

FA NATIONAL SERIOUS CASE PANEL
CONSOLIDATED DISCIPLINARY COMMISSION

CHAIR SITTING ALONE

on behalf of the Amateur Football Alliance

NON-PERSONAL HEARING

Of

Club 1017 FC

[Case ID: 11374354M]

Consolidated with

Amadu Waritay

Club 1017 FC

[Case ID: 11374350M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 24 September 2023, Club 1017 FC Saturday First (“Club 1017”, the “Club”), played an Essex Sunday Corinthian League Senior Division fixture against Critics (S) FC Saturday Reserves (“Critics (S)”, “Away Club”) – collectively the “match”.
2. The appointed Match Referee for the fixture submitted an Extraordinary Incident Report regarding incidents of misconduct during the fixture by members of Club 1017 FC.
3. The Amateur Football Alliance (“AFA”) investigated the reported incidents.

The Charges

4. On 22 October 2023, the AFA charged Club 1017 FC:
 - 4.1. with misconduct for a breach of FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match;
 - 4.2. It is alleged that Club 1017 failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative contrary to FA Rule E20.1. This refers to the allegation that at the end of the game, players of Club 1017 surrounded the Match Referee and were verbally abusive to him, one person filmed the Match Referee without his consent and threatened him, saying he was going to “*bang me up on road*” or similar. This made the Match Referee fearful for his safety.
 - 4.3. The AFA advised in the charge letter the offence carried a sanction range of £0-300 fine.

4.4. The relevant section of FA Rule E20 states¹:

“E20 Each affiliated Association, Competition and Club shall be responsible for ensuring:

E20. 1 “that its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour”

[...]”

5. In consolidation on 22 October 2023, the AFA charged Amadu Waritay;

5.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including abusive language/behaviour);

5.2. Amadu Waritay of Club 1017 is hereby charged with a breach of FA Rule E3.1 Improper Conduct against a Match Official including abusive language in respect of the above fixture. It is alleged that during the fixture Mr Waritay used abusive and/or insulting words towards the Match Official by saying he was *“shit”* and/or *“busy”* or similar which is improper pursuant to FA Rule E3.1.

5.3. AFA advised in the charge letter that the range of sanction was between 0-6 matches and a fine of up to £70.

5.4. The relevant section of FA Rule E3 states²:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

¹ p. 148 of FA Handbook

² p. 143 of FA Handbook

6. The AFA cited the evidence that they intended to rely on in these cases which was included within the charge letters.
7. Both participants were required to respond to their respective charges by 05 November 2023.

The Reply

8. As of the date of the Commission there have been no formal responses made to either of the charges raised, therefore these will be dealt with as “*deny – correspondence*” in line with FA Policy.
9. During the investigation, the evidence was submitted from:
 - 9.1. Match Referee Extraordinary Incident Report and further information;
 - 9.2. Statements provided by Club 1017 FC;
 - 9.3. Statements provided by Critics (S) FC.

The Commission

10. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chair Sitting Alone to adjudicate in these cases.

The Hearing and Evidence

11. The case bundle was sent via e-mail to the appointed Chair 07 November 2023 to be completed within 3 working days.
12. I adjudicated this case on 07-08 November 2023 as a correspondence hearing.
13. The following is a summary of the principal submissions provided. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence

and materials furnished with regard to this case. Where appropriate names have been redacted.

