County FA Disciplinary Update

In preparation for the 21/22 season, please see below a series of important updates that have been ratified by the Disciplinary Sub Committee and/or other stakeholders:

1. **Regulations Changes**
    - There have been changes to the Disciplinary Regulations for Offences committed against Match Officials at Grassroots Level.
    - These are shown in full in ***Appendix 1*** below and relate to:
        i. 96.1 Threatening a Match Official
        ii. 96.2 Physical Contact on a Match Official
        iii. 96.3 Assault on a Match Official
    - In summary, there are both grammatical/formatting amendments in addition to substantive changes. The new Regulations see a new "Sanctioning Range" introduced, as well as "Mandatory Education" to mirror those for Aggravated Breaches. To assist County FAs with their investigation and charging principles, the definitions of Offences committed against Match Officials have been clarified and expanded within the Regulations.
    - Further details on these changes will be provided in a briefing with the Senior Discipline Manager and Regional Discipline Managers.
2. **Safeguarding Assessment for Panel Members**
    - A new Safeguarding Assessment for Panel Members has been devised through collaboration between The FAs Grassroots Discipline and Safeguarding Teams.
    - The Assessment will replace the previous briefing video.
    - It will be available on the Judicial Calendar/Assessment platform, within the LMS Login section.
    - All National Serious Case Panel Members will be required to take the new Safeguarding Assessment to sit on Disciplinary Commissions.
    - All County FA Panel Members will be required to take the Safeguarding Assessment to sit on Disciplinary Commissions involving U18s.
3. **National Serious Case Panel Recruitment Process**
    - An annual application process has been implemented for the National Serious Case Panel.
    - The application window closed in May 21, with 100 nominations accepted, reducing the Panel from 362 members.
    - All nominations have been ratified by the Football Regulations Authority.
    - ***Appendix 2*** shows members of the National Serious Case Panel.

4. **County FA Staff Appointment Policy**
    - A policy document has been created regarding County FA Staff sitting as Panel Members on Disciplinary Commissions.
    - This is shown in full in ***Appendix 3***.
5. **Serious Cases**
    - Discipline Sub Committee considered a proposal for Threatening a Match Official and Assault by a Participant on Participant to come under the remit of the Regional Discipline Managers and be dealt with by the National Serious Case Panel.
    - This proposal was accepted by Disciplinary Sub Committee and the Football Regulation Authority, meaning for the 21/22 season the following offences will be classed as Serious Cases and the responsibility of the Regional Discipline Managers and heard by the National Serious Case Panel:
        i. Threatening behaviour towards a Match Official
        ii. Physical Contact or attempted Physical Contact on a Match Official
        iii. Assault or attempted Assault on a Match Official
        iv. Breaches of FA Rule E3.2 and aggravated breaches of FA Rule E20
        v. Breaches of FA Rule E4
        vi. Assault by Participant on Participant
    - This change was driven by inconsistencies in the way County FAs apply the threshold to charge cases of this nature and the application of a proportionate sanction.
    - Whilst the additional cases will be heard by the National Serious Case Panel, County FAs will retain the Admin Fees, Fines and Cost Orders arising from all Serious Cases.
6. **Administration Support for Serious Cases**
    - There will be changes to the administration support provided for Serious Cases.
    - To maximise the efficiency and quality of administration provided on Serious Cases, Field Fisher LLP will be providing administrative support on Serious Cases, as well as technical advice to County FAs.
    - More information will be provided in due course.
7. **Non-Serious Case Dashboard**
    - The FA are working on a Non-Serious Case Dashboard for County FAs to view and monitor data.
    - This will be shared with County FAs once finalised.
8. **Serious Case Dashboard**
    - The Serious Case Dashboard is available to Regional Discipline Managers and will be rolled out to County FAs in due course.
    - Regional Discipline Managers will liaise with County FAs on a regular basis regarding the data within the Dashboard.

