**Kent Football Association**

**Versus**

**Aaron Jeffrey**

**Case No: 59892285M**

**Disciplinary Commission – Written Reasons**

**21st June 2019**

**Fixture:** SC Thamesmead Reserves v Crayford Arrows First Team – played on 27th April 2019- Kent County Football League, Division 2 (West).

* **INTRODUCTION:**

These are the written reasons for the findings of a Kent Football Association (KFA) disciplinary commission held to consider an appeal by personal hearing by Aaron Jeffrey, a player registered with SC Thamesmead FC. Aaron Jeffrey had been charged by the KFA in response to a written report made by referee Richard Myers alleging that Aaron Jeffrey sprayed water from a water bottle over him after being dismissed in the above-mentioned fixture.

A plea of ‘non-guilty’ was provided by Aaron Jeffrey on 24th May 2019. Mr Jeffrey also provided an e-mail dated 24th May outlining his reasons for pleading not guilty.

Immediately prior to the commencement of the hearing, the disciplinary panel were presented with two written statements. One was from Jason Lawrence, team manager of Crayford Arrows. The second statement was provided by Ben Williams. Mr Williams was also listed as a witness for Mr Jeffrey.

The chairman ruled that both statements would be considered by panel members, though Mr Lawrence was not in attendance and could not be questioned.

* **PARTIES:**

The disciplinary panel members appointed to hear this appeal were:

Bill Stoneham (KFA member) Chairman;

John Moules (KFA vice-president);

Roger Corkhill (Independent panel member).

Mark Bright (KFA Football Services Officer - Discipline) acted as secretary to the commission.

**KFA Witness:**

Richard Myers – Referee.

**Witnesses for the Appellant:**

Ben Williams – Player/assistant manager SC Thamesmead Reserves FC. Mr Williams played in the match in question

Lee Hill, hon secretary of SC Thamesmead FC was in attendance. Mr Hill had not been present at the game, but Mr Jeffrey requested that Mr Hill be allowed to attend as an observer. The chairman agreed to this request and the commission secretary briefed Mr Hill on this role emphasising that he had to remain silent throughout unless panel members requested his input.

Mr Myers initially objected to Mr Hill being present. After a conversation with the commission chairman, Mr Myers confirmed that he was happy for Mr Hill to attend, but purely as an observer.

* **Misconduct Charge:**

A charge was laid against Aaron Jeffrey by the KFA on 17th May 2019 for a breach of FA Rule E3 -**Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour), including causing the game to be abandoned.**

The details of the charge were as follows:

***Details: This charge relates to an allegation that Aaron Jeffrey sprayed the referee with a water bottle after having been dismissed from the field of play for two cautionable offences***

***FA Handbook page 179 – Offences against match officials states:***

***‘Physical contact or attempted physical contact: examples include but are not limited to: pushing the match official, pulling the match official (or their clothing or equipment), barging or kicking the ball at a match official (causing no injury) and/or attempting to make physical contact with the match official (for example, attempting to strike, kick, butt, barge or kick the ball at the match official).’***

* **Supporting Evidence:**

Richard Myers submitted a written disciplinary report to the KFA dated 28th April. An e-mail, offering more detail, was provided by Richard Myers on 16th May 2019. Mr Myers had initially been requested to provide more detail by the KFA in an e-mail dated 29th April. This requested was seemingly ignored. Mr Myers only offered additional information when a further e-mail request was sent to him on 15th May 2019.

