

**IN THE MATTER OF PROCEEDINGS BEFORE AN INDEPENDENT DISCIPLINARY
COMMISSION OF THE EFL UNDER SECTION 8 OF THE EFL REGULATIONS**

Before:

His Honour Phillip Sycamore CBE (Chair)
Lydia Banerjee
David Winnie

BETWEEN:

THE FOOTBALL LEAGUE LIMITED (“EFL”)

Claimant

– and –

SOUTHAMPTON FOOTBALL CLUB LIMITED (“SFC”)

Respondent

WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

HEARING DATE: 19 May 2026

VENUE: Remotely, by Zoom

APPEARANCES:

For the EFL: Brendan Kelly KC and Amina Graham, instructed by the EFL

For the Respondent: Kate Gallafent KC and Tom Coates, instructed by Squire Patton Boggs

1. This is the Decision of the Independent Disciplinary Commission (“the Commission”) convened pursuant to section 8 of the EFL Regulations (“the Regulations”).

INTRODUCTION AND PROCEDURAL HISTORY

2. On 8 May 2026 the EFL sent Notification of Charges (“the First Notification”) to the Respondent. The First Notification contained two charges of breach of the Regulations, namely one breach of Regulation 3.4 and one breach of Regulation 127. The charges arose from the Respondent observing a training session of Middlesbrough Football Club (“MFC”) on 7 May 2026, ahead of the Play-Off Semi-Final first leg between the Respondent and MFC on 9 May 2026. (“the MFC Incident”)
3. Regulation 3.4 provides:

“In all matters and transactions relating to the League each Club shall behave towards each other Club and the League with the utmost good faith...”

Regulation 127 provides:

“Prohibited Conduct – Observing Training Sessions

127.1 Without prejudice to the requirements of Regulation 3.4 (that each Club shall behave towards each other Club with the utmost good faith), no Club shall directly or indirectly observe (or attempt to observe) another Club’s training session in the period of 72 hours prior to any match scheduled to be played between those respective Clubs.”

4. The Respondent admitted those charges in its Response dated 15 May 2026. A timetable for an expedited hearing was issued by the Chair with the necessary directions and abridgment of time, and the matter was listed for a remote hearing on Tuesday 19 May 2026.



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5. An application was made by MFC to intervene in the proceedings. The Chair dealt with this on the papers on 15 May 2026 and, having considered the representations from the parties and from MFC, dismissed the Intervention application.
6. In the period between the First Notification of Charges and the hearing date the Respondent made reference to two other similar incidents of observing training sessions of other clubs in breach of the Regulations. The first related to Oxford United Football Club (“OUFC”) in relation to observing a training session on 23 December 2025 ahead of a fixture on 26 December 2026 (“the OU Incident”). The second related to Ipswich Town Football Club (“ITFC”) in relation observing a training session on 28 April 2026, the day of a fixture with a kick -off time of 20:00 hours (“the IT Incident”).
7. The Respondent admitted those breaches by letter of 12 May 2026 from its solicitors to the EFL but expressed the view that it considered the two incidents to be outside the scope of the present proceedings.
8. There was further email correspondence between the parties over the weekend of 16 May 2026. The EFL then decided that the two incidents should be separately charged, and the charges, in the same format as the charges in the First Notification, were issued at 07.30 hours on Sunday 17 May 2026, followed by an application to consolidate the charges with the existing charges, and to abridge time for the Respondent’s Response so that all could be dealt with on Tuesday 19 May 2026. The Respondent objected to the application on Monday 18 May 2026.
9. The Commission members convened by video link late in the afternoon of 18 May 2026. Having carefully considered the representations of both parties they determined that the application be granted and directed consolidation of the new charges with the existing charges. Although the Commission noted that the Respondent, having admitted the breaches, had dealt with the two incidents in its Reply and that the EFL were not adducing any further evidence, the Commission nevertheless gave permission to the Respondent



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to file a supplementary Response if it wished to do so. The Respondent filed its Response and additional evidence overnight on 18 May 2026.

