

BEFORE THE REGULATORY COMMISSION
OF THE FOOTBALL ASSOCIATION

IN THE MATTER OF

THE FOOTBALL ASSOCIATION

and

MILLWALL FC

WRITTEN REASONS
OF THE REGULATORY COMMISSION

WARNING TO READERS

**THIS DOCUMENT CONTAINS REFERENCE TO OFFENSIVE AND/OR
DISCRIMINATORY LANGUAGE**

Appeal Board:	Graeme McPherson KC (Chairperson) Matt Wild Daniel Mole
Secretary to Appeal Board:	Marc Medas (Judicial Services Officer)
Date:	20 June 2025
Venue:	Paper hearing

(A) Introduction

i) The match and the incidents

- 1) On 1 March 2025 Millwall Football Club (*'the Club'*) played Crystal Palace FC (*'CPFC'*) in the fifth round of the FA Cup (*'the Match'*). The Match took place at CPFC's home ground. It was thus an away fixture for the Club.
- 2) Incidents occurred during the Match. For present purposes the relevant incidents (*'the Incidents'*) comprise:
 - a) In the 5th minute a part of the crowd could be heard to chant *'You know what you are'* and *'You know what you are, you know what you are, Chelsea rent boy, you know what you are'*
 - b) In the 20th minute a part of the crowd could again be heard to chant *'You know what you are, Chelsea rent boy, you know what you are, Chelsea rent boy, you know what you are'*.

The Incidents occurred when certain CPFC players with a connection to Chelsea FC were involved in play and were directed at those players.

ii) The Charges

- 3) By letter dated 8 April 2025 the FA charged the Club with Misconduct for breaches of FA Rule E21.1 (*'the Charges'*) in connection with the Match. The FA alleged
 - a) That in the 5th minute of the Match the Club had failed to ensure that its spectators and its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion while attending the Match and did not use words or behave in a way which was improper, offensive, abusive, indecent or insulting with express or implied reference to sexual orientation [FA Rule E21.1] – *'Charge 1'*
 - b) That in the 20th minute of the Match the Club had failed to ensure that its spectators and its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion while attending the Match and did not use words or behave in a way which was improper, offensive, abusive, indecent or insulting with express or implied reference to sexual orientation [FA Rule E21.1] – *'Charge 2'*.
- 4) With the Charges the FA enclosed

- a) The evidence on which it relied in support of the Charges. That evidence included
 - i) A witness statement from [REDACTED] Football On-Field Regulation Officer
 - ii) An email from Kick It Out reporting the Incidents
 - iii) Video clips of the Incidents
 - iv) Correspondence with the Club
- b) The FA's Policy and Guidance on the Regulation of Discriminatory Conduct by Spectators (*'the Guidance'*).

iii) The Club's response to the Charges

- 5) By its *'Disciplinary Proceedings: Reply Form'* dated 30 April 2025 the Club admitted each of the Charges. It did not request a personal hearing before a Regulatory Commission and confirmed that it was content for the Charges to be dealt with at a paper hearing.
- 6) With the Reply Form the Club submitted detailed written submissions addressing the Charges and how the Club invited the Regulatory Commission to approach sanction (*'the Club's Submissions'*):
 - a) The Club addressed each of the factors identified in the Guidance as being relevant to sanction
 - b) When addressing the reasonableness of the Club's conduct the Club set out in detail the steps
 - i) that it takes (and has taken for a significant period of time) generally to challenge and prevent anti-discriminatory behaviour. It did so in part by reference to the terms of an Action Plan that had been imposed on the Club by a previous Regulatory Commission in 2023 (*'the 2023 Action Plan'*) as part of the sanction imposed on the Club in *The FA v Millwall FC* (13 September 2023) (*'the 2023 Decision'*), and
 - ii) that it took prior to and during the Match
 - c) The Club invited the Regulatory Commission to consider as part of any sanction imposed on it
 - i) Extending the 2023 Action Plan beyond its current expiry at the end of the 2024/2025 season, and
 - ii) Expanding/enhancing the 2023 Action Plan.

