

**IN THE MATTER OF PROCEEDINGS BEFORE THE FOOTBALL ASSOCIATION  
INDEPENDENT REGULATORY COMMISSION**

**AND IN THE MATTER OF AN ALLEGED BREACH OF RULES E3.1 AND E3.2 OF  
THE FA RULES**

Before:

Ms. Grace Cheng (Chair)

Ms. Aishnine Benjamin

Mr. Tony Agana

**B E T W E E N:**

**THE FOOTBALL ASSOCIATION**

Applicant

**- and -**

**DEAN BRENNAN**

Respondent

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**DECISION OF THE REGULATORY COMMISSION**

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**Secretariat to the Regulatory Commission:**

Mr. Conrad Gibbons (FA Judicial Services Assistant Manager)

**A. Introduction**

1. This matter relates to an alleged breach by Mr. Dean Brennan (“**DB**”) of Rules E3.1 and E3.2 of The Football Association’s (“**FA**”) Rules, as set out in The FA Handbook 2025-2026 (“**Rules**”, with each of them being a “**Rule**”) during a fixture (“**Match**”) that was played on 6 September 2025 between Barnet FC (“**BFC**”) and Shrewsbury Town FC (“**STFC**”) during the EFL League 2. More specifically, it is alleged that during the Match, DB said “*women are allowed to ref the men’s game*”

*but can they play the men's game*" in direct reference to the Referee who was female.

2. These proceedings are conducted in accordance with the Rules.
3. Whilst the Commission has considered all facts, evidence, and submissions made, the Commission refers in this Decision only to any submissions and evidence it considers necessary to explain its reasoning. Any omission to refer to a piece of evidence or point raised should not be taken as a suggestion that the Commission has not considered such evidence or submission.

## **B. Procedural background**

4. On 30 January 2026, the Regulatory Commission ("**Commission**") was constituted, comprising of Ms. Grace Cheng (Chair), Ms. Aishnine Benjamin and Mr. Tony Agana, all of whom are independent panel members of The FA. Mr. Conrad Gibbons (FA Judicial Services Assistant Manager) acted as the Secretariat to the Commission.
5. On 11 February 2026, a personal hearing was held by video conference. The FA was represented by Mr. Tom Middleton. DB was in attendance and represented by Mr. Craig Harris of counsel. Save for Ms. Kirsty Dowle, Mr. Damith Bandara and Mr. Craig Holloway who all attended to give oral evidence, none of the other witnesses who had provided statements attended since the Parties had agreed their evidence on the papers and did not consider their attendance to be necessary.
6. It was agreed that a split hearing would be more appropriate for this case such that the Commission would first rule on the issue of liability and depending on the outcome reached, the Parties would then be provided with an opportunity to address the Commission on sanction, if necessary.
7. In advance of the hearing, the Commission was provided with a hearing bundle, including two videos of the Incident (see paragraph 12 below). Neither the FA nor DB provided any written submissions.

### C. Facts

8. The FA is the governing body of English football and is responsible for the governance of all affiliated football in England.
9. DB is aged 45 (d.o.b. – 17 June 1980) and was at all material times, the Manager of BFC. DB was at all material times a “Participant” in the game of football as defined in paragraph A2 of the Rules and is consequently subject to both the Rules and the FA Disciplinary Regulations.
10. On 6 September 2025, a Match was played at BFC’s home ground between BFC and STFC during the EFL League 2. Ms. Kirsty Dowle (“**Referee**”) acted as the referee and Mr. Damith Bandara (“**Official**”) acted as the 4<sup>th</sup> official. The Referee is a National Group Referee and has refereed in total for 12 years. She also officiated in the Women’s game at both 1W and FIFA level. The Official is a National Group Assistant Referee and has refereed in total for approximately 20 years.
11. Following the Match, The FA received an Official Report dated 6 September 2025 from the Referee confirming that she had sent DB off under Law 12 for using offensive, insulting or abusive language. It was stated in the report that “[a]t 23:24 the 4th official (Damith Bandara) said to me that I would need to stop the game and come to the technical area. Bandara had heard the Barnet Manager, Dean Brennan, say “women are allowed to ref(eree) in the men’s game but can they play the men’s game”. Bandara and I agreed that this constitutes offensive language. I showed Dean Brennan the red card and dismissed him from the technical area”.
12. The FA further received an Extraordinary Incident Report (“**Report**”) dated 8 September 2025 from the Official stating that “In the 22nd minute of the game, Mr Brennan while in the technical area walked towards me and said ‘this is embarrassing, how could you get a basic throw in wrong, she has missed a penalty for them (Shrewsbury Town) and she has missed a penalty for us and now a throw in’. He briefly walked away and then came back and said ‘women are allowed to ref the men’s game but can they play the men’s game’. At this point I took a moment to reflect on the words before informing the referee of what was said. The

