

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

**SURREY FA
(on behalf of the Football Association)**

and

JOSHUA ANDREWS

DECISION AND WRITTEN REASONS

Overview

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 7 September 2023 following charges brought by Surrey FA against Joshua Andrews (Case ID: 11296132M) (“**JA**”).

The Charges

2. JA has been charged by Surrey FA with a breach of:
 - (a) FA Rule 3.1 – Improper Conduct (including foul and abusive language) 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.(collectively, the “**Charges**”).
3. The particulars of the Charges are that JA said ‘I will bum you’, ‘queer’, ‘faggot’, ‘you’d like my nob in your mouth’ and ‘with hair like that you should be playing for them’.
4. JA has not formally responded to the Charges. Accordingly, the Chair shall consider whether the Charges are proven on the balance of probabilities.

The Evidence

5. This matter relates to a fixture between London Falcons FC and Wadham College Old Boys FC, which took place on 29 April 2023. JA’s team, Croygas were playing on an adjacent pitch during this fixture.
6. 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 he determined the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.

7. The Chair has before him the following evidence:

7.1 Complaint from Matthew Hall, Club Secretary for London Falcons which is reproduced in summary herein:

"On the 29th April London Falcons FC were playing the final game of our Wimbledon and district league season against Wadham College Old Boys at Prince George's playing fields, Raynes Park. We kicked off at 12pm and towards the end of the first half a team in a blue kit with yellow flashes arrived and began preparing for their game against a team in green and white who arrived shortly after on the pitch next to ours.

Their game kicked off at 1pm so both games were in progress simultaneously on adjacent pitches. Several people had arrived in time for the kick off in the second matches game and from the way they had engaged with the players before the kick off, it was clear that they knew them.

After a short while they began to take notice of our game as it was taking place behind them a few metres away. They then noticed our shirt sponsor, an LGBT venue called 'CMYK'. CMYK's logo is multicoloured with the colours of the rainbow and is intended to be and is clearly associated with the lgbt community.

During the second half of our game one of the blue teams supporters came over to our substitute David Hayes who was running the line and asked him why we had 'a gay club on shirt'. David told him we were an lgbt club and he said 'I'm against that. It should be a man and a woman'. He then suggested to David that 'you'd like my knob in your mouth'. David then tried to remove himself from the situation by running the line from further up the pitch.

This was heard by Wadham College's players and he then remarked to one of their players with long hair 'that with hair like that you should be playing for them' and then remarked to one of their players that 'I wouldn't want to go anywhere near these queers, faggots'. They and our player Chris Threadgold heard him break out the classic 'it's Adam and Eve not Adam and Steve'. Chris also heard him shout out 'queer cunt'.

Thereafter Marshal Peacock on our team chased a ball down near the touch line and heard the supporter say to him 'you chase that ball down queery'. The game then concluded and as we were walking off the pitch, david and Chris heard him say to Pete Chapman 'I'll bum you'."

7.2 Witness Statement of Matthew Hall, Club Secretary and player for London Falcons (undated):

"I was in goal and I noticed the arrival of two teams on the pitch adjacent to us one in navy blue with yellow accents and one in green and white stripes I think it was. I also noticed some people arrived with the team in blue who were talking to their players whilst they got changed pitch side. One of them was quite tall with long red hair. Him and his mates were drinking cans of beer while the team in blue got changed.

It wasn't until the end of the game that I heard that the guy with the red hair had been abusing my team mates. I was one of the first to head toward the changing room as I wanted to check the schedule for that day and see who the team in question was. It was afterward that I discovered that he had continued to abuse our manager, Pete.

I looked at the list and knew the lower numbers were the pitches nearer the changing rooms and that some of the other pitches had junior games on them and some had two games on them. The pitch next to us only had one game so by process of elimination I managed to piece together that the game was Croygas vs Pavletico (although the handwriting was quite hard to read).

