

## THE DISCIPLINARY PROCEDURES TO BE USED AT PERSONAL HEARINGS BEFORE DISCIPLINARY COMMISSIONS REQUESTED BY PARTICIPANTS OF CLUBS AND CLUBS DEALT WITH BY COUNTY AND OTHER AFFILIATED ASSOCIATIONS.

### PERSONAL HEARINGS BEFORE A DISCIPLINARY COMMISSION

- A. Subject to the Rules of The Football Association, a Disciplinary Commission may adopt such procedures at a Personal Hearing of a Charge as it considers appropriate and expedient for the just determination of the Charge brought before it.
- B. A Disciplinary Commission shall not be bound by any enactment or Rule of Law relating to the admissibility of evidence in proceedings before a Court of Law.
- C. A Disciplinary Commission must be chaired by a Chairman that has completed The FA Chairman training and passed the online assessment within the previous 2 years.
- D. A Commission Secretary must attend all Disciplinary Commissions. Neither the Commission Chairman nor any of the Commission Members may act as Commission Secretary.
- E. The Commission Secretary must have completed The FA Secretary training and passed the online assessment within the previous 2 years (this requirement shall become effective from the 2017/18 Season).
- F. A Disciplinary Commission may appoint members from outside of the Affiliated Association Council. Members of the County Local Football Association Anti-Discrimination Panel are eligible for all Commission appointments and are co-opted members to the County Disciplinary Committee.
- G. For all Personal Hearings all case papers must be distributed to the Participant and the Commission Members at least 3 days prior to the hearing.

Attendance of Children at Personal Hearings

### CHILDREN

- H. A child aged 13 or under must not appear at a Disciplinary Commission as either a witness or the person charged. An alternative method should be adopted which could include:
  - A meeting - bring the parties together to talk through the issues.
  - County Football Association (CFA) Welfare Officer (CFA WO) to talk to the child to warn them about their behaviour. A parent/carer should be present at any meeting.
  - CFA WO to obtain written statement from child and Disciplinary Commission to then proceed on paper basis only – the CFA WO may need to write the statement in conjunction with the child and parent/carer.
  - Private meeting between child and CFA WO to establish child's version of events, CFA WO to report verbally to disciplinary commission. The CFA WO should make a contemporaneous note of the meeting and a parent/carer should be present throughout.
- I. A child between the ages of 14 and 16 years inclusive can attend a disciplinary commission provided that:
  - he / she understands it is his / her duty to speak the truth.
  - his / her evidence is sufficiently important to justify it being heard.
  - the appropriate procedures relating to minors are adopted. The child must be accompanied by a parent/carer.
- J. When dealing with a Disciplinary Commission involving those aged 16 and 17 years in Adult Football, best practice would be to follow the guidance established for adults, except in cases where the individual has learning development needs. Those with learning development needs should be treated in a manner consistent with their mental capacity.

If the suggestion is that the participant has the cognitive reasoning of a child of a particular age, follow that guidance.

- Where a child is aged 17, consent of the parent should be sought for the child to attend the Disciplinary Commission where possible / appropriate. A 17 year old is still a child and if they choose to have adult representation this should be allowed.

K. Young people as witnesses

- i. Evidence should only be received from young people (accompanied by a responsible adult) in front of the Commission Members, Commission Secretary, Participant Charged and his/her representative.
- ii. All other occupants present at a hearing must remove themselves from the hearing whilst a young person is giving evidence.
- iii. The asking of questions will be restricted to the Chairman only.
- iv. At the end of the questioning the representative or Participant Charged will be asked whether there are any other questions that they believe should be asked of the witness.
- v. If required additional questions may be put to the witness but again by the Chairman only.
- vi. Once all the questioning has been completed the young person will then leave the Commission room and will not be required to remain for the remainder of the hearing.

1. A person must be appointed to The Disciplinary Commission to act as its Secretary, whose duty shall be to call the evidence to be submitted in support of the Charge and generally assist the Disciplinary Commission in its determination of the Charge.
2. A participant may be represented by one individual. (For instance, a player may be represented by a Club Official of a Club with which he/she is associated or by a representative of the Professional Footballers' Association, and a Referee may be represented by a representative of the Referees Association except when he/she is acting as a witness.) A participant appearing before a Disciplinary Commission may be legally represented. Notification of legal representation must be made with at least 7 days notice. An individual acting as representative for a participant shall not be allowed to give evidence at a Disciplinary Commission.
3. The person charged and any representative shall be admitted to the hearing. The Disciplinary Commission shall satisfy itself that the person charged has had details of the Charge.
4. Evidence (including witness evidence) in support of the Charge shall be received by the Disciplinary Commission. In cases concerning a report from a Match Official, that report shall be received in evidence first. This report may have been submitted by email or through a web-site, in accordance with accepted FA procedures.
5. The person charged or his/her representative shall have the right to ask questions relevant to the matters in issue of any witness in support of the Charge.
6. After evidence in support of the Charge has been received by the Disciplinary Commission, any written statement made by the person charged shall be considered by the Disciplinary Commission.  
  