9. Revision to the Sanction Guidelines

- The changes referred to in Section 1 will be incorporated into a revised Sanction Guideline document shortly.
- Additionally, a proposal was accepted by Disciplinary Sub Committee regarding a change to the Sanction Guideline for FA Rule E3, subcategory Improper Conduct – Including Threatening and/or Abusive Language. The updated fields are shown below:
- Steps 5-7:

Low	Medium	High
1/2	2/4	3/7
£15 - £30	£30-£70	£60- £100

- Outside NLS:

Low	Medium	High
1/2	2/4	3/7
£10 - £25	£30 - £60	£50 - £80

- Youth:

Low	Medium	High
1/2	2/4	3/7
£10 - £25	£30 - £60	£50 - £80

10. Virtual Personal Hearings

- Serious Cases heard by a National Serious Case Panel will remain Virtual for the 21/22 season.
- County FAs will have discretion on whether Non-Serious Cases are heard Virtually or Face-to-Face, however the default position should be Virtual.

- The preferred software of choice for The FA for Virtual Personal Hearings is WebEx. Although, Microsoft Teams will be considered once further functionality is introduced.
- County FAs have discretion over what software they chose to use for their Non-Serious Cases.
- The FAs Discipline and Safeguarding Teams are working on a Risk Assessment template for both Virtual and Face-to-Face Personal Hearings involving Young People.

11. Appeal Process

- Grassroots Appeals remain within the Judicial Services Team at The FA.
- ***Appendix 4*** shows a document to detail the Appeals Process and define communication between Judicial Services, Regional Discipline Managers, and County FAs.

12. Disciplinary Training

- The timetable for Disciplinary Training for the 21/22 season is shown in ***Appendix 5*** but is subject to change and confirmation.
- It has been agreed that all sessions will be delivered via an online platform.
- The programme has been devised using feedback from the 20/21 season training sessions.
- The sessions are designed for progressive learning and tailored to the attendees.
- There are various modules available, with content applicable to new and current Panel Members.

Appendix 1 – Grassroots Discipline Regulations Changes for 21/22 Season

No.	Regulation	Amendment
1.	**Paragraph 96.1**	*Threatening behaviour:* words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object atthe Match Official.
2.	**Paragraph 96.2**	*Physical contact or attempted physical contact*: physicalactions (or attempted actions) that are unlikely to causeinjury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment) ~~barging or kicking the ball at a Match Official (causing no injury) and/or attempting to make physical contact with the Match Official (for example, attempting to strike, kick, butt, barge or kick the ball at the Match Official)~~; and
3.	**Paragraph 96.3**	*Assault or attempted assault*: acting in a manner whichresults in an injury to the Match Official. This includes ~~spitting at the Match Official (whether it connects ornot).~~ causes or attempts to cause injury to a Match Official (whether or not it does in fact cause injury), examples include, but are not limited to, causing and/ or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing anyitem directly at the Match Official.
4.	**Paragraph 98**	Following the investigation, the Affiliated Association, ifit is satisfied that a prima facie case can be made out against the alleged offender, may: 98.1 issue a Charge against the Participant; and 98.2 may issue an Interim Suspension Order against the Participant in accordance with paragraph 113below ~~against the alleged offender from all football activity~~ which shall only be lifted in accordance with paragraph 115 below ~~until a Disciplinary Commission has adjudicated on the matter~~.
5.	**Paragraph 99**	The Affiliated Association will take all reasonable steps to notify the Participant (and their Club, where applicable) of the Interim ~~s~~Suspension ~~o~~Order issued inaccordance with paragraph 98.2 above.
6.	**Paragraph 100**	~~A~~ The Charge must be adjudicated by a Disciplinary Commission ~~shall meet to consider the Charge~~ within 28 days of ~~(the date of)~~ the ~~i~~Interim ~~s~~Suspension Orderbeing issued unless the period is extended by the Association providing written dispensation prior to theexpiry of 28 days.

