

The Football Association (“the FA”) -v- David Moyes

Summary of Written Reasons

Case Overview

The manager of Sunderland AFC, David Moyes, was charged with misconduct in breach of FA Rule E3(1). After a premier league fixture between Sunderland AFC and Burnley FC on 18 March 2017, Mr Moyes attended a number of interviews with media outlets. After his interview with a female BBC reporter Mr Moyes made comments to the BBC reporter that were allegedly improper and/or threatening and/or brought the game into disrepute. The matter was referred to the Regulatory Commission of the FA for determination.

Background Facts

After the above-mentioned match Mr Moyes attended an interview with a BBC reporter (Vikki Sparks). At the end of the formal interview with Ms Sparks, Mr Moyes made the following comment: *“You were just getting a wee bit naughty at the end there, so just watch yourself or you might get a, you still might get a slap even though you’re a woman. Careful the next time you come in”*. The comment was made in response to questions asked by Ms Sparks during the interview. The FA wrote to Mr Moyes on 3 April 2017 seeking observations on his comments. The comments generated significant interest in the media and on 4 April 2017 the FA Chairman attended a press interview and made statements in relation to the matter involving Ms Sparks and Mr Moyes.

Mr Moyes denied the charge and argued that he had a legitimate expectation of privacy when he made the comments. His position was that it was common for football managers and journalists to have frank discussions *off camera*, and that Mr Moyes had no reason to believe the exchange was anything other than *‘off camera’*. The Regulatory Commission did not find that Mr Moyes had a reasonable expectation of privacy in light of the circumstances and his relationship with Ms Sparks. Mr Moyes also argued that the public comments made by the FA Chairman were prejudicial to his defence, and that the comments gave rise to an appearance of bias that tainted the disciplinary process.

Outcome

The Regulatory Commission therefore considered the rule against bias as a principle of natural justice. In view of this issue, the Regulatory Commission considered the following: (i) to whom would a fair-minded and informed observer

think that the Chairman's statements were directed; (ii) whether the statements objectively created the impression of undue influence on the disciplinary process to render it unfair or biased; and (iii) in light of this, would a fair-minded and informed observer conclude that there was a real possibility that the Regulatory Commission was biased and/or its decision unfair? Further to this assessment, the Regulatory Commission rejected Mr Moyes's submission that the charge should be dismissed on the grounds of natural justice.

The Regulatory Commission found that the comment made by Mr Moyes to Ms Sparks was improper, threatening and reflected negatively on the game of football bringing it into disrepute. A fine of £30,000 (thirty thousand pounds) was imposed and Mr Moyes was ordered to pay the full costs of the Regulatory Commission.