10. The hearing took place remotely on the morning of 19 May 2026 with the parties represented as referred to above and with Anna Thomas of Sport Resolutions providing invaluable administrative support, for which we express our gratitude.
11. The issue for determination by the Commission was sanction. We express our thanks to counsel and those instructing them for their assistance in preparation for the expedited hearing and their helpful written and oral submissions.
12. In the light of the urgency, given the timetable for the Play-Off Final, which is scheduled for Saturday 23 May 2026, we proceeded immediately to our deliberations following the conclusion of the hearing and informed the parties, via Sport Resolutions, of the Operative Decision at 14:44 hours on 19 May 2026 with the written Decision being issued during the evening of 19 May 2026.
13. Given the need for the written reasons to be provided in a very short time frame, these reasons are, of necessity, brief. The Commission, nevertheless, assures the parties that all of the material, submissions and evidence, both written and oral has been read and carefully considered.

RELEVANT FACTUAL BACKGROUND

14. We consider first the MFC Incident. At the conclusion of the Championship Season, the Respondent was in fourth position and MFC were in fifth position. They were due to play each other in a Championship Play-Off semi-final to be played across two legs. The first took place at the Riverside Stadium on 9 May 2026 and the second at St Mary's Stadium on 12 May 2026. The first leg ended in a 0-0 draw and the second leg was decided in the 117th minute of extra time, with the Respondent progressing to the Championship Play-Off Final, to take place on Saturday 23 May 2026 at Wembley, with an aggregate score



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of 2-1. The winner of the Final match is promoted to the Premier League. The other finalist is Hull City FC, who progressed to the Final with an aggregate score of 2-0, having beaten Millwall.

15. In summary, on 7 May 2026 an individual associated with the Respondent was observed in the vicinity of MFC's training ground. The individual was in fact an intern on placement with the Respondent. MFC made a formal complaint, supported by photographic evidence, to the EFL on the same day. The charges were brought the following day.
16. In relation to the OU Incident, the Respondent played OUFC on 26 December 2025 in an EFL Championship Fixture. The same individual was in the vicinity of OUFC's training ground on 23 and 24 December 2025 and observed training sessions, sharing information and footage with the Respondent.
17. MFC were made aware of this on 7 May 2026 and, subsequently, the Respondent disclosed the incident to the EFL and admitted the breaches of the Regulations. The Respondent lost the fixture 2-1. The EFL charged the Respondent in relation to the incident on 17 May 2026.
18. As to the IT Incident, the Respondent played ITFC in an EFL Championship fixture at St Mary's Stadium on 28 April 2026 at 20.00 hours. On the day of the fixture at approximately midday, an individual associated with the Respondent, on the instructions of the Respondent's coaching and analytical staff, attended Eastleigh Football Club where ITFC were training. The footage and information obtained was shared within the Respondent. The fixture ended in a 2-2 draw. The EFL charged the Respondent in relation to the incident on 17 May 2026.

THE CHARGES

19. The Respondent admitted all of the charges, namely:



- Charge 1: It is alleged that SFC is in breach of EFL Regulation 3.4 of the EFL Regulations 2025/26 for failing to act towards another Club MFC with the utmost good faith;
- Charge 2: It is alleged that SFC is in breach of EFL Regulation 127 of the EFL Regulations 2025/26 for directly or indirectly observing (or attempting to observe) MFC’s training session in the period of 72 hours prior to a match scheduled to be played between the Club and MFC;
- Charge 3: It is alleged that SFC is in breach of EFL Regulation 3.4 of the EFL Regulations 2025/26 for failing to act towards another Club OUFC with the utmost good faith;
- Charge 4: It is alleged that SFC is in breach of EFL Regulation 127 of the EFL Regulations 2025/26 for directly or indirectly observing (or attempting to observe) OUFC’s training session in the period of 72 hours prior to a match scheduled to be played between the Club and OUFC;
- Charge 5: It is alleged that SFC is in breach of EFL Regulation 3.4 of the EFL Regulations 2025/26 for failing to act towards another Club ITFC with the utmost good faith; and
- Charge 6: It is alleged that SFC is in breach of EFL Regulation 127 of the EFL Regulations 2025/26 for directly or indirectly observing (or attempting to observe) ITFC’s training session in the period of 72 hours prior to a match scheduled to be played between the Club and ITFC.

EVIDENCE

20. The EFL relied on evidence from four witnesses, one of whom provided oral evidence at the hearing.



21. The Respondent relied on evidence from several witnesses, four of whom provided oral evidence at the hearing.

THE SUBMISSIONS

22. As we observe at paragraph 13 above, given the urgent need for a written decision today, the reasons are, of necessity, brief. We endeavour below to encapsulate the key elements of the submissions but once again assure the parties that all of the evidence and submissions, both oral and written, and the materials, including video footage have been fully considered.