7.	**Paragraph 101**	~~The recommended (or mandatory, where stated) sanctions for each of the three categories of offence w~~Where a Charge issued in accordance with paragraph 98.1 above has been found proven against the Participant, a Disciplinary Commission shall impose sanctions in accordance with this paragraph 101. ~~are asfollows~~: **Sanction range (Suspension)** A Disciplinary Commission shall impose an immediate suspension within a range based on the category of offence committed (as set out below). A Disciplinary Commission shall take all aggravating and mitigating factors into account, including, but not limited to, thoselisted in paragraph 102, when determining the level of sanction within the range. Unless otherwise stated, the lowest end of the applicable range shall operate as a standard minimum suspension. A Disciplinary Commission may impose an immediate suspension in excess of the upper limit in circumstances where aggravating factors of significantnumber or weight are present.
8.	**Paragraph 101.1**	Threatening behaviour: suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days ~~/ 12 Matches, with amandatory minimum suspension from all football activity for a period of 56 days / 6 Matches; and~~.
9.	**Paragraph 101.3 (NEW)**	an order that the Participant completes an educationprogramme before the time-based suspension is served.
10.	**Paragraph 101.4**	Physical contact or attempted physical contact: suspension from all football activities for a period ofbetween 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days~~, with a mandatory minimum of 112 days from all football and football activity~~.
11.	**Paragraph 101.5**	a fine of up to £150, with a mandatory minimum fine of £75.
12.	**Paragraph 101.6 (NEW)**	an order that the Participant completes an education programme before the time-based suspension is servedor within 28 days of the Disciplinary Commission's decision, whichever is the later.
13.	**Paragraph 101.7**	Assault or attempted assault: ~~mandatory~~ 101.7.1 immediate suspension from all football ~~and football~~ activity for a period of between 5years ~~from the date of the suspension. Where the assault causes serious injury the review period should be extended to~~ and 10 years, subject to the following: 101.7.2 where the Participant is aged 14 or under, thestandard minimum suspension shall be 2 years; and

		101.7.3 where any assault causes serious injury to the Match Official, the standard minimum suspension shallbe 10 years. ~~Such mandatory suspension shall be reduced to 2 yearsfor a Participant aged 14 or under.~~
14.	**Paragraph 101.8 (NEW)**	an order that the Participant completes an educationprogramme before the time-based suspension is served.
15.	**Paragraph 102**	~~The recommend sanctions set out in paragraph 101 above should only be varied where appropriate aggravating or mitigating factors are present, save thatthey may not be varied to a level below the mandatorywhere stated.~~ **Factors to be considered when determining sanction** A Disciplinary Commission will have due regard to the circumstances and seriousness of the incident when determining the appropriate sanction and whether (andto what extent) to depart from any sanction range applicable to the offence (subject to any applicable standard minimum suspensions). The Disciplinary Commission shall consider any aggravating and mitigating factors, to include, but notlimited to: **Aggravating factors** • The degree of force or threatening behaviour used. • The profile of the Participant, including where theyhold a position of responsibility within their Club ororganisation (e.g. Club captain, Club chair, a member of the Club's senior management). • The relative ages of the Participant and the Match Official at the time of the offence, particularly where the Match Official was a minor and the Participant was no. • Failure to co-operate with the Affiliated Association. • Previous disciplinary record of the Participant. • Any attempt to conceal the breach. • The extent of any premeditation. • The overall impact on the reputation and integrityof the game **Mitigating factors** • Admission at the earliest opportunity.

		• Demonstration of genuine remorse. • Co-operation with the Affiliated Association. • Age of the Participant. • Previous disciplinary record of the Participant.
16.	**Paragraph 103**	A Match Official ~~that~~ who has reported a Participant foran offence against them may make a written request for notification of the decision and ~~punishment~~ ~~awarded~~ any sanctions imposed, which must be made available to the Match Official at the earliest opportunity.

