

DISCIPLINARY COMMISSION

Sitting on behalf of the Surrey Football Association

IN THE MATTER OF THE NON-PERSONAL HEARING

of

ABBHEY RANGERS YOUTH FOOTBALL CLUB CASE ID 11197309M

DECISION AND WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND AND HEARING

1, The Disciplinary Commission, in the form of an FA appointed Chair sitting alone, adjudicated on 17th April 2023 upon a charge brought by the Surrey Football Association ("Surrey FA") against Abbey Rangers Youth Football Club in respect of alleged misconduct by a Club spectator during a match between Abbey Rangers Youth Football Club u11 Diamonds ("Abbey Rangers") and Ascot United u11 Spartans ("Ascot United") on 19th February 2023.

THE COMMISSION

2. The Chair appointed to the Commission was Mr Michael Weeks (member of the National Serious Cases Panel).

THE CHARGE

3. Surrey FA charged Abbey Rangers as follows:

Charge: 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.

The particulars of the charge supplied to Abbey Rangers were as follows:

“It is alleged that Abbey Rangers Youth 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 following being asked to leave the side of the pitch for comments made towards the referee, a comment directed towards the referee of ‘I will see you in the car park’ has been made towards the referee or similar”.

THE PLEA

4. Abbey Rangers had entered a plea of “Not Guilty” to the charge brought against the Club and requested that the Club’s matter be heard in the Club’s absence.

THE EVIDENCE

5. The following is a summary of the principal evidence and submissions provided to the Commission Chair. It does not purport to contain reference to all the points made. However, the absence in these reasons of that point or submission does not mean that the point or submission was not taken into consideration when the Commission Chair determined the matter. For the avoidance of doubt the Commission Chair has carefully considered all the evidence submitted with regard to this case.

6. The Commission Chair was supplied with the following documents:

Misconduct Charge Notification Form (Abbey Rangers) dated 28th March 2023.

Extraordinary Incident Report Form dated 20th February 2023 from GW (Referee).

Email dated 3rd March 2023 from Surrey FA to the Referee requesting information.

Email dated 3rd March 2023 from the Referee to Surrey FA in response.

Email dated 16th March 2023 from Surrey FA to the Referee requesting further clarification.

Email (undated) from the Referee to Surrey FA in response.

Statement dated 5th March 2023 from DS (Abbey Rangers (male) spectator).

Statement dated 7th March 2023 from HM (Abbey Rangers (female) spectator and partner of DS).

Statement dated 7th March 2023 from MH (Abbey Rangers (male) spectator).

Email/Statement (undated) from CG (Ascot United Manager).

Administrative correspondence between Surrey FA and Abbey Rangers including an email dated 3rd March 2023 outlining the allegation and inviting response statements.

Administrative correspondence between Surrey FA and Ascot United including an email dated 16th March 2023 outlining the allegation and requesting information as to what was allegedly said and to whom any comments were directed.

Whole Game System extract confirming the denial of the charge from Abbey Rangers.

Email (undated) from AR (Abbey Rangers Secretary) confirming the denial and briefly explaining the Club's defence.

7. The Commission Chair's summary of the evidence is as follows:

The Referee for this Surrey Primary Youth League u11 match was GW. The evidence disclosed that he, the Referee, was a 'young' (male) Referee, although the actual age of the Referee was not specified. The Commission Chair presumed, in the absence of any evidence to the contrary, that the Referee was probably between 14 and 17 years of age.

The Referee's report, dated the day after this match, read as follows: "I was on the receiving end of a threat made by a parent. I asked the parent to leave the sideline and go to the nearby car park because they verbally abused me on multiple occasions. I made a decision and the parent disagreed, I then explained my decision and kindly asked them to respect my decision. The parent chose not to respect me or the decisions I made and swore at me. At that point I asked the parent to stand in the car park or I would call the game off. The spectator responded by threatening me and I clearly remember him say the words 'I will see you in the car park afterwards'".