The person charged may then give evidence on his/her own behalf and in such event he/she may have questions asked of him/her by the Disciplinary Commission. The person charged or his/her representative may then submit evidence and call witnesses.
7. At any time the Chairman and members of the Disciplinary Commission, may ask questions of any witness or any representative. The Disciplinary Commission may draw

- such inferences as it considers appropriate from the failure of the person charged to give evidence or answer a question put to him/her.
8. In the event of the evidence submitted in answer to the Charge disclosing a point which the Disciplinary Commission considers was not covered in the evidence of, or not put to, any witness in support of the Charge, the Commission may recall any witness and ask questions of such witness. The person charged or his/her representative may also ask questions as at 5 above.
  9. The evidence having been completed to the satisfaction of the Disciplinary Commission, the person charged or his/her representative shall be entitled to make closing submissions based upon the evidence, but this may not include reference to facts not disclosed in the evidence presented to the Disciplinary Commission.
  10. At the conclusion of the closing submissions, all persons shall withdraw whilst the Disciplinary Commission considers the evidence and submissions presented to it and determines whether the Charge has been proved or not. After reaching its decision, the Disciplinary Commission shall recall the person charged and his/her representative. The Secretary shall announce whether the Charge has been found proved or not proved.
  11. If the Charge is found not proved the hearing will be declared closed.
  12. If the Charge is found proved details of the Misconduct (as defined in and pursuant to the Rules of The Football Association) record of the person charged shall be received by the Disciplinary Commission. The person charged, or his/her representative, may then make a plea in mitigation.
  13. At the conclusion of the plea in mitigation the person charged and his/her representative shall again withdraw and the Disciplinary Commission shall determine what order or orders, if any, shall be made under the provisions of Regulation 6.1 of the Regulations for Football Association Disciplinary Action.
  14. The person charged and his/her representative shall then be re-admitted and informed of the decision of the Disciplinary Commission by the Secretary. This shall subsequently be confirmed in writing. (In cases of an Assault on a Match Referee, the findings of the Disciplinary Commission will be sent to the Match Official if requested by the Match Official, in writing).
  15. As an alternative to the above, a Disciplinary Commission may, where it considers it appropriate, not announce its decision at the meeting but inform the person charged that such decision will be communicated to him/her in writing through his/her Club Secretary.

## BOARD HEARINGS

The Appeal Board will be conducted in accordance with the General Provisions Relating to Appeal Boards and the Regulations for Football Association Appeals.

## REGULATIONS FOR APPLICATIONS MADE TO A REGULATORY COMMISSION FOR AN INTERIM SUSPENSION ORDER TO BE ISSUED BEFORE CHARGE, AND THE PERIODIC REVIEW OF ANY INTERIM SUSPENSION ORDER ISSUED UNDER FA RULE E16

### General Principles

In accordance with Rule E16, the Chief Regulatory Officer (CRO) (references to the CRO in these regulations include any nominee acting on his/her behalf) may apply to a Regulatory Commission for an interim suspension order to be issued before charge pursuant to Rule E16(a). These regulations apply to such applications, and to the review of all interim suspension orders issued pursuant to Rule E16.

These regulations may be deviated from at the discretion of the Regulatory Commission, which has the authority in all cases to regulate its own procedure. This includes the authority to amend any time limit stipulated in these Regulations, save that any Review Period must not be more than 21 days in any case. Where a Regulatory Commission deviates from any time limit set out in these Regulations, it will do so subject to the overall aim of ensuring that applications dealt with under these Regulations proceed on an expedited basis in all cases, whilst ensuring a fair process.

Any failure to follow these Regulations will not in itself invalidate any application or order made.

Application for an Interim Suspension Order before charge

#### (a) Notice of application

The applicant (CRO) must give written notice of the application to the Judicial Panel Chairman (or his/her nominee). A copy of the notice must be sent at the same time to the Participant in respect of whom the application is made ('the Participant'). The notice and copy may be sent by fax, email or post.

