

EFL SUPPORTER SANCTIONING GUIDANCE

PREFACE

We were delighted to be asked by the EFL (English Football League) to write this guidance document for its football clubs. We believe it will bring much-needed uniformity and legitimacy to a process that has been absent from many clubs. As football asks how to deal with negative spectator behaviour, we hope this guidance will provide positive solutions to spectator management, steering clubs away from a more punitive regime and towards a fair, just and transparent process.

The document is extensive but its purpose is to provide a step-by-step guide that can be used as a standardised process adopted by all EFL clubs. The guidance respects clubs' position to maintain autonomy, offering a range of solutions that will cover every eventuality for managing football spectators. Hopefully, this will provoke a change to the current culture of an immediate imposition of a club ban and move toward a more holistic approach, such as education and restorative justice; solutions that the EFL will lend practical and financial resources to establish.

We would like to thank the EFL's Head of Security & Safety Operations, Robert Eastwood, and his colleagues for their guidance throughout.

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SECTION 1

ENGLISH FOOTBALL LEAGUE VALUES

The English Football League (EFL) is the World's original league football competition. Its 72 member clubs embody the unique heritage, pride and passion of the communities that they represent, providing the game with a platform to become a global national and international success.

Aspiration

The EFL delivers against the aspirations of every supporter, club, player and stakeholder to excel within the game. The ambition of our clubs, players and fans is at the heart of the competition, with every game important in the battle for promotion, or to avoid relegation. Sitting at the heart of the English league pyramid, the EFL competition silverware is amongst the most prized in football.

Credibility

As the world's first professional football league, the EFL is world-renowned as the pioneering body within the origin of footballing competition. Its attraction has stood the test of time with over 16 million fans going through the turnstiles at matches across the three divisions each season making the EFL the most-attended sports property in the UK.

Community

All EFL member clubs have a prestigious place within the heart of their respective communities. They actively represent the interests of their towns and cities coming together on a local and national level to positively impact on the societies they serve for the betterment of all. Underpinned by the services and projects of the EFL Trust and the individual club trusts within that network, the EFL is a place where clubs, fans and communities can come together to enjoy a unique and shared experience.

Progress

Innovation has always been central to the EFL brand. From its inception in 1888 paving the way for professional league football to the introduction of major, game-changing innovations such as three points for a win and the play-offs format, the EFL has been at the forefront of sporting progress for the last 134 years. The unique advances made by the EFL, often replicated in other properties across the world both in and out of football, supports its reputation as an organisation that is constantly improving its competitions for the benefit of supporters and clubs alike.

SECTION 2

EXECUTIVE SUMMARY: SUPPORTER SANCTIONING

A football club is permitted to accept or deny an individual entry into a stadium. The rights are set out in the contractual terms and conditions concerning the purchase of a ticket, including the acceptance of specific ground regulations. Behaviour that breaches ticketing terms and conditions and/or ground regulations, and/or there is a form of illegality on the part of the individual, may invoke the club's right in the case of any misconduct, serious, or persistent breach of the contractual terms and conditions and/or ground regulations, to prohibit future entry to the stadium and other stadiums, eject an individual from the stadium, cancel and withdraw any ticket issued to the purchaser, prohibiting any future sale of a ticket, requiring an individual to attend restorative justice meetings, partake in educational courses or be subject to an Acceptable Behaviour Contract.

Individuals who have breached ticketing terms and conditions, ground regulations or who exhibit illegal behaviour should be afforded a transparent and meaningful process. Criminal behaviour at football matches will primarily be dealt with by the criminal justice system. However, on occasion, it is deemed more appropriate for it to be left to the discretion of the club to take appropriate action. It is advisable that any action taken by the club should be fair and proportionate, and, as far as reasonably practicable, a process should be used that adheres to the principles of natural justice.

Potential breaches of ticketing terms and conditions, ground regulations and/or criminal behaviour are categorised by their seriousness. The club retains full discretion to use the sanctions available as they deem appropriate in the given circumstances of each case but any decision that does not have police involvement must be made on the balance of probabilities. This discretion also extends to the nature of the sanctions that can be imposed. Clubs have two main options as to how the sanctions should operate. Firstly, the sanction/s can apply to the club's home stadium only. Secondly, the sanction/s can apply to the home stadium, as well as prohibiting the following of the club away from their home stadium by prohibiting the sale of away tickets. Finally, if an Acceptable Behaviour Order is created, this can apply to measures taken inside of the stadium. Each incident should be decided on merit.

In circumstances where it is practicable, the individual should be offered the right to be heard and to rebut the decision reached by the club. This process should be fair, transparent and free from bias. It is advised clubs adopt a 'Sanction Panel' comprising a minimum of three people for sanctions that involve prohibiting entry and/or prohibiting the sale of tickets. If an individual is not satisfied with the outcome of the panel, an appeal should be allowed in all circumstances. The appeal should be made in writing, directly to the club. The appeal should be assessed by a panel who were not involved in the sanctions or investigation.

SECTION 3

POTENTIAL BREACHES OF GROUND REGULATIONS / TICKETING TERMS & CONDITIONS

Potential breaches are broken down by seriousness and categorised into levels. The breaches are explicitly linked to ticketing terms and conditions, the ground regulations and/or criminal behaviour. If individual conduct/actions or misbehaviour is not listed below, clubs should use their discretion when deciding whether to issue a club ban or any other sanction, but this should be carefully considered and proportionate.

The club retains full discretion to impose a differing sanction as they deem appropriate based on the merits of each case. However, it is the expectation that any action taken should be within the spirit of this document. If any action is taken outside of the remit of this document, then a rationale may need to be provided in the event of an appeal, or a complaint to the Independent Football Ombudsman (IFO).

Section 3.1: Level One Breaches

- Smoking/vaping
- Alcohol-related offences (not involving police)
- Persistent standing / standing on seats.
- Anti-social behaviour (including, but not limited to s.4A & s.5 Public Order Act 1986)
 - Examples such as persistent use of foul and abusive language, excessive gesturing towards opposition supporters and 'horseplay' impacting others
- Conduct that compromises the safety of the spectator and/or others
- Non-cooperation with stewards
- Ejection from home or away stadium (not leading to police involvement)
- Refused entry to home or away stadium (not leading to police involvement)
- Reckless/intentional damage to club property under the value of £100.

Section 3.2: Level Two Breaches

- Deliberate damage to property
- Missile throwing
- Pitch encroachment
- Reckless/intentional damage to club property over £100
- Aggressive language and/or behaviour
- Assault on the club's premises
- Use or possession of pyrotechnics
- Use or possession of illegal drugs
- Use of any other prohibited items as per the ground regulations
- Serious public disorder/anti-social behaviour (including, but not limited to s.1, s.2, s.3 & s.4 Public Order Act 1986)
- Hate crime/discrimination (including online)
- Breach of existing club ban.

Section 3.3: Additional Information: Potential Breaches

Some of the potential breaches noted above are criminal offences. It is likely that those involved are either arrested at the time or subsequently invited to an interview by the police. As a result, criminal charges may or may not follow. Whether or not criminal charges are brought, the appropriateness of a club ban, along with any other possible sanction should be considered on a case-by-case basis. If the circumstances dictate and clubs consider it proportionate to do so, then a temporary sanction can be applied. Clubs will need to make sure that the police are aware and that a temporary sanction has been served whilst awaiting the conclusion of police investigations and proceedings. It should be considered by the club that the criminal justice system rarely deals with cases expeditiously, so if a decision is made to impose a temporary sanction until a matter is concluded, that sanction could, depending on the nature of the case, last from weeks to years. Any temporary sanction should, therefore, be reviewed at periodic intervals. Those served a temporary sanction should, as soon as practicable or after any police investigation or proceedings has been completed, be offered the chance to attend a Sanction Panel hearing per the guidelines outlined in **Section 4**.

