

**IN THE MATTER OF A REGULATORY COMMISSION  
BETWEEN**

**THE FOOTBALL ASSOCIATION  
AND  
JACK FLETCHER**

---

**DECISION AND WRITTEN REASONS**

---

**Regulatory Commission:** Ms Preeya Sahni (Chair) – Independent Legal and EDI Panel Member  
Mr Tony Agana – Independent Football and EDI Panel Member  
Ms Emma McIlveen – Independent Legal and EDI Panel Member

**Secretary:** Paddy McCormack - Judicial Services Secretary

**Date:** 3 February 2026

**Venue:** Held remotely via Microsoft Teams

**Attending:** No parties in attendance – listed as Paper Hearing

**INTRODUCTION**

1. This is the Decision and Written Reasons of a Regulatory Commission (“the Commission”) appointed by The Football Association (“The FA”) to determine sanction in the case of Mr Jack Fletcher (“JF” or “the Participant”).
2. The hearing proceeded on the basis of an admitted charge. The Participant accepted using the words “gay boy”. While differing accounts were given as to the surrounding circumstances, the wording used was not in dispute. The Commission was therefore concerned solely with the appropriate sanction.

3. This document does not attempt to record every point made in the written submissions. The Commission confirms, however, that it has carefully considered all of the material placed before it.

#### **THE CHARGE**

4. By Charge Letter dated 12 January 2026, JF was charged with Misconduct, contrary to FA Rule E3.1, as a result of alleged discriminatory words he used during a fixture between Manchester United Football Club ("MUFC") U21s and Barnsley FC ('BFC') in the EFL Trophy on 21 October 2025.
5. It was alleged that during the fixture JF used insulting and/or abusive words towards BFC's ■■■, which included the words "gay boy", such conduct constituting an Aggravated Breach of FA Rule E3.2 by reference to sexual orientation.

#### **RESPONSE**

6. By way of a Reply signed and dated 21 January 2026, JF admitted the Charge and requested that his case be determined at a paper hearing.

#### **APPLICABLE RULES**

7. 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."*
8. Rule E3.2 states: - *"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, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability."*

#### **FA EVIDENCE**

9. The FA relied on the following evidence:
  - Witness statement – ■■■■■
  - Witness statement – Will Davis
  - Witness statement – ■■■■■
  - Extraordinary Incident Report Form
  - Interview Request Letter
  - Transcript of Interview with Jack Fletcher
10. In summary, the FA's case is that on 21 October 2025, MUFC Under-21s played BFC away in an EFL Trophy fixture. JF, and the opposing player, ■■■, both started the match for their respective teams. In or around the 62nd minute of the fixture, following a goal scored by BFC, the restart of play was delayed to allow for a substitution. During that stoppage, the Match Referee, Will Davis ("WD") heard the Participant directing comments towards ■■■. In order to prevent the situation from escalating, the Referee approached the Participant and stood immediately alongside him.
11. The Referee states that the Participant was positioned approximately one yard to his left and that, while standing next to him, he heard the Participant shout the words "you're a gay boy" in the direction of ■■■. The Referee states that he heard the comment clearly, that it was delivered in a raised and

aggressive tone, and that the Participant was the only person in the immediate vicinity from whom the comment could have come. The Referee then dismissed the Participant by showing him a red card.

12. As part of The FA's investigation, a witness statement was obtained from ■■■, who stated that he heard the Participant direct an insult towards him which included the use of the word "gay". ■■■ stated that he could not recall the precise wording used but was certain that the word "gay" was used towards him as an insult.
13. The FA subsequently conducted an interview with JF, during which he accepted using the words "gay boy" and acknowledged the homophobic nature of the language. The FA relied on that wording in its submissions. Video footage was also provided which depicts the circumstances surrounding the sending-off, although the words spoken by the Participant are not audible on the footage.
14. JF's response to these allegations is primarily to be found in:
  - Transcript of Interview dated 30 October 2025; and
  - JF's Witness Statement dated 21 January 2026.

#### **WRITTEN SUBMISSIONS**

15. The following Written Submissions were considered by the Commission:
  - MUFC's Written Submissions - undated
  - FA's Written Submissions – 26 January 2026
  - MUFC's Second Written Submissions – undated
16. As the charge was admitted, the Commission was required to determine the factual context relevant to sanction only. In doing so, the Commission considered the respective accounts provided by the Participant and the opposing player, together with the video footage viewed by the Commission.