- 7) The Club also served
- a) A witness statement from Paul Sayer, the Club's Head of Operations and Safety Officer. Mr Sayer's statement addressed
 - i) the approach adopted by the Club at every match *inter alia* to minimise the risk of incidents such as the Incidents occurring
 - ii) the Club's preparations for the Match
 - iii) the Club's response to the Incidents during the Match
 - iv) the Club's response after the Matchand also exhibited a large number of documents to evidence the matters set out in that statement. Many of those documents were relied on by the Club to evidence its compliance with the 2023 Action Plan (see below)
 - b) A witness statement from Prudence Buckley, Head of Ticketing at the Club. That statement addressed how and to whom tickets for the Match were sold by the Club
 - c) A witness statement from Max McLellan, the Club's Head of Media and Communications. Mr McLellan's statement addressed
 - i) The generic efforts made by the Club through social media in the area of anti-discrimination, and
 - ii) The steps taken by the Club in that regard before and after the Match
 - d) A witness statement from Jason Vincent, the Club's Safeguarding, Equality, Diversity & Inclusion Lead. Mr Vincent's statement addressed
 - i) The work done by the Club in recent months and years in the area of anti-discrimination, and
 - ii) The steps taken by the Club in that regard before and after the Match
 - e) A witness statement from John-Paul McKey, the Club's Supervisor Steward. Mr McKey's statement addressed
 - i) The stewarding provided by the Club for the Match and the preparations undertaken before the Match by the stewards, and
 - ii) The stewards' actions during the Match.
- 8) In the light of the Club's admission of the Charges, on 5 June 2025 the FA served a Note on Sanction (*'the FA's Note on Sanction'*). In the FA's Note on Sanction
- a) Submitted that any sanction should include a significant financial penalty, and

- b) Agreed with the Club's suggestion that the Regulatory Commission should also consider extending and expanding/enhancing the 2023 Action Plan.

iv) The hearing before the Regulatory Commission

- 9) The Charges were considered by us as the appointed Regulatory Commission (*'the RC'*) by Teams on 20 June 2025. Because the Club had elected a paper hearing no representative from either the FA or the Club attended the hearing.
- 10) Prior to the hearing the RC requested the parties to collaborate with a view to particularising any enhancements to the 2023 Action Plan that they wished the RC to consider. Shortly before the hearing the parties helpfully provided a list of proposed additions to the 2023 Action Plan that they considered would or might reduce the prospects of incidents of discriminatory chanting occurring in the future at fixtures involving the Club. We were therefore able to consider those proposals at the hearing as part of our overall consideration of sanction.
- 11) Additionally, in advance of the hearing the Members of the RC were able to read the entirety of the written materials relied on by the parties. They also viewed the videos of the Incidents.

v) The Decision

- 12) Having considered the Charges, the Club's response, the evidence submitted by each party in relation to the Charges and the Submissions/Notes on Sanction provided by each party
 - a) We accepted the Club's guilty plea to the Charges; each of the Charges was in the RC's view made out on the evidence before it, and
 - b) We determined
 - i) That the 2023 Action Plan
 - (1) Should be extended until the end of the 2025/2026 season, and
 - (2) Should be expanded/enhanced in the respects set out below
 - ii) That a fine of £15,000 should be imposed on the Club. That fine was a composite fine in respect of both Charges
 - iii) That the Club should be warned as to its future conduct
 - iv) That there should be no order as to costs
- (together, *'the Decision'*). These are our Written Reasons for the Decision.

(B) The Regulatory Framework

i) FA Rule E21

13) FA Rule E21 (in the section of the Rules headed ‘*Supporter behaviour*’) provides as follows:

‘A Club must ensure that its spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not

I use words or otherwise behave in a way which is improper ... abusive, indecent, insulting or provocative;

4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability’

14) Where FA Rule E21.4 is engaged, FA Rule E21.1 creates a ‘strict liability’ offence; an FA Rule E21.5 defence is not open a club charged with a breach of FA Rule E21.1 if (as here) the relevant conduct is discriminatory. In such a case the extent to which the club used all due diligence to discharge the responsibility set out in FA Rule E21 goes only to mitigation.

ii) The Guidance

15) As with any breach of FA Rule E21, when determining the appropriate sanction in a case such as this a Regulatory Commission will consider

- a) The seriousness of the breach of FA Rule E21.1 committed by the club,
- b) The culpability of the club underlying those breaches, and
- c) The harm caused by the incidents that give rise to the breaches¹:

see for example the decisions of the Regulatory Commission in The Football Association v Birmingham City FC (16 September 2019) and The Football Association v West Bromwich Albion FC (12 July 2024).

16) The Guidance additionally sets out a number of factors to which a Regulatory Commission ‘will have due regard’ and ‘will consider’ when assessing sanction in a case such as this.

¹ ‘Harm’ in this context should in our view be given a wide interpretation. While it plainly encompasses physical harm or damage to property, it will also include matters such as the capacity to offend those exposed to the conduct and the potential for damage to be caused to the reputation of English football.

We consider those factors individually below. However, as a cursory consideration of those factors demonstrates

- a) Factors 1, 2 and 3 are matters relevant to the seriousness of the breach and to the harm caused by the incidents
- b) Factor 4 is a matter relevant to the culpability of the Club in respect of the breaches.

