

## **In the Matter of Alan Pardew (Newcastle United FC)**

### **Reasons for Regulatory Commission Decision**

**Tuesday 11<sup>th</sup> March 2014**

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1. These are the written reasons for an FA Regulatory Commission decision made on Tuesday 11<sup>th</sup> March 2014.
2. The Regulatory Commission members were Mr. B. M. Jones, Dr. M. Clarke, and Mr. T. Finn.
3. Mr. M. Ives, The Football Association's Discipline Manager, acted as Secretary to the Regulatory Commission, accompanied by Mr. R. Marsh the Football Association's Assistant Discipline Manager.
4. The Football Association was represented by Mr. D. Giovannelli and Mr. B Faulkner.
5. Mr. A. Pardew was present and was represented by Ms. J. Mulcahy as Counsel. Also in attendance were Mr. L. Charnley (Director of Newcastle United FC), Mr. R. Bevan (Chief Executive of the League Managers Association), and Mr. B. Neville (Mr Pardew's Advisor).
6. Mr. Pardew had been charged by the Football Association with a breach of FA Rule E3 in that it was alleged that in or around the 72<sup>nd</sup> minute in the Premier League fixture Hull City FC v Newcastle United FC on the 1<sup>st</sup> March 2014 his behaviour as evidenced in the various match officials' reports, club statement and video clips amounted to improper conduct. The FA had designated this as a Non Standard Charge due to the aggressive and/or violent and/or serious nature of the reported behavior.

7. By his form of acknowledgment dated the 6<sup>th</sup> March 2014 Mr. Pardew admitted the charge and requested an opportunity to attend before a Commission for a Personal Hearing.
8. Having admitted the charge the Commission were informed of his previous record of proven misconduct as follows :
  - 29<sup>th</sup> August 2009, Improper Conduct – Warned and fined £1,000.
  - 20<sup>th</sup> April 2010, Improper Conduct – 2 match touch line ban suspended until 1 June 2011 (not activated).
  - 21<sup>st</sup> August 2011, Media Comments – Warned.
  - 18<sup>th</sup> August 2012, Pushing a Match Official – 2 match touch line ban and fined £20,000.
9. We watched the video evidence with the parties present and when considering the matter privately.
10. The Regulatory Commission also carefully considered and listened to the comprehensive mitigation placed before us by Counsel for Mr. Pardew and also heard from Mr. Pardew in person.
11. The salient points in Mr. Pardew’s mitigation were as follows:
  - (1) he clearly accepted responsibility for his actions on the day;
  - (2) he made a full apology directly after the game;
  - (3) in his opinion he did not instigate the incident;
  - (4) the incident took place against a background of an important fixture (but Newcastle were winning 1 – 3 at the time);
  - (5) he meant no physical harm to the player and there was no attempt to use force (however the video shows that Mr. Pardew was not pushed over as both he and Counsel suggested at the hearing and that he did in fact only step back one or two paces following the push to his chest and then he moved some five or six paces to confront the player);

- (6) he was fined £100,000 by his club the same day and was warned by the club;
  - (7) he is seeking to address his behaviour by taking an executive leadership and management programme with the League Managers Association;
  - (8) he has shown remorse;
  - (9) he is supported by the club; and finally
  - (10) he sent a personal letter of apology to the Manager of Hull City FC.
12. In addition to considering the above, the members of the Regulatory Commission very carefully viewed the video evidence on a number of occasions, and also considered all of the written evidence before us, including the Match Officials' reports from Mr. K. Friend (Referee), Mr. J. Flynn (Assistant Referee) and Mr. H. Webb (Fourth Official). It must be noted that each of those officials reported the "aggressive" nature of Mr. Pardew's actions.
  13. The Commission also considered the impact of this type of incident in football in general and could not escape from the fact that a vast number of people would have seen the incident on national and international television. Bluntly, Mr. Pardew had little option but to admit the charge and to apologise accordingly.
  14. Mr. Pardew is a high profile and very experienced Manager, at a high profile and well respected club in a high profile League and where matches are watched worldwide. This is, on any view, a serious incident which has to be sanctioned accordingly but at the same time proportionately.
  15. Counsel on behalf of Mr. Pardew referred the Commission to previous cases of misconduct. It must be made clear that although some guidance may be taken from other cases, each case must be determined on its own individual merits and facts.

16. The Commission very carefully considered, in detail, all the written and verbal evidence adduced and the submissions by the Football Association and by Counsel for Mr. Pardew, Mr. Pardew's evidence at the hearing, together with his previous record of misconduct.
17. In considering the sanction to be imposed the Commission considered initially a 5 match stadium ban and a higher fine but, based on the mitigation presented together with the action taken by both the Club and Mr. Pardew, the Regulatory Commission came to the conclusion that the appropriate sanction set out below was fair, reasonable and proportionate and thus ordered as follows:
- Mr. Pardew be warned as to his future conduct.
  - Be suspended immediately until such time as Newcastle United FC has completed 7 first team matches. The first 3 matches imposed are a stadium ban with the remaining 4 a touchline ban from first team fixtures.
  - Mr. Pardew is fined the sum of £60,000.
  - There was no order of costs made against Mr. Pardew.
18. There is a right of appeal in accordance with FA Regulations.

Brian M. Jones (Chairman)

13<sup>th</sup> March 2014