

FA NATIONAL DISCIPLINE PANEL DISCIPLINARY COMMISSION
The Football Association on behalf of the
OXFORDSHIRE FA FOR CHARGES RAISED BY SURREY FA

v

THAME UNITED FC

Case ID: 11375805M

AND

CRAIG FAULCONBRIDGE (55541418)

Case ID: 11375796M

AND

BEN ZATWARDNICKI (852834)

Case ID: 11374695M

WRITTEN REASONS

Factual Background and Chronology

1. These are the Reasons for the decision of the Disciplinary Commission held on Thursday 12th October 2023 by Teams Video Conference at 6-30am.
2. The Commission members were Keith Allen Chair (CFA National Chair Panel), Sheryl MacRae (CFA National Panel) and Bill Stoneham (CFA National Panel). The Commission Secretary was Debbie Sowton (CFA National Secretaries Panel) and all members were appointed by The Football Association.
3. The following is a record of the main points which the Discipline Commission considered.
4. The charges in question arose following a game between Badshot Lea FC U-12 and Thame United FC U-12 played on 9th September 2023.
5. By letter dated 29th September 2023 **THAME FC** was charged as follows:
FA Rule E21 Improper Conduct – Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match.
6. Details of the charge: “This refers to the allegation that a Thame United spectator rugby tackled the Match Official to the ground or similar.
7. By the WGS Thame United FC **pleaded Not Guilty** to the charge and requested a personal hearing.
8. By letter dated 29th September 2023 **CRAIG FAULCONBRIDGE**, the Manager of Thame United FC U-12 was charged as follows:
FA Rule E3 Improper Conduct against a Match Official (including abusive language/behaviour).

9. Details of the charge: "It is alleged that Craig Faulconbridge has verbally called the referee a disgrace and a cheat during the fixture." The game was subsequently abandoned.

10. By the WGS Craig Faulconbridge denied the charge and requested a personal hearing.

11. By letter dated 29th September 2023 **BEN ZATWARDNICKI** was charged as follows:

FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

12. Details of the charge: "It is alleged that during this fixture Ben Zatwardnicki has allegedly struck with his hand the coach of Thame United U-12 in the face, which is improper pursuant to FA Rule E3.1."

13. By the WGS Ben Zatwardnicki accepted the charge and requested to present a verbal plea for leniency.

14. With the charges arising from the same game and incident, they were considered as consolidated/

15. FA Disciplinary Processes/General Provisions Section 1 Rule E3.1 provides for: *A participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.*

EVIDENCE

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.

16. The Commission had before it the following items to consider:

a) Reports from County Officials

Investigation Report from Richard Garland (Surrey FA)

Extraordinary incident report from Ben Zatwardnicki (Referee)

b) Badshot Lea Colts

Witness statement from Mark Long (Manager)

Witness statement from Paul Williams (Spectator)

Witness statement from Ross MaGee (Club Manager)

Witness statements from Various Spectators

Witness statement from Nicky Staszkiwicz (Club Secretary)

c) Thame United

Witness statement from Craig Faulconbridge (Manager)

Witness statement from Stuart Webber (Spectator)

Witness statement from David Simpson (Spectator)

Witness statement from Dan Hayes (Spectator)

Witness statement from Jon Henderson (Spectator)

Witness statement from Richard Weakley (Spectator)

Witness statement from Susanne Clark (Spectator)

Witness statement from Eleanor King (Spectator)

d) Appendices

Emails from Surrey FA & Badshot Lea

Emails from Surrey FA & Thame United

Email with original complaint

Extended report from Ben Zatwardnicki

Response to Charge

Screenshot of charge responses

e) A short video clip of the altercation immediately after the award of the penalty.

**HEARING FOR CHARGES AGAINST THAME UNITED
AND CRAIG FAULCONBRIDGE**

17. The match referee Ben Zatwardnicki was called as an Association witness and in response to questions from the Commission, then Thame United and CF, responded:

a) From the corner of his eye he saw a spectator running up to him from around 5-10 metres away, this person then hit him at speed with his head down, making contact around his hips.

b) They went to ground and were locked together, with the spectator on top of him, until they were separated.

c) The penalty decision given against Thame was the only penalty he awarded during the game.

d) The Thame manager, CF was calling him “expletives” and was angry, he said he was a joke and was biased, there was no swearing, but he called him a cheat and biased.

e) CF was rude and aggressive and wouldn't take the decision, he did not calm down and was still moaning, encouraging others amongst the Thame spectators.

