**IN THE MATTER OF**

**COUNTY FA NATIONAL DISCIPLINE PANEL DISCIPLINARY COMMISSION**

**ON BEHALF OF MIDDLESEX FA**

**PERSONAL HEARING MISCONDUCT CHARGE (CASE ID 10183427MD)**

**AGAINST**

**TOM SIMMONDS (56394934)**

1. These are written reasons for the findings of a CFA National Discipline Commission held by WebEx on behalf of Middlesex FA on Thursday 30th October 2020, following a charge raised against Tom Simmonds. The charge arises from an incident alleged to have taken place during a game between Putney Town FC (PTFC) and Old Southall Sunday FC (OSFC) in the Middlesex FA Premier Cup played on Sunday March 8th, 2020.

**PARTIES**

1. The following members of the County F.A. National Discipline Panel were appointed by The Football Association to this Disciplinary Commission:

Keith Allen (Chair), Barry Casterton and David Edmunds.

1. Jenny Gregory, the Discipline Manager of Somerset F.A. acted as the Secretary to the Commission.
2. Tom Simmonds attended by WebEx in person.

**CHARGES**

1. By Middlesex FA Misconduct Charge Notification, dated 24th March 2020, the following charge was raised:
2. FA Rule E3 – Improper Conduct (including violent conduct and/or threatening and/or abusive language/behaviour).

**DETAILS OF THE CHARGE**

1. “It is alleged that: “In an act of violent conduct and/or threatening and/or abusive language/behaviour that Mr Simmonds has put his forearm across a player’s throat, grabbed his shirt collar and began to push him away with substantial force.”
2. Mr Simmonds was the referee in the above fixture.

**PLEA**

1. Tom Simmonds entered a plea of not guilty to the charge and expressed a wish to attend a Disciplinary Hearing
2. With other charges arising from the same match, the charge against Mr Simmonds was considered a part of a consolidated hearing.

**WRITTEN EVIDENCE**

1. The written evidence available consisted of:
2. A statement from Mohmin Zaheed, a player for OSFC FC, on which the charge was raised.
3. A defence statement from Mr Simmonds.
4. Two witness statements from Chris Fernandes, who was an Assistant Referee at the fixture.
5. Correspondence between OSFC and Middlesex FA, regarding events that occurred at the match.
6. A report from Mr Simmonds the Match Referee.
7. A statement from Dalvear Virdee, Manager of OSFC.
8. Witness statements from Lee Rosborough and Luke Wheeler of PTFC.
9. Three Videos submitted as part of the witness statements from PTFC.
10. Two further reports from Match Referee Mr Simmonds, of disciplinary action taken during the game against two separate players.
11. Correspondence between Mr Simmonds and Middlesex FA, regarding incidents during the game.
12. A further statement from PTFC following enquiries by Middlesex FA.

All the above written evidence was received and considered in depth by the Commission in excess of seven days prior to the hearing, all relevant evidence being given due weight. Some of the written evidence above was referring to other incidents in the match and were not considered relevant to the charge against Mr Simmonds.

