

FA NATIONAL SERIOUS CASE PANEL
DISCIPLINARY COMMISSION
CHAIRMAN SITTING ALONE
on behalf of Oxfordshire Football Association

CONSOLIDATED CORRESPONDENCE HEARING

of

HANBOROUGH FOOTBALL CLUB

Case ID: 11503438-M

AND

CHRISTOPHER LEACH

Case ID 11503436-M

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains offensive and/or discriminatory language

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Introduction

1. On 14th October 2023, Hanborough First played a game against Charlbury Town First in a Premier Division Witney and District FA fixture – collectively the “match”.
2. Oxfordshire Football Association received reports of alleged misconduct by spectators at the match.
3. Oxfordshire FA also received a report of Improper Conduct by a Hanborough official during the match
4. Oxfordshire FA investigated the reported incidents.

The Charge

5. On 1st December 2023, Oxfordshire FA charged Hanborough Football Club with:

Misconduct for a breach of FA Rule E21 - 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. It is alleged that Hanborough failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1. This refers to the allegation that a number of spectators approached the referee and used abusive and/or insulting language towards the match official after the match.
7. On 1st December, Oxfordshire FA charged Christopher Leach with breach of:

FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour).
8. It is alleged that that Christopher Leach used threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening

Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Leach approached the referee in an aggressive manner and used foul and/or abusive language which resulted in the match official feeling unsafe”.

9. Oxfordshire FA included with the charge letters the evidence that it intended to rely on in this case.
10. The Club was required to respond to all charges by 15th December, 2023.

The Reply

11. Hanborough FC has denied the E21 charge.
12. Christopher Leach has denied the E3 charges.

The Commission

13. The Football Association (“The FA”) appointed me, ~~Christine Harrop-Griffiths~~, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing & Evidence

14. I adjudicated this case on 18th November 2023 as a Correspondence Hearing (the “Hearing”).
15. I had received and read the bundle of documents prior to the Hearing.
16. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to these cases.
17. The case for the club was designated as “*Deny – Correspondence Hearing*”. For Christopher Leach the case is designated as “*Deny -Correspondence Hearing*” .

18. The following evidence was provided in the case bundle.

The Match Referee, provided the following information on 14th October via an Extraordinary Incident Report:

“After the game the away team manager come over to me in a agresive manner asking me about the sending off of his player some of the home team stept in and pulled him away he was asking me about a number of action i took during the game i gave him a red car and the home team player pulled him away at this point i did not feel safe so i stayed out until they hade gone into the changing room”.

19. The referee also submitted another Extraordinary Incident Report on 14th October which stated:

“After the game a number of away supporter come over to me to have a go at me about a number of action i took during the game and told me i was crap i told them to go away i called the away captain over to deal with his supporter after the game a number of home team suppoter come over to me and asked if i was ok they told me i have a good game”.

20. A subsequent clarification was sought by the FA on 16th October, 2023 via an e-mail exchange with the referee:

1. you gave Mr Leach a red card for using offensive, insulting and or abusive language – what language did Mr Leach use?30-

“he come onto the pitch after the game walking towards me in a very aggressive way showing out you are a fucking joke and should not be refing

he wonted to know why i booked 2 of his player...”

2. What were his actions that led you to “ not feel safe”

“after the game? he come onto the field shouting you are a fucking joke and should not be refing as he was getting closer to me walking in aggressive matter a number of the home team player got hold of him and pulled him away and told him to go away he was still very aggressive i did feel very unsafe not the home team player stopped him from getting to close to me

*A number of the home team supporters came over to me and asked if I was ok. They told me I had a good game and I should not have to deal with people like that
i stayed out on the field for so time as i did not feel safe going back to the changing room at this time”.*

3. How many Hanborough supporters approached you at the end of the match.

“There were three of them asking me why I booked 2 of their players and red carded 2 of their players. I said you are a joke

At this point the captain of the away team was still outside. I called him over to talk about his supporters. and the manager

he apologised about the manager and the supporter i pointed out i will be reporting the manager and the supporter to the ofa”

4. How do you know they were linked to Hanborough?

“they was stood on the sideline talking to the manager during the game

After the game i did not feeling safe getting the match book filled in so i asked one of the home team player to go and git this filled in and collect the match fee for me”

21. The referee continued to make the following observations in the above e-mail response:

“I have been reffing for a larger number of year and their is a small amount of time i have felt unsafe this is one of them

on the way back home i stopped the car and had a think do i really want to ref ?