17) Finally the Guidance distinguishes between

- a) A First Offence, for which it is said an Action Plan should be the primary focus, either as a stand-alone sanction or alongside a financial penalty, and
- b) A Second or Further Offence. In the case of a Second or Further Offence the Guidance states
 - i) That the matter should be treated ‘*with the utmost seriousness*’
 - ii) That there is a presumption that a further Action Plan will not be appropriate
 - iii) That as well as penalties provided in the relevant paragraphs of Part A of the Disciplinary Regulations, the Regulatory Commission ‘*shall consider imposing*’ a combination of financial penalty and/or a stadium closure (whether partial or full) for a specified number of matches.

(C) Is this a Second Offence ?

18) In the Club’s Submissions it contended

- a) That the conduct that was addressed in the 2023 Decision was insufficiently similar to the Incidents to justify us concluding that the Charges represented a Second Offence, and
- b) That we ought to treat the Incidents as a First Offence.

19) We rejected that argument. The conduct that led to the 2023 Decision involved mass chanting of a discriminatory nature. The Incidents involved mass chanting of a discriminatory nature. The fact that the nature of the discrimination was not the same is in our view of minimal significance.

20) We therefore approached sanction on the basis that the Incidents and the Charges were indeed a Second Offence, and that we should accordingly treat the Incidents with the utmost seriousness.

(D) The factors in the Guidance

i) The number of supporters involved

21) The attendance at the Match was a little over 21,000. The Club sold 3,781 tickets to the Match, its full allocation.

22) It is not possible to identify with any sort of precision the number of supporters involved in the Incident. All that can really be said (from listening to the available audio) is that the number was sufficient for the chants to be heard (easily) in the Stadium and on the television coverage. We suspect that the number would likely have been in the hundreds (and so more than a minimal proportion of the Club's travelling supporters), but that is largely speculation on our part.

ii) The nature of the behaviour of those involved

23) There is no CCTV of the Incidents (see below). Consequently all that can be said in this regard is that

- a) The chanting took place, and
- b) The chanting was plainly discriminatory, as any reasonable person would have appreciated.

As with any instance of discriminatory chanting, the Incidents were serious and wholly unacceptable. The chanting undoubtedly caused 'harm'. The Club does not seek to suggest otherwise.

iii) The duration of the Incidents

24) Together the Incidents lasted approximately 25 seconds – the First Incident lasted about 16 seconds and the Second Incident about 9 seconds. While that might be said to be a short period relative to the duration of a match, it is nonetheless a significant period. The chanting was also repeated in the Match, hence why there are two Charges.

iv) The Club's conduct before, during and after the Match

25) This factor is broken down into four questions in the Guidance:

- a) Did the Club take all reasonable steps in its preparation and planning for the Match ?
- b) Did the Club take all reasonable steps in dealing effectively with the Incidents when they arose ?
- c) Did the Club take all reasonable steps in identifying the supports involved ?

- d) Did the Club take sufficient action against those supporters responsible (where those supporters were identified) ?

a) Preparation and planning for the Match

26) The Club set out at length in its evidence the steps that it takes to prepare and plan for every match, home and away. Those steps were well documented in the materials that were provided to us.

27) The generic steps that the Club takes are designed and intended to satisfy the Club's FA Rule E21 obligations and the particular requirements of the 2023 Action Plan. In our view they achieve those aims. Indeed, the report prepared by an FA Safety and Security Advisor following an Inspection in February 2024

- a) Was complimentary about the steps taken by the Club to comply with the 2023 Action Plan, and
b) Concluded that

'there has been good progress by the Club and a genuine commitment to make Millwall a more inclusive club and one that is actively anti-discriminatory. ... [The Club is] determined to generate a more positive impression of Millwall FC, one that they feel more accurately reflects their club. This is supported not just by good intentions but by a well thought out set of policies and processes that are then enacted through an experienced set of operational managers within the club and the private security agency. In many respects the Club exceeds the requirements [of the 2023 Action Plan] and are to be encouraged on their ongoing journey'.

28) The evidence before us was consistent with that remaining the case in 2025. While we do not set out in this Decision all of the efforts that the Club makes to make itself (using its own words) *'an industry leading club in terms of its dedication to challenging discriminatory behaviour'*, we do record that those efforts

- a) Are real and substantial, and
b) Have been very largely effective.

It does the Club great credit that it has made, and continues to make, such efforts. The Club is an example to others in that regard in many respects.

29) The Club's evidence also explained the particular steps that it took in advance of this particular Match (which was regarded as High-Risk)

- a) On its own behalf, and
- b) In conjunction with CPFC

bearing in mind that the Match was an away fixture over which the Club did not have control. Save in one respect, there is no criticism to be made of the Club in such regard; the steps taken by the Club to prepare and plan for the Match were reasonable.