Section 3.3.1: Found Guilty of a Criminal Offence but Not Served a Football Banning Order

Clubs should, on a case-by-case basis, consider the outcome of the court not to serve a s.14 Football Banning Order per the Football Spectators Act 1989 in addition to a conviction for a criminal offence.

Section 3.3.2: Found Guilty of a Criminal Offence and Served a Football Banning Order

Clubs do not need to take any action other than work closely with their Operational Football Officer (OFO) to ensure the conditions of the Football Banning Order are met.

Section 3.3.3: Hate Crime/Discrimination

Section 14A Football Banning Orders have now been extended to those convicted of online hate crimes that are football-related. Information/data may be required by police/Crown Prosecution Service to aid in passing the charging threshold. Clubs should be proactive in their approach to any discriminatory language used within the stadium as well as continue to assist police with club social media accounts. This language can also extend to the protected characteristics held in the Equality Act 2010.

Section 3.3.4: Ticketing Offences

Spectators will share tickets for either no remuneration or for face value, whilst this is contrary to the ticketing terms and conditions and statutory regulation, clubs should take a pragmatic approach and use their discretion when reviewing ticketing offences. The focus should be on those ticketing offences that fall under the remit of selling tickets for a price more than the face value, using concessionary tickets without entitlement and/or any wilful fraudulent use of a ticket to the financial detriment of a club, and this should be considered on a case-by-case basis.

Section 3.3.5: Incidents Away from the Home Football Stadium

If incidents take place away from the home stadium, including on public transport and trains, this may be treated with additional seriousness due to the impact on the club's reputation, away allocations, kick-off days/times and policing/stewarding. The host club has the discretion to impose a sanction for a breach of the ticketing terms and conditions and/or the ground regulations. If the incident occurs on public transport/trains, if this is a serious matter, then this should be dealt with by police/British Transport Police.

Section 3.3.6: Criminal Damage / Accidental Damage

Incidents of criminal damage can be dealt with by a Level One or Level Two breach. For damage that is accidental, this should be dealt with on a case-by-case basis. Solutions can include, but are not limited to, compensation for the damage, restorative justice, a safety standard letter and/or a written warning.

SECTION 4

INITIATING THE SANCTIONING PROCEDURE

When a club suspects an individual has breached ground regulations, terms and conditions of ticketing arrangements or committed an offence, the initial stages of the supporter sanctioning procedure should be initiated. In some circumstances, a club ban may not be an appropriate solution and a generic safety letter (see **Appendix 1**), a written warning (see **Appendix 2**), a restorative justice meeting (see **Section 7.1.1**), an acceptable behaviour contract (see **Section 7.3**) or a suspended club ban (see **Section 7.3**) would be a better solution. However, any club investigation should demonstrate that based on the evidence, the occurrence of a particular event was more likely than not. This investigation should take place and be completed before an individual is contacted regarding their conduct/the incident.

Section 4.1: Investigation & Evidence

Before an individual receives any correspondence from the club or the imposition of a sanction, a thorough investigation should be undertaken. The club should consider the importance of evidence/intelligence and the specific conduct of the person concerned. If any reasonable suspicion amounts, the club should have sufficient evidence that an individual has breached ground rules, breached ticketing terms and conditions and/or committed a criminal offence. Namely, on the balance of probabilities that the occurrence of the event was more likely than not. The investigation should rely on a range of evidence sources, including steward incident reports, witness statements, control room radio logs, CCTV or other video/audio recordings, including those

sourced from social media. Clubs may also receive information about an individual that has been invited to attend a voluntary police interview and this may also be used as evidence for the investigation.

Section 4.2: Notification of Breach

Once evidence is gathered, the individual should be sent written correspondence outlining the outcome of the internal investigation about the alleged breach of ticketing terms and conditions and/or the ground regulations. Clubs have the discretion and the flexibility to decide the course of action to be taken at this stage. As mentioned above, this may be a generic safety letter (see **Appendix 1**), a written warning (see **Appendix 2**), a restorative justice meeting (see **Section 7.1.1**), an Acceptable Behaviour Contract (see **Section 7.3**) or a suspended club ban (see **Section 7.3**). Any correspondence should be sent via a letter to the individual's home address and their personal email address if known. If the individual is under the age of 18, a letter should also be sent to the parent/guardian.

Section 4.2.1: Acceptable Behaviour Contracts and Suspended Club Bans

If an Acceptable Behaviour Contract or a suspended club ban is the best course of action, the correspondence should include the following:

- A case reference number
- An explanation that an Acceptable Behaviour Contract will be drafted / a suspended club ban can be imposed and what this consists of
- Outline the evidence the club has to support the imposition of an Acceptable Behaviour

Contract/suspended club ban and how this decision has been made on the balance of probabilities

- Notification that the individual will need to speak with the club to discuss and sign the Acceptable Behaviour Contract, or the offer of a meeting for those served with a suspended club ban
 - The date and time of the meeting/s – this will be within 20 working days of this correspondence. It should be noted that the meeting will only convene on this date after receiving confirmation from the individual in question
 - The location of the meeting – this can be virtual or in person (best practice to hold an in-person meeting for a wet signature for the Acceptable Behaviour Contract)
- Any reasonable adjustments to be made for the individual/s in attendance
- If under the age of 18, a parent/guardian must be in attendance
 - Notification that the individual has the right to accept the evidence and the suspended club ban put forward in this written correspondence without attending a meeting
- Notification of the right to appeal the decision of a suspended club ban
- Notification that the individual must respond to receipt of this correspondence within five working days, including the option to send a letter to a nominated address and/or a nominated email address belonging to the club. It must also be noted that the club will acknowledge the individual's response to this initial correspondence within two working days
- It must be noted that if an individual does not respond to the first written correspondence within the specified time above, and there

is no subsequent written or verbal acceptance of the sanction posed, the suspended club ban will be upheld. With regard to an Acceptable Behaviour Contract, if an individual does not respond to the first written correspondence within the specified time above, and there is no subsequent written or verbal acceptance of the sanction posed, or if the individual fails to attend the agreed meeting, the club has the option to impose a temporary sanction until the matter is resolved.

A template letter can be found in **Appendix 3 & 4** that should be used as standard practice.

If a club ban is the best course of action, the correspondence should include the following:

- A case reference number
- An explanation that a sanction can be imposed and what this consists of
- Outline the evidence the club has to support the imposition of a sanction and how this decision has been made on the balance of probabilities
- Notification of the right to attend a Sanction Panel:
 - There should be an overview of the purpose of the Sanction Panel, i.e., offer the individual a chance to rebut the allegations made, provide any evidence they may have, offer mitigation and/or character references and an opportunity for the club to put forward their evidence in person
 - The date and time of the Sanction Panel – this will be within 20 working days of this correspondence. It should be noted that the Sanction Panel will only convene on this date after receiving confirmation from the individual in question
 - The location of the Sanction Panel – this can be virtual or in person

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- Any reasonable adjustments to be made for the individual/s in attendance
 - Notification that the individual has the right to accept the evidence and sanction put forward in this written correspondence without attending a Sanction Panel
 - Notification of the right to appeal the decision of the Sanction Panel
 - Notification that the individual must respond to receipt of this correspondence within five working days, including the option to send a letter to a nominated address and/or a nominated email address belonging to the club. It must also be noted that the club will acknowledge the individual's response to this initial correspondence within two working days
 - It must be noted that if an individual does not respond to the first written correspondence within the specified time above, and there is no subsequent written or verbal acceptance of the sanction posed, the sanction will be upheld, and the Sanction Panel will not convene on the date noted on the letter.

A template letter can be found in **Appendix 5** that should be used as standard practice.

Section 4.3: Nature of Written Correspondence

Correspondence at the initial stages of the club ban procedure should conform to several requirements including the details noted above. The letter should use the correct language and terminology, and the tone adopted should be formal. Reference to club bans being Football Banning Orders must be avoided, the term 'alleged' should be used, and when referring to breaches, any criminal offences that have allegedly been committed, as far as practicable, the correct law and offence must be stated. It is advised that clubs do not refer to the club ban

procedure as 'disciplinary proceedings' at any time throughout the process. If the individual's personal data is being shared with the police because of a serious breach (Level Two), the individual should be informed within the correspondence.

