

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Oxfordshire Football Association

NON-PERSONAL HEARING

of

WILLIAM JEFFERY

THE DECISION AND REASONS OF THE COMMISSION

INTRODUCTION

1. The Football Association ('The FA') convened a Disciplinary Commission ('the Commission'), on behalf of the Oxfordshire Football Association to adjudicate upon disciplinary charges levied against William Jeffery (Case ID number: 10654228M) arising from a football match between Leafield FC First and Hailey A, which took place on Saturday 13th November 2021.
2. The Disciplinary Commission was constituted of a single member, Mr Resham Sohota, an Independent FA appointed Chair.
3. By way of letter dated 7th January 2021, William Jeffery ('WJ') was charged as follows:

Charge 1

Breach of FA Rule E3.1 - Improper Conduct (including foul and abusive language).

Charge 2

Breach Rule E3.2 – Improper Conduct – aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

It is alleged that WJ made the comment '*why don't you all get back on a boat where you came from*', which it is alleged is an aggravated breach pursuant to rule E3.2, because it includes a reference to and/or is in relation to Ethnic Origin, Colour, Race and Nationality.

4. A response to the charge was received on 15th December 2021. WJ accepted both charges and requested that the matter was dealt with by way of a non-personal hearing.

EVIDENCE

5. 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 Commission determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
6. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been transcribed as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.
7. The evidence which the County FA relied upon in support of the charges against WJ consisted of:
 - i) A County Association Report Form authored by Peter Fisher ('PF') the match referee, dated 13th November 2021.
 - ii) A witness statement authored by Grant Oliver ('GO'), the Leaffield FC First Captain. The statement is dated 18th November 2021.
 - iii) A witness statement authored by Micheal Ody ('MO'), the Leaffield FC First manager. The statement is dated 23rd December 2021.
8. WJ provided documents in response, as follows:
 - i) A statement of WJ, contained within an email dated 17th November 2021.

- ii) A statement of Sophie King, the Hailey A Secretary, contained within an email dated 17th November 2021.

9. PF's County Association Report Form stated:

'During the half time break, the Leaffield captain Grant Oliver came over to me and said that one of his players had been racially abused by a Hailey player. I confirmed that I had not heard of witnessed any incidents of this nature. I did though immediately go across and speak to all the Hailey players and management to inform them of the alleged accusation. I confirmed to them that I could not take any specific action as I had neither heard any comments nor were any shared with me at the specific time they allegedly occurred I did warn them to be more careful on their language in the second half.

Aside from three tackle related cautions the second half passed without incident. After the game Mick Odey, manager Leaffield, did confirm the club's intentions to submit a report. I have them your name and contact details at OFA When I asked as to what was actually said he informed me it was words to the effect of... \why not get back on the boat an go home' (or words to that effect). '

10. GO's witness statement reported:

'...I witnessed a racial comment directed at fellow teammates, which offended me profoundly. The comment made happened around the half an hour mark of the first half, by Hailey A's No: 15 opponent, who's name I do not know. His comment was something to the nature of, "Why don't you all get back on a boat where you came from". At the point of myself challenging his comment, he did realise the mistake he had made. I immediately spoke to the referee about the matter. '

11. I considered MO's statement which stated:

'...I am very concerned of the abuse and language of the hailey team it was absolutely disgraceful ,late in the 1st half the game got really heated our left winger went down the left got into the box the hailey goalkeeper came out and cleaned our winger out no penalty or free kick was given the hailey goalkeeper shouted some disgusting abuse towards our player and the no. 15 of hailey player shouted why fucking don't you fucking get in your fucking boat and fuck off home ,that's the bit I heard but it was going on all over the field it was awful, leaffield fc have at least 12 Brazilians in our team they are the nicest guys you could ever meet all they want to do is play football and they are very skilful that's all they want to do is play football

but that day was really bad for racist remarks its got to stop ,best regards mike ody leaffield fc.'

William Jeffery's case

12. As aforementioned, WJ accepted the charges. He provided the following statements as referred to at paragraph 8, above.

13. WJ's statement included, inter alia:

"...The game was getting a bit heated, everyone calling for every little decision, everyone mouthing off. One of our players (not sure who it was) went down and called for a foul, but it wasn't given. So, everyone else started having a go at the ref etc. One of their players then said something along the lines of "you boys need to go back to school" or something like that - implying immaturity anyway. And by this time, I'd had a few shit touches, nothing was falling right, so I was starting to lose my head. And in response to that I said "some of these boys need to go back on the boat". Throughout the game Leaffield players where hurdling abuse at Hailey players in a different language and therefore made this impossible to understand.

Apologise if the comments came across racist.'

14. SK's statement included, inter alia:

'I am really sorry for any of the comment that have been made and for sure racist behaviour is not tolerated in our club. Our concern in this matter is how can Leaffield be challenged for any abuse they were shouting at Hailey players as they weren't speaking in English. I completely understand freedom of speech and the right to speak in your own language however when the players are shouting at Hailey players in their own language which no one else speaks this makes it extremely difficult to challenge what threats/ terminology they may have been using and in fact could have been racist. Hailey players felt extremely intimidated and threatened by the behaviour in the game.

I am also concerned that the ref didn't take action at the time to book our player/ abandoned the game due to the nature of this and how important stamping out racism is.

I would like to apologise again if comments came across racial.'

SANCTION

15. Given that WJ pleaded guilty to the charges, the Commission went on to consider sanction. For the avoidance of doubt the Commission considered all statements provided by and on behalf of WJ.
16. The Commission was made aware of WJ's previous disciplinary record in the last five seasons. WJ had no misconduct history.
17. The Commission had regard to the FA Sanction Guidelines, in particular the Standard Sanctions and Guidelines for Aggravated Breaches, and the FA Disciplinary Regulations 2021/22 ('the Regulations') generally.
18. Regulation 47 provides that;

"Where an Aggravated Breach is found proven, a Regulatory Commission shall apply The Association's sanction guidelines for Aggravated Breaches set out at Appendix 1 to Part A: Section One: General Provisions." ["Appendix 1"]

19. Appendix 1 (in part) further provides that;

"A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches ("Sanction Range")."

The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the "Standard Minimum")."

A Regulatory Commission may impose an immediate suspension in excess of 12 Matches in circumstances where aggravating factors of significant number or weight are present..."

"...Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association..."

20. In considering the appropriate sanction and penalty the commission discussed the severity of the offence and all other aggravating and mitigating factors. The key factors are:

- i) WJ has a previously unblemished disciplinary record.
- ii) WJ accepted both charges at the outset, for which he was afforded credit.
- iii) WJ showed some remorse, by apologising.

21. Balancing those matters and having regard to the facts and circumstances of the player's conduct, the Commission concluded that the appropriate sanction was:

- i) A suspension of 6 matches.
- ii) A fine of £60.00
- iii) WJ to satisfactorily complete a mandatory online education programme. The online education programme must be completed by WJ by the time the match-based suspension has been served.
- iv) 5 Club Disciplinary Points

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

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

Mr Resham Sohota

26 January 2021