30) The one exception is this:

- a) The Club's Submissions asserted (at paragraphs 5.4 and 5.5) that *'the likelihood of homophobic chanting was not a potential for this categorisation [High-Risk] by [the Club or CPFC] ... Nevertheless the experienced staff at the Club were aware of the context and previous industry issues regarding homophobic chanting and Chelsea loan players ...'*
- b) The Club's evidence was to like effect:
 - i) Mr Sayer stated *'From football generally and within the industry I would say that we all know there is a risk of homophobic chanting when loaned Chelsea players are involved'*
 - ii) Mr Vincent stated *'... it was important to message the fans not to engage in any discriminatory behaviour as much as we could. Over the last few seasons we had assessed that there were 20 Chelsea players on loan and we knew that there could be a risk that our fans would engage in this type of homophobic chanting'*
 - iii) Mr McKey stated *'Discriminatory chanting was not mentioned in the pre-match safety briefing, but I knew there could be some discriminatory chanting directed at [one particular CPFC player] due to his relationship with Chelsea'.*

31) Despite the awareness of that risk, the Club's evidence frankly accepts

- a) That there was no discussion of that particular risk before the Match, and
- b) That no consideration was therefore given to what additional steps (if any) might be needed and/or taken to prevent or minimise that particular risk.

What the Club did however do is put out communications on social media, the Club website etc to promote its wider anti-discrimination campaigns and reinforce its condemnation of all forms of discrimination across the protected characteristics.

32) We concluded

- a) That given the appreciation of the enhanced risk of homophobic chanting, the Club should expressly have considered that risk (and what if anything might be done in respect of it) as part of its pre-Match preparation and planning, and
- b) That because the Club did not do so, it cannot be said that it took all reasonable steps in its preparation and planning for the Match.

33) However, we did not consider that that failure should weigh heavily against the Club when considered against the wider background of everything that the Club did in fact do to prepare and plan for the Match. We also doubted whether the Club realistically could or would have done anything differently or better even had the specific risk of homophobic chanting because of CPFC players' relationships with Chelsea FC been specifically raised and considered prior to the Match. The Club's approach of condemning all forms of discriminatory behaviour and conduct prior to the Match was in our view a reasonable one, and focussing on one particular category of discrimination had the potential (1) to undermine the Club's wider efforts to combat discriminatory behaviour *per se*, and/or (2) perversely, to encourage the very type of discriminatory behaviour that the Club was seeking to prevent by flagging the issue in the minds of supporters.

b) During the Match

34) The Club did nothing during the Match to deal with the Incidents. That is not however to say that the Club is to be criticised in that regard. The Match was at CPFC's ground, and there was little that the Club could do to react to the Incidents. The Club's own stewards who were at present at the Match

- a) Were engaged on another matter when the First Incident occurred
- b) Reported the Second Incident
- c) Were not asked by CPFC to assist in relation to either Incident.

c) After the Match

35) No supporter of the Club who participated in the Incidents has been identified. It thus inevitably follows that no action has been taken against any of the numerous supporters who were involved in the Incidents.

36) That is disappointing and concerning. The question for us is whether that outcome has occurred

- a) Despite all reasonable steps having been taken by the Club to identify its supporters who were involved in the Incident, or
- b) Because the Club has not taken all reasonable steps to identify the supporters involved in the Incident,

37) The Club's evidence is that it is aware of the identities

- a) Of all Club season ticket holders and members to whom tickets for away matches were sold, and
- b) Of every one of its supporters who attended the Match (because the Club's ticket allocation went entirely to season ticket holders).

The Club is therefore aware of the identities of every individual in the cohort of supporters from whom the discriminatory chanting came. That however is only a starting point; the next step is identifying who within that cohort actually participated in the discriminatory chanting.

38) Mr Vincent's evidence was that '*[The Club], [CPFC], Kick It Out, the Football Policing Unit, the EFL and the FA all investigated the matter*'. However, none of those investigations apparently involved the provision of CCTV from the Match to the Club to enable the Club to try to match images with individuals or allocated seats. According to Mr Sayer's evidence

- a) He requested the CCTV footage from CPFC on 1 April 2025 i.e. 1 month after the Match, but
- b) While he received some footage from the Match from CPFC, that footage
 - i) Was of an unrelated incident, and
 - ii) Was not of the Incidents.

39) There is however no evidence that the Club

- a) Then pointed out to CPFC that it had been sent the 'wrong' CCTV footage, or
- b) Repeated its request to CPFC for CCTV footage of each of the Incidents.

The evidence that was before us therefore demonstrated only (1) that the Club had made one request of CPFC for the CCTV footage, (2) that pursuant to that request CPFC had sent incorrect footage to the Club (from which we infer that footage from the Match was still

available when the Club belatedly requested it from CPFC), and (3) that despite noticing the error (and indeed investigating and dealing with the unrelated incident that was shown on the supplied footage) the Club did not repeat its request for CCTV footage of the Incidents or inform CPFC that it had been sent incorrect CCTV footage.

40) Such conduct on the part of the Club does not in our view show that the Club took all reasonable steps to identify the supporters involved in the Incident.