14. Below is a summary of the main points:
15. The appointed Match Official for the fixture submitted an Extraordinary Incident Report on 25 September 2023 which contain the following details;
 - 15.1. At the end of the game the Referee reports being surrounded by many players from Club 1017 who proceeded to tell him *"how poor I was"*. He cautioned one player for their actions for being the first to go to him and tell him *"I was shit"*. At this point Amadu Waritay *"who was already sent off entered the field of play and asked if he could speak, I replied no as he had been sent off. He continued to tell me that I was shit, and busy"*.
 - 15.2. The Referee noticed another member of the club who had been filming the game came over *"in a very aggressive manner again telling me I was shit, fucking useless and that he'd "bang me up on road"*. He also took a picture of me claiming he would post it on social media. This was taken without my consent". He adds *"When the guy said he would bang me up I was in fear for my safety as I was in my own"*. As he was being surrounded by many players, he notes the Critic players *"were attempting to calm down the situation by pulling them away"*.
 - 15.3. On 26/28 September 2023 the AFA attempt to contact the Match Referee for further information, 05 October 2023 they make contact by telephone and then follow up with the same e-mail. In response on the same date the Referee provides the following clarification, of the person making threatening remarks he provides a description of them and they had spoken with the players prior to the fixture.
 - 15.4. Of the players that surrounded him *"All the players that surrounded me and arguing were from Club 1017"*; he further reinforces the positive actions of Critic in the reply. When asked how the club 1017 players reacted to the intervention from the Critic personnel *"When being confronted the critic*

players were very helpful in deescalating the situation. Club 1017 were not aggressive in any way to Critics, just wanted to tell me what they thought of my performance". He also notes the incident, whilst it felt like "an age" lasted for approximately 2-3 minutes.

16. On 26 September 2023 the AFA contact Critic (S) FC for their observations, they respond on the same date with the following information;
 - 16.1. The response in full notes *"I have spoken to the boys and we can not recall any violent abuse towards the referee during or after the game. They did surround the ref in regards to a red card (which any team usually would do) but from our side we did not hear any abuse worth noting as we celebrated the win and were walking off the pitch, getting ready to start our warm down"*.
17. On 27 September 2023 the AFA contact Club 1017 for their observations, further contact is made on 05 October 2023 which also notes voicemails being left on their telephones. The next attempt at contact took place on 10 October 2023 and notes the AFA had spoken with a member of the club. Contact is again attempted on 13 October 2023 and again on 16 October 2023. A response dated 17 October 2023 is included in the case bundle and simply states *"Apologies for the delay we have attached our statement"*.
18. There is a further response dated 18 October 2023 to an e-mail from the AFA confirming receipt of the statement from Amadu Waritay notes they have spoken with their players who have *"no recollection of the person the referee is identifying, we don't know if he was a player, coach or just a supporter so therefore I cannot provide a statement for that person... which is why it's taken a while to try and gather this information"*.
19. The statement provided by Amadu Waritay is undated and also has the date of the match incorrect as 08 October 2023. This provides the following regarding the allegation;
 - 19.1. Having entered the game as a substitute around the 70th minute, it was a tough game as they were already reduced to 10 players. And a number had also been cautioned verbally *"in my opinion unfairly for minor*

infractions such as but not limited only to failing to remove their smart watches prior to kick off, and questioning some of the consistency relating to the decision making of the referee". The Referee refused to talk with his colleagues regarding decisions being "dismissive at best and pugnacious at worse. Some of Club 1017's senior players approached the referee individually throughout the game then asked why he had adopted such hostile stance towards the teams players. To which we were met with more hostility".

19.2. They continue adding *"The culmination of this performance, was during a set-piece awarded to the Critics FC. I approached the referee and informed him that his decision was wrong, and that it summed up his game. I finally remarked that the referee should maintain his consistency, as a devout Christian I mentioned that a God fearing man wouldn't cheat. I was immediately shown a red card, I exited the field of play immediately with little to no debate. Whilst, my team mates attempted to appeal the decision".*

19.3. At the end of the game one of his colleagues calmly approached the Referee *"seeking to admonish him on what he felt was a game that was ruined by an overzealous performance on the referees behalf, as many of the fine referees that this league has offered are more than happy to discuss the contentious decisions they may have made".* Instead, this colleague was cautioned and he feels even though the game was over the Official was *"looking to issue bookings rather than engage in dialogue".* The statement ends *"The referee was not threatened to my knowledge at any point by any players or members of the club board. And it is highly disappointing that he would suggest such, we are confident that the players for the opposition would corroborate this".*