Section 4.4: Options for Individuals at the Initial Stage

Below is a summary of the options available to the individual at this stage of the Supporter Sanctioning procedure:

Option One: The individual will receive the first written correspondence from the club after the initial investigation and can automatically accept the evidence and the sanction/ Acceptable Behaviour Contract. The individual will need to respond to this written correspondence and notify the club that they accept the sanction or the required attendance for an Acceptable Behaviour Contract meeting. In this instance, the club will not need to convene the Sanction Panel for a hearing in relation to matters regarding club bans.

Option Two: As noted above, the individual will receive the first written correspondence from the club after the initial investigation and can rebut the allegation and/or the length of the club ban and attend the Sanction Panel hearing. If the individual has been served a suspended club ban, the individual should have the right to attend a meeting with the club and then appeal the decision. If an Acceptable Behaviour Contract is deemed the best course of action, then the individual must attend a meeting with the club to discuss the contractual obligations. The individual will need to respond to this written correspondence and notify the club that they wish to attend the Sanction Panel hearing or will attend the Acceptable Behaviour Contract meeting.

If an individual does not respond to the first written correspondence within the specified time above, and there is no subsequent written or verbal acceptance of the sanction posed, the suspended club ban or club ban will be upheld. For a club ban, the Sanction Panel will not convene on the date noted on the letter. If an individual states they will attend the Sanction Panel hearing or requests a suspended club ban meeting and does not attend on the date agreed, the sanction will be upheld in their absence. If an individual does not attend or respond to the request for an Acceptable Behaviour Contract meeting or does not attend the agreed meeting, a temporary club ban may be imposed until the meeting has taken place.

SECTION 5

SANCTION PANEL PROCEDURE

A Sanction Panel will help build trust that the system and processes adopted by clubs are fair, free from bias and consistent across the Football League. A properly standardised procedure that is available at each club will be of great benefit to both supporters and clubs in providing transparency and a safety net that ensures there are no inconsistencies in the way incidents are handled. As noted in **Section 4**, it is not necessary to hold a Sanction Panel hearing for all matters, it should only be for those matters where a club ban is being imposed. Adopting a Sanction Panel, a procedure that consists of a thorough investigation is imperative to any decision-making process to satisfy the rules of natural justice against being fair, proportionate and free from bias.

Section 5.1: Initial Stages of Sanction Panel

Individuals must have been notified via the initial correspondence that they will have an opportunity to attend the Sanction Panel. The Panel hearing will take place within 20 working days of the initial correspondence, and the location of the Sanction Panel can be virtual or in person. Individuals under the age of 18 must be accompanied by their parent/legal guardian in both instances, and they may speak on their behalf. Individuals are also allowed to be accompanied by a nominated individual or individuals who may aid with their contribution to the hearing. The club has the discretion to decide the location of the hearing. However, the club should allow some flexibility if the individual does not have access to technology and/or the internet or cannot attend in person for a valid reason.

If an individual states they will attend the Sanction Panel hearing but subsequently does not show, the sanction will be upheld and the individual will be notified within two working days of the sanction to be served.

Section 5.1.1: In-Person Sanction Panel Hearing

Under the Equality Act 2010, reasonable adjustments must be made for the individual/s in attendance.

Section 5.1.2: Virtual Sanction Panel Hearing

Under the Equality Act 2010, reasonable adjustments must be made for the individual/s in attendance.

Section 5.2: Sanction Panel Members

The club has the discretion to decide the constitution of the Sanction Panel. It is best practice to have one individual act as chair; this individual will have knowledge and experience of supporter sanctioning, such as the Safety Officer from the club/another club or an experienced club official. There should be a minimum of two other panel members and it is best practice that those sitting on the Sanction Panel have a breadth of knowledge and experience within the club and are able to review the facts and any evidence surrounding the allegation. It is recommended police officers, including the club's OFO, do not take part in the Sanction Panel hearing. As will all aspects of supporter sanctioning, clubs are encouraged to use the resources of the Football Supporters' Association (FSA).

Section 5.3: Format of the Sanction Panel Hearing

Clubs should adopt the same format when conducting a Sanction Panel hearing to ensure there is consistency, transparency and fairness throughout the Football League. Individuals under investigation and in attendance at the Sanction Panel must not be coerced into accepting the allegation/sanction put before them. Individuals, do, however, have the right to voluntarily accept the allegation/sanction before, or throughout the hearing. Written correspondence regarding the final sanction will still be sent to the individual within two days of the hearing.

It is best practice that the Sanction Panel hearing should be recorded in the form of minutes or brief notes.

The format of the Sanction Panel hearing should be as follows:

- Introductions
 - Notify the individual that the panel hearing will be recorded (minutes/brief notes) and whether they accept their verbal communication being recorded. The individual must know that the recording can be passed to the EFL, IFO or the police along with any evidence the individual may have brought
- This is necessary under the Data Protection Act 2018 (DPA 2018) / General Data Protection Regulations (GDPR)
- Allegations will be put to the individual under investigation
- Chance to reply to the allegation
- Evidence will be shown to the individual under investigation

- Any evidence the individual under investigation may have can be put to the panel
 - For example, witness statements and video/audio footage
 - Any mental health problems or disabilities disclosed at any stage in the process that forms a justification as to why the allegation may have taken place, evidence will need to be provided. Evidence may comprise proof of prescribed medication, written proof from health professionals, proof of benefits etc.
 - Any information disclosed by the individual will be confidential and conform to the DPA 2018 and GDPR
- The panel will then be allowed to question the person under investigation
- The Chair will provide a summary of the allegation
- Questions will be allowed from the individual under investigation
- The individual may offer the panel the opportunity to consider character references
- Individuals under investigation will have the opportunity to accept the evidence and sanction proposed in this hearing
 - The Chair should explain the nature of the sanction and information that is required/ needed when the duration of the sanction has ceased
- If the individual does not voluntarily accept the evidence and sanction proposed in the hearing, the Chair must inform the individual that a decision will be reached after the hearing and the individual will be notified in writing within two working days
 - This will be a letter to the individual's home address and email address if known

The dialogue throughout the hearing should be formal, and as noted above in **Section 4.3**, the language, tone and terminology used should be correct. Reference to club bans being Football Banning Orders must be avoided, the term 'alleged' must be used, and when referring to breaches, any criminal offences that have allegedly been committed, as far as practicable, the correct law and offence must be stated. It is advised that clubs do not refer to the club ban procedure as 'disciplinary proceedings' at any time throughout the meeting.

Section 5.3.1: Sanction Panel Deliberations

After the Sanction Panel hearing, panel members should consider the response and any evidence provided by the individual under investigation to arrive at an appropriate decision. Minutes/brief notes of the deliberations should be recorded and kept on file with the minutes of the Sanction Panel hearing. Extracts of those minutes will be used when notifying the individual of the outcome of the hearing and may be used in the event of an appeal, or if a submission is made by the individual to the IFO.

Section 5.4: Sanction Panel Decisions

The decision of the Sanction Panel may cancel, reduce, maintain, or increase the original sanction noted in the first written correspondence to the individual. If the Sanction Panel overturns a 'temporary sanction', the club could consider refunding the cost of any matches paid for and missed as a result of the sanction. This will apply to individual match tickets and season tickets. If this process is taking place during the period in which supporters may renew their season tickets, individuals subjected to proceedings may be allowed to renew their season tickets on the understanding that in the event of a significant

club ban being imposed the entire cost of the ticket could be refunded. Clubs should consider the circumstances surrounding the sanction and whether issuing a refund is a viable option to satisfactorily resolve any disputes.

