped in between them to usher Reid away.

Replies to the Charges

14. The Charge was admitted by NFFC. The Club provided written submissions dated 13 March 2024 which the Regulatory Commission considered. The submissions made representations on behalf of both the Club and SR.
15. As to SR, he admitted the first charge but denied that he repeated the language and therefore he denied the second charge. SR provided a witness statement dated 13 March 2024 which detailed that *“I did not repeat those words as we were making our way from the field of play”*. It follows that Regulatory Commission was required to determine whether the second charge against SR ought to be upheld.
16. The FA provided an extract from SR’s witness statement dated 13 March 2024 to the Match officials for them to make observations.
 - a. Mr Ledger replied to the FA on 14 March 2024 and said, *“I definitely heard SR call Paul a cunt as we were walking off.”*
 - b. Mr West replied to the FA on 14 March 2024 and said, *“I have no other observations other than the original email”*.
 - c. Mr Tierney replied to the FA on 14 March 2024 and said *“the first time the word cunt was used was at the end of a sentence which finished “you cunt” which is the reason for me showing Mr Reid the red card. He did also call me a cunt again as we were walking from the field of play to the tunnel.”*
 - d. Mr Tierney explained that as soon as he got to the changing room then he made a note of what was said so that he was sure that this was as accurate as possible.
17. The Regulatory Commission reviewed Mr Tierney’s notes taken at the end of the match which detailed that SR had referred to him as *“you cunt”* whilst walking off the field of play.

Liability & Sanction

18. As neither the Club nor SR requested a personal hearing then the cases were dealt with on the papers only and on a consolidated basis.

19. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence of a point, or submission, in these reasons 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 written and video evidence in respect of this case.
20. The Regulatory Commission were assisted by the comprehensive reporting provided by the Match Officials which was consistent and clear and easily understood.
21. The Regulatory Commission viewed the video evidence in detail and gave consideration to a number of factors in respect of the incidents and allegations - the incidents occurred in the middle of the pitch, the number of players involved, the duration and prolongation of the incident, and the fact this was a high profile televised fixture. The Regulatory Commission also noted that SR was not listed on the teamsheet and had walked some distance to get the attention of the match officials.
22. Regarding SR and taking all such matters into account, the Regulatory Commission upheld the second charge against SR on the balance of probabilities. The Match Officials were consistent in their recollection of events and the contemporaneous notes taken by Mr Tierney helped in establishing that insulting language had been directed to him by SR both before and after the sending off offence and the issuing of the red card.
23. The Regulatory Commission were provided with case authorities by NFFC that were said to be analogous to the current case. The Regulatory Commission considered those cases to be distinguishable and are not bound by precedent in the instant case.
24. The Regulatory Commission considered previous sanctions imposed on NFFC with regard to breaches of Rule E20 which are detailed as follows:
- (1) The Club was fined £5,000 for a similar incident in a fixture versus Brentford FC (Championship) on 1 September 2018;
 - (2) The Club was fined £10,000 for a similar incident in a fixture versus Reading FC (Championship) on 12 January 2019;
 - (3) The Club was fined £5,000 for a similar incident versus Watford FC (Championship) in a fixture on 2 December 2020.
 - (4) The Club was fined £10,000 for a similar incident versus Derby County FC (Championship) in a fixture on 22 January 2022.
 - (5) The Club was fined £25,000 for a similar incident in a fixture versus Crystal Palace FC (Premier League) on 12 November 2022;
 - (6) The Club was fined £40,000 for a similar incident in a fixture versus Wolverhampton Wanderers FC (EFL Cup) on 11 January 2023.
 - (7) The Club was fined £55,000 for a similar incident in a fixture versus Wolverhampton Wanderers FC (Premier League) on 1 April 2023.

25. The Regulatory Commission considered the mitigation material provided by both the Club and SR. Both argued that the situation was unique and emotionally charged and that the referee had made an error that impacted the outcome of the fixture. It was suggested that the misapplication of the law by the referee contributed to a difficult set of circumstances for the players and staff to manage. Whilst the Regulatory Commission fully understand the context and the impact on the players in losing the fixture this was not accepted as justifying the admitted behaviours. It is not uncommon for there to be disputed decisions and last minute goals and this cannot be seen as legitimising participant misconduct.
26. The Regulatory Commission noted that the most recent written decision against NFFC had warned that future breaches might be treated more severely based on their disciplinary record. The Club has not managed to correct the behaviour of its players and it is concerning that similar breaches are occurring so frequently. This is the fourth occasion the Club has faced sanction for surrounding a Match Official in the last 18 months. The Regulatory Commission noted that in non-standard cases such as this where a breach has been admitted then the standard penalty may be disregarded and that for Premier League clubs the maximum fine for a non-standard breach can be as high as £250,000.
27. SR admitted the first charge and so it follows that the sanction for SR requires to take account of both charges. The Regulatory Commission noted that SR had apologised for his actions and that he had a clean disciplinary record over the current season and the preceding five full seasons. In non-standard cases then the Regulatory Commission have a discretion on the sanction to be issued.

Conclusion

28. The Regulatory Commission is aware that the clubs have been issued with the Participant Charter for the season 2023/24 and that this ought to function as a salient and important reminder of the principles of good conduct in the game and highlights the desire to change the culture in the game and provide referees with additional support.
29. The Regulatory Commission, having carefully considered the Regulations and the mitigating factors, have imposed the following sanctions:
- a.** NFFC be fined the sum of £75,000.
 - b.** SR be fined the sum of £5,000 and be subjected to an extended touchline ban for a period of 2 games. The obligations under an extended touchline ban are explained in the guidance document for technical area dismissals, touchline suspensions and ground suspensions and SR is required to abide by those requirements.

30. The Regulatory Commission note the serious repetitive breaches by the Club and again observe that future breaches of the rules may be treated more severely. The Club is directed to the Participant Charter and advised to take greater responsibility for the behaviour of its players.

Appeal

31. These decisions are subject to the relevant Appeal Regulations.

Mr Jonathan Rennie, Chairman and Independent Legal Panel Member

Mr Alan Hardy, Independent Football Panel Member

Mr Mick Kearns, Independent Football Panel Member

23 March 2024