23. It was submitted on behalf of the Respondent that its culpability was such as to warrant a fine, or in the alternative a points deduction with a starting point of two points to be reduced to reflect the identified mitigating factors.

24. The Respondent placed heavy reliance on its assertion that the evidence supports the view that it derived no material sporting or competitive advantage from viewing and filming opponents' training and seeks to argue that accordingly there is no justification for a sporting sanction.

25. It put forward a number of mitigating factors, including its co-operation with the EFL in the investigation in providing information and volunteering the facts which led to Charges 3 and 4, and 5 and 6. It acknowledged that in its initial response to the EFL on 8 May 2026 it provided inaccurate information, suggesting that the conduct was not part of the SFC's culture and that no video footage was captured, transmitted, shared or analysed, when in fact the opposite was the case.

26. The Respondent placed reliance on the decision in *EFL v Leeds United FC*, a case in 2019, before the introduction of Regulation 127 involving repeated incidents of observing rivals' training sessions in which the EFL, in an agreed decision, considered that the appropriate sanction was a fine of £200,000.00 and a formal reprimand and warning. It



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was suggested on behalf of the Respondent that this should be the basis for the approach to be adopted in this case and that a sporting sanction should not automatically follow from a breach involving the observation of an opponent's training.

27. The EFL submitted that the evidence supported the view that the observations were authorised at a senior level and that the task was delegated to the intern in relation to the MFC Incident and the OU Incident. He declined to be involved in the IT incident. We heard evidence from the intern who described the pressure he was placed under.
28. The EFL disagreed with the Respondent's assertion that a sporting sanction would be disproportionate or inappropriate in the absence of a measurable sporting advantage, but submitted that in any event the evidence demonstrated that the Respondent did gain a sporting advantage.
29. As to the relevance of *Leeds* the EFL suggested that a sanction imposed in a pre-regulation 127 case does not necessarily represent the appropriate benchmark following the introduction of a specific regulatory prohibition.
30. The EFL submitted that a severe sporting sanction was appropriate, and that consideration should be given to expulsion of SFC from the EFL Championship Play-Offs along with financial penalties and points deductions.

DETERMINATION

31. We have reminded ourselves of the principles set out in *EFL v Derby* (SR/017/2020) and *Everton v Premier League Appeal Board* (26 February 2024), which are helpfully summarised at paragraph 20 of *EFL v Swindon* (SR/020/2026). Public confidence is paramount. We have concluded that there was, on the part of the Respondent, a contrived and determined plan from the top down to gain a competitive advantage in competitions of real significance by deliberate attendance at opposition training grounds for the purpose of obtaining tactical and selection information. It involved far more than innocent activity



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and a particularly deplorable approach in its use of junior members of staff to conduct the clandestine observations at the direction of senior personnel. There was transmission and internal dissemination and analysis of footage and observations. The Commission is not persuaded that this is an exceptional case in which there is evidence that no use was made of the material and therefore no sporting advantage. Submissions from the Respondent suggested that such a conclusion could be drawn from matter such as: the evidence of the pre and post observation training being unaltered, the team selection having already been internally announced, the poor first half performance on a variety of metrics against MFC and the evidence of Mr Eckert that he did not find the information useful, that it was wrong or that he did not have regard to it.

32. The Commission consider that the evidence demonstrates that the output of the observations fed into analysis conducted by the team, it was discussed with Mr Eckert and others and it was sought so as to inform the strategy for the match. Mr Eckert accepted, as he must, that information such as team selection and injuries is sensitive information which a club would wish to keep private in the build up to a game. He also accepted that he had specifically authorised the observations to obtain information about formation (in the OU Incident) and about the availability of a key player (in the MFC Incident). Such information could only be sought in order to factor it into strategy, whether the information confirms a strategy, is disregarded as unreliable or leads to a change of strategy does not, in our view alter the wrong which is committed when such information is sought. It is inherent in having information which your opponent would wish to keep private that you have a sporting advantage.
33. We agree with the parties that sporting advantage is different from sporting success. The result of the matches which follow the incidents is not, in our view, a guide as to whether there was any sporting advantage.
34. The Commission accepts the Respondent's expressions of remorse, although this is tempered by the initial misleading response to the EFL (see paragraph 25 above). We



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were unimpressed by suggestions on the part of some of the Respondent's witnesses that they were unaware that these actions were in breach of the Rules. The Respondent is a member of the EFL and has agreed to be bound by the Rules.