f) He had done the referee's course in the past and referees when Badshot Lea have no appointed official, but he is not registered.

g) The shouting from the touchline by CF was loud enough to be heard from his position in the penalty area, could clearly be heard by all players and parents.

h) He acknowledged there was a slight discrepancy between his two reports he had submitted, the first one having been given over the telephone to Nikki and the second one written by himself. He requested the Commission disregard the initial report and take the second one as his written testimony.

i) He was 10 feet from the handball penalty decision, it was a 9 a side pitch and CF was near the halfway line when the decision was made.

j) He called CF onto the pitch, to get him away from the spectators and explain the decision, one on one.

k) BZ heard CF use the word cheat on the side line.

l) At the end of his verbal testimony he extended his apologies to CF for his actions on the day.

18. The Association then called Mark Long of Badshot Lea FC as a witness and in response to questions, first from the commission and then CF, he responded:

a) The referee gave the penalty from mid-way between the halfway line and the penalty area, CF was positioned on the touchline about the same distance as the referee from the handball.

b) He heard CF use the word cheat towards the referee and bias, although no swear words were heard.

c) CF did not run onto the pitch; he may have stepped a couple of feet onto it though.

d) At half time he saw CF and the referee arguing, but he was concentrating on his team. He then saw a Thame parent rugby tackle the referee, hard around the waist.

e) CF had continually used derogatory comments about the referee on the touchline, accusing him of bias.

f) After the rugby tackle on the referee it was obvious the game could not continue, but the game was abandoned because of CF.

g) He had personally heard CF call the referee a cheat and biased.

19. The Association then called David Bage as a witness and in response to questions, first from the Commission and then CF, replied:

a) He heard CF “mouthing off” and being insulting towards Ben, saying the game needed a proper referee, belittling the match official in front of the players and spectators.

b) He did not hear the words cheat or biased used by CF.

c) When the penalty was awarded, the referee was between the halfway line and the penalty area, CF was the same distance away, but off the pitch.

d) He did observe a rugby tackle from the Thame spectator/parent on the referee.

20. The Association called Artur Kulinski as a witness and in response to questions, first from the Commission and then CF, replied:

a) He remembered the penalty incident; the referee was 10 yards away from the handball and CF was on the touchline near the halfway line.

b) He did not hear CF used foul language, but he was aggressive, questioning the decision and saying he was not a proper referee.

c) He did not hear the words cheat or biased used by CF, although he was questioning decisions, emotional, aggressive and when the penalty was awarded loud.

d) He observed a sudden movement from a spectator and a parent ran at him fast pushing the referee into the bushes, they were then separated.

e) Because it was hot day some spectators were on the coaches’ side of the pitch and others on the opposite side, mixed together.

21. The Association then called Gayle Hughes as a witness and in response to questions, first from the Commission and then CF, replied:

a) She heard CF make verbal comments to the referee, he was shouting at the match official and accusing him of bias. He had an aggressive tone and she heard the words “fucking joke” from someone, but was not certain it was CF.

b) She did not see the alleged attack on the referee.

c) She was not sure she had heard CF use the words cheat or biased, but he had inferred it was not a penalty.

22. With no further Association witnesses CF took the case on behalf of Thame United FC and himself, giving evidence:

a) It was a violent, quick attack by the referee on him, unprovoked but spectator’s response was intended to remove the match official from the situation before it could escalate.

b) Nothing condones violence, but he had been struck by the referee and no one knows what would have happened next.

c) He (CF) did not defend himself after being struck by the referee, just stood with his hands by his side.

d) The rugby tackle on the referee ended the altercation instantly, they were then separated.

e) He was aware of the wording of the charges, with the charge against the club "Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match", he accepted the action of the spectator was not acting in an orderly fashion,

f) However, he believed violence is never appropriate, but in this case, he was of the opinion that "that it was a reasonable and proportionate response", removing the referee from the situation.

g) The rugby tackle by the spectator was round the waist, to remove him, not to harm him.

h) He did have an assistant manager with him at the time and he could have helped, he was a new coach and did not get involved.

i) The referee had attempted to approach him and he told him to "go away please", but he kept coming. He (CF) was still crouched talking to the players, the referee approached him aggressively, knocked CF's tactics board aside and stuck him in the face.

j) He was surprised by the escalation of the incident.

