

THE FA'S POLICY ON THE REGULATION OF DISCRIMINATION IN FOOTBALL

[APPLICABLE TO THE PREMIER LEAGUE, EFL, NATIONAL LEAGUE SYSTEM,
STEPS 1 TO 4 AND THE FAWSL AND FA WOMEN'S CHAMPIONSHIP]



INTRODUCTION

The FA together with various stakeholders has reviewed how discrimination is regulated within football. This guidance replaces any previous guidance issued and is effective from the 10 August 2020. 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 the integrity of football, and the public's perception of the game as a whole.

This document sets out the basis for The FA's policy on the regulation of discrimination in football; how it will be applied in relation to FA Rules and Regulations; and when disciplinary action is likely to arise. To the extent there is any discrepancy between this policy document and FA Rules and Regulations, FA Rules and Regulations shall apply.

[The FA's policy on discriminatory conduct by spectators can be found here.](#)

1. WHAT IS DISCRIMINATION?

FA Rule E3.1 sets out various obligations regarding a Participant's behaviour. A breach of Rule E3.1 is considered "Misconduct". Acts of discrimination are considered to be amongst the most serious type of Misconduct which a Participant can commit. For this reason, any act of discrimination is considered to be an "Aggravated Breach" of E3.1. An "Aggravated Breach" is defined as a breach of Rule E3.1, 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.

In addition to the above, Rule E4 also prohibits any Participant from carrying out any act of victimisation as defined in the Equality Act 2010, or any act of discrimination by reason of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation, disability, age, pregnancy, maternity, marital status, or civil partnership, unless otherwise permitted by law and FA Rules or Regulations.

2. WHEN WILL THE FA TAKE ACTION?

The FA reserves the right to take disciplinary action against any Participant who engages in discriminatory behaviour of any kind whilst they are or were, a Participant.

The FA reserves the right to charge a Participant engaging in discriminatory behaviour whether or not the Participant seeks to claim either that the discriminatory act/behaviour did not take place in a football setting and/or that the Participant engaging in discriminatory behaviour claims that they had an

expectation of privacy when the offence was committed. In the event the Participant claims he or she had a legitimate expectation of privacy, The FA will take into account whether or not such an expectation exists and whether it is legitimate before charging. Where The FA considers that a legitimate expectation does or might exist, it will then take into account the circumstances of the particular case to determine whether such expectation is outweighed by the severity of the offence. Where The FA believes the offence is particularly serious, including by reference to the language used, The FA reserves the right to charge a Participant notwithstanding the fact that the Participant has or may have a legitimate expectation of privacy. Where The FA does charge in such circumstances, and a Regulatory Commission and/or Appeal Board finds the charge to be proven, any legitimate expectation of privacy may be relevant when assessing the appropriate sanction for the case.

For clarification, this means that the following non-exhaustive list of matters would be subject to FA action:

- Any comment made orally irrespective of who it is said to, or any gesture representing a discriminatory act or theme;
- Text messages, WhatsApp, snapchat, Facebook messenger, email or any other form of electronic communication irrespective of who they are sent to;
- Any form of social media post, whether only visible to a closed group or not;
- Any interview involving any form of media;
- An advertisement on any form of media;
- Anything said or done outside of a club or football context, for example in an individual's spare time away from everyday employment.

The above shall include reposting (including re-tweeting), "liking", or forwarding a social media post, message or any other type of communication in any forum whether private or not.

It should be noted that the fact that a Participant is liable to face or has pending any other criminal, civil, disciplinary or regulatory proceedings (whether public or private in nature) in relation to the same matter shall not prevent or fetter The FA commencing, conducting and/or concluding proceedings under FA Rules.

3. WHAT ACTION WILL THE FA TAKE?

The FA investigates all allegations of discrimination. If there is sufficient evidence to charge, a Participant is likely to face disciplinary action by way of a charge for a breach of FA Rule E3.2 or E4, or in a limited amount of circumstances receive a warning.

From the start of the 2020/2021 season, The FA has introduced new standard sanctions and guidelines for Aggravated Breaches. [These are set out at Appendix 1, Part A of the Disciplinary Regulations. A link to this document is provided here.](#)

4. REPORTING DISCRIMINATION

Pursuant to Rule E14 all Participants have a duty to report any Misconduct and/or potential breach of FA Rules or Regulations. All Participants are duty bound to report any or any suspected discriminatory behaviour to The FA. This can be done by emailing integrity@thefa.com.

For the avoidance of doubt, Participants have a duty to report, pursuant to FA Rule E14, any allegations or reported discrimination within a Club, whether it is being dealt with by way of internal process, employment tribunal etc. or not. Where an allegation is being dealt with by way of internal disciplinary process or is subject to any other tribunal (including Employment Tribunals), The FA would ordinarily await the outcome of such a process; however, The FA expects all Participants (which, for the avoidance of doubt, includes Clubs and Leagues) to keep it fully informed of the process/proceedings and provide The FA with all relevant documentation. All Participants should take note of paragraph 24 of Part A to The FA's Disciplinary Regulations which allows The FA to rely on the proceedings and findings of other such tribunals which shall be presumed to be correct unless it is shown, by clear and convincing evidence, that this is not the case.