#### **THE FACTUAL CONTEXT RELEVANT TO SANCTION**

17. JF accepted using the words "gay boy" but provided a detailed account of the events leading up to the remark. He stated that, during the second half of the match, he had been subjected to two separate off-the-ball fouls by ■■■ including being thrown to the ground in the build-up to a goal and, shortly thereafter, being stamped on the Achilles heel while the ball was not in play. The Participant stated that he raised this latter incident with the Match Referee and attempted to remain calm.
18. JF further stated that following BFC's third goal, ■■■ walked past him rather than celebrating with his teammates and directed comments towards him concerning his twin brother and father. The Participant explained that he perceived these remarks as an attempt to provoke him by reference to his family. He stated that, in response and in the heat of the moment, he asked ■■■ "You seem to know a lot about me, are you a gay boy?".
19. Video footage depicting the circumstances surrounding the sending-off was viewed by the Commission. While the words spoken by the Participant are not audible on the footage, the footage

shows physical contact between the players in the period immediately preceding the incident. The FA did not advance submissions addressing the Participant's account of the surrounding physical events, beyond acknowledging that video footage had been provided.

#### **FINDINGS OF FACT RELEVANT TO SANCTION**

20. The Commission has considered the accounts of both JF and ■ together with the video footage viewed by the Commission.
21. On the balance of probabilities, the Commission is satisfied that there was physical contact between ■ and the Participant during the period immediately preceding the words being spoken, including contact to the Participant's Achilles heel while the ball was not in the immediate vicinity. The Commission finds that this aspect of JF's account is supported by the video footage.
22. The Commission notes that ■ alleged a prolonged period of verbal abuse earlier in the match. However, the video footage does not support a finding of sustained confrontation immediately prior to the incident giving rise to the dismissal. Further, the FA did not make submissions challenging JF's account of the physical contact shown on the footage.
23. Accordingly, the Commission accepts that the words were spoken in the context of an immediately preceding physical confrontation and following comments directed towards JF concerning his family. These findings are made solely for the purposes of assessing the appropriate sanction.

#### **APPLICABLE SANCTION FRAMEWORK**

24. The Commission notes that the Participant admitted an Aggravated Breach of FA Rule E3.2. In accordance with Appendix 1 to the FA Regulations, such a breach attracts an immediate suspension within a range of six to twelve matches, with six matches operating as the Standard Minimum. The Commission is required to determine the appropriate sanction within that range by reference to the circumstances of the incident and any aggravating and mitigating factors.

#### **ASSESSMENT OF INTENT**

25. In its submissions on sanction, The FA relied on the guidance of the Appeal Board in *The FA v John Yems*, submitting that whilst subjective intent is not relevant to liability for an Aggravated Breach of FA Rule E3.2, it may be relevant at the sanction stage when assessing culpability. The FA submitted that the Commission is entitled to assess the evidence and determine, on the balance of probabilities, whether JF subjectively intended the words used to operate as abusive or insulting by reference to sexual orientation.
26. The Commission has considered all of the evidence and submissions relevant to intent. JF accepted using the words "*gay boy*" and acknowledged that the language was unacceptable. In his witness statement and interview, JF expressed immediate remorse and stated that the words were used in the heat of the moment when he was angry and frustrated by events during the match. JF stated that he is not homophobic, does not ordinarily use such language, and did not intend the remark to be an intentional homophobic insult. When questioned directly about malice or intent, JF stated that the

remark was not malicious and was framed as a question prompted by his perception that ■ knew a significant amount about him and his family.

27. The Commission has also considered the evidence of ■ who stated that he did not believe that JF had deliberately intended the remark to be homophobic. ■ expressed the view that JF had not really thought about what he was saying and was seeking to insult or “slag off” ■ using words that came into his head in the moment.
28. In its written submissions, MUFC emphasised that an admission of the charge does not amount to an admission that JF holds any prejudicial views. In a further submission, MUFC accepted that the Commission is entitled to consider subjective intent but submitted that The FA had adduced no direct evidence of JF’s subjective intent, and that JF’s evidence denying an intention to use the words as a homophobic insult had not been challenged.
29. The Commission has approached this issue in accordance with John Yems. The Commission reminds itself that subjective intent is not presumed, but that Regulatory Commissions will, in the vast majority of cases, have no difficulty concluding, on the balance of probabilities, that discriminatory language was intended to operate as abusive or insulting. The Commission further notes that Yems makes clear that such an assessment does not require direct evidence of intent, and that intent may properly be inferred from the words used and the circumstances in which they were spoken.
30. The Commission accepts that the remark was not premeditated, was made impulsively, and occurred in the context of a heated on-field exchange following provocation.
31. However, the Commission must assess intent by reference to the intended effect of the words used in context. In that regard, the Commission notes that:
  - a) the words were directed personally at ■ as part of a confrontational exchange;
  - b) the phrase “gay boy”, even when framed as a question, is commonly understood in a footballing context as a derogatory taunt;
  - c) the words bear no logical connection to the explanation advanced by JF concerning ■ knowledge of his family;
  - d) the remark was deployed as a means of insulting ■ in the moment; and
  - e) the fact that the remark was framed as a question does not materially alter its intended effect in the context in which it was spoken.
32. Taking the evidence as a whole, and applying the guidance in John Yems, the Commission is satisfied that JF deliberately chose language which he knew would operate as an insult in the circumstances, by reference to sexual orientation.

