

THE FA'S POLICY AND GUIDANCE ON THE REGULATION OF DISCRIMINATORY CONDUCT BY SPECTATORS (FA RULE E20.1)



INTRODUCTION

Discriminatory behaviour must be dealt with appropriately, effectively and efficiently in order to protect the integrity and image of the game; and to ensure that football really is for all.

Acts of discrimination are offensive, abusive and harm the dignity of the individuals that are subjected to them. Discrimination can affect an individual's mental health and sense of well-being, and also harm others around them. Discrimination does not just affect the recipient of the abuse and ultimately it has a significant negative impact on spectators, viewers, other participants, the integrity of football, and the public's perception of the game as a whole.

This document sets out The FA's policy and guidance on the regulation of discriminatory conduct by spectators; how it will be applied in relation to The FA's Rules and Regulations; when disciplinary action is likely to arise and the process via which any such Charge is determined¹. To the extent there is any discrepancy between this document and The FA's Rules and Regulations, The FA's Rules and Regulations shall apply.

[The FA's policy on discriminatory conduct by Participants \(i.e. Aggravated Breaches\) can be found here.](#)

1. CLUB RESPONSIBILITY FOR DISCRIMINATORY CONDUCT BY SPECTATORS

The FA does not have direct jurisdiction over spectators unless they are Participants by some other means.

FA Rule E20.1 provides that a Club shall be responsible for ensuring, amongst other things, that its supporters refrain from improper conduct. This includes refraining from any improper conduct which 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.

A breach of Rule E20.1 is considered "Misconduct".

2. INVESTIGATIONS AND FORMAL DISCIPLINARY ACTION

The FA investigates all allegations of discriminatory conduct by spectators. Subject to the considerations below, where there is sufficient evidence a Club is likely to face disciplinary action by way of a Charge of Misconduct for a breach of FA Rule E20.1.

¹ This policy relates to disciplinary action that may be taken by The FA against Clubs/teams participating in Leagues from the Premier League down to Step 4 of the National League System. Disciplinary action against Clubs/teams participating in Leagues at Step 5 of the National League System and below shall be taken by the relevant County FA.

Individual Spectators

Where The FA becomes aware of an allegation of discriminatory conduct by an individual supporter then an investigation will be commenced. If it is established that the Club took immediate and effective action to deal with and identify the perpetrators, this will be a significant factor in terms of mitigating against formal disciplinary action. In situations where there is evidence that the Club took no (or insufficient) steps to deal with the incident when it became aware of the same (e.g. when alerted by means of the on-pitch protocol) then this will be an aggravating factor in determining whether formal disciplinary action is taken.

Mass Chanting

Where The FA considers there is sufficient evidence of mass discriminatory chanting by a Club's supporters within a stadium (i.e. not an individual and/or a very small number of supporters) then a Club is likely to face disciplinary action.

3. DETERMINATION OF THE CHARGE AND SANCTIONS

Specialist Panel Member

Where a Club is issued a Charge of Misconduct for a breach of FA Rule E20.1, the Regulatory Commission appointed to determine the Charge comprise at least one Panel Member with the requisite experience in crowd management matters and/or previous crowd management hearings.

FA Rule E21

Pursuant to FA Rule E21, the defence prescribed by that Rule (the 'due diligence defence') does not apply to a Charge of Misconduct for a breach of FA Rule E20.1 where the relevant conduct 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.

A Club shall however be entitled to raise as a mitigating factor in relation to the determination of sanction only the extent to which it used all due diligence to ensure that it discharged the responsibility set out at FA Rule E20.1. In that regard, the sanction guidelines expressly refer to the following factors (amongst others) to be considered in determining sanction:

- *Whether the Club (and/or its officers):*
 - *took all reasonable steps in its preparation and planning for the fixture in which the Relevant Breach occurred;*
 - *took all reasonable steps in dealing effectively with the incident, when it arose;*
 - *took all reasonable steps in identifying the supporter(s) involved;*
 - *took sufficient action against those supporters responsible where those individuals were identified.*

Sanction Guidelines

Sanction guidelines applicable to breaches of Rule E20.1 involving discriminatory conduct shall be communicated to Clubs by The FA from time to time. [The sanction guidelines applicable to breaches of Rule E20.1 involving discriminatory conduct at the date of this document are set out at Annex 1.]