23. CF then called Dan Hayes as a witness for both Thame United and himself, in response to questions first from CF and then the Commission, he replied:

a) He saw the rugby tackle incident, which was waist high and intervening in the "assault", they ended up on the floor and there was no further violence, just separation.

b) There was no telling what would have happened if the spectator had not intervened, it shocked the referee and ended the incident.

c) Regarding CF's behaviour, he stood just behind him and CF disagreed with the referee's decision, calling it a terrible decision and saying, "that is why it is important to have an independent referee".

d) He did not hear the word cheat.

e) CF was frustrated but not aggressive, although did openly question the match official on his decision.

f) He was frightened at the situation as it developed, (Jamie) Harvey approached assertively, but there was no striking, being reasonable and proportionate in the circumstances.

24. CF then called Jamie Harvey as a witness for both Thame United and himself, in response to questions from first CF and then the Commission, he replied:

a) He had been a rugby player in the past but was now no longer playing.

- b) He felt it necessary to rugby tackle the referee as he was worried for his son's safety and it looked as if the referee may have done more.
- c) There were others nearby who were more placid, but the referee was a "big guy" and had lost his head, near children, so he acted.
- d) He did not believe the rugby tackle was a violent act, it was neutralising the situation and he believed something had to be done, the only way was to pin him down.
- e) He was near CF when the penalty was given, CF said it was poor, very poor and he argued with the referee.
- f) He conceded that CF's behaviour at that point was "improper",
- g) There were no people between him and the referee when he ran up the bank, he had to tackle to get him away from the children.
- h) The referee had made contact with one punch and looked as if he was preparing for another.
- i) There was nothing in CF's conduct that would have caused the referee to strike him, the blow was totally unprovoked.

25. At this point the Chair observed that Thame United still had a total of nine (9) witnesses they wished to call.

26. As all the witnesses had also put in written statements, the Chair asked Thame United and CF if those witnesses had anything different to add and did they wish to reconsider calling them.

27. Both Thame United and CF agreed they were happy not to call the remaining witnesses. The Chair explained that it was completely their prerogative and that they were entitled to call as many witnesses as they wish, it was their decision.

28. Both Thame United and CF reaffirmed their decision not to call their remaining witnesses and they were duly released.

29. With no further witnesses Thame United summed up their case:

- a) Due to the situation, there was no alternative for the safety of the children and the parent felt he needed to act.
- b) The club have a strict code of conduct and their parents are encouraged to follow the FA Respect guidelines and code of conduct, their parents are always well behaved and they display respect notices.
- c) There was no evidence of abuse towards the referee and although they do not condone violence and this action taken, they believe it was done with the best protective instinct.

30. Thame United confirmed they were satisfied they had received a fair hearing and that all their evidence had been heard.

31. CF then gave evidence on his own behalf to the charge against him;

- a) From the outset he was not pleased with the referee being their referee and not neutral, but as they had travelled quite a distance, he agreed to him officiating.
- b) He never questions referee's decisions and would never challenge a match official, but the award of the penalty shocked him.
- c) The decision was so poor he challenged the official, saying it was poor and that it was a terrible decision.
- d) He was frustrated and voiced the opinion that "this is why we need a neutral referee", he was frustrated, not abusive or aggressive.
- e) He conceded that the discussion should have been left there, but neither he nor the match official would let the matter go.
- f) He expressed his views, not directly to the referee, due to the circumstances and frustration.
- g) He said nothing at half time as he was concerned with his team, he conceded he should not question a referee's decisions.
- h) He did know he spoke with the opposition and the decision to abandon the game was consensual, with it being the only real option in the circumstances, as the players from both teams were also all upset.
- i) He did not use the words cheat or biased, although he may have implied that.
- j) The referee got most decisions during the game right, just key decisions wrong, the players were upset and he was just trying to calm them down.
- k) He is aware of the respect protocol and clearly regrets what happened, but the referee overreacted to whole situation.
- l) His was an impassive reaction and he agreed he may have been guilty of improper conduct, but there were mitigating circumstances.

32. CF then confirmed he was satisfied he had received a fair hearing and been able to present all his evidence.

32. CF then summed up by saying he is never aggressive or abusive and that he made a mistake challenging the referee's decision.

DELIBERATION

THE CHARGE AGAINST THAME UNITED FC

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.

34. The Commission reminded itself that the charge against Thame United FC was a contravention of FA Rule E21 Improper Conduct – Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match.