At first it was hard to track down which league the teams were affiliated to as neither came up on Full Time so I contacted our league's referees and fixtures secretary, Martin Collis, to see if he could help. He advised me that Croygas had been playing Pavletico in the Junior Division 1 of the Surrey and South Eastern Combination League that day at Prince George's park."

7.3 Witness Statement of Chris Threadgold, a player for London Falcons (undated):

"I was injured at the time so was watching from the sidelines with George Coe (who was also injured) near our substitute, David Hayes who was running the line. During the second half I became aware one of the group of guys who had turned up to watch the game on the adjacent pitch was shouting abuse at David and other players on the pitch. It seemed to be directed at players on the near side of the pitch, although I couldn't tell exactly which ones. He was saying a lot to David and some things I couldn't make out, but I distinctly heard him say "Adam and Eve. Not Adam and Steve" and "queer cunt". After David came on, we moved further down the touchline away from him but could still see him mouthing off at players on the pitch.

After the game, myself, George, David and Marshal made it known what had happened and we collectively resolved to make a complaint with players from Wadham also coming over and confirming what they had heard. When it turned half time in the game on the adjacent pitch, I sought out the referee and asked him who was playing in the dark blue kit, as one of their supporters had been homophobically abusing my teammates. The referee took out his notebook and showed me Croygas's name.

After that, as I was making my way towards the changing rooms, I could see the supporter was talking at our manager Pete Chapman who seemed determined not to engage with him. I couldn't hear what he was saying until he stopped walking after Pete and shouted out 'I'll burn you'."

7.4 Witness Statement of David Hayes, a former player for London Falcons (undated):

"I was a substitute for our game and was acting as the referees assistant. During second half of our game another team arrived at the pitch next to ours and their players started to get changed by the pitches. I didn't know which team they were, but they were wearing a navyblue kit with yellow patches.

The players were talking to another group of people who weren't getting changed but who were drinking and smoking what smelled like cannabis. A tall, red-haired guy in his twenties came over and asked me why we had "a fucking gay club" on our shirts. Falcons' shirt sponsor is an LGBT+ bar in Wimbledon called CMYK. They have sponsored our shirts for a number of seasons.

I told him they were our sponsor because we were an LGBT+ club at which he scoffed and said that he didn't "agree with that". I told him frankly I thought he was a knob and his response was to turn to me and say "I bet you'd like my knob in your mouth, wouldn't you?". This was witnessed by Chris Threadgold and George Coe who were stood near me.

I then got brought on but could see he was still dishing it out and heard say the word "queer" to someone on the pitch. Then at the end of the game after we'd talked through what had happened, he followed us as we walked toward the changing rooms and started talking at our manager, Pete and told him he was "going to bum" him."

7.5 Witness Statement of George Coe, player and captain of London Falcons (undated):

"We were stood with our substitute David Hayes who was running the line and we could see he was involved in exchanges with a tall red-haired man that was stood with some people watching the game on the adjacent pitch which hadn't long kicked off.

After a little while he took an interest in our game and said, "why are you sponsored by a fucking gay bar?" and David told him it was because we were an LGBT+ team. I can't remember exactly what he said in response, but David told him he was a knob and he said to David "I bet you'd like my knob in your mouth, wouldn't you?"

David then got brought on and we moved away from him further down the touchline, but Chris and I could see him continue to direct his abuse at other players on the pitch. I specifically remember him calling Marshal Peacock a queer or something along those lines.

After the final whistle in our game, Marshal confirmed the guy had abused him and some players from Wadham approached us and confirmed they'd also heard him abusing us along with some things he'd said to them. Then, we were walking off and the guys who had played were heading to the changing rooms. At this point he turned around from the direction he was walking and started talking to our manager, Pete Chapman, culminating in him saying he was "going to bum" him."

7.6 Witness Statement of Pete Chapman, player for London Falcons (undated)

"When our team started to head back to the changing rooms, I heard and saw the individual directing more homophobic abuse at my teammates and making 'kissing' noises at them as they passed. I don't recall the exact words being used, but I remember at the time being shocked that it was so overtly homophobic.

