

**Matter:** FA Rules of the Association 2022/23 – E3.1 and 3.2  
**Ref:** 11151433M and 11151961M  
**Date:** 24 March 2023

**Decision of the Football Association  
Serious Case Panel Chair  
Surrey FA**

**Participant:** Michael Watts [600076470]  
**Participant club:** Woodmansterne Hyde Youth

**1. Allegation / Charge**

I have considered the following:

- 1.1 **'Charge 1:** FA Rule E3 - Improper Conduct (including foul and abusive language)
- 1.2 **Charge 2:** FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability

The details of the charge are as follows: Charge 1: FA Rule E3 - Improper Conduct (including foul and abusive language)

Details: It is alleged that Michael Watts used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to ethnic origin. This refers to the comment(s) "Curry muncher" made towards a Sheen Lions player or similar.

- 1.3 **Charge 3:** FA Rule E3 - Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).

Details: Michael Watts is hereby charged with a breach of FA Rule E3.1 Improper Conduct including violent conduct and threatening and/or abusive language/behaviour in respect of the above fixture. It is alleged that during the fixture Michael Watts has spat at a Sheen Lions player with the saliva visible on the players shirt, or similar which is improper pursuant to FA Rule E3.1.'

**2. Decision**

- 2.1 Charges 1 and 2 are proved. During a match played on 29 January 2023, Michael Watts engaged in conduct that was improper and included foul and abusive language. I find that Michael Watts called an opposition player a 'curry muncher.' He brought the game into disrepute. The comment was aggravated because it refers to a person's ethnic origin. His conduct breached rules E3.1 and E3.2.
- 2.2 Charge 3 is proved. I find that Michael Watts conduct was improper, abusive and violent behaviour. He spat at an opposition player. His conduct breached rule E3.1.
- 2.4 The reasons for my decision are in section six.

## **Sanction**

### **Charges 1 and 2:**

- 2.5 Michael Watts is suspended from all football for six matches.
- 2.6 Michael Watts must attend an online education course, to be completed before the end of the suspension. He remains suspended until the completion of the course.
- 2.7 I impose 5 penalty points on his club Woodmansterne Hyde Youth.

### **Charge 3:**

- 2.8 Michael Watts is suspended for three matches.
- 2.9 He must pay a fine of £30.
- 2.10 I impose 5 penalty points on his club Woodmansterne Hyde Youth.

## **3. Relevant FA Rules**

- 3.1 Rule E3.1 of the FA Rules of the Association 2022/23 states that a participant shall at all times act in the best interests of the game and shall not:
  - 3.1.1 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.
- 3.2 A breach of rule E3.1 is aggravated where it includes reference to any one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation, or disability (Rule E3.2).
- 3.3 In imposing a penalty, I must apply any standard sanctions as may be communicated by the FA. I may only depart from the standard sanctions where I consider it appropriate having regard to the facts of an individual case. For example, where a particular act of misconduct is sufficiently serious that the guideline sanction would not constitute a sufficient penalty for the misconduct that has taken place. I must also consider any aggravating and/or mitigating factors (paragraph 42.1 General Provisions - FA Disciplinary Regulations 2022/23).
- 3.4 If I find the breach is aggravated, I must:
  - 3.4.1 Order the participant completes an education programme, the details of which will be provided to the participant by the FA.
  - 3.4.2 Consider a standard minimum sanction of between six and 12 matches with six matches being the standard minimum sanction.
- 3.5 The standard of proof is the balance of probabilities. This means that I am satisfied an event occurred if, on the evidence, the occurrence of the event was more likely than not to have happened. It is for the FA to prove the case to this standard.

#### 4. Documents

- 4.1 I received and considered two bundles of documents consisting of 59 and 60 pages each. I was informed that the two bundles contained identical documents. One bundle related to charges 1 and 2 and the second bundle related to charge 3.

##### Summary of the complaint

- 4.2 On Sunday 29 January 2023 Woodmansterne Hyde Youth U16 Warriors played at home to Sheen Lions U16 Lions in the Surrey FA U16s County Cup.
- 4.3 The referee Matthew Tibos submitted an extraordinary incident match report dated 31 January 2023. He said that incidents happened off the ball behind him that he did not see as he was following play.
- 4.4 Towards the end of the match, Matthew Tibos was told by the Sheen Lions players that the opposition striker Michael Watts had spat at one of their players and made a racist remark. Matthew Tibos said he did not see or hear anything. The incident and comment was also not seen or heard by any spectators or his assistant. It was agreed they would continue with the game.

##### The incident as reported by Sheen Lions

- 4.5 The club provided a number of statements from the players and spectators who were at the match, and I have considered these in full. I have summarised their evidence below.
- 4.6 **Conor Ware**, a Sheen Lions player prepared a statement two days after the game on 31 January 2023. It was taken by Sarah Street the Club Secretary and counter signed by his father because Conor Ware is under 18 years of age. He said that the no 21 player (Michael Watts) was playing aggressively during the game and the referee did not take any proper action. He said Michael Watts elbowed him in the groin and he fell. A free kick was given by the referee.
- 4.7 Conor Ware said that Michael Watts asked him if he wanted a fight. A few minutes later when his team were attacking Michael Watts went over to him and called him a 'curry muncher'. This referred to his mixed skin colour. He also said, 'if you come near me I'll kill you'. The he proceeded to spit on his arm. Conor Ware said he ran over to the referee to show him the saliva on his arm and tell him about the comments. The referee ignored him and kept the play going.
- 4.8 Woodmansterne scored a goal and after this Conor Ware said he returned to the referee showing his arm and detailing the abuse. The referee paused play and said there was nothing he could do as he had no proof that anything had happened. He spoke to his coach, and they discussed the options. They decided to play on instead of abandoning the game because it was a cup fixture.
- 4.9 They spoke to the opposition coach who was not interest in taking any action. After the match the coach said Michael Watts was too important for the team and the focus was on winning the game.
- 4.10 **Jack Mountcastle**, a Sheen Lions player prepared a statement dated 1 February 2023. said Michael Watts was quite mouthy towards his own team mates, them and the referee. He heard him spitting through the match. After half time Jack Mountcastle was in front of Conor Ware and he heard Michael Watts say 'you curry muncher' to Conor Ware. He then