**HEARING AND EVIDENCE**

1. Mr Mohmin Zaheed appeared by video link as a witness for Middlesex FA, having previously submitted a report on the alleged incident, informing the Commission:
2. A foul was committed on a member of his team and the number 5 of PTFC made a homophobic comment to Mr Zaheed’s teammate, calling him a “faggot”.
3. Mr Zaheed and the PTFC number 5 then proceeded to exchange words with each other, face to face, with both parties equally aggressive but just “handbags”.
4. The match referee ran towards them and proceeded to put his forearm across his throat, grabbing his shirt collar and began to push him away with substantial force. Mr Zaheed stated that the referee did not touch the other player and that the first contact was on himself and instigated by the referee.
5. At this point he panicked and in self-defence to try and get his hand off his collar, he put his hand on the referee, while telling him not to touch him and get off, the referee then gave him a red card and he left the field immediately.
6. Mr Simmonds was given the opportunity to question Mr Zaheed but had no questions to ask.
7. The Commission asked Mr Zaheed:
8. Did the referee say anything to you at the time of the alleged incident? “No”.
9. Did you lay a hand on the referee? “Yes one”.
10. Did the referee lay a hand on you? “Yes one”.
11. Did the referee make physical contact first? “Yes”.
12. Have you seen the video evidence? “Yes, but I am not in it, I had already left the field.”
13. How much of your collar did the referee grab? “A hand full”.
14. Were you surprised? “I was shocked”.
15. Was the referee just acting as peace maker? “He went for me”.
16. Did he make any contact with the PTFC number 5? “No”.
17. Mr Dalvear Verdee then appeared by video link as a witness for Middlesex FA, informing the Commission:
18. The two players got together face to face, just “handbags” and exchanged a few words. The referee ran in aggressively, a fast movement.
19. The referee tried to split the players up, he only handled Mr Zaheed and grabbed him by the shirt, with evidence presented that he pushed him backwards.
20. Mr Zaheed then proceeded to protect himself by releasing the referee’s grip from his collar.
21. Mr Simmonds was given the opportunity to question Mr Verdee, but he had no questions to ask.
22. The Commission asked Mr Virdee:
23. At the time of the incident, where were you? “I was Manager and off the pitch”.
24. At what point did you enter the field of play? “When all the players crowded round”.
25. Who made the first physical contact, Mr Zaheed or the referee? “100% certain it was the referee”.
26. How far were you from the incident? “Not sure but close on the edge of the pitch maybe about 30 yards.”
27. Was it a deliberate grab of the shirt? “Definitely”.
28. Was the referee not just trying to split up the two players? “No, he only touched one of the players”.
29. Mr Simmonds then appeared by video link and gave evidence of defence on his own behalf, informing the Commission:
30. He was 10 yards from the incident between Mr Zaheed and the PTFC number 5, he made himself big to get in between them, he may have touched Mr Zaheed who was aggressive and his sole purpose was to prevent worse happening.
31. He had initially merely intended to caution both players, but he considered it had the possibility of boiling over, with the away player particularly threatening.
32. The Commission asked Mr Simmonds:
33. Were you surprised to receive this charge? “Yes, very surprised”.
34. Did you run to separate the players? “Yes, a fast jog, sprint 10 yards to present a physical barrier I put my arms out at arm’s length, a T shape at full stretch”.
35. Did you grab a handful of Mr Zaheed’s shirt? “After his reaction”.
36. Did you make any contact with the PTFC number 5? “No, I focused on the instigator, who was the away player”.
37. What was the demeanour of the two players involved? “The away player was heated and aggressive, the home player defensive”.
38. Did you make the first contact with Mr Zaheer, before he made contact with you? “Yes, I may well have touched him”.
39. Mr Simmonds then called Chris Fernandes, who was the Assistant Referee as a witness, Mr Fernandes appeared by video link and at the request of Mr Simmonds informed the Commission:
40. He saw a coming together of two players which was just “handbags”, then other players surrounding the referee, so he came onto the field to get the players away.
41. Players were asking why he had been sent off, Mr Zaheed started to walk off and the referee abandoned the game, despite pleas from the home side to allow the final five minutes to be played.
42. Mr Simmonds had no further questions for Mr Fernandes, who was asked by the Commission:
43. How far were you from the incident? “20 yards and I came on when all the players all came in”.
44. How quickly did you get there? “I walked quite slowly”.
45. How did the referee split the players up? “Using his arms”.
46. Did you see the referee grab the shirt of Mr Zaheed? “No”.
47. Did you see the referee put his arms across one or both players? “both”.

**SUMMING UP**

1. With no further witnesses called, having confirmed to the Chair that he was satisfied he had received a fair hearing and that all evidence had been heard, Mr Simmonds summed up his case, stating:
2. His sole purpose was to stop the situation escalating, it was a County Cup

Semi-Final and highly contested, he was only acting as peacekeeper.