Surrey FA sought clarification from the Referee of the nature of the 'verbal abuse' mentioned by the Referee and asked how the alleged comment made him, the Referee, feel. The Referee stated that "the verbal abuse that was aimed at me was a variety of things such as 'your terrible referee' and 'you're a disgrace referee'". "Normally, I can shake these things off and forget about them but the parents were constantly in my ear. In regards to the threat that I received, the threat got to me a bit. It was constantly on my mind throughout the remainder of the match. I felt scared of what might happen after the game and I was quite concerned because the match took place on council pitches and not at the actual club where I would normally have lots of people who could intervene if something were to go wrong. Fortunately it didn't".

DS was the male spectator who was alleged to have made the relevant comment to the Referee. He, DS, stated that a disagreement arose following a decision by the Referee and linesman (who "did not flag") that a goal kick should be awarded (presumably to Ascot United) instead of a corner (in favour of Abbey Rangers). DS described the corner as "blatant". "Referee came charger (charging) over to confront me (not all other parents) and said 'I have to respect him & his decision'. I replied 'I respect him but not his decision as it was rubbish'. Referee then stomped his feet & pointed while ordering me to go to the car park which I found very belittling (belittling) due to merely (merely) not agreeing (agreeing) to his decision which even Ascot manager agreed with. The ref then said the game would not restart till I went to the car park. As I was walking back I told my wife I would see her in the car park after. I then stood by the car park fence to watch the rest of the game. After the final whistle I crossed the pitch & approached the ref to state it was more the linesman I did not agree with as everyone else saw it bar him (chose not to see it). I apologised to the ref regardless, we both shook hands as I thought this was the correct thing to do as its only u11s game. I don't really understand how it has come to this as my apology was accepted".

DS's partner HM also filed a statement. She confirmed that a number of parents were shouting "corner", but the Referee awarded a goal kick. "Ref came marching over and singled out just 1 parent. Ref said 'respect my decision as a corner'. Dean replied 'I respect you but not your decision'. The ref then stamped his feet and pointed to the car park and demanded "Go to the car park now!". He stated 'I will not resume then game until you go to the car park'. Dean laughed and walked backwards and looked to me and said 'I'll see you in the car park after the game'. The game was then restarted till the

end. After the final whistle Dean walked over to the ref and stated that it was more of the linesman he didn't agree with and apologised (apologised) and shook the ref's hand".

MH, also an Abbey Rangers supporter, provided an account of events. He stated that following a "great" save from the Ascot United goalkeeper the Referee awarded a goal kick which "caused a reaction from several players and parents". DS, according to MH, "was trying to explain the keeper got his hand to it (the ball) to make the save so (it) should be a corner. The Ref's reply was its my decision so Respect me and my decision. D replied 'I do Respect you but that's a bad decision'. After this the Ref said D was to go to the car park in order for the game to continue. Dean then walked to H (his partner) said something to her and walked to the fence line. After the game D crossed the field to apologise's (apologise)".

The Manager of Ascot United, CG, described in his email how his team won the match 7 – 1. "About 4 – 1 in the second half the young ref was threatened by a parent at the far end of the pitch, I didn't hear what was said directly but I saw the parent get irate over a corner decision.". CG spoke to the Referee after the match and "he told me what happened". CG assured the Referee that he, the Referee, could "stick with me (CG)" after the match if he was worried about his safety" but the Referee said that his father was at the match and CG need not worry about his, the Referee's, safety. CG spoke to the Referee and the Referee's father, after the match; CG informed both the Referee and his father that the Referee "had done nothing wrong" and "displayed the right attitude at the time". CG added that he "did feel sorry for the young Ref as this was an Adult that made the threat of 'seeing him in the car park'".

When entering the plea of "Not Guilty" to the charge, Abbey Rangers, via the Club Secretary, were clear in stating that "the parent, DS, has reiterated that the comment was said to his partner who he was standing with at the time and not the referee as stated".

THE STANDARD OF PROOF

8. In order to find Abbey Rangers "Guilty" of the charge, the Commission Chair would have to be satisfied that it was more likely than not, that the Club was guilty, ie on the balance of probabilities.

THE HEARING

9. The Commission Chair studied the evidence carefully and took time to consider the matter. He was mindful throughout of the standard of proof.

