

IN THE MATTER OF THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION
CHAIR ALONE NON – PERSONAL HEARING

OXFORDSHIRE FA
(on behalf of the Football Association)

and

(1) KYLE BROOKS
(2) WYCHWOOD

DECISION AND WRITTEN REASONS

Background

1. These are the written reasons for the decision and sanction in relation to a consolidated non-personal hearing on 14 November 2022 following charges brought by Oxfordshire FA against the following participants:
 - (a) Kyle Brooks (Case ID: 10955384) (“**KB**”); and
 - (b) Wychwood (Case ID: 10955396).

The Charges

KB

2. KB has been charged by Oxfordshire FA with a breach of:
 - (a) FA Rule 3.1 – Improper Conduct (including foul and abusive language) (“**Charge 1**”); and
 - (b) FA Rule 3.2 - Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability (“**Charge 2**”).

(collectively, the “**Charges**”).
3. The particulars of the Charges are that KB said ‘go back to your retards’ or similar.
4. KB has accepted the Charges.

Wychwood

5. Oxfordshire FA have charged Wychwood with the following breaches:

- (a) FA Rule E20 – Failed to ensure directors, players, officials, employees, servants, representatives conduct themselves in an orderly fashion whilst attending any Match.
- (b) 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.

("Club Charges").

- 6. The particulars of the Club Charges are that Wychwood players were abusive towards the referee's assistant. The referee's assistant reacted with abuse towards the Wychwood players. Wychwood parents then became involved calling the Assistant Referee a 'dickhead'. This led to a head to head confrontation between the Assistant Referee and the Wychwood parent and further abusive remarks were exchanged.
- 7. Wychwood have accepted the Club Charges.

The Evidence

- 8. This matter relates to a fixture between Wychwood U15s and Headington U15s which took place on 18 September 2022.
- 9. The relevant factual background herein is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Chair did not take such point, or submission, into consideration when it determined the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.
- 10. The Chair has before him the following evidence:
 - 10.1 Email from KB, the Assistant Match Official dated 6 October 2022. Mr Brooks' evidence can be summarised as follows:
 - (a) At the fixture, I was asked to be linesman and during the first half, I made a complaint to the referee who was the Wychwood manager that there was a blatent foul by a Wychwood player that he had not given. The player who committed the foul told me to 'fuck off'.
 - (b) I responded 'don't tell me to fuck off or I'll slap you like your dad should'. One of the other players called me a 'wanker'.
 - (c) During the second half, I was running the line and one of the parents decided to call my son a 'dickhead' out of the blue. I squared up to the adult as I let my emotions get the best of me from the abuse I had been receiving from the parents and players.
 - (d) Once the game was over, I began to walk towards my car and the player who told me to 'fuck off' deliberately walked the way I was walking despite the fact he could have walked across the pitch and made a snarky comment, to which I told him the game was over and to go home.
 - 10.2 Email correspondence between Oxfordshire CFA and KB dated 12 October 2022. Oxfordshire CFA state that a Wychwood parent states that during a confrontation KB said to him 'go back to the retards'. KB responds that he cannot remember exactly what he said but being abused

by 15 year old children and parents was pretty daunting, particularly when as he was trying to go home, he was being followed to his car. KB states that if he did use the word 'retard' then it was in the heat of the moment and not aimed at any particular individual.

10.3 Email from Adrian Crispin, Club Welfare Officer of Wychwood, who states that:

- (a) It has been brought to my attention that there has been a persistent incidence of abusive behaviour by a linesman towards the players, including saying to a young player 'I'll smash your fucking face in' and to the referee 'if that number 9 was my son I would have hit him by now'.
- (b) This culminated in the linesman spitting at some of the persons involved as he drove away from the venue.

10.4 Wychwood Safeguarding Incident Report Form dated 26 September 2022, which sets out a number of incidents which occurred during the fixture, including:

- (a) Headington Linesman said to a young player 'I'll smash your fucking face in'
- (b) Headington Linesman said to the referee 'if that number 9 was my son I would have hit him by now'.
- (c) A Headington parent shouted abuse and foul language towards a Wychwood player repeatedly.
- (d) A Wychwood parent said to a Wychwood player that a Headington player was 'being a dick'. This statement was overheard by the linesman and the linesman physically confronted the Wychwood parent.
- (e) After the match had finished, the Headington linesman confronted a Wychwood parent when he said 'all right big man'. An argument followed which was diffused by the referee.
- (f) After the match, the Headington Linesman spat at the Wychwood team from his moving car when he was leaving the venue.
- (g) After the match, a parent threw tissues out of a car window at the Wychwood team.
- (h) There was an altercation between players wearing Wychwood colours and a Headington parent involving appalling shouting behaviour, language and gesticulations.
- (i) In light of these events, Wychwood have taken a number of actions including:
 - (i) We have spoken to the young players involved to ensure that they are okay and have not experienced any ongoing concerns or worries.
 - (ii) We have reminded all players and parents that they must abide by the FA Code of Conduct.
 - (iii) We have reminded all players that when they are in 'uniform' they are ambassadors for Wychwood and the grassroots game and must behave accordingly.

- (iv) We have strongly emphasised that players must not challenge the decision of the Match Officials.
- (v) We have made it categorically clear that players and parents must not rise to or create any provocation with the opposition players, parents/carers or match officials.

10.5 Statement from LB, one of the players who states as follows:

- (a) The linesman called a player a 'little shit'.
- (b) When the game ended, we were walking towards our car when the wife of the linesman became lairy and began shouting.
- (c) As the linesman drove past, he spat out his window at us and the wife threw tissues out the window and shouted something.

