

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIR SITTING ALONE

on behalf of Surrey Football Association

NON-PERSONAL HEARING

Of

Charlwood Village Junior FC

[Case ID: 11291316M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 21 May 2023, Charlwood Village Junior FC U14 ("Charlwood", the "Club"), played a Rusthall Tournament 6-a-side fixture against Tunbridge Wells Youth FC U14 ("Tunbridge Wells") – collectively the "match".
2. The appointed Match Official for the fixture submitted a report regarding the alleged misconduct of a supporter of Charlwood Village Junior FC that took place after the match.
3. Surrey Football Association ("Surrey FA") investigated the reported incidents.

The Charges

4. On 11 August 2023 Surrey FA Charged Charlwood Village Junior FC:
 - 4.1. 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;
 - 4.2. It is alleged that Charlwood Village Junior 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 at the conclusion of the fixture a spectator has said to the referee *"I will fucking have you"*. The same spectator has threatened the referee with a camping chair or similar.
 - 4.3. Surrey FA advised in the charge letter the offence carried a sanction range of a fine of up to £200.
 - 4.4. The relevant section of FA Rule E21 states¹:

"E21 A Club must ensure that spectators and/or its supporters (and anyone purporting

¹ p. 148 of FA Handbook

to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:

E21.1 “use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;

E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch; E21.3 encroach on to the pitch or commit any form of pitch incursion;

E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability” [...]”

4.5. Surrey FA included within each charge letter the evidence that they intended to rely on in this case.

5. Charlwood Village Junior FC were required to respond to their charges by 25 August 2023.

The Reply

6. As of the date of the Commission Charlwood Village Junior FC have not provided a formal response to the charge, therefore, in line with FA Policy this case will be dealt with as “*deny – correspondence*”.

7. During the investigation, evidence was submitted from:

7.1. Match Referee Extraordinary Report and further information;

7.2. Complaint from Charlwood Village Junior FC.

The Commission

8. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chair Sitting Alone to adjudicate in these cases.

The Hearing and Evidence

9. The case bundle was sent via e-mail to the appointed Chair 29 August 2023 to be completed within 3 working days.
10. I adjudicated this case on 31 August 2023 as a correspondence hearing.
11. The following is a summary of the principal submissions provided. 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 we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case.
12. The appointed Match Official for the fixture submitted his Extraordinary Incident Report on 21 May 2023 which contains the following.
 - 12.1. At the end of the 10-minute fixture he notes two Charlwood supporters *"said to me in a loud, clear voice from an unobstructed distance of 10 metres, "Your a disgrace!", he was wearing a baseball cap. Another male said "I'll fucking have you!" I took this as a threat of violence towards me". Although unaware of the offender's name they do provide a description of the individual that issued the threat towards him.*
 - 12.2. The Match Official walked away to report the incident and threat of assault *"After about 10 minutes I was in the process of returning to my pitch, when I again came into contact with the aforementioned male. He was in an elevated position above the path I was walking on. A metal, waist high barrier with wire mesh was between us. He was holding a folded camping chair, he fixed his stare on me & said " Your fucking having it!" I took this as a further threat".*
 - 12.3. At this point the Referee adds *"He raised the chair above his head & moved towards me in a threatening manner. He made a sudden movement with the chair towards me, I backed off to gain distance between us as I perceived imminent attack, but I was prevented as my back was in a thorn bush, which ran adjacent to the path I was on. He appeared distracted by the referee co-ordinator*

[redacted] *who he also threatened with the chair & I saw [redacted] body flinch as the male made a move towards him".*

- 12.4. The Referee used this opportunity *"to run back to the control room as unknown persons laughter & jeered. I closed the door to prevent anyone following me. I was scared & broke down in tears on relaying events to the co-ordinator [redacted]. I then watched as the aforementioned male, a woman, female teenager & one of the boys I had sent off, were escorted from the tournament site, still gesticulating & making comment flanked by [redacted]"*.
- 12.5. The Referee also provides the information he had provided to the Police when reporting the incident which also notes the distress caused as he had feared for his safety adding *"I believed that the male had the propensity to carry out his threats, which he reinforced with his actions, raising the chair in my direction & appearing to reveal in the distress & fear he created in me. I ran away because I was scared & felt that my actions would help minimise any further opportunity for him to carry out his threats. My emotions were clearly evident in the form of me breaking down in tears & gasping for breath, as I recounted these events & the fear it created in me"*.
- 12.6. The event has had the following effect on him *"Since the event I have been hyper vigilant as to the potential of men's reactions towards me. I struggle with 'Why me?' feelings & have since accessed mental health support. However this does not deter me from doing the role I love as a referee & have enrolled in youth & women's football next season. I referee in men's football but only if I am in a team of 3"*. He then cites previous incidents that have taken place during his extensive time as a Referee.
- 12.7. The final part from the Referee is the e-mail sent to the Police which contains still photographs from the venue's CCTV system; the individual shown matches the description he has provided in his written submission.
13. On 17 July 2023 the County FA contact the Referee and ask for clarification on four points, the response from the Match Official on the same date contains the following details;

