

IN THE MATTER OF A FOOTBALL ASSOCIATION INDEPENDENT REGULATORY COMMISSION

B E T W E E N:-

THE FOOTBALL ASSOCIATION

and

MR SAM FINLEY

**WRITTEN REASONS AND DECISION OF THE INDEPENDENT REGULATORY COMMISSION
FOLLOWING THE HEARING ON 22nd APRIL 2025**

1. These are the written reasons for a decision made by an Independent Regulatory Commission which took place via Microsoft Teams on 22nd April 2025.
2. The Regulatory Commission members were Ms Laura Prince K.C., Chair and Independent Legal Panel Member, Peter Alleyne, Independent EDI Panel Member, and Tony Agana, Independent Football Panel and EDI Member ("the Commission").
3. Mr Michael O'Connor of the FA Judicial Services Department acted as Secretary to the Commission.
4. The charges in question arose out of a match which took place on 11th January 2025 between Walsall FC and Tranmere Rovers FC in the English Football League 2.
5. By letter dated 12th February 2025, the Football Association ('the FA') charged Mr. Sam Finley ('SF') with misconduct in relation to a breach of FA Rule E3 relating to his alleged misconduct of using abusive and/or insulting words towards an opposition player during the match. It was further alleged that these breaches were Aggravated Breaches pursuant to FA Rule E3.2, as they included a reference, whether express or implied, to sexual orientation.

6. The factual allegation was that during an interaction with an opposition player (Mr Jamille Matt ('JM')) SF used homophobic language towards him, namely the word 'faggot'.
7. SF admitted using the word 'faggot' when he spoke to the referee after the game, and accepted the charges throughout this process. SF requested the opportunity to attend a Commission for a personal hearing in respect of sanction.

Relevant FA Rules

8. 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 or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

9. Rule E3.2 provides that:-

“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”

Evidence

10. The FA included the following evidence it intended to rely on in support of the Charge:
 - a. Witness Statement of [REDACTED] FA Integrity Investigator, dated 07 February 2025.
 - b. Exhibit JAG/01 – Match Footage of Incident, dated 11 January 2025.

- c. Exhibit JAG/02 – FA Integrity Presentation 2024/25 Season – discrimination slide.
- d. Exhibit JAG/03 – FA Investigation letter, Sam Finley, dated 22 January 2025.
- e. Exhibit JAG/04 – Interview transcript – Sam Finley, dated 27 January 2025.
- f. Witness statement – Jeremy Simpson, dated 14 January 2025.
- g. Exhibit JS/01 – Extraordinary Incident Report – Jeremy Simpson, dated 11 January 2025.
- h. Exhibit JS/02 – Email from Jeremy Simpson to Tarik Shamel, dated 11 January 2025.
- i. Witness Statement – Robert Massey-Ellis, dated 14 January 2025.
- j. Exhibit REM/01 – Original note made by Robert Massey-Ellis of conversations with JM and SF at full-time.
- k. Exhibit REM/02 – Original note made by Robert Massey-Ellis on Green match day card, dated 11 January 2025.
- l. Exhibit REM/03 – Extraordinary Incident Report – Robert Massey-Ellis, dated 11 January 2025.
- m. Witness Statement – Jamille Matt, dated 17 January 2025.

11. The FA provided written submissions on sanctions and included documents in respect of two previous aggravated breaches (one in 2016 and one in 2020). Mr Finley's representative provided written submissions in reply to the FA's submissions on sanction.

12. At the hearing, the Commission heard oral representations from the FA and from Mr Finley's representative, Mr Cusack. The Commission also heard directly from Mr Finley at his representative's request.

The breach in question

13. On 11 January 2025, WFC hosted TRFC at the Bescot Stadium in EFL League Two. Both SF and JM started the game for TRFC and WFC, respectively.

14. In a witness statement dated 17 January 2025, JM describes how he and SF exchanged verbal insults following a foul by TRFC's Tom Davis on WFC's Nathan Lowe. JM stated that SF called him a 'faggot'. JM immediately notified the referee of the use of a discriminatory comment by SF.
15. Neither of the match officials heard the word faggot being used although they both recorded JM's complaint.
16. The witness statement of Jeremy Simpson, match official, dated 14th January 2025 records that he spoke to SF prior to speaking to JM after the match and that SF admitted that he called JM 'a big faggot' and apologized for the words that he had used. SF stated that he was disappointed in himself for using such words, but that the words were said in the heat of the moment.
17. SF maintained his post-match admission in interview with the FA and accepted the charges against him at the earliest opportunity.

Sanction

Previous disciplinary record

18. As set out above, in their written submissions the FA alerted the Commission to two previous aggravated breaches by SF:-

18.1. SF was charged by the FA with an aggravated breach arising from his conduct during a fixture between Lowestoft Town FC and AFC Fylde on 16 February 2016. SF, who was playing for AFC Fylde in the fixture, denied a charge that he called the Match Referee a 'fucking faggot'. Following a paper hearing, conducted on 2 June 2016, a Regulatory Commission found the charge against SF proved and imposed a sanction of (i) a four-match playing suspension, (ii) a £250 fine, (iii) a warning as

to SF's future conduct, and (iv) an order that SF complete an online education course within four months.

