

# **THE FOOTBALL ASSOCIATION DISCIPLINARY** **COMMISSION**

*Sitting on behalf of Oxfordshire Football Association*

## **NON-PERSONAL HEARING**

*of*

**STEPHEN PRIOR**  
**Case ref: 11450616M**

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## **THE DECISION AND THE REASONS OF THE COMMISSION**

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### **Introduction**

1. These are the written reasons of Ruth Mann (“Chair” or the “Commission”), having considered the matter on the papers as Chair alone on a Non-Personal Hearing basis.
2. These written reasons obtain a summary of the principal evidence before the Chair and does not purport to contain reference to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Chair did not take such point, piece of evidence or submission into consideration when determining the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials provided in this matter.

### **The Charges**

3. By a Misconduct Charge Notification dated 10<sup>th</sup> November 2023 (the “Charge Notification”) issued by the Oxfordshire FA, alleged that Stephen Prior (“SP”) during a match (“the match”) between Berinsfield FC and Marcham First FC on 14<sup>th</sup> October 2023 used improper conduct against a Match Official (including threatening and/or abusive language/behaviour). The circumstances being that on being shown a red card SP then used foul and/or abusive and/or threatening language by saying “fucking mug” and “Ill be waiting for you in the car park” or similar which resulted in the match official feeling threatened.
4. Accordingly, Oxfordshire FA charged SP with:
  - i) Improper Conduct against a Match Official (including threatening and or abusive language/behaviour in breach of FA Rule E3
5. SP was required to submit a response to the charge by 24<sup>th</sup> November 2023. The Commission notes the matter was denied on 21<sup>st</sup> November 2023 with a request for a Non-Personal Hearing.

### **Evidence**

6. As aforementioned, the following is a summary of the principal evidence only. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been recorded as drafted, without correction, to provide a true and accurate reflection of the evidence which has been submitted.

7. Following “the match” the Match Referee, Alan Moss (“AM”) completed an Extraordinary Incident Report dated 14<sup>th</sup> October 2023. He states *“Stephen Prior had been sin-binned earlier on in the match for dissent. Later on in the match, he was back on the field and while play was going on (not involving him) he said to me “you don’t know what you’re fucking doing” so I told him he would be going back in the sin bin. He then called me a “fucking cunt” so when the ball went out of play a few seconds later I red carded him for offensive language. As he left he called me a “fucking mug” and said he would be waiting for me in the car park”*.
8. AM confirmed to the Oxfordshire FA that when the last comment was made SP approximately 5 feet away from AM. AM states the comments made him feel threatened, not least because it seemed that *“that day he was self-evidently in an aggressive and confrontational mood”*. AM states he took steps to ensure, that after the match he was not near to and in the vicinity of SP.
9. Oxfordshire FA have submitted the email which was sent to the Berinsfield FC inviting a response from SP. The Commission notes an email dated 19<sup>th</sup> October 2023 which includes a hearsay reference to SP, which states *“Having spoken to Stephen it was his intention to have a chat with the referee about his card after the match because he wouldn’t allow him to talk to him once he had given him the card which is quite right but I think Alan may have taken it out of context”*.
10. No other evidence was submitted.

### **Liability**

11. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
12. The applicable standard of proof required for this case is the civil standard of proof, namely, the balance of probability. This standard means the Commission should be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

13. The Commission must determine whether a case is proven based on the evidence and information provided by the County FA. In this case it is Oxfordshire FA that bring the case to the Commission. The onus is on them to prove the case. It is not for the Participant charged to prove the case and likewise it is not for the Participant to prove his innocence.
14. In assessing liability, the Commission was mindful of the issues to be determined. The Commission is satisfied that on the balance of probabilities that SP made the comments as alleged. The Commission is so satisfied for the following reasons:
- a) The issue for the Commission to determine is whether SP said the words “I will see you in the carpark” to AM, and whether those words were threatening and or abusive. This is effectively the word of AM against the word of SP. In addition, it is alleged that prior to making the alleged threat SP also called AM “fucking mug” and “fucking cunt”.
  - b) AM has no reason to lie. AM explained that prior to the final comment of ‘I’ll be waiting for you in the car park’ he had cause to speak to SP about his language / behaviour. It is clear SP had taken issue with been dismissed from the field of play and was keen to get answers/ an explanation from AM. There has been no detailed explanation from SP about what he states happened or did not happen.
  - c) The Commission, on the balance of probabilities, meaning more likely than not find that SP did in fact say the words ‘I’ll see you in the car park’. This was said in a threatening manner. These words were said with an intent to cause concern to the Match Official. Whether the threats would have been carried out or not is irrelevant.
  - d) AM’s contemporaneous report was made on the same day as the alleged incident.
  - e) The charge is **PROVEN**.

## **Sanction**

15. In finding the charge of improper conduct against a Match Official (including threatening and / or abusive language or behaviour) proved the Commission went on to consider the appropriate sanction.
16. The Commission was made aware of SP's previous disciplinary record on the last 5 years. SP had no previous misconduct history prior to the fixture. The Commission notes 6 Cautions for the season 2022/23 which appear to be for unsporting behaviour or showing dissent.
17. When considering the sanction the Commission had regard to the relevant provisions within the FA Rules, namely the Standard Sanctions 2023/24. The following applies:  
  
*"Suspension from all football activities for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors is 112 days. - a fine of up to £100, with a mandatory minimum fine of £50. - an order that the Participant completes an education programme before the time-based suspension is served".*
18. The entry point for a suspension is, therefore, 112 days but the Commission must now also consider aggravating and mitigating factors.
19. It is an aggravating feature that the incidents had several phases. For example, the initial comments of 'fucking cunt' were abusive and unnecessary. Having been warned and sent off about his behaviour SP did not desist. He continued in his abusive behaviour toward the Match Official. He entered the field of play to continue to verbally abuse AM. The final comment of 'I'll be waiting for you in the car park' was a threat to AM.
20. In terms of mitigating factors, the Commission notes that SP has no previous misconduct history.
21. The allegation was denied therefore there can be no credit for a guilty plea.

22. Taking all the above into consideration, the Commission concluded that the appropriate sanction was suspension from all football activities for 115 days. A mandatory online education course will also need to be attended.

### **Outcome**

23. For the reasons set out above:

- i) The charge is found proven.
- ii) SP is warned as to his future conduct.
- iii) SP shall receive a suspension from all football activities for 115 days.
- iv) SP shall pay a £50.00
- v) SP shall attend a compulsory online FA Education Course, to be completed before the suspension is served, failing which he will be suspended from all football activity until such time as he has completed the course.
- vi) Berinsfield shall receive 7 penalty points.

24. Whereby the participant fails to comply with the order, a Sine-Die (indefinite) suspension shall be imposed until such time as the participant becomes compliant with the order of the Disciplinary Commission.

25. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

**Ruth Mann**

**28<sup>th</sup> November 2023**

**Independent legal Panel Member, Disciplinary Commission Chair**