*Shrewsbury Town technical area, which included the Assistant manager were aggrieved with the comments they heard from Mr Brennan and voiced 'how can he get away with saying that?'. However I had already informed Ms Dowle, who clarified what was said and dismissed Mr Brennan from the technical area" ("Incident").*

13. On 1 December 2025, DB was charged with misconduct ("**Charge**") for breach of Rule E3.1 in relation to the Incident. This was said to be an 'aggravated breach' as defined in Rule E3.2 since it included a reference, whether express or implied, to gender. DB was warned that "*should a Regulatory Commission find that an "Aggravated Breach" of Rule E3.1 is proven, then it shall consider the imposition of a sanction in accordance with Regulation 47 at p.172 of The FA Handbook 2025-2026*".
14. On 1 October 2025, DB was invited to an interview ("**Interview**") which took place on 9 October 2025 and was conducted by [REDACTED] ("**Investigator**") who is employed by The FA as an Integrity Investigator. The Interview was conducted via Microsoft Teams and DB was accompanied by Ms. Lindsay Gordon ("**LG**") who is the Legal Director at the League Managers Association ("**LMA**").
15. During the Interview, DB stated that immediately before he was sent off, the Referee was called over to where he was standing and had asked the Official several times, "*Is it yellow? Is it red*", to which the Official had responded "*Red*". The Referee had then gestured with her hands as DB was walking off the pitch. DB did not consider that there was any point in challenging the Referee's decision since he did not think that she would change her mind. DB only found out from his goalkeeping coach after the Match that he had been sent off because he was alleged to have said that women shouldn't be refereeing men's football or women shouldn't be refereeing in football.
16. DB stated that he had been very calm on the day of the Match and was "*absolutely shocked*" to have been sent off. He denied making the alleged comment and stated that the words he had said to the Official were in fact "*Why can't men play in the women's game and why can't women play in the men's game?*" which he considered to be a factual question and part of a general conversation that he was having with

the Official at the time who was stood within an arm's length from him. DB was confused as to why he had been sent off during the Match and considered that *"maybe he misheard me or misheard what I said but it's just crazy... I was shocked to be sent off"*. He considered that the Official had wrongly interpreted his question and might have misheard him due to his Irish accent.

17. He confirmed that he did not remember the Official but knew the Referee from officiating since she had refereed for BFC on several occasions previously and did not have any issues with her. He was saddened to hear that the comment that he was alleged to have made had upset her. DB stated that no one had spoken to him after the Match and he had been *"a little bit depressed"* by the allegation made against him. LG raised concerns that the discriminatory protocols had not been followed after the Match since DB was not spoken to by any person until many weeks after the Match.

18. On 8 December 2025, DB denied the Charge and requested an opportunity to attend a Commission for a personal hearing and to be represented by Craig Harris, a barrister who was instructed by the LMA.

#### **D. Submissions of the Parties**

##### *The FA*

19. The FA's position is that DB was in breach of Rule E3.1 and E3.2 since he had made a gender specific comment during the Match following criticism of the Referee's decision-making. The FA emphasised the importance of context and submitted during the Hearing that although no two witnesses had given an identical account of the words that were alleged to have been used by DB during the Match, this was not unusual in the context of live matches. However, whatever the precise words were that were used by DB, the only plausible explanation for him having used such words was that he was questioning the suitability of the Referee in refereeing a men's game. This was improper, insulting and in reference to gender.