Section 5.5: Notification of Sanction Panel Outcome

In all circumstances, the individual must receive written correspondence regarding the outcome of the Sanction Panel. This should be posted to the individual's home address and personal email address if known. The correspondence must be sent within two working days of the Sanction Panel hearing. If the individual is under the age of 18, this correspondence will also be sent to the parent/guardian.

Section 5.5.1: Notification of Sanction Upheld

The correspondence should include the following:

- Provide the case reference number
- Thank the individual for attending the Sanction Panel hearing and cooperating with the club ban process
- Explain that a sanction is upheld and will be imposed
 - The sanction may be reduced or increased, and an explanation must be given as to why this change has taken place
 - This can be explicit by referring to the specific ground regulation or ticketing terms and conditions, and/or the criminal offence committed (including the legislation)
- Outline the evidence that the club have to support the imposition of a sanction including reference to the minutes taken in the Sanction Panel hearing and the panel deliberations

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- Provide an overview of what the sanction consists of, i.e., duration and any requirements to satisfy the sanction imposed
 - This can also include the requirement to attend an educational programme
 - Provide any information that may be necessary for the individual once the sanction has ceased
 - Notification of the right to appeal the decision of the Sanction Panel and provide the necessary correspondence details and what needs to be included in the appeal (see **Section 6.1**). It must be stated that an appeal must be submitted within 15 working days of receipt of the Sanction Panel correspondence.

Section 5.5.2: Notification of Sanction Withdrawn

The correspondence should include the following:

- Provide the case reference number
- Thank the individual for attending the Sanction Panel hearing and cooperating with the club ban process
- Explain why the sanction has been withdrawn
 - Outline the evidence that the club has to support the withdrawal of a sanction including reference to the minutes taken in the Sanction Panel hearing and panel deliberations
- Provide any information that may be necessary for the individual concerning access to the stadium or purchasing of tickets now that the sanction has been overturned, i.e., what the individual can do after receipt of this correspondence

- If the Sanction Panel has overturned a 'temporary sanction', the correspondence can outline that the club has considered refunding the cost of any matches paid for and missed as a result of the sanction
 - Details should be provided as to how this refund will be issued.

Section 5.6: Nature of Written Correspondence

The Sanction Panel correspondence should conform to several requirements including the details noted above. The letter should use the correct language and terminology, and the tone adopted must be formal. Clubs should not state that the individual has committed an offence in respect of all breaches. An offence will have only been committed contrary to those stipulated in law, i.e. throwing a missile or pitch encroachment. The language used should not be construed as a threat, simply refer the individual to ground regulations and/or ticketing terms and conditions to avoid any future proceedings being initiated. It is advised clubs do not refer to the club ban procedure as 'disciplinary proceedings'. If the individual's personal data is being shared with the police because of a serious breach (Level Two), the individual must, again, be informed within the correspondence.

SECTION 6

APPEALS

If the Sanction Panel upholds the decision to provide a sanction, or if the nature of the sanction is subsequently altered due to the Sanction Panel hearing, an appeal needs to be offered. An appeal should also be offered to those individuals served with a suspended club ban as they are not required to attend a Sanction Panel hearing. The appeal should be submitted along with supporting evidence as appropriate to a panel at the club who will act remotely to consider the appeal and provide a final decision. It is best practice that the panel comprises of club employees not involved in the initial investigation or the Sanction Panel hearing. The individual will submit their full written appeal within 15 working days of receiving the written correspondence from the club that outlines the outcome of the Sanction Panel or after a meeting with the club regarding the imposition of a suspended club ban.

Section 6.1: Supporter Appeal Correspondence

The appeal must include the following:

- Name
- Address
- Telephone number
- Sanction panel case number / Case number for suspended club bans
- Outline of the investigation
- Sanction imposed (and any amendments to that sanction as a result of the Sanction Panel hearing)
- Details of the individual's appeal
- Any supporting evidence (as appropriate).

Supporters should receive a letter acknowledging receipt of their appeal within two working days.

Section 6.2: Appeal Panel

The appeal will be made directly to the club. The appeal should be assessed by a panel not involved in the original Sanction Panel or investigation. It is best practice that the panel should constitute a senior club official and a minimum of two other club employees with a breadth of knowledge and experience of the club. In assessing the appeal, clubs are encouraged to seek guidance from the following organisations to reach a fair and proportionate decision:

- EFL
- Premier League
- Sports Ground Safety Authority
- FSA

Section 6.3: Appeal Decision

The club's appeal panel may also uphold, increase, reduce or withdraw the original sanction. If the appeal panel withdraws or reduces a sanction, the club could refund the cost of any matches paid for and missed as a result of the sanction. This will apply to individual match tickets and season tickets. The club should provide written correspondence confirming the outcome of the appeal and any subsequent requirements of the sanction if it is upheld, or any specific details if the sanction is withdrawn.

Section 6.3.1: Notification of Appeal Panel Decision

The appeal panel should notify the individual in writing. The correspondence should be via a letter to the individual's home address and personal email address within 15 working days. If the individual is under the age of 18, the correspondence should also be sent to the parent/guardian.

The correspondence should:

- Provide the case reference number
- Acknowledge the appeal and any evidence submitted
- Either:
 - Provide an explanation that the appeal is rejected and the sanction is upheld
 - This can be explicit by referring to specific ground regulation or ticketing terms and conditions, and/or the criminal offence committed (including the legislation)
 - Outline that the evidence submitted as part of the appeal has been assessed and a risk assessment has been carried out
 - Any other comments necessary to provide justification
 - Provide an explanation that an appeal is upheld and the sanction overturned
 - Outline evidence that was submitted as part of the appeal has been assessed and a risk assessment has been carried out
 - Any other comments necessary to provide justification
- If a sanction is to remain in place, provide an overview of what the sanction consists of, i.e., duration and any requirements to satisfy the sanction imposed

- Provide any information that may be necessary for the individual once the sanction has ceased
- Clubs also have discretion at this point to offer educational courses to the individual in question – noting above that educational courses can reduce the sanction if attended and the individual is fully engaged
- Notification of the right to contact the IFO and provide the necessary contact details.

Section 6.4: Dissatisfaction with Appeal Decision

As noted above, if an individual is not satisfied with the outcome of the appeal, they will be advised that they can take their case to the IFO. Clubs must not state that this is another avenue of appeal.

Section 6.4.1: Independent Football Ombudsman

Individuals can submit their case to IFO for review after the avenue of appeal has been exhausted. The IFO acts as a check and balance and is the final stage within football's regulatory framework and complaints procedure. They are accredited as an Approved Alternative Dispute Resolution (ADR) Body under the 2015 Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations. If the club has dealt with an appeal in full and has reached a final decision, then the IFO can review whether due process was followed and if the appeal was managed properly.

In these circumstances, the IFO does not offer an alternative interpretation of rulings, but an examination of whether a complaint/appeal has been handled appropriately. The IFO can ask a club to revisit their decision, however, the IFO's rulings are not legally binding. If a club refuses

to implement the IFO's recommendation/s, the club has to publish their reasons why and provide a clear alternative solution.

Section 6.5: Individual Complaints

At any point throughout the club ban process, if an individual has a complaint – not involving the decision of a Sanction Panel Hearing or the Appeal Panel – the individual has a right to contact the EFL. The EFL attempts to resolve complaints within 28 working days. All details of complaints are recorded, and information may be provided to the IFO as part of the reporting process if the individual wishes to take the complaint to the IFO.

SECTION 7

SANCTIONS

There should be consistency regarding the breaches and the sanctions that will be imposed. Proportionality is one of the general principles that govern contractual relations, and it can be expected that it is an underlying principle when resolving contractual disputes. Therefore, any decision that the club arrives at should be a fair and proportionate response to the breach of ticketing terms and conditions and/or ground regulations. All sanctions issued by a club should be subject to a fair process, including the right to appeal. Access to a fair and impartial process demonstrates and underpins the rules of natural justice.

