

IN THE MATTER OF A FOOTBALL ASSOCIATION  
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR OLIVER CLARKE;  
SWINDON TOWN FC

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WRITTEN REASONS AND DECISION OF  
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE  
HEARING  
ON 19 DECEMBER 2025

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## **Background**

1. These are the written reasons for a decision made by an Independent Regulatory Commission (“the Commission”) which sat by video conference on 19 December 2025.
2. The Regulatory Commission members were Mr Udo Onwere, Chairman and Independent Football Panel Member, Mr Tony Agana, Independent Football Panel Member and Mr Mick Kearns, Independent Football Panel Member.
3. Mr Conrad Gibbons, Judicial Services Assistant Manager acted as Secretary to the Regulatory Commission.

## **The Charges**

4. By letter dated 9 October 2025, The Football Association (“the FA”) charged Mr Oliver Clarke (“the Player”) of Swindon Town FC with misconduct for two breaches of the FA Rules pursuant to FA Rule E3 in respect of two separate incidents on the field of play which took place in the fixture stated below.
5. The incident in question took place on 12 August 2025 in the English Football League Cup round 1 fixture between Cardiff City FC v Swindon Town FC (“the Fixture”).
6. It was alleged that in both the 57<sup>th</sup> minute (Charge 1) and the 94<sup>th</sup> minute (Charge 2) of the Fixture the Player acted in an improper manner and/or used indecent behaviour against two separate opponents.

## **Regulatory Framework**

7. The relevant Regulations in relation to the alleged Charges are defined as follows:

FA Rule E3.1 states as follows: “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 FA Handbook 2025/26, at pp.178-179, provides the penalties and orders open to a Regulatory Commission. Amongst other factors, a Regulatory Commission must apply any “mitigating and/or aggravating factors, to include but not limited to the disciplinary record of the Participant and other factors that may be communicated by The Association from time to time”.

The Sanctioning Guidelines at Table 2 of Part 9 (‘Sending-Off Offences’, p.236 of the Handbook) indicate that the automatic suspension for: (i) using offensive, insulting or abusive language and/or gestures is 2 matches; (ii) serious foul play or violent conduct is 3 matches; and (iii) spitting at an opponent or any other person is 6 matches.

Under Law 12 of the Laws of the Game:

**Serious foul play** is defined as “[a] tackle or challenge that endangers the safety of an opponent or uses excessive force or brutality”. Law 12 indicates that “[a] ny player who lunges at an opponent in challenging for the ball from the front, from the side or from behind using one or both legs, with excessive force or endangers the safety of an opponent is guilty of serious foul play.””.

**Violent conduct** is defined as “when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made”. It is added that “a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible”.

8. With regard to this Extraordinary Incident in his match report the Referee, Mr Elliot Bell, stated inter alia –

*“Upon blowing the final whistle, [REDACTED] of Cardiff came to me and was visibly upset alleging that Ollie Clarke of Swindon had [REDACTED] ....he was very emotional and struggled to speak”.*

#### **Reply to the Charges**

9. The Charges were admitted by the Player in his response form dated 14 November 2025. The Player furnished the Commission with a Witness Statement of the same date and accompanying character references all of which were carefully read and noted by the Commission.

10. 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/photographic evidence in respect of this case.

#### **Sanction**

11. The Regulatory Commission considered the relevant Laws of the Game in relation to Violent Conduct and Serious Foul Play as outlined at paragraph 7.

12. The Player had admitted both charges. Furthermore, the Player outlined explanations for both incidents which suggested that the Commission were required to consider these explanations or qualifications as relevant to sanction. However, as the Commission simply had to provide an objective assessment as to whether the admitted conduct by the Player constituted improper and/or indecent behaviour, they did not concur with the position taken and presented by the Player.

13. There were several ‘comparator’ authorities submitted to The Commission for consideration. However, the Commission did not attach too much weight to these cases because of their difference in nature. Furthermore, the Commission focussed on their role being to simply determine what sanction was proportionate to reflect the circumstances (based on the admitted facts) of the case before them.

14. That being said, the case of The FA v Darnell Fisher was considered given the similar nature of the misconduct to the present charges (especially the similar fact pattern of two incidents of improper contact with the opponent). The Commission gave this case the appropriate amount of consideration and then assessed the circumstances of the particular case before them in its totality.

15. In summary, in respect of Charge 1, the Commission considered the actions of the Player to be highly violating and intentional foul play which, even if it was to be viewed as being reckless, would invite no mitigatory relief. In respect of Charge 2, the Commission considered the actions of the Player to, again, be highly violating and intentional foul play with the further aggravated factor of the incident occurring 37 mins after the first incident within the same match. The Commission did not accept the Player's view that neither of the acts were intentional. The Commission recognised that there was no plausible explanation to be touching an opponent's private body parts during a game (especially when the match itself was not in motion).

16. Whilst the Commission considered the Player's profile as club captain and the number of offences, they found the more aggravating factor to be the evidential reaction of the Player's opponents to his acts. It was noted, for example, that [REDACTED] was quoted by the match referee when reporting the incident post-match as being "very emotional and struggling to speak". It must also be noted, for the purposes of balance, that the Commission took a very careful consideration of the mitigating factors such as, for example, the Player's previous disciplinary record.

17. Therefore, in respect of Charge 1, the Commission submit that the appropriate sanction is an immediate sporting sanction of no less than 3 matches and 1 week's wages.

18. In respect of Charge 2, the Commission considers this to be an extremely serious and unusual incident necessitating a severe sanction. However argued, the Player's [REDACTED] [REDACTED] of an opponent is a highly invasive/intrusive and violating action. As such, the sanction should be in excess of that of violent conduct. The Commission concurred that the indecency of this action requires an immediate sporting sanction of no less than 6 matches and 1 week's wages.

## Conclusion

19. As outlined above, the Commission took the starting point of 9 matches, applying the principle of totality. However, when considering the aggravating and mitigating features and considering the circumstances of this case a whole as set out above, the Commission determined that the proportionate sanction in this case would be:

- A 7-match ban starting on 19/12/25 which applies to all domestic club football until such time as Swindon Town FC have completed seven (7) First Team Competitive Matches (Category 1) in approved competitions.
- A fine of £2,750

In accordance with the relevant Regulations, this decision is appealable in line with the relevant regulations.

**Udo Onwere ( Chairman)**

**22 December 2025**