Appendix 2 – National Serious Case Panel Members – 21/22 season

Aaron Ogletree	Ellie Menezes	Lea Taylor	Raffi Coverdale
Abdul Iqbal QC	Elliott Kenton	Les Pharo	Resham Sohota
Alan Darfi	Evans Amoah Nyamekye	Lincoln Christer	Richard Stubbs
Alan Day	Francis Duku	Loraine Ladlow	Roger Burden
Alban Brahimi	Gareth Flemington	Louise Dorling	Roger Gell
Andre Costa	George Sprague	Lydia Banerjee	Roy Cheshire
Andy Chaplin	Gerry Daish	Mark Tucker	Royston Schafer
Andy Saunders	Graham Fairweather	Martin Hill	Rupert Bonny
Arshia Hashmi	Hollie Ball	Matthew Astley	Dr Sarah Digby
Ben Purkiss	Ian McKim	Mauro Maselli	Sheryl McRae
Bill Stoneham	Ian Stephenson	Mehmet Mimoglu	Stacy Payne
Bob Purkiss	Jairo Marin	Michael Cloherty	Steve Francis
Brian Coddington	Jane Hodge	Michael O'Brien	Steve Vasey
Brian Nyatanga	Jen Gregory	Michael Weeks	Stuart Kay
Chris Williams	John Goodwin	Minesh Gupta	Sue Henson-Green
Christine Harrop-Griffiths	John Horsely	Nabila Zulfiqar	Tariq Sadiq
Christopher Hamlet	John Mehrzad QC	Naila Hadid	Tehmina Khan
Colin Muncie	John Murphy	Nick Leale	Terry Angus
Craig Harris	John Turner	Nicola Nye	Thura KT Win
Daniel Mole	Joseph Bryan	Nigel Smith	Tom Edwards
Dave Padwick	Julia Crone	Paul Mallett	Tony Rock
David Emmerson	Keith Allen	Peter Sowton	Victoria Searle
David McWilliam	Kishen Patel	Paul Tompkins	Vince Williams
Davide Corbino	Kristian Jones	Phil Chaplin	Yin Lee
Derek Booth	Kwadjo Adjepong	Phil Crompton	Yunus Lunat

Appendix 3 – Policy Document for County FA Staff sitting on Disciplinary Commissions

POLICY ON COUNTY FA STAFF MEMBERS SITTING ON DISCIPLINARY BODIES

BACKGROUND

Due to the perception it could give with County FA Staff Members sitting as Panel Members on the Disciplinary bodies, and possible adverse impact it could have as a result on the credibility, integrity and trust on the Disciplinary process, this policy is to be implemented on the appointment of County FA Staff Members on the Disciplinary bodies stated below.

POLICY

1. County FA Staff Members are PROHIBITED from sitting as Panel Members (except as a Secretary) of any Inquiries, Commissions of Inquiry, Disciplinary Commissions, or Appeal Boards involving:

    1.1. cases from incident(s) arisen within the jurisdiction of, or charge(s) issued by, their own County FA;

    1.2. cases of participant(s) or club(s) or team(s) who are participant(s) of, or affiliated to, their own County FA;

    1.3. cases from matches in competitions which have club(s) or team(s) from their own County FA as a participant of that competition (if a cup competition then only whilst club(s) or team(s) from their own County FA is/are still in that cup competition);

    1.4. cases from matches in competitions which have member(s), either as any member of staff or volunteer, of their own County FA as a member of any committee of that competition;

    1.5. cases from matches which a Referee registered with their own County FA was a Match Official;

    1.6. cases from any other County FA(s) where the County FA Staff Member concerned was previously employed within the last three years; and

    1.7. cases from any other County FA(s) where the County FA Staff Member concerned is acting as a consultant or shared service agreement exists with other County FA(s).

2. Where County FA Staff Members are ELIGIBLE to sit as Panel Members outside those cases prohibited above, County FA Staff Members MUST NOT themselves or ask colleagues to do research or access the FA and/or County FA systems about the history of participant(s) or club(s) or team(s) involved in the cases they have been appointed to.