* **Response from the Appellant:**

Aaron Jeffrey submitted an e-mail on 24th May 2019 refuting the allegations. The key points made in this e-mail are:

* Mr Jeffrey agreed that he deserved two cautions, though he felt that the second caution, for what he described as ‘mild dissent’, was harsh.
* Mr Jeffrey strongly denies the referee’s claim that he (Mr Jeffrey) grabbed the referee by the arm.
* Mr Jeffrey stated that if he had grabbed the referee by the arm, he would have expected to receive an immediate red card.
* Mr Jeffrey contended that he left the field of play after being dismissed and returned immediately to his dressing room. He claims that he was in the dressing room for about ten minutes before he realised the game had been abandoned.
* The referee in his report stated that he abandoned the game because he felt unsafe. This was because of two actions by Mr Jeffrey – the first grabbing the referee by his arm, the second squirting him with water. Both accusations are strongly denied by Mr Jeffrey.
* Mr Jeffrey twice states that he was in his dressing room when the game was abandoned.
* **Summary of Written Evidence:**

In his initial report, Richard Myers refers to an incident in the 23rd minute when he awarded a penalty to Crayford Arrows FC. He alleges that he was surrounded by several SC Thamesmead players. He makes particular mention of the aggressive attitude adopted by Ben Williams and Aaron Jeffrey. He states their shirt numbers. He continues his report by alleging that Aaron Jeffrey grabbed his arm and swore at him by stating: ‘What the fuck are you doing?’ As Mr Jeffrey had been cautioned earlier in the game for a reckless challenge, he was now dismissed as a second caution was issued; this time for dissent. Mr Myers then alleges that Mr Jeffrey showed him scant respect by picking up a water bottle and spraying it at him. At this juncture My Myers abandoned the game because he feared for his own safety.

Following two requests from the KFA, Mr Myers added detail to his original report in an e-mail dated 16th May. In this submission he states that he believed Mr Jeffrey’s actions to be deliberate. He further states that he was about five metres away when Mr Jeffrey allegedly sprayed the water, though he continues by stating that he had his back turned to Mr Jeffrey. He alleges that the sprayed water hit his back. He then turned and saw Mr Jeffrey holding a water bottle.

Jason Lawrence, manager of Crayford Arrows FC had submitted an e-mail giving his version of events. He acknowledges that the penalty awarded to his side was controversial, but in his view justified. He then alleges considerable confusion culminating in Mr Myers abandoning the game. Mr Lawrence does not refer to any incident where physical contact was made with the referee, or where water was sprayed at the referee. This e-mail was presented to the commission by Lee Hill (SC Thamesmead hon. secretary) immediately prior to the commencement of the hearing.

Mr Hill offered the commission another e-mail outlining events. This e-mail categorically denied that Mr Jeffrey grabbed the referee’s arm. It also denied that Mr Jeffrey sprayed water at the referee.

At the commencement of the hearing, the commission chairman stated that both e-mails would be considered by panel members and would form part of the evidence base. He asked Mr Hill to confirm that he had not attended this game. Mr Hill confirmed that this was the case. The chairman then asked Mr Hill to confirm who had authored the second e-mail as it appeared to be a contemporaneous account though it was signed by Mr Hill. Mr Hill confirmed that the content had been provided by Ben Williams but that he (Lee Hill) had submitted it and, therefore, his name appeared on the correspondence.