The responsibility upon Abbey Rangers was to ensure that its supporters and followers (whether the team was playing 'home' or 'away'), refrained from specified forms of unacceptable conduct as set out in the Misconduct Charge Notification.

It appeared to the Commission Chair that the nature of the defence raised by Abbey Rangers was that the Club's spectator could not be proved to have indulged in any words or behaviour which could be described as improper, offensive, violent, threatening, abusive, indecent, insulting or provocative. The spectator concerned, DS, was clear that he when he spoke certain words, those words were addressed to his partner and were merely said to inform her of his whereabouts after the match. As such, the Club was implying, the Referee had "got the wrong end of the stick" (the Commission Chair's expression) and wrongly assumed that the words amounted to a threat towards him (the Referee).

The Commission Chair was of the view that both “versions” of the events were, on the face of the evidence, worthy of belief. The question to be decided first was which, of the two described scenarios, was the more likely to be the true explanation for the use of the (agreed) language.

If the Commission Chair decided that it was proved that the Referee was indeed threatened by DS the Commission Chair would then move to decide an appropriate sanction for Abbey Rangers. The defence raised by the Club would have failed.

If the Commission Chair did not find that it had been proved that DS had threatened the Referee, he, the Commission Chair, would consider whether the conduct of DS, quite apart from the alleged threat, amounted to conduct prohibited by FA Rule E21.1. The Referee alleged verbal abuse, and derogatory remarks being made towards him by DS, before there was any suggestion of a threat. The Referee was young, and his treatment by the spectators, on the face of the evidence, might be considered demeaning and insulting. DS, for his part, alleged that he, DS, was echoing disquiet from a number of his fellow spectators about a very poor decision and was indulging in “plain speaking” for which he apologised after the match.

THE DECISION.

10. The Commission Chair found Abbey Rangers “Guilty” of the charge brought under FA Rule E21.

A spectator associated with Abbey Rangers indulged in behaviour which was prohibited by FA Rule E21. 1. Abbey Rangers had failed to ensure that the spectator had refrained from such conduct.

The Commission Chair found that it had been proved to the required standard that the relevant spectator (DS) had:

1. Indulged in verbal abuse of GW, the Referee, in the form of insulting, provocative and demeaning comments which undermined the confidence of a young Referee. The conduct of DS, in indulging in such behaviour, was deemed by the Commission Chair to be improper as defined by FA Rule E21.1.
2. Made a remark to the Referee after being told to leave the pitch; the remark was reasonably interpreted as a threat by the Referee because it involved the words “I will see you in the car park afterwards”. This remark was also deemed by the Commission Chair to have been improper because it was threatening and provocative.

THE REASONS FOR THE DECISION.

11.

(1) THE FINDINGS MADE AT PARAGRAPH 10.1 above:

A. The Referee stated that he was told he was a “disgrace” and “terrible”. DS agreed that he, DS, said to the Referee that the decision made by the Referee (about the corner) was “rubbish”. These remarks made to a young Referee within earshot of other spectators (and probably players) by an adult would undermine the confidence of such an official (and evidently did so because the Referee explained how “normally I can shake these things off”).

B. HM indicated that DS “laughed” when told to go to the car park. Such a gesture would undermine and embarrass a young Referee.

C. CG said that he “saw a parent get irate at the ref over a corner decision”. The display of anger which was observed by CG suggested that DS was “making a meal” of the decision, and such behaviour probably caused an unnecessary “scene”; again, a young Referee should not be expected to tolerate such behaviour from an adult spectator.

D. DS apologised to the Referee after the match. The Commission Chair decided that DS did this because DS knew he had “gone too far” in indulging in the provocative and demeaning behaviour towards the Referee and wanted to “make peace” with the Referee.

(2) THE FINDINGS MADE AT PARAGRAPH 10.2 above:

A. The Referee was clear in describing the comment “I’ll see you in the car park afterwards” as having been addressed to him; further, the Referee described the remark as a threat. The Commission Chair accepted that such a remark was quite commonly used as a “threat” by players/officials/spectators when angry and upset during a match. This did not mean that DS used the expression as a threat necessarily on this occasion, but the use of the phrase was known by the Commission Chair as one which frequently did get uttered as a threat.