This abuse and aggression toward ref has got to stop at the last RA meeting it was pointed out they are very sort of ref this is why you are not getting yough ref and the older one are giving up

I applied the rule and this is the outcome ?”

22. Hanborough sent an e-mail on 1st November which included a statement from Christopher Leach, First Team Manager:

“ This statement refers to an incident after a game of frustrations caused by the poor performance and inconsistencies from the referee. At times, these decisions were putting our players at risk of serious injury, where reckless and dangerous challenges from Charlbury players were ignored. There were challenges with high feet and two footed challenges from Charlbury players, completely ignored by the referee, but in reverse, our

players were given free kicks and bookings against. One Hanborough player received a yellow card for allegedly kicking the ball away when he had actually chipped the ball into the arms of the nearest Charlbury player. This caused more frustration when, twice, a Charlbury player, in frustration, kicked the ball off the pitch. On neither of these occasions did the ref see fit to caution either player. Another example of inconsistencies was when a perfectly timed tackle from our midfielder was deemed a foul. Nobody, including the Charlbury players thought it was a foul but it was given as one. Another inconsistency, bordering on bias was when Charlbury attempted to take a free kick quickly and struck the ball straight at our player who was already on a yellow, the ref, I am certain did not even see this and upon the request of the Charlbury players, showed our player a second yellow he did!

There were several spectators watching the fixture who were neutral to both teams. A number of them were stating the performance of the referee was shocking and the worst they had seen for a long time.

After the game, I went onto the pitch to shake the ref's hand as I always do. I asked him how he felt he had performed and I asked him to explain why it clearly seemed that he saw things completely differently between each side, favouring Charlbury throughout the game. He failed to answer me and instead asked for my name, I told him and said that he had ruined a great game of local football by sending our player off after seemingly doing nothing wrong on either occasion and the sending off coming at the request of the Charlbury players. Again, I got no response. Even though I was disappointed with the decisions and way the game was played, I still wanted to shake the referees hand and thank him for refereeing, I know that the referee's receive a lot of abuse throughout the season. We shook hands but he would not let go of my hand and was informing me he would be reporting Hanborough for our spectators. Again, I reiterate, these were not Hanborough supporters but neutrals. He also informed me that he would also be reporting me. He was then saying that I was a disgrace.

I was never abusive towards the referee and did not use any foul language. Before the game, the referee approached me and said that any trouble from the sidelines from spectators or from our coaching team would result in me being sent off. I thought that this was very strange and I had not been told this before any other match. I was just trying to talk to him after the match had finished and it seemed

that he was intent on sending me off. I would assume that this is a power play from the referee and has nothing to do with the conversation that I was trying to have with him after the match had finished".

Once we had all gone back to the changing rooms, I went to the referee's changing room to pay him for the fixture but he was not there. I went into the Charlbury changing room and he was in there explaining to them how he intended to ensure that I was banned for future fixtures. To me this feels like a personal vendetta. I feel it a shame that local football has gotten to the stage where we cannot speak to certain referees about their decisions throughout the game without them becoming defensive. I have always discussed decisions with referees after the games and these reactions are few and far between".

23. The Hanborough Chairman also stated in a footnote to the e-mail:

"As you can see from the above statement. Any reference to supporters at the time, it appears that these were neutrals and have no affiliation with Hanborough or Charlbury FC".

24. Charlbury Town were asked for their observations of events at the match and sent this initial e-mail in reply on 25th October:

"We discussed the matter at our committee meeting on Monday. Unfortunately there wasn't anyone we knew who had seen the incident properly. Our manager said that he and the players were putting the goals away or heading to the changing room. They noticed a commotion going on but we're not aware of what exactly was happening or what it was about".

25. On 1st November, Oxfordshire FA sent a follow up e-mail which asked of Charlbury:

" I appreciate that you have previously stated that no one from the club saw the incident properly however I have two very different accounts from the referee and Hanborough and I wonder whether any players can assist further or whether providing more specific answers to these questions would be helpful?"

1. Its suggested by the referee that a home team player pulled the Hanborough manager away from the referee, can anyone identify who that

was?