* **Verbal Evidence:**
* At the start of the hearing, Richard Myers confirmed that Aaron Jeffrey was the player who allegedly sprayed water at him. Any possibility of mistaken identity was, therefore, immediately eliminated.
* When requested, Richard Myers provided a pitch-based map of the incident. He said that he awarded Crayford Arrows a penalty following a reckless challenge by Ben Williams. He quoted the name because Mr Williams was cautioned during the subsequent confrontation.
* Mr Myers pinpointed the foul challenge as taking place on the left-hand side on SC Thamesmead’s penalty area, about 10 metres from the goal line. **(This claim was not disputed at any time during the hearing. Both Aaron Jeffrey and Ben Williams provided pitch-based maps and there was minimal variation in where the claimed event took place).**
* Mr Myers said that he was positioned just outside the penalty area and about 7-10 metres from the touchline. He was in front of the SC Thamesmead bench.
* He recalled that as soon as he awarded the penalty he was immediately confronted by Mr Williams and another (unnamed) SC Thamesmead defender. He described their demeanour as ‘aggressive and threatening’. He acknowledged that he was not initially aware of Mr Jeffrey’s position.
* He continued by stating that as he was trying to placate Mr Williams and his colleague, he was aware that Mr Jeffrey came into view on his (Mr Myers’) left hand side, grabbed his left arm and swore at him saying: What the fuck are you doing’?
* My Myers said that he already had his yellow card in his right hand as he was cautioning Mr Williams (and the unnamed defender). He then showed Mr Jeffrey a yellow card for what he described as dissent/adopting a threatening attitude. As Mr Jeffrey had already been cautioned, he then showed him a red card and dismissed him from the field of play.
* Mr Myers said that Mr Jeffrey immediately exited the field of play by walking some 7-10 metres to his team’s bench.
* Mr Myers then alleges that he felt water on his back. He agreed that he had his back to the SC Thamesmead bench and that he did not see who sprayed the water. He maintains, however, that he instantly turned and saw Mr Jeffrey holding a water bottle. Another person was standing close to Mr Jeffrey. Other members of the SC Thamesmead technical area were to the left of Mr Jeffrey by at least a metre or two and were not directly involved.
* There was some lack of clarity about this point. In his initial report, it is unclear whether Mr Myers saw the water being sprayed. In his follow up e-mailed comments to the KFA, he acknowledges that he did not see the actual incident; he merely felt water on his shirt.
* In his evidence, Mr Myers made a reference to being ‘soaked’ with water. On questioning from commission members, he withdrew this comment and said that he was ‘sprayed with water’.
* Though Mr Myers gave clear evidence about the penalty decision and being sprayed with water, the rest of his account about what happened and what compelled him to abandon the game lacked clarity. He was especially vague about how long it took him to abandon the game. He tried to give the impression that this decision was taken quickly. Under questioning, however, he was less precise, and his account of events became increasingly vague.
* In his own evidence, Mr Jeffrey agreed with many of the referee’s comments. He said that he was about 50-60 metres away when the penalty was awarded. He agreed that he approached the referee and expressed dissent, but vehemently denied swearing. He said his approach was casual. He did not run towards the referee shouting. He claimed that there was a large group of players remonstrating with the referee. The game had only been going for about 25 minutes and he claimed that many players from both teams had been ‘wound up’ by the referee. There had already been at least four cautions. There was also uncertainty about the accuracy of the penalty decision and some Crayford Arrow players were clearly unhappy because their colleague had been injured in the penalised challenge and needed medical treatment.
* Mr Jeffrey admitted he was wrong to approach the referee. He agreed that he probably deserved his second yellow card. It is at this point that his account differs somewhat from what Mr Myers alleges.
* Mr Jeffrey strongly denies manhandling the referee or swearing at him. He further claims that when he was shown a red card, he immediately left the field of play and returned to his dressing room to shower. He vehemently denied picking up a water bottle and spraying it at the referee. He further contended that he had been in the dressing room for about ten minutes and was leaving to watch a match on an adjacent pitch when he heard that the game had been abandoned.
* All his evidence was offered calmly, and he spoke confidently and without hesitation. Though he alluded to the referee having a poor performance, in giving his evidence, he did not seek to criticise or belittle the match official.
* Mr Williams also concurred with the first part of the referee’s report. He admitted to feeling harshly judged by the penalty awarded against him and he agreed that he and another defender confronted the referee.
* He too was initially unsure of Mr Jeffrey’s starting position but was aware that Mr Jeffrey did approach the referee and expressed dissent but did not swear. He said that Mr Jeffrey was calm and was not shouting. Indeed, he said that when Mr Jeffry was shown a red card, he remained calm and simply turned and left the field of play and walked towards the dressing room area.
* He said he was certain about this because the pitch being used is in a cage and he was clear in his responses to questions from panel members on the exit route taken by Mr Jeffrey. He added that he was annoyed with Mr Jeffrey because he seemed so casual. He stated that Mr Jeffrey had shown little emotion when given his first caution and was equally non-demonstrative when shown a red card. Mr Williams gave the opinion that Mr Jeffrey had little interest in the game and did not seem to care about being dismissed.
* Mr Williams said that Mr Jeffrey did not grab the referee or swear at him; nor did he spray him with water.
* He further added that there was considerable confusion, with many players asking the referee what was happening. This confusion arose because several yellow cards were shown, plus a red card to Mr Jeffrey. The Crayford Arrows player was quite badly injured and needed medical treatment. Players from both teams were arguing with one another and with the referee. He ventured that there was a long delay, possibly as long as ten minutes, between his foul tackle and the game being abandoned. Play had not restarted, and the penalty was never taken.
* Mr Williams offered his evidence in a calm manner. He too avoided unduly criticising the referee though he did say that he had lost control early in the game and felt that this match was beyond the referee’s capabilities. He also ventured the opinion that the referee was not in control during the events after he had awarded a penalty. He described this as a period of ‘considerable confusion’. All his answers were offered in a confident manner and without hesitation. He was deemed to be a reliable witness.
* In his summary, Mr Jeffrey highlighted the following points in his defence:
* He did not swear at the referee;
* He did not grab the referee by his arm. He added that in his view, this would have constituted an assault on the referee and an immediate red card. This did not happen;
* He did not spray water at the referee;
* On being dismissed from the field of play, he immediately left the vicinity and returned to his changing rooms. He maintained that he was in the changing rooms when the game was abandoned some ten minutes after the penalty decision had been made.
* **Findings:**