Section 7.1: Punitive v Preventative Mechanisms

Clubs have the discretion to decide the seriousness of breaches and often, they are categorised as 'lower-level breaches', on most occasions having no police involvement, no criminal proceedings or prosecution. Therefore, the outcome need not always be punitive and can instead focus on being preventative. It is advised that clubs should consider the full circumstances of an incident and the nature of the breach to consider whether an alternative option to a club ban such as written warnings, suspended club bans, restorative justice meetings, Acceptable Behaviour Contracts and/or a requirement to attend an educational course would be a better course of action.

The varying range of sanctions, such as the duration of the ban, should be proportionate to the actions/conduct of the individual, how many times the conduct has taken place over a period of time and what would be an appropriate sanction for such behaviour. In turn, this should consider both the fiscal impact of the

ban and the personal impact on the fan not being able to attend the stadium. Having alternative options such as restorative justice and educational programmes may be a more productive and successful approach to certain breaches of ticketing terms and conditions and/or ground regulations.

Section 7.1.1: Restorative Justice

Restorative justice brings those harmed by crime or conflict, or organisations whose regulations have been breached, into communication with those responsible. This practice can be used anywhere to prevent further conflict, build relationships and repair harm where a conflict has already arisen, by enabling people to communicate effectively and positively. This practice by clubs can support individuals to recognise that their conduct/actions can affect others, that they should be responsible for their choices and can be held accountable for them if repeated. It will enable the club to help individuals reflect on how they interact with each other and consider how best to prevent further conflict.

To achieve this, a facilitated restorative meeting can be held. This will be in a controlled environment to talk about the conflict that has been caused and find a way to repair this. It will improve the mutual understanding of an issue and jointly reach the best available solution. In many cases, a less formal approach, based on restorative principles, may be more appropriate for a club. More details can be found by reading the Restorative Justice Council's [Principles of Restorative Justice](#).

Section 7.1.2: Education

Sanctioning individuals in terms of prohibiting entry is not always a suitable option and should not always be perceived as the best or only option available to clubs. The deterrent nature of a club ban does not always resonate with some individuals and, therefore, a different approach should be taken. Running educational initiatives to improve awareness amongst a club's supporter base, or tailored sessions to those that have breached the ticketing and terms and conditions and/or ground regulations could be more beneficial. It is already well established that educational schemes, such as those aimed at racism in football, have demonstrated that the nature and scope of having individuals involved with such schemes will have a positive impact on the attitude and behaviour of those who engage and attend. This is of particular use for those individuals who may already be subject to a sanction. Using such educational programmes can provide an option of reducing the sanction for partaking and demonstrating the need to change their attitude/conduct. Clubs have already taken the initiative following instances of discriminatory and/or anti-social behaviour by encouraging individuals to partake in sessions delivered by Kick It Out.

It is acknowledged that implementing such an approach can and will be resource intensive. Clubs will be encouraged to use their existing internal resources, such as foundations, charitable organisations and the EFL Trust. Other options can be to involve and utilise campaign groups and other third parties such as:

- Fans for Diversity
- Kick it Out
- Show Racism the Red Card
- Local and national charitable organisations

- Local constabularies
- Local and national educational programmes.

If additional resources are required to implement such educational schemes and/or restorative justice solutions, clubs can contact the EFL's Head of Security and Operations.

Section 7.2: Temporary Sanctions

The sanctions imposed by a club are also independent of any other investigation and/or sanctions that may be imposed by third parties. In some circumstances, a 'temporary sanction' may be applied. In these circumstances, if the club reasonably believes that there is a genuine risk of reoffending and/or any health or safety risk to supporters, staff or members of the police then the club reserves the right to impose a temporary sanction before making any further decisions. This should be in accordance with the relevant sanctions listed below and only reserved for serious breaches. It is common practice that an awareness of police involvement with an individual means a Football Club's immediate position is an automatic club ban pending the police outcome. Temporary sanctions should only be served after a thorough risk assessment of the individual and issued on a case-by-case basis. Temporary sanctions should be reserved for the most serious cases such as affray and/or violent disorder and persistent behaviour that is contrary to ground regulations and/or ticketing terms and conditions.

Section 7.3: Level One Sanctions

The outcome of each case should be decided on merit. Most Level One breaches will have no police involvement. However, a club may report an incident to the police or seek police support depending on the circumstances. Therefore, the club should make any decision against an individual on the balance of probabilities.

Clubs reserve the right to decide whether or not any sanction applies to prohibiting entry to the home stadium for the purpose of attending a football match, or if the sanction shall apply to the premises as a whole, i.e. club shop, ticket office and training ground – this list is not exhaustive. Further discretion is applied to whether football matches involving other teams representing the club, i.e. Under-21 and women's teams, will fall within the remit of the sanction served. The football matches covered for the duration of the sanction can, therefore, encompass all competitions, including pre-season friendlies and can be carried over into a subsequent season dependent on timing.

For all Level One and Level Two breaches, if a child under the age of 18 contravenes ticketing terms and conditions and/or ground regulations, or commits a criminal offence and is accompanied by an adult who is deemed responsible for the child, a club can consider imposing a sanction on the child as well as the accompanying adult. If an adult receives a sanction and there is a parent/child season ticket in place, it is advisable that the child still be permitted to attend the games with a nominated adult or family member using the sanctioned adult's season ticket.

In all instances of a Level One or Level Two breach, if an individual should attend an educational workshop series/course and

completes this, the club has the discretion to reduce the sanction imposed. Similarly, if an individual automatically accepts the sanction posed in the first initial correspondence, admits to their conduct/actions and assures the club there will not be any repetition of said conduct, the club has the option to be lenient with the sanction, with the possibility of a reduction, i.e. three-match sanction to one match, or rescinding a one match sanction, if possible, and keeping the written warning on record.

Sanction 1: Level One Breach: An individual should receive either a **safety standards letter**, a **written warning** or an **Acceptable Behaviour Contract**. In relation to a **suspended club ban** or a **club ban**, this should be a **maximum three home-match ban**.

Sanction 2: Level One Breach (Away from the Home Stadium): An individual can receive an increased exclusion from **home matches** to a **maximum of five games**.

Consideration should be given to the implementation of the maximum sanction for an incident that is a minor breach. Instead, a more educational or restorative justice route could be taken.

If incidents take place away from the home stadium, including those on public transport and trains, this may be treated with additional seriousness due to the impact on the club's reputation, away allocations, kick-off days/times and policing/stewarding. The host club has the discretion to impose a sanction for a breach of ticketing terms and conditions and/or ground regulations. If the incident occurs on public transport/trains, if this is a serious matter, then this should be dealt with by the police/British Transport Police. When imposing a sanction for an incident at an away stadium,

information received from a host club should, as far as possible, replicate what a home club would act on to ensure proportionality. The absence of meaningful supporting evidence should be properly considered by the home club.

Sanction 3: Repetition of Level One Breach:

If any Level One breach is repeated within one year, the **initial sanction** should be **doubled** with the warning that any future repetition of such breaches will necessitate a club ban of **up to two seasons**.

Details of incidents should not automatically be shared with the police. Rather, serious consideration should be given as to whether doing so is necessary to prevent and detect serious crime and prevent future incidents of such behaviour. Information regarding **Sanction 1** and **Sanction 2** should be kept for a maximum of **one year** by the club. Details regarding incidents satisfying **Sanction 3** should be kept for a maximum of **two years** by the club.

See **Appendix 8** for further guidance on Information/Data Sharing Agreements and data protection.

It is best practice that correspondence/sanctions are imposed in the following order:

Safety Standards Letter

Clubs have the discretion to issue a safety letter if an individual has demonstrated behaviour that may be a detriment to a safe and enjoyable environment. The behaviour/incident does not need to be deliberate or with malice but the club should highlight their concerns and that if the behaviour/incident were to occur again, it could lead to a potential Level One or Level Two breach.

A template letter can be found in **Appendix 1** that should be used as standard practice for this.