35. We have had regard to the Respondent's submissions in relation to the *Leeds* case which we find to be of limited assistance given that it pre-dates Regulation 127 by some years, was an agreed decision and does not provide a full factual background. It has now been many years since the express prohibition on observing training sessions in the 72 hours prior to a match was introduced and the Commission accept that the circumstances in which the *Leeds* agreement was reached are sufficiently different so as to make reliance on the outcome as a guide for the treatment of future cases inappropriate. We have also had regard to a number of other authorities, including *Canada Soccer and FIFA* (7 August 2024) and *World Motor Sport Council* concerning Vodafone McLaren Mercedes Limited (13 September 2007). The Commission was also referred to many cases involving sanctions for financial misconduct which were of limited assistance to the present case.
36. In determining sanction, we have reminded ourselves of the range of sanctions available to us under Regulation 93.2.
37. We consider that a particular aggravating feature, which distinguishes Charges 1 and 2 from the other charges, was the willingness of the Respondent to act in breach of Regulation 127 in a competition which is one of the most prestigious and important in English Football. It has not only reputational significance but considerable financial consequences and benefits for a club in the event of success in the competition and promotion to the Premier League.
38. The integrity of the Play-Off competition was seriously violated, and the actions of the Respondent constituted a deliberate attempt to obtain an unfair advantage. For that reason, Charges 1 and 2 attract a much more serious sanction which in this case must result in expulsion from the Competition. We have considered whether a lesser sanction



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would be possible or appropriate while achieving the aim of the rule which has been breached. Were this event to take place during the regular season a points deduction or other sanction could be applied which would strip any sporting advantage and achieve the aims of the rule by making such activities not worth the risk. In the Play-Offs such a position is not possible. Points deductions for the regular season might still be a risk worth taking if it enhanced the possibility of promotion. A financial penalty, as proposed by the Respondent would not be effective at this stage in the competition since the financial rewards on offer for a team which is promoted to the Premier League through the Play-Offs would render any penalty meaningless. Perversely this may act as an incentive for clubs to breach Regulation 127 and pay the fine in an effort to increase the chance of promotion.

39. So far as the remaining charges are concerned, we took a starting point of a three points per incident. As indicated above a sanction at this level achieves the aim of the rule since it effectively makes breach of Regulation 127 a zero-sum game. The six-point deduction was mitigated to four points to reflect the available mitigation, including the Respondent's acceptance of the charges, co-operation (although it is not accepted that this was unqualified) and their proffering of information in relation to the OU Incident and IT Incident (although we accept that they were on notice from the initial letter of 8 May that the EFL were investigating another incident and so these admissions were not entirely unprompted). We did not consider that a financial sanction was required in addition.
40. In addition to the sporting sanctions a reprimand is considered appropriate in the present case because of the way in which junior members of staff were put under pressure to carry out activities which they felt were, at the least, morally wrong. Such staff were in a vulnerable position without job security and with limited ability to object to, or resist the instructions given to them.
41. This is our unanimous decision. The following sanctions are imposed:



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- (i) In relation to Charges 1 and 2, Southampton Football Club (“the Club”) is expelled from the EFL Championship Play-Offs for the 2025/2026 season, with the consequence that Middlesbrough shall proceed to the Play-Off Final against Hull City FC scheduled to take place at Wembley Stadium on 23 May 2026.
 - (ii) In relation to Charges 3,4,5 and 6, a four-point deduction is imposed on the Club, to be applied at the start of the 2026/2027 season.
 - (iii) In relation to all charges a reprimand is issued on the Club
42. As to costs, it is directed that that the parties shall file and serve written submissions by 4pm on Wednesday 27 May 2026, unless they have reached agreement on costs, in which case the parties shall file their draft order on costs for approval by the Commission. In the event that costs are not agreed the Commission will determine the issue of costs on the papers.
43. Pursuant to Regulation 95 the parties have the right to appeal this Decision within 14 days. Given that the Final is due to be played on Saturday 23 May 2026, the parties may (if an appeal is contemplated) wish to consider agreeing an expedited timetable for the appeal process.
44. This Decision shall be published by the EFL on its website.



His Honour Phillip Sycamore CBE (Chair)
For and on behalf of the Disciplinary Commission
London, UK
19 May 2026

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