35. The Commission considered all evidence before them both written and verbal and after giving appropriate weight to all submissions noted:

a) There was clear unequivocal and admitted evidence that a spectator/parent from Thame United FC, ran at speed and rugby tackled the match official round the waist and to the floor.

b) The Commission noted that the perpetrator was an ex-rugby player.

c) The Commission considered this to be an act of violence and that others could have handled the situation without this intervention.

d) As such the Commission considered that a spectator/parent had not conducted themselves in an orderly fashion.

e) The Commission considered clear evidence that the conduct of the match official was inappropriate and in itself violent, leading to the spectator/parent to perceive there was a danger to the children in the vicinity.

f) Having read and given appropriate weight to all written and verbal evidence the Commission unanimously found the charge against **THAME UNITED FC** FA Rule E21- Failed to ensure spectators and/or its supporters (or anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion at any match **PROVEN on the balance of probability.**

36. After the Commission had reached their decision, they were furnished with the disciplinary record of Thame United FC over the past five seasons, the club has 56 teams and their record shows: Two further E20 charges in January and February 2022 respectively

37. Martin Pacetti (Secretary) and CF then gave a plea in mitigation on behalf of the club, saying:

a) This was an isolated incident and there have been no acts of aggression.

b) There was significant mitigation and the spectator/parent was acting to defuse the situation.

c) They spoke to all parents and staff prior to the season, to remind them of Respect Protocols and their code of conduct, also posting respect notices at their home games.

d) It is difficult to control individual spectators and their actions.

SANCTION

38. When reaching their decision, the Commission took into account any aggravating or mitigating factors, together with the club's previous disciplinary record. The FA's recommended sanction guidelines for this E21 offence are as follows:

Youth Teams: £0 - £200 fine

39. In the FA Rule E21 charge against THAME UNITED FC of Failing to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match, the Commission unanimously imposed a fine of £105 and a serious warning as to its future conduct.

40. 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.

DELIBERATION

THE CHARGE AGAINST CRAIG FAULCONBRIDGE

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.

41. The Commission reminded itself that the charge against Craig Faulconbridge was a contravention of FA Rule E3, Improper Conduct against a match official (including abusive language/behaviour)

42. The Commission considered all evidence before them both written and verbal and after giving appropriate weight to all submissions noted:

a) There was significant evidence that the conduct of CF was improper, he was angry at what he perceived to be an unfair and wrong awarding of a penalty against his team.

b) He reacted by verbally questioning the decision of the match official and made inappropriate comments about the referee, heard by him, supporters and players of both sides.

c) Indeed, in his evidence he admitted his conduct at that moment was "not right and he regretted his behaviour", as did witness Jamie Harvey who said "his (CF) behaviour was improper at that point".

d) The Commission noted there was no suggestion of any foul language being used at any point and the actions of CF were born of frustration, which fuelled his angry response.

e) It was also noted that CF was unhappy with the appointment of the match official from the outset, who was a member of the opposition and not neutral, although he reluctantly agreed to it.

f) There was no evidence that CF was responsible for the game being abandoned, the Commission considered it was an inevitable and consensual decision reached after the physical altercations that occurred at the break.

f) Having read and given appropriate weight to all written and verbal evidence the Commission unanimously found the charge against **CRAIG FAULCONBRIDGE OF FA Rule E3 Improper conduct against a match official (including abusive language/behaviour) PROVEN on the balance of probability.**

g) The consideration of a contravention of FA Rule E3c, causing the game to be abandoned was unanimously found **NOT PROVEN on the balance of probability.**

43. The Commission were then furnished with the disciplinary record of Craig Faulconbridge over the past five seasons which was clear, which is to his credit.

44. In mitigation CF stated:

a) He had an unblemished record over the past five years.

b) This was his first ever misconduct charge.

c) The accepted the decision but felt it harsh,

d) His actions were inappropriate but there was significant mitigation.

SANCTION

45. With the charge against Craig Faulconbridge of a contravention of FA Rule E3 Improper conduct against a Match Official (including abusive language/behaviour) being found **PROVEN** the Commission were tasked with considering sanction. When reaching any decision on sanction, the Commission will consider any aggravating and mitigating factors and refer to the FA Sanction Guidelines. They will also determine whether the offence is placed in the low, medium or high category. For this offence the sanction guidelines recommend:

OUTSIDE - NLS: Low 0-2 match suspension and a fine of £0 to £35, medium 1-3 match suspension and a fine of £10 to £50, high 3-6 match suspension and a fine of £70.

