

IN THE MATTER OF A REGULATORY COMMISSION

BETWEEN

THE FOOTBALL ASSOCIATION

and

MR CHRIS WILDER

WRITTEN REASONS OF THE REGULATORY COMMISSION

Regulatory Commission: Sally Davenport (Chair) – Independent Legal Panel Member

Martin Allen – Independent Football Panel Member

Dave Jones – Independent Football Panel Member

Secretary: Michael O'Connor - Judicial Services Assistant Manager

Date: 20 October 2025

Venue: Held remotely via Microsoft Teams

Attending: Chris Wilder – Participant Charged
Craig Harris – Barrister, representing Mr Wilder
Andrew Phillips - Regulatory Advocate, representing The FA

Introduction

1. These are the written reasons of the Regulatory Commission that considered the charge against Chris Wilder (“CW”).
2. CW is the manager of Sheffield United FC (“SUFC”).
3. SUFC played Southampton FC in an EFL Championship match on 30 September 2025 (“the Match”).
4. On 1 October 2025, The FA received an Extraordinary Incident Report Form from the Match Referee, Adam Herczeg (“the Referee”) stating that he had sent CW off under Law 12 for physical or aggressive behaviour. The Report stated that *“as we are leaving the field of play at half time, [CW] can be clearly seen kicking the ball towards the stand which subsequently makes contact with a spectator”*.

The Charge

5. By letter dated 3 October 2025 (“the Charge Letter”), The FA charged CW with a breach of FA Rule E3.1 (“the Charge”). It was alleged that he acted in an improper manner as he exited the field of play at the half time interval, leading to his dismissal (“the Incident”).
6. The FA designated the case as a Non-Standard case on the ground that the particular facts of the alleged misconduct were of a serious and/or unusual nature.
7. Together with the Charge Letter, CW was sent the Referee’s report and video clips of the Incident.

The Response

8. On 7 October 2025, CW submitted a Disciplinary Proceedings Reply Form to The FA, denying the charge and requesting a personal hearing. He also submitted a

statement of the same date and an email from the League Managers' Association ("LMA") dated 6 October 2025.

The Relevant Rule

9. FA Rule E3.1 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."

The Hearing

10. In advance of the hearing the Commission read the documents referred to in paragraphs 5, 7 and 8 above, and watched all the video clips provided. It also read The FA's Response to Reply dated 10 October 2025 ("the Response"), an email from Howard Webb of the same date and an email from Mr Harris, sent shortly before the hearing, in which he made submissions, specifically by reference to the case of *The FA v Wayne Hennessey*. The Commission was grateful to both advocates for their written and oral submissions.

11. The following paragraphs summarise the evidence and submissions provided to the Commission. They do not purport to cover all the points made. The absence of a point or submission in these reasons should not imply that the Commission did not take that point or submission into account when determining the case. For the avoidance of doubt, the Commission carefully considered all the material before it.

The FA's Evidence and Submissions

12. The FA did not call any witnesses. In the Response, which Mr Phillips adopted in opening The FA's case, The FA submitted that CW's action in kicking a ball into a stand packed with spectators, resulting in the ball striking one spectator, amounted to improper conduct. It referred to the ball travelling a number of rows back into the stand and to the fact that CW had entered the stand to apologise to the spectator.

It highlighted the fact that at half-time a spectator positioned close to the tunnel would not be anticipating a ball coming into the crowd. It submitted that the striking of the ball was a deliberate act and the force used was within CW's control. Rather than tapping or side-footing the ball, CW had put his foot through the ball and driven it towards the crowd. The consequences of his action would be readily foreseeable to any objective and reasonable observer. CW had acted recklessly.

13. The FA reminded the Commission that it had to decide whether what CW did was objectively improper. It referred to the case of *The FA v John Yems* as authority for the approach to be taken, emphasising that subjective intent was relevant only at the point of sanction. It also submitted that the Commission should not be concerned with the merits of CW's dismissal by the Referee and that any views expressed by Howard Webb were collateral to the point in issue.

14. In his opening submissions, having referred to the Response, Mr Phillips stated that the manner in which the ball was struck, the force with which it was struck and the direction in which it was struck meant that the consequences were entirely foreseeable. CW had intended to kick the ball and had intended to do so with force. It was a reckless action and an improper one. Mr Phillips played one of the video clips several times, pointing to CW's left leg being extended back and his right leg being raised. He submitted that significant power had been generated. Objectively assessed, the inevitable consequence of kicking the ball in the direction that CW did was that it would strike a spectator. Alternatively there was at least a risk that it would do so and that was sufficient for the Charge to be made out.

