

IN THE MATTER OF A FOOTBALL ASSOCIATION  
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR. JOHN EUSTACE

---

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

27 JANUARY 2025

---

1. These are the written reasons for a decision made by an Independent Regulatory Commission (“the Commission”) which sat via video conference on 27 January 2025.
2. The Commission members were Mr. Michael O’Brien, (Chairman, and Independent Football Panel Member), Mr. Alan Hardy (Independent Football Panel Member) and Mr. Peter Fletcher (Independent Football Panel Member).
3. Mr. Michael O’Connor, FA Judicial Services Assistant Manager, acted as Secretary to the Commission.
4. By letter dated 15 January 2025 the FA charged John Eustace (“JE”) with a breach of FA Rule E3.1, alleging that he acted in an improper manner during media interviews after the Match by making comments that imply bias and/or question the integrity of a Match Official and/or are not in the best interests of the game, contrary to FA Rule E3.1.
5. The FA relied upon the following evidence:
  - a) Witness Statement of [REDACTED], Integrity Investigator at The FA, dated 14 January 2025;
  - b) Extracts from a BBC Sport article;
  - c) A video clip of a Blackburn Rovers club interview;
  - d) Correspondence between The FA and JE, containing JE's observations on the comments made; and

- e) An extract from the FA Guidance booklet “Essential Information for Managers, Owners and Directors 2024-25”.
6. By written reply dated 20 January 2025 JE admitted the charge and elected a paper hearing. JE supplied a letter in mitigation.
7. 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 in these reasons of any particular point or submission should not imply that The Commission did not take such point or submission into account when the members determined the matter. For the avoidance of doubt, The Commission carefully considered all the evidence and materials provided to it.

### FA RULE 3

8. FA Rule E3.1 provides 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...”*

### FACTS

9. The events that give rise to the charge occurred after the EFL Championship fixture between Leeds United and Blackburn Rovers on 1 January 2025.
10. In a post match interview and / or a Press Conference, JE had made a reference to a refereeing decision. The comments made were:
- a) *“I certainly don’t think we would have got the penalty if it was at the other end.”*
- b) *“It’s a fantastic football club, 36,000 fans, the referee’s always under pressure to give a decision. Last minute at Elland Road, it’s kind of expected.”*

c) *“The penalty against us was very harsh, and I don’t think we would have got that if it had been us at the other end.”*

11. JE was conciliatory regarding his comments. JE pointed out that the reference to the decision was a small part of longer interviews in which the focus was not the match officials but the positive attitude of JE’s players.

12. The Commission noted the comments of the, differently composed, Commission in the case of *The FA v Nuno Espirito Santo* in January 2021, *" When a role model chooses to insult and offend a match official so publicly, it can create a perception that such conduct is acceptable at all levels of the game, including the grassroots game. Behaviour such as NES’ all adds to a climate where participants consider that match officials are “fair game”. Accordingly, we must reflect the fact that comments such as these fuel disrespect towards match officials generally."* In the judgment of The Commission, JE's comments strayed beyond that of legitimate comment and into improper conduct. By his admission of the Charge JE accepts that to be the case.

13. JE has no previous breaches of FA Rule E3 relating to media comments. This was, as he stated in mitigation, his first breach in almost a decade as a manager. The Commission took this into account in JE’s favour.

14. The Commission noted that JE does have two previous FA E3 breaches (relating to misconduct directly toward match officials rather than media comments) on his record:

- Suspended for 1 match and fined £3,000 for misconduct in April 2022
- Suspended for 1 match and fined £2,000 for misconduct in April 2023

The Commission took this into account as an aggravating factor.

15. JE pointed to two other cases which he considers to be comparable as previous authorities, namely *The FA v Graham Alexander* (Oct 2024) and *The FA v Steve Cooper* (2019). JE noted that the fines issued in these cases were £1,600 and £1,750 respectively. JE considers that these particular offences were more serious than the offence committed by JE, and that it therefore follows that JE should be fined no more than £1,750.
16. The FA cited five previous Regulatory Commission decisions for The Commission to consider. They were *The FA v Chris Wilder* (Feb 2024), *The FA v Nuno Espirito Santo & Neco Williams* (Aug 2024), *The FA v Marco Silva* (Jan 2024), *The FA v Frank Lampard* (May 2022) and *The FA v Steve Cooper* (Nov 2022). Those cases are helpful in terms of the approach to aggravating and mitigating features of media comment cases. The Commission note, however, that all five cases involved more serious misconduct than the present case and that some of the cases involved managers who at the time had poor disciplinary records. The Commission also take account of the fact that the financial penalties in those cases must inevitably have been higher as the level of football is higher and the net incomes of those charged will presumably be significantly higher than in JE's case.
15. There are no sanction guidelines for media comment offences and that the Commission has a discretion as to the appropriate sanction. The Commission note that the "Essential Information for Managers, Owners and

Directors 2024-25” warns Managers of the possibility of a sporting sanction and/or a fine.

### DECISION

16. Having considered the specific comments made by JE, in The Commission’s judgment, they are far from being the worst example of their type. Although there are three sets of comments carried by two media outlets, The Commission treat this as a single course of conduct. It is also noted that the media outlets in question are likely to have received lower viewing / reading figures than for example had they been carried live on national television. It is clear from JE's letter that he regrets his comments. The behaviour appears to be out-of-character, at least in terms of media comments, and, from what JE says, he will take appropriate steps to prevent a repeat of this behaviour.
17. This is not a case where The Commission considers that a sporting sanction is necessary. The appropriate starting point, taking account of the comments made, the level of seriousness, JE’s history with regard to E3 charges and JE's net weekly income from football as declared, is a fine of £6,000. JE is given full credit for his prompt admission of the Charge and this reduces that fine to one of £4,000. That is, in our view, a proportionate sanction balancing the seriousness of the offence, the mitigation and JE's ability to pay.

### SANCTION

18. For the reasons outlined above The Commission imposed the following sanction:
  - JE shall be fined the sum of £4,000

- JE shall be warned as to his future conduct

19. The decision is subject to any appeal as provided by the Regulations.

Mr. Michael O'Brien (Chair)

Mr. Alan Hardy

Mr. Peter Fletcher

27 January 2025