10.6 Statement from Mark Batty, parent, whose evidence is summarised below:

- (a) In the second half, my son was complaining about the opposition No.3 winding him up. I said to my son 'don't worry about it, he's just been a dick'.
- (b) The linesman heard my comment and it turned out that the opposition player was his son. He turned around angrily and asked who had said that. I remarked that it was me and at this point, he squared up to my face and said a few words in a threatening tone.
- (c) Once the game had finished, I headed back towards the car park with no intention of saying anymore and the linesman turned to me and said 'alright big man' in a rather harsh tone. I said to him 'It's okay to threaten a 14/15 year old boy by telling him you'd smash his face in is it'. He told me to 'fuck off' a few times and 'go back to our retards'.

10.7 Statement from Paul Lavington, whose evidence is summarised below:

- (a) An offside decision was made by the Headington linesman which our player felt was played onside and made his point known to the linesman. The linesman did not like his tone and said out loud that he was going to 'punch his fucking head in'.
- (b) Mark Batty responded to this comment and the linesman squared up to Mark and came right up to him with his head touching Mark's.

10.8 Statement from OP, a young player. OP's evidence can be summarised as follows:

- (a) In the first quarter of the first half, the linesman made a call which I did not agree with. I complained to him and was called 'a little shit'.
- (b) After the second half began, the referee gave a call which I did not agree with. I shouted 'no way' and was shouted at by a woman by one of the parents.
- (c) Towards the end of the game, I made a poor challenge and the parent who shouted at me earlier starting shouting again.
- (d) At the end of the match, I walked over to my parents and we talked about the match. I walked away from them to talk to my teammate, whose dad had an altercation with the linesman. The dad stands on some stairs and the linesman decided to walk down.

As he pasts the father, he says 'you okay big man', to which the Dad replies 'you need to watch it mate'.

- (e) My mate and I ask him why he said he would smash my teammates head in, which he replied that the game is finished and to go home to your retarded families.

10.9 Email from Local Resident dated 18 September 2022, whose evidence is set out herein:

- (a) As people were leaving, there was an altercation between the players of one team wearing blue and claret and one of the adults who was a female wearing a puffer coat and trainers. They were shouting at each other.
- (b) This happened in the parking area of the sports field but continued as they set off down the High Street

10.10 Email from Charlotte Flynn, Headington dated 28 September 2022. Ms Flynn's evidence is set out below:

- (a) After having a discussion with the u15 yellows coaches, they heard some disagreement between our linesman and a Wychwood player / parents. Our coaches went over to the manager to try to calm the situation down and to find out what was going on.
- (b) After speaking to the managers they confirmed there was some confrontation between both sides with an exchange of words from both parties. We are led to believe most of this happened out in the car park. Our managers diffused the situation by telling people to leave on both sides as no one was achieving anything.
- (c) Following the incident our managers have given our linesman a warning and a two match ban and reminded him of the code of conduct and behaviour whilst running the line and being a part of the team along with his behaviour around u18s.

10.11 Letter from Paul Kelly, Club Secretary of Wychwood in response to the charges. Mr Kelly states:

- (a) We are deeply disappointed and saddened by the actions that took place during and after the game against Headington.
- (b) After our internal investigation, it is clear that we have not followed our high conduct standards. We have advised every member of the U15's team and parents of the code of conduct and behaviour we expect when representing the club with no exceptions. We hope that this is an isolated incident.
- (c) I can only express my sincere apologies for our conduct and given our history prior to this event, we have always behaved impeccably, which I hope will be taken into consideration when our case is before the Disciplinary Commission.

Decision on Sanction

KB:

11. As KB has admitted liability for the Charges, the Chair considered the appropriate sanction to impose.

12. In accordance with Appendix 1 of the FA Disciplinary Regulations 2022/23, an aggravated breach will result in an immediate suspension from football of between 6 matches and 12 matches. A mandatory education programme is to be imposed with any ancillary sanction such as a fine at the discretion of a Regulatory Commission.
13. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present for the participants.
14. The Chair consulted KB's previous disciplinary history and noted that prior to this incident, KB had a clean disciplinary history.
15. The Chair considered that in this case, there were a number of mitigating factors, including the early acceptance of the Charges, cooperation with the FA's investigation and a certain degree of remorse experienced. This has to be balanced against the aggravating features of repeated use of abusive and threatening language and behaviour and the degree of responsibility held by KB during the fixture.
16. Accordingly, the Chair imposes the following sanction on KB:
 - (a) An eight (8) match suspension.
 - (b) A fine of £75.
 - (c) An education programme to be undertaken virtually by the conclusion of the suspension period.
17. 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.

Wychwood

18. As Wychwood have accepted the Club Charges, the Chair considered the appropriate sanction to impose.
19. The Chair referred to the FA Rules and the Disciplinary Sanctions Guidelines issued by the FA. For this offence, for a club at this level, the sanction range is a fine of between £0 - £200.
20. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present.
21. The Chair consulted Wychwood's previous disciplinary record and noted that prior to this incident, Wychwood had one previous E20 charge proven against them.
22. The Chair considers the early admission to be a mitigating factor in this case. This has to be balanced against the previous disciplinary history.
23. Accordingly, the Chair imposed **a fine of £100** against Wychwood:
24. 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.

Elliott Kenton
National Serious Case Panel Chair
14 November 2022