15. Mr Phillips submitted that the *Hennessey* case was of no assistance to the Commission as in that case the panel had been faced with a still image that was open to two interpretations, one neutral and one offensive.

CW's Evidence and Submissions

16. In his witness statement CW acknowledged that he had kicked a ball which had hit a spectator. He stated that he did not kick the ball thinking that it would go into the

stand, or even that it might. It was a pure accident. He did not kick the ball as a show of dissent. He had gone onto the pitch to talk to his captain and had then been walking towards the tunnel. He went on to describe what had happened next in the following terms:

“As I was walking, a ball came onto the field of play from almost directly in front of me, rolling in my direction, pretty much exactly onto the line I was walking on. I didn’t think much about it (I only saw it momentarily before kicking it) but assumed it had come onto the field of play by accident, given everyone was walking off and a ball wouldn’t be left on the field through half-time.

As a former player myself, I just kicked it, somewhat absent mindedly, to get it back off the field of play – and pretty much for the enjoyment of kicking a ball, in the way a player would – aiming for the side boards one sees in the camera footage, from where it could be picked up by whoever was in charge of it. There was no anger or frustration in my doing so, as one can see from my expression and body movement on the footage...

Unfortunately, as I kicked the ball, my foot got under it a bit and it rose up. Causing it to travel over the side boardings and make contact with one of our own fans behind the dugouts...

The footage shows that as soon as I realised the ball was rising and going into the stand, put my hand up in surprise, to caution the fans that the ball was coming in their direction and to apologise at pretty much the same time. I then walked up to the fan the ball had hit and picked up and handed back his glasses, apologising to him personally before walking back to the tunnel entrance thinking nothing more of it. I was then dismissed, which was a surprise to me, but I accepted it... ”.

17. In his witness statement CW also made various observations and submissions, including on the red card and the comments supposedly made by Howard Webb in a meeting with the LMA to the effect that the red card was harsh. CW submitted that his actions could not be deemed improper if they were not (or might not have been) worthy of a red card at the time.
18. Mr Harris indicated that he did not wish to make any opening submissions and had no questions for CW. CW adopted his written statement and confirmed its accuracy.
19. Asked by Mr Phillips if he accepted the general premise that we can’t have managers kicking balls into stands, CW stated that he had not intended to strike the ball with force, he had just been nonchalantly knocking it back towards the dugout.

It was an instinctive reaction to seeing the ball coming towards him and he had ended up hitting it with more pace and power than he had intended. It had been a spur of the moment action and a pure accident. He accepted that he was well aware of the fans in the tunnel area, and the fact that there was no barrier to protect them, having gone into the tunnel at SUFC's ground hundreds of times. He accepted that the spectator would not have been expecting a ball to come towards him. However, he had not wanted the spectator to be hit by the ball and had not expected it to happen. As he was walking off the pitch he had been focusing on the Match and his thoughts had been on his half-time talk. He had had no issues with the Referee or the Fourth Official in the first half and had not been seeking to speak to them. He rejected a suggestion from Mr Phillips that he had taken a wild swing at the ball, saying that all he had been trying to do was to knock it back to where it came from. He had got a "flyer" on it, which is what had caused it to go into the stand. He had been embarrassed and had immediately gone to apologise to the spectator. He had been surprised then to receive a red card, but had not known if that was the standard decision and saw no point in challenging the Referee. When shown the footage and questioned on it, CW denied that he had struck the ball with force, saying that slowing the footage down and stopping it made his action look worse than it was. He reiterated that he had not meant the ball to go into the stand. It had been intended as a nonchalant knock-back but it had gone wrong.

Closing Submissions on behalf of the FA

20. Mr Phillips invited the Commission to find the Charge proven. He stressed again that the Commission needed to assess CW's actions objectively. CW had forcibly kicked the ball in the direction of the crowd, knowing that the spectators were there. He had put his laces through it, not just side-footed it. He had lashed at the ball when there was an obvious danger that it could strike someone, which is what happened. CW should have taken far greater care. The act was reckless and objectively improper.