**DELIBERATION**

***The following is a summary of the principal evidence provided to the Commission, it does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of* *doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case, both written and verbal.***

1. The Commission:
2. Noted, written evidence from PTFC that Mr Zaheed had “been getting at the referee a lot during the game but got increasingly aggressive to the point that he squared up to one of our players and then squared up to the referee after he had tried to take him away from the Putney player to avoid escalation”.
3. Noted, the Video Evidence produced clearly showed incidents after alleged incident between Mr Zaheed and Mr Simmonds, therefore being of no assistance in the determination of this charge.
4. Noted, further written evidence from PTFC, which praised the referee for conducting himself well and outlined poor behaviour, at best, by OSFC players, spectators and officials. However, he confirmed the bad behaviour was mainly verbal, with threats being made by some OSFC players towards the referee, but no punches were thrown.
5. Noted Mr Zaheed in his evidence stated that the match referee ran towards them and proceeded to put his forearm across his throat, grabbing his shirt collar and began to push him away with substantial force.
6. Noted, the Assistant Referee Mr Fernandes in his written report stated, “The referee tried to intervene in between both (players) and as he did he put his hand on the OSFC player which then resulted in the OSFC player reacting and putting his hands on the referee. As the referee felt that he took a step back and showed the red card to the OSFC player”.
7. Noted, in his verbal evidence Mr Fernandes stated he did not see the referee grab Mr Zaheed’s shirt, but he did see the referee separate the players with his arms across both players.
8. Noted, the referee in his report on the dismissal of Mr Zaheed stated, “I dismissed A5 for violent conduct as he physically grabbed me by the shirt and assaulted me by pulling on my shirt. A5 took exception to me stepping in between him and the home player and turned his aggression from the home player to me. Saying I was not allowed to touch him or do what I did to prevent the escalation of the situation.”
9. The Commission considered that there was witness evidence that Mr Simmonds “laid hands” on Mr Zaheed first, which was confirmed by Mr Simmonds himself in his verbal submission.
10. The Commission observed that Mr Fernandes in his evidence stated this initial contact resulted in the OSFC player reacting and putting his hands on the referee.
11. The Commission considered that witness evidence confirmed Mr Zaheed was “heated and aggressive” at the time of the intervention of the referee and to squaring up to the official as he tried to take him away from the Putney player to prevent escalation.
12. The Commission considered that the referee had been given a torrid time by OSFC players throughout much of the match, culminating in events in the 85th minute that led to the abandonment of the game, although he had conducted himself well.
13. The Commission accepted that Mr Simmonds only motive was to act as peacemaker and prevent escalation, but in the event contact with Mr Zaheed exacerbated events.
14. **However, the main considerations of the Commission were:**
15. That despite mounting provocation, the first physical contact was made by Mr Simmonds on Mr Zaheed, at a time when the player was extremely heated and subsequently reacted violently.
16. When Mr Simmonds attempted to intervene and prevent escalation, Mr Zaheed was the only player he made contact with when he spread his arms to get in between the players and that he “tried to take him away”.
17. The varying descriptions of the contact made by Mr Simonds on Mr Zaheed were contradictory and the Commission were not convinced Mr Simmonds had reacted as violently as Mr Zaheed suggests.
18. But any physical contact by a referee on a player cannot be condoned, in this case it led to a severe escalation of the situation, which was the opposite of Mr Simmonds intentions.

**STANDARD OF PROOF**

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

1. Having discussed all the evidence at length the Commission, by a majority decision, found the E3 charge of Improper Conduct (including violent conduct and/or threatening and/or abusive language/behaviour) **Proven.**
2. At this point the Commission were informed of Mr Simmonds disciplinary record over the past five seasons, which was clean.

**SANCTION**

1. Taking into account Mr Simmonds mitigation and clean record, the Commission consulted the FA Recommended Guidelines for this E3 charge and placed the Sanction in the low category and imposed a suspension from involvement in all football for a period of **seven days, together with a fine of £20.**
2. **There is a right of appeal against this decision in accordance with the relevant Provisions set out in the Rules and Regulations of The Football Association.**

Keith Allen (Chair)

Barry Casterton

David Edmunds Friday 30th October 2020