Written Warning

Clubs have the option to issue a written warning for behaviour that is not tolerable and may fall under a Level One breach. A written warning can be used as a deterrent to any future misbehaviour/incidents and be deemed a more lenient/proportionate sanction to the level of behaviour/incident that has occurred.

A template letter can be found in **Appendix 2** that should be used as standard practice for this.

Acceptable Behaviour Contract

An Acceptable Behaviour Contract can be utilised by the club at their discretion but it should be a proportionate response to the behaviour/incident. The Acceptable Behaviour Contract is a written agreement between the club and the individual. In signing the agreement, the individual agrees to abide by the terms specified, i.e., for an individual not to persistently stand. The Acceptable Behaviour Contract can be issued to any individual over the age of 10 and where the individual is under the age of 18, their parent/guardian should be involved in the process. The duration of the agreement is discretionary and it is recommended that it is reviewed frequently to ensure it is still fit for purpose, does not require amending or if the individual is demonstrating improved behaviour. The club has the discretion to extend, amend or terminate the agreement at any point. If the Acceptable Behaviour Contract is breached, this can be used as evidence to illustrate that further sanctions are required. If further action is required, it should be proportionate.

A template letter can be found in **Appendix 3** that should be used as standard practice for this.

Suspended Club Ban

Football Clubs have the discretion to issue a suspended club ban. The suspension element of this sanction can act as a proportionate and fair response to Level One breaches, particularly those that may have been a one-off incident. The nature of such sanction will ensure that the individual's behaviour must improve and may act as a deterrent to any future misbehaviour/ incidents. As with all sanctions, a suspended club ban should be proportionate and necessary. An individual should have the right to meet with the club and the right to appeal.

A template letter can be found in **Appendix 4** that should be used as standard practice for this.

Club Ban

Football Clubs have the discretion to issue a club ban for Level One and Level Two breaches. A club ban should be deemed the most serious of the sanctions available and any decision to issue such a sanction should be carefully considered, proportionate and necessary based on the merits of each case.

A template letter can be found in **Appendix 5** that should be used as standard practice for this.

Section 7.4: Level Two Sanctions

The outcome of each case should be decided on merit. Clubs reserve the right to decide whether or not any sanction applies to prohibiting entry to the home stadium for the purpose of attending a football match, or if the sanction shall apply to the premises as a whole, i.e. club shop, ticket office and training ground. Further discretion is applied to whether football matches involving other teams representing the Football Club, i.e. Under 21 and women's teams, will fall within the remit of the sanction served. The football matches covered for the duration

of the sanction can, therefore, encompass all competitions, including pre-season friendlies and can be carried over into a subsequent season dependent on timing.

Sanction 4: Level Two Breach: No minimum or maximum sanction shall be dictated to clubs. However, careful consideration should be given to each case. With a standardised procedure that is fair, proportionate and free from bias, it is the intention that any decision reached by the Sanction Panel will be proportionate to the breaches listed under Level Two. It is best practice that clubs do not issue club bans that are titled 'Life Bans'. Instead, this should be named an 'Indefinite Club Ban' that will be subject to review at stated intervals to be no longer than two years apart.

Listed below are circumstances in which the club should act regarding Level Two breaches:

No further action was taken by police in relation to Level Two breaches

In such circumstances, any temporary sanction can be lifted after full consideration of the evidence including the outcome of the court hearing/trial or police investigation unless there are compelling reasons not to do so. Where appropriate, a club is, of course, entitled to ask an individual in for a discussion about future behaviour and suggest attendance at the necessary educational workshops/courses before a sanction is lifted.

Charged with an offence but found not guilty of a football-related offence

In such circumstances, clubs can consider the action they wish to take in respect of these circumstances. Any temporary sanction should be lifted after full consideration of the evidence including the outcome of the court

hearing/trial or police investigation unless there is a good reason not to do so. Where appropriate, a club is, of course, entitled to ask an individual for a discussion about future behaviour and suggest attendance at the necessary educational workshops or courses before a sanction is lifted.

Pleads/found guilty but no Football Banning Order imposed:

An individual may have been subjected to a temporary sanction pending the outcome of their case. The club reserves the right to issue a sanction, however, the club should consider why a court has not served a Football Banning Order. A conviction should not automatically result in a club sanction. Consideration of an immediate return to the club in these circumstances should be treated on merit, ideally after a meeting with the individual so a risk assessment can be made as to the suitability of their return.

Pleads/found guilty and Football Banning Order imposed

In these circumstances, the club does not need to issue a club ban. Instead, continued work with the police or the club's OFO will be needed to ensure the imposition of the FBO and its conditions are being upheld. Once the Football Banning Order has concluded, the club may invite individuals for a 'return to football' meeting.

Discrimination Breaches / Hate Crime Offences

Increasingly there is more emphasis on education being part of any outcome and restorative justice, should where appropriate and with the full agreement of any victim, be another outcome considered by clubs. Neither means that a club ban should not be part of an outcome. Once an individual has come under suspicion of discriminatory language or

behaviour, either at a match or online, a **temporary sanction** should be imposed pending the outcome of a thorough investigation. In cases without robust, supporting evidence outcomes should be decided on the balance of probabilities and justified in writing.

Once it has been established, on the balance of probabilities, that there was discriminatory conduct, the individual should be invited to attend an education session run by a suitable education provider. Education and/or restorative justice should take place as soon as possible after any incident of discriminative language or behaviour. Once feedback from that session has been provided to the club, with the consent of the individual, then the club should decide on an appropriate sanction before inviting the individual to a hearing.

Ticketing Breaches/Offences

As noted in **Section 3.3.4**, clubs should take a pragmatic approach to ticketing breaches/offences. It is suggested that clubs use their discretion on a case-by-case basis and look to impose sanctions ranging from a **written warning** to a lengthy **club ban**. Where there has been wilful fraudulent use of a ticket to the financial detriment of a club, costs should be paid back to the club after a mutually agreed repayment plan.

Details of incidents should not automatically be shared with the police. Rather, serious consideration should be given as to whether doing so is necessary to prevent and detect serious crime and prevent future incidents of such behaviour. Due to the seriousness and nature of some of the breaches in Level Two and the varying sanctions that can be imposed, a maximum time frame cannot be provided regarding the storing of data. Instead, it is

advised that the information should only be kept for as long as it is deemed necessary by the club. See **Appendix 8** for further guidance on information/data sharing agreements and data protection.

Section 7.5: Impact of Decisions of the Sanction Panel/Appeal on Imposed Sanctions

If a temporary sanction has been imposed before the sanction panel hearing and the panel agrees to reduce or withdraw the sanction or if the appeal panel indicate that a sanction should be reduced or withdrawn, this will raise two key considerations outlined below:

Section 7.5.1: Time Served

If a temporary sanction has been served, if an individual is subject to a club ban and the appeal panel overturns or reduces the decision of the sanction panel, the time already served will be classified as part of the original sanction and must be deducted from any time remaining.

Section 7.5.2: Reimbursement

If a temporary sanction has been served, if an individual is subject to a club ban and the appeal panel overturns or reduces the decision of the sanction panel, the time already served will be classified as part of the original sanction and must be deducted from any time remaining. As a result of this, the individual will have missed attendance at football matches. If the individual had already purchased individual tickets for those matches or owns a season card, the club should reimburse in full.



APPENDICES

APPENDIX 1

SAFETY STANDARDS LETTER TEMPLATE

Supporter Name
Address

Date

RE: Spectator Safety at [insert Football Club]

Dear

We understand match days are a chance to socialise with friends and family and we encourage fans to enjoy themselves and soak up the atmosphere in a safe environment on the day of the game.

Protecting the health, safety and well-being of spectators is the primary objective of our club. We need to ensure fixtures are enjoyable for all spectators and we are constantly reviewing our safety and security procedures to help keep all supporters safe. The behaviour of our fans is paramount to creating this safe and friendly environment.

The club understands you have demonstrated behaviour that may spoil this environment. There is no suggestion that your behaviour is deliberate or with malice, however, we cannot ignore concerns that [insert safety concern here]. We're encouraging as many fans as possible to avoid behaviour that could cause harm or distress to themselves or others.