The notice must set out a brief summary of the basis of the application. The notice must also confirm that the applicant has obtained the agreement of the PFA (in the case of a Player who is a PFA member) and one of the FA Premier League, Football League, National League, Isthmian League, Northern Premier League or Southern League as appropriate. This confirmation will be conclusive evidence of the fact that such agreement has been obtained.

#### (b) Composition of The Regulatory Commission

Upon receipt of the notice of application, the Judicial Panel Chairman will select a Regulatory Commission to deal with the application. This selection will be in accordance with any applicable selection policy in force from time to time, and any stipulations about the composition of the Regulatory Commission in Rule E16.

#### (c) The application

Within two working days of providing notice of the application, the applicant must provide to the Regulatory Commission Chairman, (provision to the Commission Chairman may be via The FA's Disciplinary Department for all purposes under these regulations), and to the Participant, full details of the application, consisting of the written submissions and all evidence and material of whatever nature to be relied upon in support of the application.

#### (d) Responses

Within two working days of receiving full details of the application, the Participant must provide to the Regulatory Commission Chairman and to the applicant, written submissions and all evidence and material of whatever nature to be relied upon by the Participant in response to the application.<sup>1</sup>

<sup>1</sup> This regulation was under review at the time of publication. Please check FA.com for any changes.

The applicant will have two working days to provide a response, if any, to the submissions, evidence and material provided by the Participant. This response must be provided to the Regulatory Commission Chairman and the Participant.

(e) **Regulatory Commission Procedure**

i. **Timing**

The Regulatory Commission will hear the application at the earliest opportunity, but no earlier than the second working day after the provision of the response by the Participant, or the provision of any further response to that from the applicant.<sup>2</sup>

Arrangements for the hearing location and arrangements will be provided by The FA to all parties concerned.

ii. **The Hearing**

A summary of the basis for the application will be put forward by the applicant. The Participant may then put forward a summary of the points to be raised on its behalf.

The applicant may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

The Participant may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

Where notice of any submission, evidence and material of whatever nature sought to be relied upon by either party at the hearing has not been given in accordance with these regulations, the Regulatory Commission shall have a discretion whether or not to take that matter into account.

Each party and the Regulatory Commission shall have the opportunity to put questions in respect of any matter presented by either party.

In conclusion, the applicant and the Participant in that order may make a closing submission.

iii. **Decision**

The Regulatory Commission may make an Interim Suspension Order under Rule E16(a) -

(a) Where the applicant has established to its satisfaction the matters set out in Rule E16(a)(i) and (ii); and

(b) In accordance with Rule E16(e).

Alternatively, the Regulatory Commission may dismiss the application and / or make any other order that it considers appropriate.

Where the Regulatory Commission makes an Interim Suspension Order it must determine, and state as part of the Order, a period (the 'Review Period') after which the Participant will be entitled to have the Order reviewed by a Regulatory Commission. This period must not be more than 21 days from the date of the Order.

A decision of the Regulatory Commission made pursuant to these regulations shall be final and binding with no right of further challenge.

<sup>2</sup> This regulation was under review at the time of publication. Please check FA.com for any changes.

**Periodic review of an Interim Suspension Order****(a) General**

Once the Review Period (whether determined by a Regulatory Commission as above or by the CRO where an Interim Suspension Order is issued after charge) has elapsed, the Participant subject to the order may apply to have the Interim Suspension Order reviewed by a Regulatory Commission.

**(b) Notice of application for a review**

The Participant must give written notice of the application to the Judicial Panel Chairman (or his/her nominee). A copy of the notice must be sent at the same time to the CRO. The notice and copy may be sent by fax, email or post.

The notice must set out a brief summary of the basis of the application.

**(c) Composition of the Regulatory Commission**

Upon receipt of the notice of application, the Judicial Panel Chairman will select a Regulatory Commission to deal with the application. This selection will be in accordance with any applicable selection policy in force from time to time, and any stipulations about the composition of the Regulatory Commission in Rule E16. Subject to any representations by the parties, a Regulatory Commission which considers a review application may include all or any of the same members of the Regulatory Commission that imposed the Interim Suspension Order or of any Regulatory Commission which has subsequently reviewed it.

**(d) The application**

Within two working days of providing notice of the application, the Participant must provide to the Regulatory Commission Chairman, (provision to the Commission Chairman may be via The FA's Disciplinary Department for all purposes under these regulations), and to the CRO, full details of the application, consisting of the written submissions and all evidence and material of whatever nature to be relied upon in support of the application.

**(e) Responses**

Within two working days of receiving full details of the application, the CRO must provide to the Regulatory Commission Chairman and to the Participant, written submissions and all evidence and material of whatever nature to be relied upon by the CRO in response to the application.