- 13.1. When asked why they believe the spectator has made the comments he replies *"He left with one of the boys I sent off."* Of the disciplinary action taken during the fixture he adds he issued four cautions; these were given to two players which resulted in both players being dismissed and a further caution for their manager for dissent.
 - 13.2. The Referee also notes the other personnel identified in his statement, one being a tournament official and the other two being Match Officials.
14. The case bundle also provides evidence of attempted contact with Charlwood Village Junior FC. These show e-mails sent on three occasions between 17 July 2023 and 31 July 2023 and note the following;
 - 14.1. There is a response to the e-mail dated 17 July 2023 sent on 20 July 2023 by a Charlwood club official which notes the personnel statements were requested from to be away on holiday and not able to provide them; there is also a request for an extension and further details regarding the allegations towards them.
 - 14.2. On the same date Surrey FA respond and provide further information on the allegation. The e-mail from Surrey FA dated 31 July notes an extension to the deadline of 03 August 2023 and informs the investigation will proceed after that date using the evidence provided.
15. The final inclusion in the case bundle is an undated statement from a Charlwood parent regarding the Match Referee, this contains an allegation of discriminatory behaviour towards their players as follows;
 - 15.1. They were the individual responsible for the entry into the tournament and are a parent but not involved with running the club; the words submitted are from them alone. The author notes their disappointment with the performance of the Referee and cites a challenge *"one of our boys did a hard but legit tackle. Both he and the other boy fell – it was shoulder to shoulder. When they got up the boy in the other team (white) punched the boy in our team (black). The ref then called our boy over and yellow carded him but did not even speak to the other boy for violence"*.

- 15.2. Shortly after the same boy from Charlwood tripped over the ball causing them to lose balance and unintentionally fall into an opposition member *"He was then yellow carded and as it was a 2TM yellow sent off with a red card. A few minutes later another one of boys (also black) was given a yellow card and then sent off for something I really am not clear about – as far as I could see a reasonable tackle (especially in light of some of the tackles from the opposition which were never challenged by the referee)"*.
- 15.3. Within the 10-minutes of the fixture they had two players, both black, dismissed but *"no sanction at all was given to any of the other players including the boy (white) who punched our boy. Also during this same match the ref booked our coach (also black) because our coach called out to the ref to ask whether he was going to discipline the boy who had punched our player"*. They feel the disciplinary action taken within a 10-minute fixture to be *"incredible"* they also note the game appeared to continue until such time *"the opposition scored – inevitable when we had two players sent off. As soon as the goal was scored against us the full time whistle was blown in the world's longest 10 minute match"*.
- 15.4. There is a further comment on a separate fixture where *" , two boys (both white) in opposing teams had a punch up and even a brother came onto the pitch to join in! In this match no yellow or red cards were issued for any violence"*. They do not note if the same Match Official was involved in this particular fixture. There is also a feeling of disappointment, in their perspective *"there seemed to be a tolerance of violence (punching) in two separate matches, as no one was sanctioned but I regret to say that it came across to me (as a white guy) that there was some serious racist like behaviour taking place as I think has been evidenced above"*.
- 15.5. Apologising for any offence caused by these allegations they reiterate it appeared as racism to them and was not helped *"when some official/parent (not clear what but did seem to be giving advice) from the opposition walked up to our coach and told him to be the 'big man' and suck it up – quite frankly, how rude?"*. They state this to be a shame and their players were

“completely disheartened by the experience and inevitably did not play their best for the rest of the tournament as a result. I would welcome your thoughts – as I say I have written this as a parent and this is not endorsed by the club and has not been read by the coach prior to be sent either. I just feel it was a real shame that the day ended like this”.

- 15.6. The final piece of the statement appears to focus on the allegations from the Referee when the author states *“I do not endorse the behaviour of the father of one of boys who was sent off and I think it is extremely regretful. I would thank you for not penalising the boys for such behaviour and would like to assure you this is not the normal behaviour of our parents, rather an outburst from someone who, I suspect, felt incredibly angry about the way his son had been treated”.*

16. That concluded the relevant evidence in the case.

Standard of Proof

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

The Findings & Decision

18. For case **11291316M** the E21 charge against Charlwood Village Junior FC, the Commission considered the evidence presented within the case bundle. The Referee is clear in the allegations of verbal threats made towards them followed by physical threats to further intimidate them. The Match Official further notes having taken themselves away from the situation when the opportunity arose, of further jeering towards him from others present. The Referee is also certain of those he alleges to have been the protagonists to have been present as part of Charlwood Village Junior FC.
19. There are no supporting statements provided to Surrey FA by the witnesses the Referee has named nor are there any statements from Charlwood which provide

their version of events or refute the allegations. The only other evidence included in the case bundle is the report from a parent who has stated they were there with the club who appears to acknowledge the actions of the spectator to have been "*extremely regretful*"; this does not provide detail on the actions of this parent although does note the author's belief these actions to be a result of their perception of prejudicial behaviour towards their players and manager.

20. From the evidence presented the Commission believe it was more likely than not the actions as described by the Match Official to have been more likely than not to have taken place and have therefore, found the charge as **Proven**.

Previous Disciplinary Record

21. Charlwood Village Junior FC have one team, their five-year offence history contains no previous misconduct charges of any nature.

Mitigation

22. Nothing has been received in mitigation from Charlwood Village Junior FC.

The Sanction

23. For case **11291316M** Charlwood Village Junior FC the sanction range for this offence is as follows

23.1. Fine up to £200

24. The Commission consider the actions of the supporter in issuing threats towards the Referee and threat of physical harm, swinging a chair towards the Referee and also a tournament official leaving the referee to feel threatened and fear for their safety, to be very serious and place the sanction towards the higher end of the range at £175. After taking into consideration their previous disciplinary record, the sanction will be:

24.1. Fined a sum of £140;

24.2. A warning as to future conduct.

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

Signed...

Steve Francis (Commission Chair)

31 August 2023