41) While it forms no part of our Decision, we would strongly encourage

- a) The Club to repeat its request for the correct CCTV footage from CPFC/CPFC's CCTV contractor, and
- b) CPFC to assist the Club in its efforts to obtain the relevant CCTV footage.

If those efforts bear fruit and the CCTV is made available to the Club, we would strongly encourage the Club to then make substantial efforts to identify the season ticket holders who participated in the Incidents and to deal with them appropriately.

v) The Club's co-operation with the FA in connection with the Incidents

42) As the FA acknowledges, the Club has co-operated fully with the FA in respect of the Incidents and the Charges (as indeed it did in connection with the incidents and charges that led to the 2023 Decision).

vi) The Club's previous disciplinary record

43) The only matter of relevance to the Charges and the sanction to be imposed in respect of the Charges is the 2023 Decision. While that means that the Club cannot be regarded for our purposes as having a clean disciplinary record, that blight is mitigated at least in part by the Club's exemplary reaction to the 2023 Decision and the imposition of the 2023 Action Plan.

vii) Compliance with a previous Action Plan

44) As we have said above, the Club has not only complied with the 2023 Action Plan but (in the view of the FA's Safety and Security Adviser) exceeded the requirements of the Action Plan.

viii) Other relevant factors ?

45) The seven factors listed in the Guidance are not exhaustive. When considering sanction a Regulatory Commission is also obliged to take into account any additional relevant factors, whether they be aggravating or mitigating factors.

46) The one additional factor that we considered to be relevant was the Club's guilty plea to the Charges. That plea was in unqualified terms and given at the earliest opportunity. The Club is entitled to credit for that.

ix) Conclusions on seriousness, culpability and harm

47) Having considered the above matters in the round the conclusions that we reached were

- a) That the breaches that led to the Charges were (both by their very nature and by reason of number of spectators involved, and the repetition and duration of the Incidents) serious
- b) That the Club's degree of culpability in relation to the Incidents was low
- c) That while no physical harm was caused by the Incidents, spectators at the Match and viewers of the Match would inevitably have been offended, and the reputation of the Club and English football would have been tarnished.

(E) Sanction

48) Against that background we turn to the sanction that we impose.

i) A further Action Plan

49) The Guidance states that for a Second Offence '*there will be a presumption that the imposition of a further Action Plan shall not be appropriate*'. In our view this is however a case where that presumption is rebutted on the evidence. The aim of an Action Plan is to preclude a repeat of conduct which formed the basis of the Relevant Breach (as defined in the Guidance). Imposing an appropriate Action Plan will in our view assist the Club to achieve that aim, and will likely be beneficial. Neither party disagrees – both parties invited us to consider imposing a further Action Plan as part of the sanction to be imposed on the Club.

- 50) Since the 2023 Action Plan was imposed the Club has experienced no discriminatory chanting at home fixtures. Save for the Match, the same can be said about the Club's away fixtures. The 2023 Action Plan has therefore in very large part been effective at achieving the purpose for which it was imposed.
- 51) The 2023 Action Plan came to an end at the end of the 2024/2025 season. We have concluded that as part of the sanction in this case we should impose an Action Plan for the 2025/2026 season (*'the 2025 Action Plan'*) based in very large part on the 2023 Action Plan.
- 52) That will in our view
- a) Ensure continuity of the measures already in place and to allow for the implementation and monitoring of the additional measures that we have concluded should be added to the Action Plan (see below)
 - b) Ensure that the Club's structured and proactive approach to tackling discrimination remains in place, thereby reinforcing good behaviour among supporters and the Club and preventing repeat incidents.
- 53) As set out above, prior to the commencement of the hearing the RC asked the parties (in the light of the indications in their Submissions/Note on Sanction) whether they wished us to consider including any additional terms in any Action Plan that we might impose, over and above those set out in the 2023 Action Plan. The parties produced a joint list of proposed additional terms. Having considered those proposals, we accept that many of those proposals have the potential to help preclude a repeat of the Incidents. We have therefore included the majority of those proposals as part of the 2025 Action Plan.
- 54) We also considered at the hearing whether any further additions or revisions to the proposed Action Plan might help to preclude a repeat of the Incidents at away fixtures. We concluded that two further terms should be included in the 2025 Action Plan:
- a) First, that in advance of every away fixture
 - i) That the Club and/or the opposing club considers to be 'high-risk', or
 - ii) For which the Club perceives there to be an increased risk of discriminatory chanting or other behaviour

the Club (1) shall make a request to the opposing club that the Club's Safety Officer (or another suitably qualified and experienced employee of the Club) shall be permitted to attend the fixture in the opposing club's Control Room, and (2) if such request is accepted, shall ensure that its Safety Officer (or another suitably qualified and experienced employee of the Club) attends the fixture in the opposing club's Control Room and gives such assistance as is required by the opposing Club in the event of misconduct or potential misconduct by the Club's supporters during the fixture

b) Secondly, that in advance of every away fixture

- i) That the Club and/or the opposing club considers to be 'high-risk', or
- ii) For which the Club perceives there to be an increased risk of discriminatory chanting or other behaviour

the Club shall communicate directly to those individuals who the Clubs knows have purchased tickets for the fixture through the Club (whether by text message or other suitable means) a message in plain effective language to the effect