20. The FA did not provide written submissions on the Charge but relied on the following evidence: (i) witness statement of [REDACTED] (FA Integrity Investigator) dated 10 November 2025; (ii) witness statement of Referee dated 19 September 2025; (iii) two witness statements of the Official dated 17 September 2025 and 19 December 2025, respectively; (iv) witness statement of Dr. Mohammed Khoshkhoo (“MK”) (BFC Club Doctor) dated 15 October 2025; (v) witness statement of Mr. Liam O’Meara (“LOM”) (BFC Strength and Conditioning Coach) dated 18 October 2025; (vi) witness statement of Ms. Jade Doran (“JD”) (BFC Lead Physiotherapist) dated 18 October 2025; (vii) video footage (“Videos”) of the Incident; and (viii) transcript (“Transcript”) of the Interview. The Investigator confirmed that although the Videos show the exchange between DB and the Official, as well as DB being sent off during the Match, the alleged discriminatory language cannot be heard on the Videos.

21. In support of its case, The FA relied on evidence from various individuals which we have considered.

21.1 Investigator. The Investigator provided a witness statement in which he described the investigation carried out upon receipt of the Report.

21.2 Official.

21.2.1. 1<sup>st</sup> statement. The Official provided a first statement in which he stated that on or around the 22<sup>nd</sup> minute mark, DB had criticised a decision made by the Referee to not award BFC a penalty. Whilst he was standing in his technical area, DB had said to the Official that the Referee had missed a penalty for BFC, missed a penalty for STFC, and then not awarded a basic throw on.

21.2.2. Moments later, DB started talking about the Referee’s performance again. As the Official moved closer to DB, he heard him say, “*women are allowed to ref the men’s game, but can they play the men’s game*”. DB was looking directly at the Official when making

the comment and they were stood right next to each other. The Official confirmed that he clearly heard the comment made by DB.

21.2.3. Prior to making the comment, DB had used the word ‘embarrassing’ when referencing the Official’s decision making. The Official believed DB comment to imply that the Referee was not good enough to referee in the men’s game because she cannot play in the men’s game and as such, she does not understand the game. The Official confirmed that he has met DB on a number of occasions since he has previously officiated BFC matches.

21.2.4. 2<sup>nd</sup> statement. The Official provided a second statement in which he confirmed that he was certain that DB did not say “*why can’t men play in the women’s game, and why can’t women play in the men’s game?*”. He maintained that it was his perception that the comment made by DB was directly referring to the Referee and was born out of frustration since he had disagreed with a number of her refereeing decisions in the first half and leading up to his dismissal.

21.3 Referee. The Referee provided a statement in which she confirmed that at approximately the 24<sup>th</sup> minute mark of the game, she had been positioned on the opposite side of the pitch to where the dugouts were situated. The Official had communicated with her over radio, stating “*when you gave a decision, Dean said, how can she get away with that? Like, women don’t play the men’s game*”. The Official then advised that he believed the comments amounted to a red card offence.

21.3.1 The Referee’s initial instinct was that DB’s comment was unacceptable and that it warranted a red card. She interpreted this as a personal slight on her gender and that DB was questioning whether she should have been refereeing because she was a woman. When she subsequently presented DB with a red card, he walked up the touchline and into the tunnel without challenging her decision.

- 21.3.2 At half-time, whilst in their changing room, the Official had expanded further on the exchange he had with DB. He stated that DB had said to him, “*women can ref the men’s game, but can they play in the men’s game*”. Upon hearing this comment, the Referee was satisfied that sending DB off was the correct decision.
- 21.3.3 The Referee confirmed that prior to the Match, she had officiated matches that DB was involved in as a manager. The most recent occasion was two seasons ago when BFC played an away National League fixture at Gateshead FC. On the day of the Match and prior to kick-off, the Referee had spoken with DB and they had exchanged pleasantries.
- 21.4 Dr. Mohammed Khoshkhoo. MK provided a statement confirming he has known DB since he joined BFC two years ago. At the Match, he was “*in the BFC dugout, sat in the front row, 2 seats in from where the 4<sup>th</sup> official was positioned*”. He stated that during the first half when the Referee had awarded a freekick to STFC, “*it was clear to me from DB’s reaction that he disagreed with the referee’s call*”. Shortly thereafter, he saw DB approaching the Official and saying to him “*it’s interesting women don’t play men’s football*”. At the time, DB was stood directly in front of MK and was approximately 1.5 meters away. MK stated that “[t]here may have been something else said by DB either directly before or directly after this comment, but I did not hear it”.
- 21.5 Mr. Liam O’Meara. LOM provided a statement confirming he has known DB since joining BFC in August 2024. At the Match, he was “*sitting in my usual seat in the dugout, which is the third seat in from where the 4<sup>th</sup> official typically stands*”. He stated that “[h]alfway through the first half, I saw DB walk across the BFC technical area towards the 4<sup>th</sup> official. As he was a step or two away from the 4<sup>th</sup> official, DB said to him, “*why do women not play Men’s football, and why do men not play Women’s football?*””. LOM was approximately 5 feet away and heard the question clearly. However, he could not hear

anything said by either DB or the Official following DB's initial question and they continued talking for approximately 15 seconds afterwards.