20. That concluded the relevant evidence in the case.

Standard of Proof

21. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

22. Case **11374354M** the E20 charge against Club 1017 FC the Commission considered the evidence before them. The Referee alleges the members of Club 1017 FC have surrounded him to complain about their performance; he was then threatened by an unidentified individual who had been recording the game had approached in an aggressive manner, taken a picture of him and issued a threat of "*bang me up on road*". These actions have left the Referee fearing for his safety as he was there without support.
23. Very little is provided by the club in response to the charge other than to confirm they were unable to identify the individual that was filming. The statement from Amadu Waritay paints a picture of a team that are very upset and are confronting the Referee for explanation of the decisions made. The statement from Critic (S) FC does note their opponents had surrounded the Referee but they were unable to confirm what had been said.
24. Having reviewed the evidence, it is noted the Critic (S) FC statement offers a degree of support to the report of the Referee in they were surrounded by Club 1017 FC players. Whilst they do not recall any violent abuse, they were too far away to have heard any other comments as they were walking away from the field of play.
25. The Commission believe the personnel from Club 1017 FC have surrounded the Referee at the end of the fixture and were likely to have been upset by their perception of the Referee's performance. On the balance of probability it is believed in this highly emotive situation, it is more likely than not the member from Club 1017 FC has approached the Referee and has made a threat towards them. Therefore, the charge has been found as **Proven**.
26. For case **11374350M** E3 charge against Amadu Waritay the Referee has alleged he has been called "*shit and busy*" when the player had approached him after the end of the fixture. The statement from the participant charged does not mention he had re-entered the field of play and comments on the card issued to a colleague.

27. This statement does show the author to have been feeling aggrieved and frustrated at the actions of the Referee during the fixture, having been sent off himself for referring to the Match Official as a cheat he further notes his belief of the failings of the Referee in their statement. The Referee has already dismissed the player during the game and is believed to have been able to positively identify them based on this.
28. Having reviewed all of the evidence presented, the Commission believe, on the balance of probability it is more likely than not Amadu Waritay has returned to the field of play, approached the Referee and given them further abusive comments as has been alleged. Therefore, this charge has been found as **Proven**.

Previous Disciplinary Record

29. Club 1017 FC have 1 team, the five-year offence history only contains no other discipline of any nature prior to this season and contains no other similar charges.
30. Amadu Waritay's five-year offence history only contains two cautions prior to this fixture.

Mitigation

31. Nothing has been provided by either participant charged in mitigation.

The Sanctions

32. For case **11374354M** E20 Club 1017 FC the sanction range for this offence is as follows:
 - 32.1. A fine up to £300
33. The Commission considered the actions of the players to surround the Match Referee at the end of the fixture alongside the entry onto the field of play by an unnamed individual who has issued threats and left the Referee to fear for their safety to place the sanction in the higher end of the range at £225. After taking into consideration Club 1017 FC's previous offence history the sanction will be:

- 33.1. fined a sum of £175;
 - 33.2. A warning as to future conduct.
34. For case **11374350M** Amadu Waritay E3 Improper Conduct against a Match Official (including abusive language/behaviour) the sanction range for this offence is as follows:
- 34.1. Suspension between 0-6 Matches;
 - 34.2. A fine between £0-70.
35. The Commission placed the entry point for the sanction at 2 matches and a fine of £30 in line with on field discipline for this type of offence. When considering the aggravating factors of entering the field of play at the end of the game having previously been sent off, to approach the Referee the sanction was placed at a suspension of 4 matches and a fine of £50. Having considered the offence history, the sanction will be:
- 35.1. To serve a suspension of 3 matches;
 - 35.2. fined a sum of £40;
 - 35.3. 8 (eight) Club Disciplinary points to be recorded.
36. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
37. Signed...

Steve Francis (Commission Chair)

08 November 2023