Closing Submissions on behalf of CW

21. Mr Harris accepted that the Commission should not place great reliance on what Howard Webb had said. He conceded that contrary to the original email from the LMA, Howard Webb had since clarified that he had not said that the red card was wrong, simply that a ban would be harsh. He submitted that even if the red card was justified, it did not automatically follow that there had been a breach of FA Rule E3.1; the threshold for improper conduct was higher. The fact that CW had admitted that he could have acted differently and with hindsight would not have kicked the ball did not inevitably mean that his conduct was improper.
22. Mr Harris accepted that the test was an objective one, but said that this did not mean that intention was entirely irrelevant. He submitted that *Yems* was a very different scenario. That was a case where the language used was clearly unacceptable and should not have been used. Objectively it was wrong, even if Mr Yems had not realised that. Mr Harris acknowledged that intentionally kicking a ball into the crowd would clearly amount to misconduct. However, there were two further levels to consider. The action could have been reckless or it could have been a pure accident. He submitted that recklessness involves the recognition of risk and a decision to act in the face of that risk. If CW had not intended to kick the ball into the crowd, he was intending to do something else. The outcome should and could not determine whether the act amounted to misconduct in the first place. CW had miskicked the ball and it had flown off the outside of his left foot much quicker than he had intended. Objectively viewed he had not decided to take a known risk with no regard for its consequences, nor was his action inherently so reckless that it would amount to improper conduct. He cited examples of players booting the ball into the crowd and players and managers throwing items into the crowd but not facing disciplinary charges for their actions.

The Commission's Decision

23. The Commission reminded itself that the burden was on The FA to prove the Charge and that the applicable standard of proof was the balance of probabilities.

24. While obviously agreeing with the assertion in *Yems* that the test for a breach of FA Rule E3.1 is an objective one, the Commission did not think that either the *Yems* case or the *Hennessey* case provided any further assistance in relation to the Charge before it. The Commission agreed that its task was to decide whether CW's conduct in kicking a ball that ended up in the crowd and hit a spectator was objectively improper. It did not consider that the question of whether the red card was rightly or wrongly given, or "harsh", had a material impact on its decision. The Commission had had the benefit of video footage, as well as oral evidence from CW, which the Referee in real time had not.
25. The Commission noted that the facts were largely agreed between the parties. There was no doubt that CW had kicked a ball, and had intended to do so, nor that he had kicked the ball, and had intended to kick it, in the direction of the stand. The only real dispute of fact related to the force with which CW had struck the ball. The FA submitted that it was a forceful kick, whereas CW's evidence was that it was a nonchalant knock-back. The Commission understood The FA's case to be that CW had been reckless in the way he had kicked the ball in the face of obvious danger, whereas CW's case was that this was an accident that could not have been foreseen.
26. The Commission agreed with Mr Harris's submission that the fact that the ball had gone into the crowd and hit a spectator did not mean that the kicking of the ball inevitably amounted to improper conduct. Likewise it agreed that in the absence of any suggestion that CW was deliberately aiming at the crowd, it had to consider whether by kicking the ball in the direction of the crowd, CW was acting recklessly and without regard for the consequences of his action. Had it seen evidence of anger or frustration, the Commission may have been minded to reach that conclusion. However, having watched the footage multiple times, the Commission preferred CW's evidence on the Incident to the case advanced by Mr Phillips of someone lashing at a ball in frustration with obvious disregard for the consequences. In reaching that decision it took account of the following points:

- While the footage showed CW in animated discussion with his captain on the pitch, he had his arm around the captain's shoulder and did not appear agitated or annoyed.
- Even though a penalty had been awarded to Southampton late in the first half, a decision with which CW confirmed in evidence that he had disagreed, there was no indication from the footage that he was still upset at the Referee's decision. In any event the penalty had been missed and SUFC were going into half-time with a 1-0 lead.
- There was no evidence of CW gesturing towards the Referee or anyone else as he left the pitch.
- CW kicked the ball when clearly he did not need to do so, but the Commission did not consider that he had done so with undue force or out of anger or frustration.
- CW's demeanour when he realised what had happened was not that of someone who was angry and out of control. He immediately gestured to the spectator and then went calmly into the stand to speak to him. He picked up the spectator's glasses for him. He then returned to the tunnel area, where he was shown the red card by the Referee.
- CW appeared surprised at the red card but again was calm and did not make any comment to the Referee, heading down the tunnel immediately.

27. In the Commission's view the footage supported CW's evidence that he had simply kicked a ball that was coming towards him without thinking, intending to return it to the side of the pitch, and that he had miskicked that ball, causing it to fly into the crowd. In those circumstances the Commission did not consider that CW's behaviour had been reckless. Accordingly, it did not find that the threshold for improper conduct had been reached.

28. Having decided that CW's conduct was not improper within the meaning of FA Rule E3.1, the Commission found the Charge not proven.

29. The Commission did not make any order as to costs.

30. The decision of the Commission may be appealed in accordance with the appropriate appeal regulations.

Sally Davenport

Martin Allen

Dave Jones

23 October 2025