After carefully evaluating the written and verbal evidence presented, members of the commission were unanimous in their opinion. They seriously doubted that Aaron Jeffrey had sprayed water at the referee for the following reasons:

* 1. The referee did not actually see Mr Jeffrey commit the alleged offence; he merely claims to have seen Mr Jeffrey holding a water bottle. This verbal evidence is at variance to what the referee stated in his original disciplinary report.
	2. Doubt was intensified in verbal evidence offered by Aaron Jeffrey and Ben Williams. Both were steadfast that no water was sprayed at the referee. Indeed, both stated that once Aaron Jeffrey had been dismissed from the field of play, he immediately left the vicinity and went to his changing room.
	3. Written evidence from Jason Lawrence made absolutely no reference to Aaron Jeffrey spraying the referee. Indeed, Mr Lawrence suggested that though the game was competitive, it was played in a good spirit. In his opinion the abandonment was unnecessary and the referee over-reacted. Mr Lawrence stated that he did not witness any behaviour that was threatening.
	4. Commission members were united in the view that evidence of Aaron Jeffrey spraying water at the referee was weak and was not compelling.
	5. Commission members were surprised at the delay that had occurred in the referee submitting his second report given the seriousness of his allegations.

Commission members reached a unanimous decision that, on the balance of probability, the charge under ***FA Rule E3 –* Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour), including causing the game to be abandoned,** against Aaron Jeffrey was **NOT PROVEN.**

Aaron Jeffrey was recalled and advised of the commission’s decision.

* **Additional Information:**
* The commission commenced at 19.01.
* Richard Myers gave his evidence. He left the commission at 19.42
* From 19.44 to 20.06 Aaron Jeffrey gave his evidence and was questioned by panel members.
* From 20.06 to 20.24 Ben Williams gave his evidence and was questioned by panel members.
* Aaron Jeffrey summarised the key points in support of his not guilty plea from 20.24 to 20.24.
* Commission members then deliberated on the evidence provided.
* At 20.43, Aaron Jeffrey was recalled. He was asked if, in his opinion, he had received a fair hearing. He replied that the hearing had been fair and that he was happy with the way it had been conducted. He thanked commission members for their time.
* Aaron Jeffrey was then informed by Mark Bright of the **not proven** verdict. He was advised about the implications of this decision, including the return of all fees and the impact on his disciplinary record.
* The commission closed at 20.48.

Bill Stoneham – Commission Chairman - On behalf of the Kent Football Association.

Tuesday 25th June 2019.