2. Its suggested that a number of Hanborough Supporters approached the referee after the match. Did anyone see or witness this?
3. It's also suggested that the referee was in the Charlbury changing room explaining that he intended to ensure the Hanborough Manager was banned for fixture fixtures, can anyone confirm that was said?

26. In response, Charlbury replied by e-mail on 14th November:

1. *"Yes, our Manager spoke to the team.*

He said that our captain was there at the end of the game and went over to shake the referee's hand. Whilst there he tried to tell the other manager to 'leave it'. He then went back over to our team. He didn't say what was said. I can ask if he'd be willing to write a statement if needed? He may need a bit of guidance regarding the structure.

2. *No one said that they particularly noticed any supporters approaching the referee but it would be hard to tell after the game as most people all start to mingle and walk off in the same direction.*

3. *Yes, he confirmed that the referee came into our changing room after the game and asked us to get his match fee for him, which we did".*

27. The Chair of Hanborough FC wrote a letter in response to the charges issued which reads as follows:

"My name is DS and I am Hanborough FC Club Chairman/Secretary. I am writing this letter in response to the alleged charges on offence date 14/10/2023 reference 11503436-M and 11503438-M. I have previously explained that I was not present at the match so cannot comment on the facts of the matter, however, I am responding to this from an evidential point of view. Having read the report sent from both referee ... and ... of Charlbury Town First, I am entering a Not Guilty plea for reasons that I will explain in full along with further comments and evidence.

I have read both statements made by ...and .. with an open mind towards the situation. I work as a detective for Thames Valley Police and review evidence on a daily basis and have reviewed the evidence that has been provided in relation to this allegation with the same mindset.

(referee) states in his initial report that a number of away supporters have approached him to complain about a number of decisions made during the game, telling him he was "crap". I am not sure how ... has concluded that the supporters were 'away' supporters. Through all of the matches that I have played in and watched for Hanborough, I have never seen any of them wearing club colours or having flags etc. I read in .. statement that he knew these supporters were there supporting Hanborough due to the fact that they were speaking to the Hanborough's manager. Chris Leach, Hanborough's manager, has been involved with Hanborough for some 30 years. During this time, it is obvious that he would have made many contacts within different clubs, speaking to them at any opportunity. Unfortunately, I think that ... may have jumped to a conclusion that any comments were made by Hanborough supporters. Within (Charlbury) statement, it says that nobody particularly noticed supporters approaching the referee after the game. I have seen no evidence from an independent witness to prove that the supporters were in attendance for the away team.

Unless I have missed a statement from anybody else in relation to this matter then I would request that this return a verdict of no further action due to lack of evidence. On the contrary, I would suggest that (Charlbury) statement contradicts (referee's).

Within ... statement he explained why the bookings were issued to Hanborough players and these have been accepted with the corresponding fines being paid. I have no concerns with the cautions that have been issued to the players during the match.

... states that Chris Leach has entered the pitch after the final whistle and has approached him shouting "You are a fucking joke and should not be refing". He also states that Chris was walking in an aggressive manner so that a player from the home team grabbed him to pull him away. During the statement of ... it is

clearly stated that the Charlbury player told Chris to 'Leave it' before walking away. At no point does it say that he tried to pull him away. I would suggest that, should there have been anything more, others would have intervened. Again, no statement has been offered from the player who was there during the incident and within statement no further comments were made.

Within Chris' statement he makes judgements on the referees comments prior to the match in relation to supporters and any trouble from them would result in Chris being sent off. Chris states that he found this was a very strange comment to be made at the time and, if this is fact, I find that very strange also. Having played for some 30 years, I have never heard a comment like this prior to a game. Chris' statement explains how he has tried to initiate conversation and a handshake with ... who then refused to let go of his hand, telling him that he would be reporting Hanborough for the behaviour of their supporters. Again, this with no evidence that the supporters were there for Hanborough.

I was unaware of this until earlier in the week when I requested further information from Hanborough FC as a whole in relation to the alleged incident. I have been offered correspondence that Chris sent to RD, Referee Secretary for W DFA on 14th October, the same evening of the match involved. I have attached these to the email and I will summarise here.

Chris states very similar comments within this correspondence with RD, summarising the decisions during the game, but more pertinently is the comment "There were so many poor decisions it would take me ages to write, but when I asked after the game why he saw so many he decided to show me a red for talking to him, be interesting to see his side of things but trust me ... I was only asking him questions as his decisions have definitely cost us 2 points today."

