

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Surrey Football Association

CORRESPONDENCE HEARING

of

ADAM FORSHAW

REAL DUNDONALD

[Case ID:11178439M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 12th February 2023, Real Dundonald (“the Club”) played a fixture against London Ravens First (“London Ravens”)– collectively the “Match”.
2. The Match Referee, Mr Promise Phillips, reported the conduct of Mr Adam Forshaw (“AF”) a Player for the Club.
3. Surrey Football Association (“Surrey FA”) investigated the reported incident.

The Charge

4. On 20th March 2023, Surrey FA charged AF:
 - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) It is alleged that Adam Forshaw used threatening and/or abusive 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 Adam Forshaw has approached the referee after being shown a red card and suggested that the referee removes his top so Adam could approach him violently or similar.
5. The relevant section of FA Rule E3 states:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”
6. Threatening Behaviour against Match Officials is defined, under *Offences Against Match Officials*, as:

“96.1 Threatening behaviour; words or actions 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; the raising of hands to intimidate the Match Official; pretending to throw or kick and object at the Match Official”.
7. Surrey FA included with the charge letter the evidence that it intended to rely on in this case.
8. AF was required to respond to the charge by 3rd April 2023.

The Reply

9. On 2nd April 2023, AF responded to the charge via the Whole Game System, admitting the same and he requested the case to be dealt with in his absence at a Correspondence Hearing.

The Commission

10. The Football Association (“The FA”) appointed me, Karen Hall, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

The Hearing & Evidence

11. I adjudicated this case on 5th April 2023 as a Correspondence Hearing (the “Hearing”).

12. I had received and read the bundle of documents prior to the Hearing.
13. 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 this case.
14. The Match Referee, Mr Promise Phillips, submitted a Report, dated 14th February 2023 in which he stated that immediately after the Match he heard AF say "Don't ever do that again, you heard me". Mr Phillips felt that this was because he awarded a corner when AF felt that it should have been a goal kick. Mr Phillips ignored the comment and carried on shaking hands with the other players. AF repeated the comment and Mr Phillips said "please go away". AF replied calling him a "fucking dickhead". At this point he also had his fist clenched and was "squaring him out". Mr Phillips showed him a red card and walked towards his Manager to get his name. AF then spent the next few minutes threatening the Referee, calling him endless names. Mr Phillips kept telling him to go away and to leave him alone. He would not budge and went so far as to tell Mr Phillips to take off his referee top so that "he could approach him violently".
15. In response to additional questions posed by Surrey FA, Mr Phillips stated that AF threatened to physically hit him and had his fist clenched.
16. Mr Bob Harriott, a Club Official, provided a Statement dated 21st February 2023 in which he stated that at the end of the Match he saw the Referee brandish a red card and AF walking away from a group of players at a fast pace. AF sorted his kit bag and went to the changing room. After a short debriefing of the rest of the team he noticed the Referee and AF engaged in a conversation but he could not hear this.
17. That concluded relevant evidence in this case.

Standard of Proof

18. 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

19. It was noted that AF had responded to the charge via the Whole Game System, admitting the same. Liability was therefore predetermined by the guilty plea.
20. Regulation 96.1 states "*Threatening behaviour; words or actions 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; the raising of hands to intimidate the Match Official; pretending to throw or kick and object at the Match Official*".
21. On the basis of not only the guilty plea but the undisputed evidence above that AF approached the Referee and threatened him, the Charge against AF namely misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) is found to be PROVEN.

Previous Disciplinary Record

22. After finding the charge proven, I sought the participants offence history. I note that AF has a previous proven misconduct charge in January 2020.

Mitigation

23. Within the bundle there is no mitigation from AF. I note that the Club have confirmed to Surrey FA that AF is no longer playing for them.

The Sanction

24. The relevant FA Disciplinary Regulations on sanction (Regulation 101.7.1) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 56 days and 182 days. There shall also be an order that the participant completes an education programme before the time based suspension is served.

25. Regulation 102 provides factors to be considered when determining sanction. In that regard I note the repeated threats and language used. There was no apology on the day and none since from AF. I also note the previous disciplinary record.

26. After taking into consideration all the circumstances in this case, Mr Forshaw is:

26.1. to serve an immediate suspension from all football and football activities for 142 (one hundred and forty two) days;

26.2. fined a sum of £75 (seventy five pounds);

26.3. to satisfactorily complete an online mandatory education programme before the time-based suspension is served, or Mr Forshaw be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him and

26.4. 8 (eight) Club Disciplinary Points to be added.

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

Signed...

Karen Hall F.C.Inst.L.Ex (Chairman)

5th April 2023