- (1) That the individual is attending the away fixture as an ambassador of the Club and is expected to behave as such, and
- (2) That discriminatory and abusive chanting and behaviour is offensive, may be criminal, will not be tolerated and will, if it occurs, result in any individual participating in such chanting or behaviour being banned from the Club and all future fixtures.

Such communications should be sent to recipients (1) 4 hours, and again (1) 30 minutes, before the relevant away fixture kicks off.²

55) We set out the 2025 Action Plan as an Appendix to this Decision and Written Reasons.

56) The 2025 Action Plan takes effect from the date of publication of this Decision and Written Reasons and will cease to have effect at midnight on the final day of the 2025/2026 EFL Championship season. The FA will monitor the Action Plan.

ii) A stadium closure ?

² For the avoidance of any doubt, this requirement is imposed in addition to the requirement at paragraph 8 of the 2023 Action Plan/paragraph 12 of the 2025 Action Plan that for all games warnings against the use of discriminatory and other inappropriate supporter behaviour and language be published and communicated.

57) The FA did not contend that a full or partial stadium closure is appropriate in this case. It was right not to do so. Such a sanction would be disproportionate in this instance and we do not impose any form of stadium closure.

iii) A financial penalty ?

58) It is not mandatory to impose a financial penalty as part of any sanction for a breach of FA Rule E21; indeed, no financial penalty was imposed as part of the 2023 Decision. However

a) Given that this is a Second Offence, and

b) Given the circumstances of this case

we concluded that a financial penalty was appropriate.

59) We also noted that in the 2023 Decision the Regulatory Commission had warned the Club that in the event of a repeat in the future of discriminatory misconduct by Club supporters, a very significant financial penalty would likely be imposed on the Club. While we were not influenced by the views of that Regulatory Commission in reaching our decision, that was indeed the conclusion that we reached.

60) Table 1 of Annex 1 to the Guidance sets out the range of penalties that a Regulatory Commission might permissibly impose for a breach of FA Rule E21. For an EFL Championship club such as the Club that range is £5,000 - £75,000.

61) Taking into account

a) The fact that this is a Second Offence

b) The seriousness of the breaches, the culpability of the Club, the harm caused and all of the factors set out in Section (D) above of this Decision and Written Reasons, including the mitigation put forward on behalf of the Club

we concluded that a financial penalty of £15,000 was appropriate. But for (1) the Club's substantial and successful efforts to comply with the 2023 Action Plan (2) the Club's wider efforts to address and prevent discriminatory conduct and chanting by its supporters, and (3) the Club's guilty plea, that financial penalty would have been significantly greater.

62) We did not consider it appropriate to suspend any part of the financial penalty.

iv) Warning as to future conduct

63) We concluded that it was once again appropriate to warn the Club – and in particular, its supporters – as to the future conduct of the Club.

v) Costs

64) Finally we considered whether the Club should be ordered to pay costs in this case. We concluded that such an order was not necessary or appropriate. We therefore made no order as to costs.

(F) Order

65) We therefore order as follows:

- a) Millwall Football Club shall be subject to an Action Plan in the terms set out in the Appendix to this Decision. That Action Plan
 - i) Takes effect on publication of this Decision and Written Reasons, and
 - ii) Ceases to have effect at midnight immediately following the Club's final 2025/2026 first team competitive fixture (including any play-off fixtures, if applicable).
- b) Millwall Football Club is fined £15,000
- c) Millwall Football Club is warned as to its future conduct
- d) No order as to costs.

66) This decision, which is the unanimous decision of the Regulatory Commission, is subject to the Appeal Regulations.

Graeme McPherson KC (Chairperson)

Daniel Mole

Matt Wild

23 June 2025

Appendix to Decision and Written Reasons

Action Plan 2025/2026

- 1) Upon publication of the Regulatory Commission's Decision and Written Reasons and this Action Plan, Millwall Football Club (*'the Club'*) shall communicate via the Club website and via its social media accounts:
 - a) The fact and background to the Charges, including the fact that it involved abusive, offensive, discriminatory chanting by Club supporters at a match against Crystal Palace FC
 - b) The Club's condemnation of the chanting that underpinned the Charges and the fact that it has a zero-tolerance policy towards discriminatory abuse of all kinds
 - c) That those responsible for the chanting were committing a criminal offence and anyone subsequently identified will be banned
 - d) The fact that this resulted in the Club being charged and accepting that it was guilty of misconduct under the FA Rules, being fined, being warned as to its future conduct, and having a further Action Plan imposed upon it
 - e) The Club's intention to continue to develop existing initiatives to make it more inclusive and more proactive in the prevention and detection of any potentially discriminatory or inappropriate words or behaviour in the future, at both home and away fixtures.
- 2) The Club shall:
 - a) Forthwith conduct a further full review of its stewarding management, provision, deployments, and quality of stewarding training. In addition existing processes should be closely examined to ensure good quality steward incident reporting (verbal & written) is in place to support proportionate reactions to matchday incidents and potential post-match investigations