21.6 Ms. Jade Doran. JD provided a statement confirming she has known DB since joining BFC just over 2 seasons ago. At the Match, she was "*sat in the BFC dugout in the seat closest to where the 4<sup>th</sup> official typically stands*". At some point during the Match, "*DB approached the 4<sup>th</sup> official and asked him, 'why is it that women don't play in the Men's game, and men don't play in the Women's game?'*". JD confirmed that she heard this clearly and DB was stood directly in front of her at the time. However, she couldn't hear anything else that either of them said and they continued speaking for approximately 20 seconds afterwards.

22. The Official and the Referee gave oral evidence which were consistent with their written statements. The Official explained that when first alerting the Referee over the radio of the discriminatory comment made by DB, he had paraphrased DB's words to quickly bring this to her attention before expanding in further detail when they were face-to-face. No contemporaneous notes were made of what was said but the Official categorically confirmed that he did not recall DB saying "*why can't men play in the women's game, and why can't women play in the men's game?*". Since DB's comments were made whilst the Match was still in play and he had to wait for a natural break to relay the comment to the Referee, he took the opportunity to reflect on what was said since he did not wish to jump to any conclusions.

23. The FA submitted that an objective test should be applied and that the two questions to be answered by the Commission were: (i) whether DB's conduct was abusive, indecent or insulting when properly viewed and objectively assessed; and (ii) whether the words used by DB were in reference to gender. It was emphasised that there was no need to prove that DB intended to act improperly.

24. The following two authorities were relied upon –

24.1 The FA v John Yems (28 March 2023) which was decided by the Appeal Board chaired by Christoher Quinlan KC.

- 24.1.1 The Appeal Board held that the comments made by the Regulatory Commission in the case of *The FA v Suarez* (30 December 2011), i.e. that “[t]he use by a footballer of insulting words, which include reference to another’s player’s colour, is wholly unacceptable”, “apply equally to managers and other persons, who occupy positions of trust and responsibility in the football community”.
- 24.1.2 It was emphasised that “[s]uch persons are not only themselves direct role models to future generations of people who wish to be involved in the coaching and management of football, but also have the ability to shape the ethos and culture of a whole club. Any acts or omissions by persons in positions of responsibility that contribute to a discriminatory or divisive culture will inevitably harm the promotion of equality, diversity, and inclusivity in the football community”.
- 24.1.3 The Appeal Board held that the test for breach of Rule E3.1 is objective. “The question is simply whether the words and/or behaviour are objectively abusive or insulting. This is a matter for the Regulatory Commission to decide, having regard to all the relevant facts and circumstances of the case. It is not necessary to prove that the alleged offender subjectively intended his words or behaviour to be threatening, abusive, indecent or insulting”. The Appeal Board went onto note that “in respect of an ‘Aggravated Breach’ contrary to Rule E3.2 it is a question of fact whether a breach of Rule E3.1 includes a reference to a protected characteristic. That too is to be answered objectively and no question of subjective intention arises”.
- 24.1.4 The Appeal Board considered that the subjective intent of a Participant may have relevance to their culpability for the proved misconduct as regards sanction. The level of culpability must be

assessed by an assessment of the overall conduct of the Participant and must include all the relevant Appendix 1 aggravating and mitigating factors, as well as the subjective intent of the Participant in appropriate cases.

24.2 [REDACTED] [REDACTED] which was decided by a Regulatory Commission chaired by Laura Prince KC. This involved allegations that a [REDACTED] stated during a match prior to kick-off that a referee [REDACTED] was female and should not be refereeing at “*this level*” [REDACTED]. [REDACTED] The Panel agreed with The FA that a time-based suspension was appropriate due to [REDACTED]. A suspension of 7 weeks was imposed with no financial penalty.