The sanction guidelines provide that, in relation to a first offence, the imposition of a dedicated action plan on the relevant Club (at the Club's cost) is to be the primary focus. The terms of an action plan are determined by the Regulatory Commission and in view of the particular facts of each case. The central purpose of an action plan is to focus on improvements that can be made by a particular Club as to the steps it can take in order to minimise the prospects of a similar incident happening again in the future. By way of example, an action plan may address (and require reviews into and/or improvements to):

- Stewarding arrangements and quality of steward training;
- Match day operational planning;
- CCTV capabilities and operator training;
- Communications issued by the club on the issue of discriminatory conduct by supporters;
- The delivery of diversity programmes and the development of proactive supporter initiatives.

In addition to the above, where a Regulatory Commission considers it appropriate (having regard to the particular circumstances of the case), a financial penalty may also be imposed. The financial penalty is determined with reference to a published range, which is dependent on the League in which the Club participates.

Repeat offences will be treated with the utmost seriousness, and there will be a presumption that a further action plan will not be appropriate. Whilst a Regulatory Commission may impose any penalty as provided by paragraph 40 of Part A to the Disciplinary Regulations, in such circumstances a Regulatory Commission shall consider imposing a financial penalty and/or a stadium closure (whether partial or full).

ANNEX 1

APPLICABILITY

These guidelines shall apply where a Club is found in breach of Rule E20.1 in circumstances where the offending conduct, words or behaviour of persons purporting to be its supporters or followers includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) (“**Relevant Breach**”).

FIRST OFFENCE

Action Plan

Where a finding of a Relevant Breach is made against a Club, a Regulatory Commission shall impose on the Club an action plan in terms that it sees fit with the aim of precluding a repeat of the conduct which formed the basis of the Relevant Breach (“**Action Plan**”).

Such an Action Plan shall, as a minimum, set out:

- the operational advice and/or practical measures to be carried out by the Club;
- the period during which the Action Plan shall remain in force;
- the external support to the Club that may be required; and
- the process through which the Club’s compliance with the Action Plan shall be audited by The FA and the frequency with which that audit shall take place.

Financial Penalty

A Regulatory Commission may also consider imposing a financial penalty in accordance with Table 1 below where it considers it appropriate, having regard to the particular circumstances of the case and the factors set out below,

A Regulatory Commission may order that part of any financial penalty imposed is suspended in accordance with paragraphs 42 and 43 of Part A to the Disciplinary Regulations.

Table 1

League	Fine Range
Premier League	[20,000 – 300,000]
EFL Championship	[5000- 75,000]
EFL League One	[2500-37,500]
EFL League Two	[1000 – 15,000]
National League	[500-7500]
National League (North and South)	[375- 5000]
Northern Premier League, Southern League and the Isthmian League	[250-3750]
The FA WSL	[500-7500]
The FA WC	[250-3750]

SECOND OR FURTHER OFFENCES

Second or further offences will be treated with the utmost seriousness.

There will be a presumption that the imposition of a further Action Plan shall not be appropriate (if the offence has occurred either during the period of the previously imposed Action Plan or within a year of the expiration of said Plan).

A Regulatory Commission may impose any penalty as provided by paragraph 40 of Part A to the Disciplinary Regulations.

In particular, a Regulatory Commission shall consider imposing any combination of:

- a financial penalty in accordance with Table 1 above;
- the closure of a stand (or part thereof) of a Club's stadium for a specified number of Matches ("**Partial Stadium Closure**"); or
- the closure of a Club's stadium for a specified number of Matches (i.e. the playing of a Match or Matches without spectators being present) ("**Full Stadium Closure**").

FACTORS TO BE CONSIDERED WHEN DETERMINING SANCTION

A Regulatory Commission will have due regard to the circumstances and seriousness of the incident when determining the appropriate sanction (to include the level of any financial penalty that may be imposed). In so doing, the Regulatory Commission will consider a range of factors, to include the following:

1. The number of supporters involved;
2. The nature of the behaviour of those involved;
3. The duration of the incident(s);
4. Whether the Club (and/or its officers):
 - a. took all reasonable steps in its preparation and planning for the fixture in which the Relevant Breach occurred;
 - b. took all reasonable steps in dealing effectively with the incident, when it arose;
 - c. took all reasonable steps in identifying the supporter(s) involved;
 - d. took sufficient action against those supporters responsible where those individuals were identified;
5. Whether the Club cooperated in full with The FA;
6. The previous disciplinary record of the Club or its Participants in relation to Aggravated Breaches or Relevant Breaches;
7. In cases where an Action Plan has previously been imposed on a Club, whether the Club has complied in full with that Action Plan.