- b) Continue to ensure all its matchday operational planning, match specific risk assessments and stewarding briefing documents are fully documented to support and evidence due procedure, and to ensure that the prevention and detection of any discriminatory or inappropriate behaviour is sufficiently addressed, and is readily available for inspection by the Football Authorities and the appropriate Safety Advisory Group
- c) Continue to maintain a detailed operational matchday protocol in support of its safety management and stewarding teams to include stewarding reporting methods, prepared Public Address messages to assist in the prevention of abusive and discriminatory behaviour, and to include any match-specific action plans for dealing with such behaviour
- d) Evaluate their existing CCTV capabilities and operator training in relation to crowd monitoring and evidence gathering including the use of body worn cameras
- e) If not already in place, establish a pre-match and post-match management group, consisting of relevant heads of department, to share information and plan for and review each fixture accordingly. Such meetings should have any action plans specifically allocated and be properly minuted. It shall be the responsibility of each head of department to properly convey relevant information arising from the pre-match and post-match meetings to their respective team members
- f) The Club's Safety Officer and Club Secretary should continue to liaise with the opposition club prior to all fixtures both home and away to exchange relevant intelligence whether directly or via the EFL WhatsApp group
 - i) on any factors which may negatively affect or influence the behaviour of identified club supporters who are or may be attending the fixture (this should include any members of the opposing club whether they be current or former players, backroom staff, directors or club guests who may be potential targets of discriminatory behaviour from the supporters)

- ii) Similarly, the same information should be obtained associated with the opposing club so any appropriate risk assessment can be made and acted upon prior to the fixture
 - iii) Such information should then be addressed at the pre-match meeting of both the management group and stewards
 - g) The Club's Safety Officer should appraise the match officials before every home game to discuss and evaluate any potential issues relating to crowd behaviour, particularly any discriminatory behaviour, and have in place methods of communicating with match officials should it be necessary as per the matchday protocol referred to earlier in this Action Plan.
- 3) The Club shall review all its safety management plans and policies at least once during the 2025/2026 season.
- 4) The Club shall:
- a) Continue to develop proactive supporter initiatives for usage and communication ahead of both home and away fixtures, in addressing the potential for discriminatory or other inappropriate supporter behaviour
 - b) Continue to develop an ongoing positive dialogue with Kick It Out, the EFL and other local organisations to further enhance their relationship by seeking advice on the development of and ratification of new policies and procedures relating to discriminatory behaviour
 - c) Develop additional supporter and steward educational programmes in conjunction with "Kick It Out", the EFL and other local organisations for the purpose of increasing awareness of unacceptable behaviour, deterring and minimising discriminatory and other inappropriate supporter behaviour, including the inappropriate usage of words, chanting, gestures, behaviour and conduct associated with ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation and disability.

- 5) The Club shall continue to develop and publicise the Club's policies in relation to Equality, Diversity and Inclusion which must:
- a) Include a prominent "Discrimination" section containing relevant and specific information on all aspects of discriminatory and offensive words and behaviour in an effort to educate supporters on what language and actions are acceptable or unacceptable, whether at home or away fixtures
 - b) Continue to publicise the Club's "Hear Hate? Don't Hesitate" text reporting system and The Millwall Foundation Equality Policy on the Club's website in particular in relation to the procedures and facilities available to attendees at matches for reporting abuse, particularly that of a discriminatory nature.
- 6) To ensure diverse representation and meaningful engagement the Club will amend the constitution of its Equality, Diversity and Inclusion (EDI) Steering Group to require the inclusion of:
- a) At least one representative from the Club's executive leadership
 - b) A representative from each of the following communities:
 - i) Ethnically diverse groups
 - ii) The LGBTQIA+ community
 - iii) Disabled supporters.
- 7) The Club shall continue to develop and implement an appropriate media campaign across the Club website and the Club's social media accounts emphasising the Club's policies and its zero tolerance toward discriminatory, abusive and insulting language, behaviour and conduct.
- 8) The Club will deliver at least one monthly feature under the "All 'Wall" Campaign which promotes inclusivity and/or showcases the Club and Millwall Community Trust's initiatives. These will be shared across all digital platforms.