25. At the Hearing, The FA emphasised that a reasonable observer would have interpreted DB’s words as seeking to question the suitability of the Referee on the basis of her gender. It was submitted that the Official did not initially react during his exchange with DB but the discriminatory comment crossed the threshold of what was acceptable. The Commission was asked to draw an adverse inference from the fact that DB had not mentioned the conversation in relation to Lauren James at the pre-match meeting. The real reason for why DB had made the comment was said to be found within the Transcript when DB confirmed during the Interview that “[n]othing prompted, nothing prompted it from my side. Like I said already to you, Shrewsbury should have been given a penalty. Barnet shouldn’t have had a penalty, at no stage should we have had a penalty in that game. They should have actually have (sic) been given two penalties, Shrewsbury”.

26. The FA invited the Commission to impose a sanction at the mid-range between six and twelve matches, along with a commensurate fine. The FA referred to a number of aggravating factors, including the public nature of the offence and DB’s profile, being an experienced football manager who should have known better than to make a gendered comment to the Official who was led during the Match by the Referee who was female. Although DB has no prior aggravating breaches, he breached Rule E3.1 on three previous occasions, resulting in bans of between one and three

matches on each occasion (once at the end of 2022 and twice in 2024). It was submitted that DB lacked appreciation as to the severity of his conduct although it was accepted that he co-operated with the Investigation and attended the Interview.

*Dean Brennan*

27. DB provided a statement dated 8 December 2025 in which he confirmed that he denied the Charge in its entirety since the Official was “*wrong in his recollection of the alleged offending comment I made... and has totally misinterpreted what I did say*”. He denied stating “*Women are allowed to referee the men’s game but can they play in the men’s game*” as an implied criticism of the Referee by reference to her gender and had in fact asked, “*Why can’t men play in the women’s game and why can’t women play in the men’s game?*”. This had arisen following a conversation that DB was involved in the day before the Match when he had been discussing Lauren James and females playing in men’s games and vice versa. DB stated that his comment had been “*totally misinterpreted and then mis-recorded*”.

28. In support of his case, DB relied on evidence from various individuals which we have considered.

28.1 Craig Holloway (“CH”) (BFC Goalkeeping Coach). CH provided a statement dated 8 December 2025 confirming that he had attended the Match. Upon seeing DB being sent off, CH had asked the Official as to the reason for this. He had been told by the Official that DB had said “*A woman should not be r’effing men’s football*”. CH told the Official that this was not correct. He was within earshot of DB when the comment was made and the words that he heard were “*Why do u think we don’t see woman playing men’s football and men playing woman’s football?*”. CH also referred to a pre-match coaching staff meeting that was held on the day before the Match. Towards the end of the meeting, the attendees which included himself and DB had briefly discussed the feasibility of mixed-gender teams in professional football.

- 28.2 Connor Smith (BFC Assistant Manager). Mr. Smith provided a statement dated 8 December 2025 confirming that he was not aware of what was said by DB during the Match. He stated that on the day before the Match, a BFC coaching staff meeting had taken place, towards the end of which mention had been made of Lauren James and whether men and women will mix and play in the same game.
- 28.3 Jerome Okimo (Barnet FC First Team Coach). Mr. Okimo provided a statement dated 8 December 2025 confirming that he was not aware of what was said by DB during the Match. He referred to a pre-match staff meeting that was held on the day before the Match. Towards the end of the meeting, the attendees which included himself and DB briefly discussed the feasibility of mixed-gender teams in professional football.
- 28.4 Kirk Rayment (Barnet FC Head of Logistics). Mr. Rayment provided a statement dated 7 December 2025 confirming that he was not aware of what was said by DB during the Match. He referred to a pre-match staff meeting that was held on the day before the Match. Towards the end of the meeting, the attendees which included himself and DB briefly discussed the feasibility of mixed-gender teams in professional football.
- 28.5 Gary Issott (Crystal Palace FC Academy Director). Mr. Issott provided a statement dated 9 December 2025 confirming that he has known DB since 2000 when they first met at Luton Town FC. He stated that DB has a strong Dublin accent which may make it harder for others to clearly interpret his words in a pressured situation. Mr. Issott has never heard DB make any comment with racial or sexual connotations. On the contrary, he has seen DB challenge others when such comments are made in group settings. Mr. Issott did not consider that the alleged language used would be part of DB's vocabulary.
- 28.6 David Boggins (Hemel Hempstead Town FC Chairman). Mr. Boggins provided an unsigned letter confirming that he has known DB for nearly

20 years in both a professional capacity and later as friends. He stated that he did not believe DB to be someone who would express discriminatory language towards a female or towards anyone which would be “*completely out of character for him*”.