The Participant will have two working days to provide any response, if any, to the submissions, evidence and material provided by the CRO.

**(f) Regulatory Commission Procedure****i. Timing**

The Regulatory Commission will hear the application at the earliest opportunity, but no earlier than the second working day after the provision of the response by the CRO, or any further response to that from the Participant.

Arrangements for the hearing location and arrangements will be provided by The FA to all parties concerned.

**ii. The Hearing**

A summary of the basis for the application for review will be put forward by the Participant. The CRO may then put forward a summary of the points to be raised on his/her behalf.

The Participant may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

The CRO may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

Where notice of any matter relied upon by either party has not been given in accordance with these regulations, the Regulatory Commission shall have a discretion whether or not to take that matter into account.

Each party and the Regulatory Commission shall have the opportunity to put questions in respect of any matters presented by either party.

In conclusion, the Participant and the CRO in that order may make closing submissions.

### iii Decision

The Regulatory Commission may make any order in respect of the Interim Suspension Order as it considers appropriate, including, without limitation, ordering that it continue in force, extending it, modifying it or removing it, save that an Interim Suspension Order issued under Rule E16(a) may only continue in force -

(a) Where the CRO has established to its satisfaction the matters set out in Rule E16(a)(i) and (ii); and

(b) In accordance with Rule E16(e).

Where the Regulatory Commission orders that an Interim Suspension Order continues in force, it must determine, and state as part of the Order, a period (the 'Review Period') after which the Participant will be entitled to have the Order reviewed by a Regulatory Commission. This period must not be more than 21 days from the date of the Order.

A decision of the Regulatory Commission made pursuant to these regulations shall be final and binding with no right of further challenge.

## **General provisions applicable to any Regulatory Commission hearing conducted under these regulations**

Any General Provisions relating to Regulatory Commissions in force from time to time shall apply hearings conducted pursuant to these regulations, subject to the following modifications.

### **Representation**

Parties have the right to be present and/or represented at any hearing before the Regulatory Commission pursuant to the regulations. In the event that either party wishes to be represented, this fact, together with the identity of any representative, shall be submitted at the same time as any application or response (as relevant).

The Regulatory Commission may, at its discretion, proceed to hear an application in the absence of any party.

The Regulatory Commission may consider any matter pursuant to these regulations on the basis of written submissions only, should the applicant and Participant not wish to be present or represented.

**Costs**

Any costs incurred in bringing, or responding, to an application for an Interim Suspension Order or a review of such an order shall be borne by the party incurring the costs. Any costs incurred in relation to the convening and conduct of the Regulatory Commission may be ordered by the Regulatory Commission to be paid by either party.



**REGULATIONS RELATING TO CERTAIN DISCIPLINARY FINDINGS IN OTHER SPORTS**

- 1 These Regulations came into effect on 1 August 2014.
- 2 These Regulations are made in accordance with Rule J and are binding on all Participants.
- 3 Any breach of Regulation 5 may result in a charge of Misconduct under Rule E1(b) and shall be dealt with in accordance with the Rules of The Association.
- 4 Regulation 5 shall be given a broad and purposive construction in order to give effect to the purposes of protecting the integrity of football, and the perception of the integrity of football. Technical points of construction and procedure are secondary to those purposes.
- 5 It shall be a breach of this Regulation where any Participant is found by a court, tribunal or arbitral body to be in breach of a rule, regulation or code, or equivalent, of any sport other than association football, concerning or related to any involvement in the following –
  - (i) Betting;
  - (ii) Influencing the result, progress, conduct or any other aspect of or occurrence in a match, competition, race or event, for an improper purpose;
  - (iii) Any competitor failing to perform to the best of their ability, for reward;
  - (iv) Offering or accepting any bribe, gift, reward or consideration of any nature related to any conduct within (ii) or (iii) above;
  - (v) Failing to report any conduct within (iv) above;
  - (vi) Any attempt or agreement to do any act within (i) – (v) above.
- 6 No charge may be issued pursuant to Regulation 5 in respect of any finding that is the subject of an on-going appeal.
- 7 It shall be a defence to a charge for a breach of Regulation 5 where a Participant can establish that the finding of a court, tribunal or arbitral body that a sport's rule, regulation or code, or equivalent has been breached, or the circumstances in which the finding was made, contravened natural justice.
- 8 The specific prohibition contained within Regulation 5 shall not fetter in any way The Association's ability to bring a charge for Misconduct contrary to Rule E3 in respect of a finding that a Participant has breached any rule, regulation or code, or equivalent, of any sport other than association football, where such Misconduct by the Participant does not fall within the terms of Regulation 5.