Please be mindful of your actions on a match day inside the stadium. We would also encourage you to report any behaviour that you are not comfortable with to any of our stewards or other staff. We will treat your message in the strictest confidence and take any necessary action.

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Confirm receipt

Yours sincerely

Name
Job Title
Telephone / email address

APPENDIX 2

LETTER TEMPLATE TO INFORM OF WRITTEN WARNING

Supporter Name
Address

Date

Ref No:

Written Warning

Dear

We have received allegations of [insert spectator behaviour/incident]. Such behaviour is not tolerated at [insert Football Club] and must be addressed as quickly as possible.

As a result, we wish to inform you that if we receive further allegations of [insert spectator behaviour] or any other behaviour that causes us concern, more serious action may be taken.

We hope not to have to contact you again in these circumstances but in the event we do, possible actions could include: an Acceptable Behaviour Contract, a suspended club ban or a club ban. More detail on this process and possible sanctions can be found at [insert or provide a link to Club Ban Procedure].

This warning will be placed on file but will be disregarded after a period of [insert time frame].

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Confirm receipt

Yours sincerely

Name
Job Title
Telephone / email address

APPENDIX 3

LETTER TEMPLATE TO INFORM OF ACCEPTABLE BEHAVIOUR CONTRACT

Supporter Name
Address

Date

Case Reference Number:

Dear

We are aware of [insert spectator behaviour/incident and use word alleged]. Such behaviour is not tolerated at [insert Football Club] and contravenes our ticketing terms and conditions and/or ground regulations.

After an internal investigation, we have the following evidence [outline evidence]. The club are satisfied this incident [or series of events – this can be after a Safety Standard letter or Written Warning has been issued and behaviour has not improved] was more likely than not to have occurred and warrants a club sanction. This incident will be placed on file at the club but will be disregarded after a period of [insert time frame].

The club now proposes to issue an Acceptable Behaviour Contract for [note the Level One breach/es, behaviour or incident]. The contract is a written agreement between you and [name of Football Club]. In signing the agreement, you will agree to the terms specified. Your behaviour must not contravene these terms that are focused on ticketing terms and conditions and/or ground regulations at [insert Football Club/stadium].

The Acceptable Behaviour Contract will be in place for a period of [insert the matches this applies to/or calendar days/weeks/months]. The contract is frequently reviewed to ensure it is fit for purpose and does not require amending. [Name of Football Club] has the discretion to extend, amend or terminate the agreement at any point.

If the Acceptable Behaviour Contract is breached, this can be used as evidence to illustrate that further sanctions are required. Consequences may include a suspended club ban or club ban. More details on this process can be found at [insert or provide a link to Club Ban Procedure].

As part of the Acceptable Behaviour Contract procedure, you must speak to us about the sanction imposed. [As you are under the age of 18, you must be accompanied by your parent/legal guardian, and they may speak on their behalf/You are permitted to be accompanied by a nominated individual or individuals who may aid with your contribution to the hearing – delete as appropriate]. The terms of the Acceptable Behaviour Contract must be agreed and signed by you [and your

parent/guardian as you are under 18 years of age]. [Optional insert – As part of this sanction, the Club are also inviting you to participate in [insert restorative justice/educational programme and necessary details]].

You must respond to this letter within five working days and notify the club that you will attend the Acceptable Behaviour Contract meeting on [insert time/date/location]. Please let the club know of any reasonable adjustments to be made and if you will be attending alone or accompanied, including their details. Please forward your response to [include name/address/email address]. We will acknowledge your response within two working days.

If you do not respond to this letter within five working days and there is no subsequent written or verbal acceptance of the proposed meeting date/time, a temporary club ban may be imposed until a meeting has taken place. If circumstances exist where you are unable to respond within five days, please notify us as soon as practicable and provide reasons for the delay.

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Yours sincerely

Name

Job Title

Telephone / email address

APPENDIX 4

LETTER TEMPLATE TO INFORM OF ALLEGED BREACH (SUSPENDED CLUB BAN)

Supporter Name
Address

Date

Case Reference Number:

Dear

We are aware of [insert spectator behaviour/incident and use word alleged]. Such behaviour is not tolerated at [insert Football Club] and contravenes the club's ticketing terms and conditions and/or ground regulations or is a criminal offence.

After an investigation, we have the following evidence [outline evidence]. The club are satisfied this incident was more likely than not to have occurred and warrants a sanction. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].

The club proposes to issue a [insert length of sanction here] suspended club ban for [note the Level One breach]. This will mean that for a period of [insert the matches this applies to] and [insert the Club premises this applies to] your behaviour must not contravene ticketing terms and conditions and/or ground regulations at [insert Football Club/stadium]. [Explain what happens at the end of the suspension]. [Optional insert – As part of this sanction, the club is also inviting you to participate in [insert restorative justice/educational programme and necessary details].

As part of our banning procedure, you are entitled to speak to the club about the sanction imposed. [As you are under the age of 18, you must be accompanied by your parent/legal guardian, and they may speak on their behalf / You are permitted to be accompanied by a nominated individual or individuals who may aid with your contribution to the hearing – delete as appropriate]. This will provide you with the opportunity to reply to the allegations made, provide any evidence you may have and offer mitigation and/or character references. If you accept the evidence and sanction put forward in this written correspondence, please notify us as soon as possible. Your early acceptance of the allegations will be taken into account by the club.

You must respond to this correspondence within five working days and notify the club of your intentions. If you would like to speak to us, please let the club know of any reasonable adjustments to be made and if you will be attending alone or accompanied, including their details. Please forward your correspondence to [include name/address/email address]. Upon receipt of your reply, we will acknowledge your response within two working days.

If you do not respond to this letter within five working days and there is no subsequent written or verbal acceptance of the sanction posed then the sanction will be upheld. If circumstances exist where you are unable to respond within five days, please notify us as soon as practicable and provide any reasons for the delay. Once you have discussed the sanction with us, you are entitled to appeal. Details of how to do this are at [insert details].

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Yours sincerely

Name

Job Title

Telephone / email address

APPENDIX 5

LETTER TEMPLATE TO INFORM OF ALLEGED BREACH (CLUB BAN)

Supporter Name
Address

Date

Case Reference Number:

Dear

We are aware of [insert spectator behaviour/incident and use word alleged]. Such behaviour is not tolerated at [insert Football Club] and contravenes the club's ticketing terms and conditions and/or ground regulations or is a criminal offence.

After an investigation, we have the following evidence [outline evidence]. The club are satisfied this incident was more likely than not to have occurred and warrants a sanction. [Insert for Serious Level Two breach: The evidence collated suggests that the nature of this breach is serious. As part of our information sharing agreements with the local constabulary, football clubs and other relevant authorities, this information/evidence, including your personal data can be shared to minimise the risk of serious football-related violence, disorder and criminality]. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].

The club proposes to issue a [insert sanction here – note whether it is Level One or Two breach]. This means you are unable to attend [insert the matches this applies to] and [insert the Club premises this applies to]. [Optional insert – As part of this sanction, the club are also inviting you to participate in [insert restorative justice/educational programme and necessary details].

As part of the club's banning procedure, you are entitled to attend a hearing and reply to the allegations made, provide any evidence you may have and offer mitigation and/or character references. The club will also put forward the evidence noted above.

If you accept the evidence and sanction put forward in this written correspondence, please notify us and you will not need to attend the hearing. Your early acceptance of the allegations will be taken into account.

The hearing will consist of [insert panel members' job roles or names if comfortable] and will take place on [insert date and time and venue]. [As you are under the age of 18, you must be accompanied by your parent/legal guardian, and they may speak on their behalf / You are permitted to be accompanied by a nominated individual or individuals who may aid with your contribution to the hearing – delete as appropriate].