29. DB and CH gave oral evidence which were consistent with their written statements.

29.1 DB confirmed that he had no prior issues with either the Referee nor the Official, the latter of whom he could not recall meeting prior to the Match. He confirmed his understand that gender discrimination has no place in football. He was adamant that he was calm during the Match and disagreed that he was unhappy with the decision-making of the Referee; on the contrary, she had done BFC “*a favour*” since she should have given the other side a penalty. The reason for failing to mention during the Interview the conversation about Lauren James and the pre-match meeting was that he was focused on his own job security.

29.2 CH confirmed that he had overheard the conversation between DB and the Official at the Match since he was sat in the technical area and positioned behind and in between them. He confirmed he was very confident that DB had used the words “*Why do u think we don't see woman playing men's football and men playing woman's football?*”.

30. DB conceded that if he had actually said the words that he is alleged to have used, then this would constitute a breach of both Rule E3.1 and E3.2. However, he was adamant that he did not do so and that the Official had misheard him, possibly due to his Irish accent. He had engaged in general conversation with the Official which was in his nature. Following on from the conversation about Lauren James during a pre-match meeting the day before, he had been musing and had posed the factual question “*Why can't men play in the women's game and why can't women play in the men's game?*”. Taking the words in this context, this was not discriminatory.

31. In relation to sanction, it was accepted on behalf of DB that due to the presence of some aggravating features, there would be a slight increase to the minimum 6-match

suspension. It was accepted that DB's role as a manager imports a degree of responsibility but only constituted a slightly aggravating factor since discrimination by any person irrespective of their role was unacceptable. It was accepted that DB's record of previous offending resulted in some aggravating. However, there was no repeated use and the Referee had not in fact heard the words alleged to have been used. DB had co-operated with the Investigation and did show some remorse. It was accepted that any mitigating factors were minimal and unlikely to reduce the sanction by much.

## **E. Discussion**

32. The FA bears the burden of proof on the balance of probabilities.

33. The Commission reminded itself of Rule E3 which inter alia provides as follows –

*“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.*

*E3.2 A breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following:- ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability”.*

34. Regulation 47 of The FA Handbook provides that: *“Where an Aggravated Breach is found proven, a Regulatory Commission **shall** apply The Association’s sanction guidelines for Aggravated Breaches set out at Appendix 1 to Part A: Section One: General Provisions”* (emphasis added).

35. The FA’s sanctions guidelines for Aggravated Breaches provide that –

- 35.1 A finding of an Aggravated Breach against a Participant will attract an immediate suspension of between six (6) matches and twelve (12) matches.
- 35.2 In determining the level of sanction within the sanction range, a regulatory commission shall take all aggravating and mitigating factors into account.
- 35.3 The lowest end of the sanction range (i.e. 6 matches) shall operate as a standard minimum punishment. A Regulatory Commission may only consider imposing a suspension below the standard minimum of 6 matches where the offence was committed in writing or via the use of any communication device and other conditions are satisfied.
- 35.4 A Regulatory Commission may assess that a Match-based suspension is not appropriate due to the specific circumstances of a case; the nature of the role of a Participant, and/or whether they are currently engaged by a Club. It is entitled to impose an appropriate time-based suspension that is commensurate with the breach, having regard to the specific roles and responsibilities of the Participant.
- 35.5 Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to them by The FA.
- 35.6 A Regulatory Commission may impose any one or more of the other penalties provided by paragraph 41 of Part A to the Disciplinary Regulations including a reprimand and/or warning as to future conduct and a fine.
36. A Regulatory Commission must have due regard to the circumstances and seriousness of an incident when determining the appropriate sanction and whether

and to what extent to depart from the Sanction Range or when setting an appropriate time-based suspension.