I stopped next to him and asked if he was alright and why he was doing that. He replied that he was a straight man, to which I replied, "Good for you". He said that he had a problem with our team and our sponsor. I asked him why that was the case, to which he repeated that he was a straight man. Again, I said "Good for you". At this point, he twice said "I will bum you". His attention was then directed towards David Hayes, who was videoing this part of the incident, who he was also abusive towards saying "Suck your mum, you fat and then another word I couldn't make out."

7.7 Witness Statement of Joe Wylie, player from Wadham College dated 3 August 2023:

"I was playing left centre back and our left back Charlie, told me said he'd heard homophobic abuse directed toward London Falcons players from someone on the sidelines who'd turned up while our game was in progress. I have been shown a video taken by one of London Falcons' players which I have been told has been submitted to Surrey FA and can confirm that the person in the video was who Charlie pointed out to me.

After the match was finished and while we were walking off the pitch, I took my hairband out of my hair. I have quite long shoulder length hair and the guy shouted over at me words to the effect of 'with hair like that you should be playing for them!'"

- 7.8 An 18 second video of JA dressed in a black t-shirt and black Nike trousers saying 'I am a straight man myself', 'I will bum you' twice and then turning to camera saying 'suck your mum, fat haddock'.

Decision on Liability

8. As JA has not formally responded to the Charges, the Chair took into consideration all of the evidence before him in considering whether the Charges are proven.
9. The burden of proof is borne by Surrey FA that the Charges are proven on *the balance of probability*.
10. Put simply, this means that the Chair should be satisfied that it was more likely than not that JA said 'I will bum you', 'queer', 'faggot', 'you'd like my nob in your mouth' and 'with hair like that you should be playing for them'.
11. The Chair having considered all of the evidence before him has found that the Charges are **proven**.
12. The reasons for the Chair reaching this decision are as follows:
- 12.1 The Chair has considered the evidence in relation to the Charges. There are multiple witness statements describing JA as a tall red-haired man which supports the visual description of him in the video. Evidence is adduced in the bundle identifying JA and his team and this matches the visual description in the video. The Chair has reviewed the video and JA can clearly be heard saying 'I will bum you' twice.
- 12.2 Various witnesses accounts support that JA made a number of homophobic remarks following JA identifying the London Falcons sponsor on their T-shirts. This includes six witnesses for London Falcons who heard him say 'I will bum you' 'why are you sponsored by a fucking gay bar', 'I bet you would like my knob in your mouth' and 'queer'. All witness statements are attested by a statement of truth. The Chair finds the witness evidence of the London Falcons players to be consistent, reliable and credible and there is a large body of evidence demonstrating that JA made a number of homophobic comments.
- 12.3 The London Falcons witness statement is supported by an independent witness, Mr Wylie who played for Wadham College who states that the video shown to him is of the same person as his teammate, Charlie identified as making homophobic comments. Mr Wylie also states in evidence that JA commented on his long hair, by saying that 'with hair like that you should be playing for them'. The Chair finds this supports the London Falcon players' statements of homophobic abuse levied by JA and finds Mr Wylie's statement both reliable and credible.
- 12.4 Accordingly, the Charges are found proven.

Decision on Sanction

13. As the Chair has found the Charges proven, the Chair considered the appropriate sanction to impose.
14. The sanction range for an aggravated offence is a suspension of between 6 – 12 matches and a mandatory education course, with a fine being at the discretion of the Commission.
15. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present for the participants.

16. The Chair consulted JA's previous disciplinary history and noted that prior to this incident, JA had a clean disciplinary record.
17. The Chair considered that in this case, the clean disciplinary history should be credited in mitigation. This has to be balanced against the repeated use of aggravated comments made by JA which the Chair considers is aggravating in this particular case.
18. Accordingly, the Chair imposed the following sanction:
 - (a) An eight (8) match suspension.
 - (b) An education programme to be undertaken online during the suspension period, the details of which shall be provided by the FA.
 - (c) 5 penalty points.
19. 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
7 September 2023