18. SF was charged by the FA with an aggravated breach arising from his conduct during a fixture between Accrington Stanley FC and Rochdale AFC on 1 January 2020. SF, who was playing for Accrington Stanley in the fixture, admitted a charge that he said, 'fuck off you pikey cunt' to a Rochdale AFC player. Following a paper hearing conducted on 9 April 2020, a Regulatory Commission imposed a sanction of (i) an eight-match playing suspension on SF (which was reduced from an 11 match starting point); a fine of £850; and (iii) an order that SF undergo a face-to-face FA education programme.

Relevant rules and guidance

19. Appendix 1 to the FA Handbook states (Standard Sanctions and Guidelines for Aggravated Breaches) states:-

"A finding of an Aggravated Breach against a Player... will attract an immediate suspension of between 6 Matches and 12 Matches ('Sanction Range'). A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range" (p.177).

TIME-BASED SUSPENSIONS. 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.

EDUCATION. 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 the Participant by The Association.

OTHER PENALTIES. A Regulatory Commission may impose any one or more of the other penalties as provided by paragraph 41 Part A to the Disciplinary Regulations” (this includes fines and warnings).

SECOND OR FURTHER OFFENCES. Second or further offences will be treated with the utmost seriousness. There will be a presumption that the sanction for a second or further offence will be higher than the top end of the Sanction Range (i.e. 12 Matches), however the Regulatory Commission shall in any event impose an immediate suspension of no fewer than 7 Matches. Where a Regulatory Commission deems it appropriate to issue a time-based suspension it should consider all relevant factors including but not limited to the number and severity of any previous offences when determining sanction”.

Sanction Decision

20. As set out above, as this is a third aggravated breach there is a presumption that the sanction will be higher than the top end of the Sanction Range and not less than 7 Matches.
21. The FA argued that, given the severity of the offence and the fact that this was SF’s third aggravated breach, this was an appropriate case in which to issue a time-based suspension. They argued for a six-month minimum.
22. The Panel considered this argument carefully. However, ultimately the Panel did not consider that a time-based suspension was appropriate on the facts of this case. The Panel was concerned, in particular, with the risk of inconsistency when applying time-based suspensions upon players. For example, a six month ban today would be roughly equivalent to a 16-match suspension whereas a six month ban in August would be roughly equivalent to a 30-match suspension. The panel asked the FA if they had factored this timing issue into their thinking. The FA’s response was that a six-

month suspension was applicable on the facts of this case and that it had been progressed as expeditiously as possible.

23. The Panel decided that a match-based suspension was appropriate. In considering the number of matches to which the suspension should apply, the Panel took into account all of the aggravating and mitigating factors. The Panel, took into account, in particular, the following aggravating factors:-

- a. The fact that this was SF's third aggravated breach;
- b. The severity of the language used aggravated by implied reference to sexual orientation.
- c. The fact that it was the second time that SF had specifically used the word 'faggot' as an insult despite having been sanctioned for use of that word in the past and having had specific training in respect of that word.
- d. The fact that the offence took place in public. SF used the language on the field of play during a match attended by over 5000 spectators.
- e. The profile of SF as a senior player in League 2.

The Panel also took into account the following mitigating factors:-

- a. That this incident did not involve multiple use of the offending word – it was used once.
- b. The incident was not pre-meditated. It was used in the heat of the moment, during a point when both players were trading insults. That said, the panel did not find SF's argument that he was 'provoked' to be a significant mitigating factor given the nature of the word used.
- c. The fact that SF admitted what he had said on the day it was said and showed remorse for the language used.
- d. SF has sought outside assistance with anger management issues of his own volition and has had a number of calls with Sporting Chance. SF said that this was already having a positive impact upon him. The impact was evidenced by a significant reduction in the number of yellow cards that he had received in

his last twenty matches when compared to the twenty preceding the anger management intervention.

24. Having weighed up all of the factors, the Commission imposed the following sanctions:-

- a. SF is Immediately suspended from all domestic club football, excluding Friendly Matches, until such time as his Club completes thirteen (13) First Team Competitive Matches in approved competitions.
- b. SF is ordered to attend a mandatory face-to-face education programme, the details of which will be provided by the Football Association. That programme is to be completed within four months of this decision. If SF fails to complete the education programme to the FA's satisfaction within that period, he will be immediately and indefinitely suspended from all football and football-related activity until such time as the mandatory education programme is completed to the FA's satisfaction.
- c. SF is ordered to pay a fine of £2000.
- d. SF is not ordered to pay costs.

25. There is a right of appeal in accordance with the FA Regulations.

22nd April 2025.

LAURA PRINCE K.C. (Chair)

Peter Alleyne

Tony Agana