

## STANDARD SANCTIONS AND GUIDELINES FOR AGGRAVATED BREACHES

The FA's standard sanctions and guidelines for Aggravated Breaches come into force on 10 August 2020. These are set of standard sanctions and guidelines for when disciplinary action is taken against individuals and set out the punishments an individual is likely to receive if they commit an offence. These sanctions and guidelines form part of **The FA's Disciplinary Regulations at Appendix 1, Part A, General Provisions** and are applicable to all levels of football. All capitalised terms refer to definitions in The FA Handbook unless otherwise specified.



### PLAYERS, MANAGERS AND TECHNICAL AREA OCCUPANTS<sup>1</sup>

#### Sanction Range

A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches (“**Sanction Range**”).<sup>2</sup>

A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.

The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the “**Standard Minimum**”).

A Regulatory Commission may impose an immediate suspension in excess of 12 Matches in circumstances where aggravating factors of significant number or weight are present.

#### Exceptions to the Standard Minimum

A Regulatory Commission may only consider imposing a suspension below the Standard Minimum where the following specific (and exhaustive) circumstances arise such that the Regulatory Commission determines that the Standard Minimum would be excessive:

<sup>1</sup> This is defined at p235 of the Handbook as “a person (other than a Player) permitted to occupy the Technical Area under the Rules and regulations of the relevant Competition”.

<sup>2</sup> This is in relation to first offences.

Where the offence was committed in writing only or via the use of any communication device **and**:

- Where the Regulatory Commission is satisfied that there was no genuine intent on the part of the Participant Charged to be discriminatory or offensive in any way and could not reasonably have known that any such offence would be caused; or
- The age of the Participant at time of the offence (e.g. where the Participant was a minor at the time the offence was committed); or
- The age of the offence (e.g. a social media post made a considerable time ago).

For the avoidance of doubt, the existence of the circumstances above will not necessarily result in a departure from the Standard Minimum. A Regulatory Commission must be satisfied that the unique circumstances and facts of a particular case are of such significance that a departure from the Standard Minimum is justified to avoid an unjust outcome for the Participant Charged. In reaching a decision, the Regulatory Commission must also consider whether or not it is in the best interests of the game in tackling all forms of discrimination to depart from the Standard Minimum. In any event, a Regulatory Commission shall impose a suspension of no less than 3 Matches.

## **ALL OTHER PARTICIPANTS**

Where a finding of an Aggravated Breach is against a Participant who is not a Player, Manager or Technical Area Occupant, a Regulatory Commission may assess that a Match-based suspension is not appropriate.

In such circumstances, a Regulatory Commission shall impose an appropriate time based suspension that is commensurate with the breach, having regard to the specific roles and responsibilities of the Participant.

## **EDUCATION**

Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association.

## **OTHER PENALTIES**

A Regulatory Commission may impose any one or more of the other penalties as provided by paragraph 40 of Part A to the Disciplinary Regulations.

## 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 and whether (and to what extent) to depart from the Sanction Range.

In so doing, the Regulatory Commission shall give consideration to any aggravating and mitigating factors, to include but not limited to:

### Aggravating factors

- Repeated use of discriminatory language or conduct during commission of the offence.
- The public nature of the offence (e.g. the commission of the offence in a public place, via broadcast media or a social media platform (particularly via an account on a social media platform with a high number of followers in relative terms)).
- The profile of the Participant, including where they hold a position of responsibility within their Club or organisation (e.g. Club captain, Chairman, member of senior management).
- The relative ages of the Participant and the victim(s) at the time of the offence, particularly where the victim was a minor and the Participant was not.
- Failure to co-operate with The Association.
- Previous disciplinary record of the Participant.
- Any attempt to conceal the breach.
- The extent of any premeditation.

### Mitigating factors

- Admission at the earliest opportunity where the factual conduct forming the basis for the charge would be capable of being disputed.
- Demonstration of genuine remorse.
- Co-operation with The Association.
- Where it is accepted that the Participant had a legitimate expectation of privacy.
- Inexperience of the Participant by reference to their age or background at the time of the offence.
  
- In respect of social media posts, the age of the post and the Participant's age at the time of the post. For example, depending on the other circumstances and characteristics of the offence, it may be considered a mitigating factor where the post was made a considerable time ago and/or where it was made at a time when the Participant was a minor.

## SECOND OR FURTHER OFFENCES

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

There will be a presumption that the sanction for a second or further offence will be higher than the top end of the Sanction Range (i.e. 12 Matches), however the Regulatory Commission shall in any event impose an immediate suspension of no fewer than 7 Matches.

Regulatory Commissions shall still be entitled to take all aggravating and mitigating factors into account when determining sanction.

## SPECIFIC PROVISIONS CONCERNING MINORS

Where an Aggravated Breach of Rule E3.1 is committed in youth football by a Player aged under 12, no disciplinary charge will be brought. In such cases, the Player will be subject to an education programme, the details of which will be provided to the Player by The Association.

Where an Aggravated Breach of Rule E3.1 is committed in youth football by a Player aged 12-15 (inclusive), a Regulatory Commission shall impose a suspension of at least 6 Matches on that Player. The Regulatory Commission may increase the suspension where aggravating factors are present. A minimum of 1 Match shall come into effect immediately, however the Regulatory Commission may suspend such number of the remaining Matches on terms and for such period as it considers appropriate.

Where such a Player commits a second or further Aggravated Breach, in determining the suspension to be imposed, a Regulatory Commission shall use as an entry point, an immediate suspension of 11 matches. The Regulatory Commission may depart from the entry point where aggravating or mitigating factors are present but, in any case, must impose an immediate suspension of no fewer than 7 matches.