9) The Club shall continuously review ticket sales policies to ensure that such policies do not increase the risk of discriminatory or inappropriate supporter behaviour, and to provide useable data to support post-match investigations and potential associated sanctions.

10) The Club shall

- a) Introduce an incentive scheme for stewards for a broad range of measures to reward stewards who demonstrate vigilance and professionalism in identifying and reporting discriminatory incidents, pro-activity, good standing with the fans
- b) Embed that scheme within the Club's stewarding training and performance review framework.

11) The Club shall continue to develop and deploy:

- a) Match day public announcements
- b) Printed messages in its match day programme, on any available big screen, on advertising boards and on stadium advisory posters
- c) Content on the Club's website and social media platforms to proactively target the prevention and detection of any potential discriminatory words or behaviour.

Such announcements, messages and content

- i) shall make clear in plain effective language that discriminatory and abusive behaviour is offensive, may be criminal, and will not be tolerated by the Club, and
- ii) must be supported by clear reporting methods and facilities.

12) Prior to each match (home and away) the Club shall publish warnings to its supporters against the use of discriminatory and other inappropriate supporter behaviour and language.

Such warnings

- a) Shall be published on the Club's website and social media outlets, whether as a stand-alone warning, and for away fixtures as part of a 'Travelling Fans Guide', and
- b) Shall be communicated directly, whether by text message or other suitable means, to those supporters that the Club knows have purchased tickets for the relevant away game and/or are travelling to the relevant away game.

13) In addition to (10) above, in advance of any away fixture (1) that the Club and/or the opposing club considers to be 'high-risk', or (2) for which the Club perceives there to be an increased risk of discriminatory chanting or other behaviour, the Club shall communicate directly to those individuals who the Club knows have purchased tickets for the fixture through the Club (whether by text message or other suitable means) a message in plain effective language to the effect

- a) That the individual is attending the away fixture as an ambassador of the Club and is expected to behave as such, and
- b) That discriminatory and abusive chanting and behaviour is offensive, may be criminal, will not be tolerated and will, if it occurs, result in any individual participating in such chanting or behaviour being banned from the Club and all future fixtures.

Those communications should be sent (1) 4 hours, and again (1) 30 minutes, before the relevant away fixture kicks off.

14) In advance of any away fixture (1) that the Club and/or the opposing club considers to be 'high-risk' or (2) for which the Club perceives there to be an increased risk of discriminatory chanting or other behaviour,

- a) The Club shall make a request to the opposing club that the Club Safety Officer (or another suitably qualified and experienced employee of the Club) shall be permitted to attend the fixture in the opposing club's Control Room, and
- b) If such request is accepted, the Club shall ensure that its Safety Officer (or another suitably qualified and experienced employee of the Club) attends the fixture in the opposing club's Control Room and gives such assistance as is required in the event of misconduct or potential misconduct by the Club's supporters.

15) The Club shall (at the Club's own cost and not that of the host Club) make all reasonable efforts

- a) To send (together with the Club's Supporter Liaison Officer (SLO)) a minimum of two travelling away stewards to any Club away fixture deemed to be 'high risk'
- b) Provide the host Club with full contact details of the Club's SLO and travelling stewards

- c) Ensure that the Club's SLO and travelling stewards liaise throughout the fixture with the host club, its Safety Officer and its stewarding operation to provide close liaison and communication with the travelling fans at the stadium and act as a communicational conduit between the host club and the Club's travelling fans and in doing so seek to formulate evidential reports concerning any poor behaviour associated with the travelling fans in order to develop and collate appropriate intelligence on the Club's travelling fan base
 - d) Provide each travelling steward with an appropriate body worn camera (which will be activated in circumstances where there is a perceived or reported risk of misconduct) in order that they may deter, detect and evidence any incidents of discriminatory or anti-social behaviour.
- 16) Following each away fixture, the Club will request in writing feedback from the host club's safety and security team regarding any reports or observations of discriminatory chanting or misconduct involving Club supporters.
- 17) In the event that hate-driven or discriminatory comments are posted in response to anti-discrimination content, the Club will work with the UK Football Policing Unit (UKFPU) and Metropolitan Police to identify and take action against offenders.
- 18) The Club shall invite The FA to ensure that an FA / EFL Compliance Officer is present at any home or away fixture where, as a result of the match-specific risk assessment, the Club assesses there is a high risk of discriminatory language or behaviour from supporters.
- 19) For each of the 2024/2025 and 2025/2026 seasons the Club shall prepare and publish via the Club website and via its social media accounts summary report, detailing:
- a) The number of disciplinary incidents;
 - b) The nature of the misconduct; and
 - c) Any sanctions imposed.
- The summary report for the 2024/2025 season shall be prepared and published by no later than 31 July 2025. The summary report for the 2025/2026 season shall be prepared and published by no later than 30 June 2026.