37. The test to be applied by the Commission is an objective one, namely what a reasonable person having knowledge of all the facts and circumstances would have interpreted DB's words to mean. In order to find the Charge proven, it is not necessary to prove that DB subjectively intended his words or behaviour to be 'threatening, abusive, indecent or insulting' which should be understood in the ordinary usage of such words.
38. The Commission considered that although there were varying accounts of what was said by DB during the Match, on any account, the comment made was in relation to gender. Given the nature of the Match, it would not be expected for any of the witnesses to have made contemporaneous notes and it would not be unusual for there to be slight variations in their recollections of what was said by DB.
39. The Parties both emphasised that the context and all of the circumstances must be taken into account. Some of the witnesses confirmed that DB had shown frustration in the first-half of the Match and that he had been critical of the Referee's decision-making. This is corroborated by DB himself who stated in Interview that he was prompted to make a comment to the Official since "*Shrewsbury should have been given a penalty. Barnet shouldn't have had a penalty...*". The Commission considered this was more likely to be the reason for DB making the comment rather than the explanation that he subsequently gave after the Interview regarding Lauren James and the pre-match meeting. If this was the case, it is more likely that he would have raised this during the Interview when the Incident was discussed at length.
40. Taking DB's evidence at its highest, the Commission considered that even if he had said the words "*Why can't men play in the women's game and why can't women play in the men's game?*" rather than the words "*women are allowed to ref the men's game but can they play the men's game*", this would nevertheless constitute a breach of Rules E3.1 and E3.2. The comment was made to the Official during the Match and in direct reference to the Referee who was female. Given that the use of these words was preceded by comments made by DB to the Official which were critical

of the Referee's decision-making, this naturally results in them being insulting when taking into account all of the circumstances.

41. In light of a finding of Aggravated Breach in this case, the Commission must impose a suspension of between 6 and 12 matches, taking into account all aggravating and mitigating factors. The Incident did not involve an offence committed in writing or via the use of a communication device. No other exceptions apply here to the standard minimum punishment of 6 matches.
42. There are a number of aggravating factors. As an experienced Manager, DB is clearly in a position of responsibility and should be seen to hold a high level of professionalism and accountability. The Incident occurred in a public place and DB has a record of having previously breached Rule E3.1 on three occasions, once at the end of 2022 and twice in 2024. Although, there are also some mitigating factors, such as DB's co-operation with the Investigation, it has been accepted on DB's behalf that this would be minimal.
43. Taking into account the various mitigating and aggravating factors in this case, the Commission is satisfied that a penalty at the mid-range of the sanction range of nine matches should be imposed. Taking into account DB's income from football, the Commission considers a financial penalty of £2,000 to be appropriate in this case.
44. DB is also made subject to an educational programme ("**Programme**") which he must complete within four months of the date of the Commission's decision, i.e. by 11 June 2026. The details of the Programme will be provided to him by The FA. The Commission considers the Programme to be an important element of the penalty imposed in educating DB and ensuring that there is a culture of respect between Participants and other persons involved during football matches. If DB fails to satisfactorily complete the Programme within the specified period, then he will be immediately suspended from all domestic club football until such time as the Programme is completed.

## **F. Costs**

45. The FA did not seek costs against DB including making a request that the costs of the Commission be borne by DB.
46. In the circumstances, the Commission was satisfied that each Party shall bear its own costs incurred in bringing or defending the Charge, as the case may be. The costs of convening the Commission shall be borne in their entirety by the FA.

## **G. Conclusion**

47. For all the reasons set out above, the Charge against Dean Brennan is proven.
48. The Commission orders that Dean Brennan shall be suspended for nine (9) matches from 11 February 2026 when the Commission's decision was made known to him. As of that date, Dean Brennan is immediately suspended from the touchline of all domestic club football until such time as Barnet FC has completed nine (9) First Team Competitive Matches (Category 1) in approved competitions.
49. Dean Brennan is ordered to pay a financial penalty of £2,000.
50. Dean Brennan shall also attend a mandatory face-to-face education programme by 11 June 2026, the details of which will be provided to him by The FA, failing which he will be immediately suspended from all domestic club football until such time that the programme is completed.
51. Each Party shall bear its own costs in this matter. The costs of convening the Commission shall be borne in their entirety by the FA.
52. This decision is subject to the relevant FA Appeal Regulations.

Grace Cheng (Regulatory Commission Chair)

Ms. Aishnine Benjamin

Mr. Tony Agana

16 February 2026

London, UK