3. The policy is subject to review by the FA Disciplinary Sub-Committee from time to time.

Version: June 2021 - Approved by DSC on 25/06/21

Appendix 4 – Appeals Process

Judicial Services

County FA Appeals Process Summary – Subject to change

Intention to Appeal

1. Intention to appeal received by Judicial Services and, generally, is the responsibility of the Judicial Services Officer from an administrative standpoint thereafter.
2. Intention to appeal reviewed by the Judicial Services Officer, within three Business Days, to inspect if it has been submitted within the appeal regulation timeframes.
3. If in time, the Appellant is requested to complete some details via a Smartsheet link. The County FA and the relevant Regional Discipline Manager (RDM) are copied on this email, so they are aware of the intention at the earliest opportunity.
4. If the intention to appeal appears out of time, the prospective Appellant is notified and informed they may apply to the Appeal Board Chair to request to allow the appeal out of time. Required details are set out in the email. The County FA and the relevant RDM are copied on the email so aware.

Notice of Appeal

5. The Appellant is provided a further Smartsheet link to assist with submitting their Notice of Appeal pursuant to the regulations.
6. Notice of Appeal correctly submitted in full.
7. If a personal hearing, the Appellant is requested by Judicial Services to provide unavailable dates for approximately a three-week period after the Response is due.

Response to Notice of Appeal

8. Judicial Services emails the relevant County FA the Notice of Appeal requesting a Response. Relevant RDM will be copied in too.
9. The County FA is requested to provide a response providing the following:
    a. *Supply a copy of the case papers, including the participant's offence history and result letter*
    b. *Provide observations in response to the Notice of Appeal*
    c. *Provide the names of those on the Commission*

d. *Any dates to avoid holding the appeal in XXXX (This will say the range of possible hearing dates based on when the email is being sent and when a hearing could be heard pursuant to the Regulations. For example, "any dates to avoid holding the appeal in date range of 25 May to 15 June 2021 (Business Days only)")*
e. *The County FA will be provided a minimum of 5 working days to respond to this request.*

Hearing Logistics and Post-Hearing

10. When the Response has been received from the County FA, Judicial Services compiles a hearing bundle.
11. If a personal hearing, a mutually convenient hearing date is fixed and notified to the parties.
12. Appeal Board members are appointed and notified to the parties.
13. Hearing takes place.
14. Decision letter is issued by Judicial Services on behalf of the Appeal Board to the parties with the RDM copied.
15. Appeal fee refund is arranged, if applicable.
16. Smartsheet is updated to reflect case status as closed.
17. If requested, written reasons are furnished to the parties and subsequently produced.

Appendix 5 – Disciplinary Training - Booking links to follow

National Panel Training (7PM Start)			
Month	Session	Date	Facilitator
August	Board of Appeals (Modular)	TBC	TBC
September	FA Rule E4 Discrimination	16/09/2021	Thura Win
January	Preliminary Matters	14/01/2022	Fraser Williamson
February	Rule K - Arbitration	11/02/2022	John Mehrzad QC
March	Youth Hearings	21/03/2022	Fraser Williamson

County Panel Training (EXISTING MEMBERS ONLY) (7PM Start)			
Month	Session	Date	Facilitator
July	Preliminary Matters	29/07/2021	Fraser Williamson
August	Youth Hearings	25/08/2021	Fraser Williamson
September	League Appeals	21/09/2021	Ollie Powell
January	Commissions of Inquiry	17/01/2022	Fraser Williamson
February	Verbal Plea of Mitigation	07/02/2022	Ollie Powell
March	Proceedings Before Disciplinary Commission	23/03/2022	Fraser Williamson

County Panel Training (NEW MEMBERS & RENEWALS*) (7PM Start)			
Month	Session	Date	Facilitator
July	Introduction to Discipline*	15/07/2021	Craig Lee
August	Questioning Techniques	18/08/2021	Rachel Scase
September	Managing Conflict	21/09/2021	Alex Francis
January	Introduction to Discipline*	12/01/2022	Craig Lee
February	Questioning Techniques	16/02/2022	Rachel Scase
March	Managing Conflict	10/03/2022	Alex Francis

Secretary Training (NEW MEMBERS) (11AM Start)			
Month	Session	Date	Facilitator
August	Secretary Fundamentals	19/08/2021	Ollie Powell
March	Secretary Fundamentals	21/03/2022	Ollie Powell