You must respond to this correspondence within five working days and notify the club of your intentions. If you are attending the hearing, please let the club know of any reasonable adjustments to be made and if you will be attending alone or accompanied, including their details. Please send your reply to [include name/address/email address]. Upon receipt, we will acknowledge your response within two working days.

If you do not respond to this letter within five working days and there is no subsequent written or verbal acceptance of the sanction posed, the sanction will be upheld.

If circumstances exist where you are unable to respond within five days, please notify us as soon as possible and provide reasons for the delay. You are entitled to appeal the sanction imposed and/or the decision of the hearing. Details of how to do this are at [insert details].

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Yours sincerely

Name

Job Title

Telephone/Email Address

APPENDIX 6

LETTER TEMPLATE TO INFORM OF OUTCOME OF SANCTION PANEL HEARING

Supporter Name
Address

Date

Case Reference Number:

Dear

Thank you for attending the hearing on [insert date].

The panel unanimously agreed that the sanction posed shall be [upheld/reduced/withdrawn].
The evidence to [uphold/reduce/withdraw] the sanction is as follows [outline evidence].

Pick from the following options:

- The requirements of the sanction are [include information – this can also include the requirement to attend an educational programme]. Once the sanction has ceased on [provide details] you will [provide details]. [Insert for serious Level Two breach: The evidence collated suggests that the nature of this breach is serious. As part of our information sharing agreements with the local constabulary, football clubs and other relevant authorities, this information/evidence, including your personal data can be shared to minimise the risk of serious football-related violence, disorder and criminality]. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].
- As the proposed sanction has been withdrawn you will be able to continue to attend matches and purchase tickets [include any other necessary information]. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].
- As the temporary sanction has been overturned you will be able to return to matches and purchase tickets. The club will refund the cost of any matches paid for and missed as a result of the sanction [provide details of refund]. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].

You have the right to appeal the decision of the panel within 15 working days of receipt of this correspondence. The appeal should include the following:

- Name
- Address
- Telephone number
- Sanction panel case number

-
- Outline of the investigation
 - Sanction imposed (and any amendments to that sanction as a result of the panel hearing)
 - Details of the individual's appeal
 - Any supporting evidence (as appropriate)

The appeal should be sent in writing with any accompanying evidence to [insert address]. You will be sent an acknowledgement of your appeal within two working days. The outcome of the appeal will be notified to you in writing within 15 working days.

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Yours sincerely

Name

Job Title

Telephone / email address

APPENDIX 7

LETTER TEMPLATE TO INFORM OF OUTCOME OF APPEAL PANEL

Supporter Name
Address

Date

Case Reference Number:

Dear

Thank you for submitting your appeal on [insert date]. This letter will outline the outcome of the independent Appeal Panel.

The panel unanimously agrees that your appeal is [upheld/rejected]. The panel (pick from the following options):

- Upon assessment of the appeal submitted, the Appeal Panel reviewed [outline evidence/justification and details of risk assessment]. For that reason, the sanction imposed will stand. The requirements of the sanction are [include information – this can also include the requirement to attend an educational programme]. Once the sanction has ceased on [provide details] you will [provide details].

[Insert for serious Level Two breach: The evidence collated suggests that the nature of this breach is serious. As part of our information sharing agreements with the local constabulary, football clubs and other relevant authorities, this information/evidence, including your personal data can be shared to minimise the risk of serious football-related violence, disorder and criminality]. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].

- Upon assessment of the appeal submitted, the Appeal Panel reviewed [outline evidence/justification and details of risk assessment]. For that reason, the sanction imposed will be withdrawn.

You will be able to return to matches and purchase tickets. The club will refund the cost of any matches paid for and missed as a result of the sanction [provide details of refund]. This correspondence will be placed on file at the club but will be disregarded after a period of [insert time frame].

All spectators are entitled to submit their case to the Independent Football Ombudsman (IFO) for review after the avenue of appeal has been exhausted. The IFO acts as a check and balance and is the final stage within football's regulatory framework and complaints procedure. The IFO can ask a club to revisit their decision. For more information, please visit www.theifo.co.uk, call 03301 654223 or email contact@theifo.co.uk.

If you have any further questions then please do not hesitate to contact [insert details if different from author].

Yours sincerely

Name

Job Title

Telephone/Email Address

APPENDIX 8

DATA SHARING AND GENERAL DATA PROTECTION REGULATIONS

There is no legal requirement that clubs share data with the local police constabularies and most private sector organisations, such as football clubs do not need to identify a specific power to share the data. Clubs have a general ability to share information, provided it does not breach data protection legislation or any other law.

Where the presence of an individual would pose a risk to others, in cases where offences have been violent, discriminatory, or threatening in nature, a club will provide details of supporters sanctioned to the relevant authorities. This is a process that involves the production of evidence, or intelligence used by a club to issue a club ban that can be passed to the police via an information/data sharing agreement. The information or evidence about an individual that is held by a club is disseminated to the local constabulary, football authorities, other clubs and relevant authorities. This includes personal data, special category data and criminal offence data. The data sharing agreements are also extended to the British Transport Police about spectators travelling to games by rail.

The information is usually shared to minimise the risk of violence; minimise the risk of persons subject to a FBO entering the stadium; maximise preventative measures taken against persons convicted of football-related offences or involved in football-related criminality and allow football clubs to take further steps against individuals to prevent further offences being committed.

These information/data sharing agreements, as stated by the [Information Commissioner's Office](#), are meant to “set out the purpose of the data sharing, cover what happens to the data at each stage, set standards and help all the parties involved in sharing, to be clear about their roles and responsibilities in dealing with football spectators”.

Any information that is shared between clubs and third parties needs to be satisfactory, conforming to the **Data Protection Act 2018** and the **General Data Protection Regulations**. Any ‘personal data’, meaning any information relating to an identifiable person who can be directly or indirectly identified, such as online identification markers, location data, genetic information such as DNA swabs and photographs need to be considered.

The information shared by and received by the police is granted statutory power for Law Enforcement Purpose under **Part 3** of the **Data Protection Act 2018**, where the sharing of personal data is between the police and other Competent Authorities, as defined by **Schedule 7** of the **Data Protection Act 2018**, for any of the Law Enforcement purposes such as prevention/investigation/detection/prosecution of criminal offences, execution of criminal penalties, safeguarding against and preventing threats to public security. The Information Commissioner's Office has affirmed this position by stating data protection law does not prevent appropriate data sharing when it is necessary to protect the public, to support ongoing policing activities, or in an emergency for example.

If personal data is shared by a football club, the club must clearly explain the lawful basis by which they intend to use and share an individual's data, and what reason or lawful basis this is for through their privacy notice. At certain points of sale, it would be best practice for a football to provide a 'consent to data being shared' option for each ticket transaction and provide details regarding the sharing of data and the withholding or retraction of the consent of the data. In particular, this information must be notified to any individual whilst they are being processed through the club ban procedure, or subject to a sanction.

Any individual has the right to make a data protection subject access request via the **Data Protection Act 2018** to find out what information is being held about them and to insist on having that information kept accurate and up to date. Having access to this data is of paramount importance to an individual if they were to be involved in the club ban procedure. Therefore, any data/information stored by the football in respect of a potential breach should be transparent and necessary.

Football clubs are advised not to keep personal data for longer than necessary. A club must be able to justify/have a rationale as to why the personal data is being kept. In respect of data about the conduct of an individual, this must be lawful, fair and transparent. The data must conform to **Article 5(1)(c) GDPR** and be adequate – sufficient to properly fulfil that stated purpose of preventing disorder and crime. The data must be relevant and have a rational link to that purpose, and finally, the data should be limited to what is necessary, i.e. the club should not hold more than is necessary for that purpose.

The data must not be processed in a way that is unduly detrimental, unexpected or misleading to the individuals concerned. Further information regarding the retention of data can be found on the [Information Commissioner's Office Record Management Checklist](#) in respect of data/information that can be shared with third parties.

APPENDIX 9

OPERATIONAL CHART: SUPPORTER SANCTIONING PROCEDURE