46. Considering all evidence and giving credit for all mitigation, together with his clean record, the Commission unanimously considered the charge as in the low category and decided to impose on **CRAIG FAULCONBRIDGE: a suspension from all football activities in the form of a ground ban, for a period of ONE (1) match, a warning as to future conduct and a fine of £25.**

47. There is right of appeal in accordance with FA Regulations.

CHARGE AGAINST BEN ZATWARDNICKI

48. FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

49. Details of the charge: “It is alleged that during this fixture Ben Zatwardnicki has allegedly struck with his hand the coach of Thame United U-12 in the face, which is improper pursuant to FA Rule E3.1.”

50. By the WGS Ben Zarwardnicki accepted the charge and requested to present a verbal plea for leniency.

51. The Commission were first furnished with the disciplinary record of BZ over the past five years, which was clean and to his credit.

52. Ben Zatwardnicki addressed the Commission and having accepted the charge gave his plea for leniency:

a) The Thame players became aggressive during the game with some hard and dangerous tackles, he had cause to caution three of their players, only verbally as he does not give yellow cards to U-12 players.

b) Refereeing the game was hard, parents, players and managers were unhappy.

c) CF’s behaviour was inappropriate, calling him a cheat and was abusive towards him.

d) The statements from Thame United and CF were just wrong, he remained calm throughout the game despite their behaviour.

e) At half time he believed he had the right to go across and address the team, together with the coaches, to request more respect towards him and better behaviour.

f) CF was dismissive and would not engage with him, telling him to leave him alone while he was with his players.

g) However, he needed to say something to them and grabbed the tactics board CF was holding to gain his attention, CF sprang up and he was the aggressive one.

h) He (BZ) was not biased in the slightest, but he “saw red and pushed him away”, the reports of his conduct are nonsense and disgusting.

i) He admitted pushing CF away and raising his hand, hitting his face, because he had been pushed to the limit by the aggressive behaviour of CF.

j) He was sorry he had raised his hand, but he felt belittled and disrespected.

k) His son does play for Badshot Lea U-12, but he helps out sometimes by refereeing if one is not appointed.

l) He admits the charge, but with significant mitigation for his actions.

53. He confirmed he had received a fair hearing and that he been able to present all his evidence.

DELIBERATION

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.

54. The Commission reminded itself that the charge against Ben Zatwardnicki was a contravention of FA Rule E3, Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour)

55. The Commission considered all evidence and mitigation before them, both written and verbal and after giving appropriate weight to all submissions noted:

a) The evidence of BZ was considered unreliable, with his first report of the incident dictated to and submitted by someone else, the Commission being told to disregard this report and use a second report personally written.

b) All evidence suggested the admitted conduct of BZ at half time was totally inappropriate, aggressive and unacceptable, culminating in raising his hand and striking the Thame manager in the face.

b) The Commission noted he believed he had been driven to that point by the behaviour and attitude of the Thame United players and manager, which was understood.

c) However, in his own words BZ “saw red” and pushed the coach away, raising his hand and striking him in the face.

d) BZ verbally presented his case well and gave a credible verbal version, but one that conflicted with other statements in some respects.

e) The Commission felt that any physical contact perpetrated by a match official on anyone was completely unacceptable, in this case striking a manager in the face, with unfortunate further ramifications.

SANCTION

56. With the charge against Ben Zatwardnicki of a contravention of FA Rule E3 Improper conduct (including violent conduct and threatening and/or abusive language/behaviour) being **ADMITTED** the Commission were tasked with considering sanction. When reaching any decision on sanction, the Commission will consider any aggravating and mitigating factors and refer to the FA Sanction Guidelines. They will also determine whether the offence is placed in the low, medium or high category. For this offence the sanction guidelines recommend:

Low 1-3 match suspension and a fine of £20 to £50, medium 2-4 match suspension and a fine of £40 to £80, high 3-10 match suspension and a fine of £70 to £125.

57. Considering all evidence and giving credit for all mitigation, together with his acceptance of the charge and clean record, the Commission unanimously placed the charge in the high category and decided to impose on **BEN ZATWARDNICKI: a suspension from all football activities in the form of a ground ban, for a period of 42 DAYS, a severe warning as to future conduct and a fine of £100.**

58. There is right of appeal in accordance with FA Regulations.

Keith Allen (Chair)

Bill Stoneham

Sheryl MacRae

13th October 2023