33. Accordingly, the Commission finds, on the balance of probabilities, that the words were intended to operate as a derogatory remark. For the avoidance of doubt, the Commission makes no finding as to JF's beliefs, attitudes, or character; the finding relates solely to the intended effect of the words used in the specific context in which they were spoken, consistent with the guidance of the Appeal Board in John Yems.

#### **AGGRAVATING AND MITIGATING FACTORS**

34. The Commission has considered the submissions of both The FA and MUFC in relation to aggravating and mitigating factors, together with the guidance contained in Appendix 1. The Commission sets out below its own assessment of the factors relevant to sanction.

##### **Aggravating Factors**

35. As set out above, the Commission found that the words were intended to operate as an insult in the circumstances. That finding does not reduce culpability. However, the intent identified is inherent in the admitted Aggravated Breach and is adequately reflected in the Standard Minimum sanction. No uplift is therefore warranted on this basis.
36. The Commission notes that the exchange occurred during a competitive fixture between two players and in the presence of the Match Referee. While this means the conduct occurred in a public setting, the Commission is satisfied that the incident was confined to the players involved and the Match Referee. In those circumstances, the aggravating feature of the conduct having occurred in a public place is given limited weight.

##### **Mitigating Factors**

37. The Commission has taken into account the Participant's age and relative inexperience as a young professional footballer.
38. There have been no previous misconduct offences.
39. JF admitted the charge at the earliest opportunity. The Commission treats this as a significant mitigating factor, particularly given that the factual conduct forming the basis of the charge was capable of being disputed.

##### **EARLY ADMISSION**

40. The Participant admitted the charge at the earliest opportunity, and the Commission gives appropriate credit for that admission.

##### **SANCTION IMPOSED**

41. Having regard to all of the evidence, findings, submissions, considerations set out above, and applying the sanctioning framework in Appendix 1 of the FA Disciplinary Regulations, the Commission imposes the below sanction. While considering the terms of the suspension, as this was a misconduct offence, specifically an Aggravated Breach, the Commission deemed it appropriate that the suspension shall apply to any domestic club football. This is consistent with the decisions in the bundle at pages 306,

320 and 328. Given the incident occurred in what is a Non-First Team Competitive Match (Category 2) for JF and MUFC, the Commission determined that Non-First Team Competitive Matches (only) shall be the matches counted towards serving the suspension. The Commission noted that the Participant was dismissed for an S6 offence arising from the same incident and has served one (1) match in the EFL Trophy, with one (1) further match to be served pursuant to the Disciplinary Regulations relating to Standard Punishments. In addition to the dismissal, the Participant is immediately suspended from playing in any domestic club football until such time as Manchester United Football Club have completed four (4) Non-First Team Competitive Matches (Category 2) in approved competitions. This means JF cannot participate in any domestic club football (First Team, Non-First Team and Friendly Matches) until MUFC have completed four (4) Non-First Team Competitive Matches (Category 2) in approved competitions.

(1) **Suspension:** The Commission imposes a total suspension of six (6) matches. The Commission noted that the Participant was dismissed for an S6 offence arising from the same incident and has served one (1) match in the EFL Trophy, with one (1) further match to be served pursuant to the Disciplinary Regulations relating to Standard Punishments. Accordingly, in addition to the dismissal, the Participant is immediately suspended from playing in any domestic club football until such time as Manchester United Football Club have completed four (4) Non-First Team Competitive Matches (Category 2) in approved competitions.

(2) **Fine:** £1,500.

(3) **Education order:** The Commission orders the Participant to attend a mandatory face-to-face education programme the details of which will be provided to him by The Football Association. That programme is to be completed within a four-month period commencing with the date of this Decision Letter i.e. on or before 2 June 2026. If the Participant fails to satisfactorily complete the programme in that period, he will be immediately suspended from all domestic club football until such time as the mandatory programme is so completed to The FA's satisfaction.

#### **RIGHT OF APPEAL**

42. This decision is subject to the usual rights of appeal in accordance with The FA Regulations. Any appeal must be lodged within the prescribed time limits and must comply with the applicable procedural requirements.

Preeya Sahni (Chair)  
Tony Agana  
Emma McIlveen

4 February 2026