B. GC was told by the Referee that the comment was made to him, the Referee. The Commission Chair did not think it likely that the apparent worry expressed by the Referee, and the consequent support offered by GC would have arisen if there was a chance that the addressee of the comment was not the Referee.

C. The worry and anxiety expressed by the Referee to GC was strongly indicative that the Referee felt threatened. GC “picked up on” this anxiety. The Referee genuinely felt intimidated – this suggested that, even allowing for extra sensitivity on the part of the Referee (because of his youth), the Referee did correctly interpret the language as threatening to him, and did not make a mistake and wrongly misinterpret a quite innocent remark from DS to his partner.

B. DS said that he felt “belittled” by the Referee “ordering” him to the car park. If he, DS, felt humiliated and/or embarrassed it was likely that he, DS, would be tempted to “have the last word” by making a “throwaway” comment designed to upset the Referee.

C. MH stated that DS spoke to HM, but he, MH, did not hear what DS said to HM. According to MH, DS walked to HM and said something to her. If that was the case it would be unlikely that the Referee would have thought that something another spectator obviously thought was intended for HM, was actually addressed to him, the Referee.

D. The Commission Chair believed that the tone of DS’ voice, his proximity to the Referee (so that the Referee heard what was said “word for word”), and the anger evidently showing because of the “belittling” of DS, made it more likely than not, that DS was threatening the Referee, than arranging to meet his partner after the match.

THE SANCTION.

12. The Commission Chair was assisted in determining an appropriate sanction by consultation with the FA Sanction Guidelines and the FA Rules and Regulations 2022/2023. He was also informed of

the disciplinary record of Abbey Rangers; the Club consisted of 34 teams. The record disclosed 1 (one) FA Rule E20 breach in the current season before this match (FA Rule E20 governs the responsibility of a Club for the behaviour of players and officials as opposed to spectators). There were no previous misconduct findings this season in respect of spectator behaviour, nor had there been any misconduct charges found proved against the Club in respect of either player/official behaviour or spectator behaviour within the previous 5 (five) years. After due consideration, the Commission Chair decided that he would treat the lack of spectator poor conduct prior to this match as a mitigating factor, and thus a feature of the case which would lead to a reduced sanction. This Club, running 34 youth teams, deserved credit for this good spectator record.

The FA Sanction Guidelines recommend a range of financial penalties in respect of a breach of FA Rule E21. The range of penalties considered will be determined by the Commission's placement of the facts of the matter within a "low", "mid" or "high" range of seriousness, first on a provisional basis, and after consideration of any aggravating and/or mitigating factors, on a final basis. Aggravating factors are those features of the case which tended to make it more serious, and mitigating factors are those features which make the case less serious.

The Commission Chair provisionally placed the facts of this matter within the "high" category of seriousness but at the lower end of the "high" category. A young Match Official had been verbally abused and threatened; the impact upon the Referee stayed with the Referee for the remainder of the match; GC noticed how the Referee was affected by what had happened; the Referee was reassured by his father's presence after the match. The undermining of a young Referee could cause a long-standing loss of confidence. Fortunately, one spectator only was involved, and he, DS, caused no further problems after the match (indeed an apology was forthcoming).

The Commission Chair found no aggravating factors to be present –the salient features of the case have been taken into account in determining a provisional categorisation as mentioned above.

As stated above, the Commission Chair would treat the disciplinary record of Abbey Rangers as a mitigating factor and reduce the sanction to reflect the presence of that factor. Further, the Commission Chair was prepared to treat the apology by DS to the Referee as a mitigating factor. As stated above, the Commission Chair decided that DS did know he had "overstepped" and took steps to apologise to the Referee. The credit given to Abbey Rangers for the apology however would be very limited because DS was not apologising for the threat (because he said he made no threat); he, DS, was apologising only for his angry challenge to the decision of the Referee (not to award a corner).

ABBEY RANGERS FOOTBALL CLUB WILL BE SANCTIONED AS FOLLOWS:

Abbey Rangers Football Club will be fined the sum of £90.00.

APPEAL

13. These decisions are made subject to the relevant FA Appeal Rules.

Michael Weeks (Commission Chair).

17th April 2023.