3As you can see from the comment, this corroborates the statement that was offered by Chris on request. ...responds by saying "All noted. It's awkward for me but you're not the first club to advise similar with this referee." He goes on to say that this had already been discussed at a meeting the same evening.

While I do not believe that the fact the referee has already been discussed by the

committee holds any weight over the decision that will be made, I would expect the fact that Chris's comments to the Referee secretary, being the same as in his statement would hold weight.

In summary, I see no independent witness evidence offered within the case to support that of the (referee's) statement, bar that of the one home team player telling Chris to 'leave it' as stated in ... statement. However, it was stated by ... that Chris was pulled away by this player. We have offered evidence that corroborates Chris' statement in that of correspondence with ... I understand that referees have a hard time while refereeing at this level and are often subjected to abuse which cannot continue, however, unfortunately this situation appears to be one of those which the ... taken offence to above that of the matter of fact.

With the lack of supporting evidence from (referee), the statement from (Charlbury), the statement from Chris and the extra evidence in correspondence between Chris and RD, I am entering a not guilty plea to both charges 11503436-M and 11503438-M".

28. That concluded relevant evidence in this case.

Standard of Proof

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

The Findings & Decision

30. To deal with the E21 charge against Hanborough First FC, they have denied the charge, largely on the contention that the supporters involved were "neutral". They do not appear to contest the allegation that the referee was approached by supporters after the match concluded. The referee refers to these people referring to "their players" and notes that they were standing with the Harborough supporters and manager.

31. The wording of the E21 charge is (*anyone purporting to be its supporters or followers*). It seems to be accepted that the supporters were complaining to the

referee about the decisions he made during the game, the contention being that Hanborough were adversely affected by these decisions. The WhatsApp exchange between Christopher Leach and someone purportedly from a referee group make clear that Hanborough felt they lost the game because of the refereeing decisions. These WhatsApp messages have not been included in these Written Reasons as they are not relevant to the charge.

32. Charlbury refer to a “commotion” after the game finished. The question is why a “neutral” group of supporters would have gone to the trouble of entering the field after the game to challenge a referee about his decisions, specifically as they affected Hanborough? It seems improbable that such a situation would arise, and I conclude that these were in fact people connected with Hanborough FC.

33. On the Balance of Probabilities, I have therefore concluded that the supporters approaching the referee after the game and making him feel unsafe, were indeed Purporting to be supporters or followers of Hanborough. As such, I find the E21 charge PROVEN.

34. As regards the charge against Christopher Leach, it is acknowledged that he approached the referee after the game. What is in question, is the nature of that approach and the words and actions used. The referee says that Mr Leach was aggressive and swearing at him and that members of the home team had to intervene and pull him away.

35. Mr Leach denies this and says he approached the referee to shake hands and query some decisions during the match.

36. The independent report from Charlbury simply reports that the home team manager told Mr Leach to “leave it”. There is no mention of anyone pulling Mr Leach away from the referee.

37. The charge against Mr Leach is that of threatening behaviour against the match official. The relevant section of FA Rule 96.1 states:

“96.1 Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any

form of physical abuse either immediately or later, whether realistic or not [...]".¹

38. Whilst the referee clearly found the interaction with Mr Leach distressing, on the Balance of Probabilities, given the conflicting evidence, I do not feel that the threshold for "threatening behaviour" as described in 96.1 has been reached.

39. As such, I find the charge against Christopher Leach to be NOT PROVEN.

Previous Disciplinary Record

40. After finding the E21 charge proven, I sought the offence history for Hanborough FC. The Club runs 4 teams and has 4 (four) misconduct charges since the 2018-19 season. This includes an E21 charge from October 2022. This will be taken into account when deciding the sanction.

Mitigation

41. There was no mitigation presented by the club.

The Sanction

42. I noted that the sanction range for an E21 offence is:

Outside National League System (Except Youth)

1. Low: 0 - £70 fine
2. Medium: £70 - £140 fine
3. High: £140 - £300 fine

43. As the Club has denied the charge, the "*Credit for Guilty Plea*" is not available.

44. Given the lack of apology and remorse from the club, the distress caused to the referee, the denial and previous misconduct record, I have decided to impose a fine of £120.

45. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

C.Harrop-Griffiths (Chairman)

19th December 2023