- heard the spitting noise again and Conor Ware said that Michael Watts had spat on him and was racist. He saw the spit on Conor Ware's arm.
- 4.11 Jack Mountcastle said the referee paused the game and asked spectators if they saw what had happened. No-one on the side lines saw or heard anything. The game continued and Michael Watts became more aggressive.
- 4.12 **James McGrath** a Sheen Lions club official prepared a statement dated 1 February 2023. He said that he saw Michael Watts make several aggressive challenges and behave provocatively. Some of them were deemed a foul by the referee and some were not. He saw Michael Watts elbow Conor Ware in the groin area and the referee took no action. He later heard Conor Ware shout at least three times 'Ref! he's just spat at me!' The referee took no action.
- 4.13 James McGrath said he went on to the pitch when play stopped to check that Conor Ware was okay. He told him that Michael Watts spat at him and called him a 'curry muncher'. He also said, 'If you come near me, I will kill you.' They spoke to the manager of Sheen Lions and the Woodmansterne coach. The coach asked whether anyone else heard the comment.
- 4.14 James McGrath said he was later told by the Woodmansterne coach that Michael Watts is a nightmare to deal with and very gobby and he had to put up with it all season. The coach said Michael Watts is their best player and he would get stick from the other players if he took him off.
- 4.15 **Andrew Donovan** prepared a statement dated 1 February 2023 on behalf of his son Jack Donovan who is a Sheen Lions player. He said Michael Watts directed verbal abuse of a racist nature ('curry muncher') towards Conor Ware. He was told by his son that Michael Watts initially gave some back chat to the referee. In the second half the abuse escalated towards Conor Ware. The referee did nothing to deal with the behaviour.
- 4.16 Andrew Donovan was not at the match. His son told him what happened when he arrived home and he reported it to the Sheen Lions manager, Ed Colt.
- 4.17 **Colin Ware**, father of Conor Ware prepared a statement dated 31 March 2023. He said he arrived at the match for the second half and he saw Michael Watts elbow his son in the groin. The referee awarded a foul but took no other action. When Sheen Lions were attacking, he saw Michael Watts approach his son who pulled away and called out to the referee. His son went over to the referee and showed him his arm. He could not hear the conversation and play continued. After the game the referee said he did not see any spit on Conor Ware's arm.
- 4.18 Colin Ware said he was present during a discussion with the coaches after the game and he heard the Woodmansterne coach or manager say he could not take Michael Watts off as he was their best player.
- 4.19 **Sanjay Chohan** a spectator and parent of a Sheen Lions player prepared a statement dated 31 March 2023. He said that he heard Michael Watts use abusive language towards the Sheen Lions team and also towards his own teammates. Michael Watts became more aggressive as the game went on. However as the incidents were off the ball the referee could not do much except speak to the managers. He did not hear the comment made by Michael Watts towards Conor Ware and he did not see his spit at him. He could see a patch of saliva on Conor Ware's shirt.

- 4.20 Sanjay Chohan said he spoke to several of the Woodmansterne parents who were embarrassed by the conduct of Michael Watts and also at the manager/coach who did not substitute him.
- 4.21 **Adam Waddell** a linesman and parent prepared a statement dated 31 January 2023. He ran the line for the first half of the game and was a spectator in the second half. He heard Michael Watts use bad language a few times and the Woodmansterne coach said to him that Michael Watts was a great player but had to learn 'to keep his mouth shut.' Later in the second half, Woodmansterne were losing 4-2 and Conor Ware became a target for Michael Watts. He was frustrated and became more physical. Adam Waddell said he did not hear the alleged comment or see the spitting. He witnessed physical bullying and disrespect towards the referee and players.
- 4.22 **Ed Colt** a club official for Sheen Lions prepared a statement dated 5 February 2023. He reported overly aggressive behaviour from Michael Watts and saw him push a player to the ground. Ed Colt referred to a racial slur towards Conor Ware and then he was spat at. It is not clear whether Ed Colt witnessed these incidents. The game stopped and Conor Ware was visibly upset. He heard Conor Ware say he was spat at, and the racial slur was used. Jack Mountcastle saw and heard the incident because he was near to Conor Ware on the pitch when it happened.
- 4.23 On 5 February 2023 Ed Colt sent an email to Sarah Street of Surrey FA enclosing statements about what happened at the game. These statements are the same as those I have referred to above apart from one additional statement by Sarah Mountcastle. Ed Colt said that they had played Woodmansterne before and had not encountered any problems. The issues were caused by one player and the managers failed to remove him.
- 4.24 **Sarah Mountcastle**, the parent of Jack Mountcastle relayed what her son told her had happened at the game. She said that almost everyone of the Woodmansterne parents apologised to them saying that Michael Watts did not represent the rest of the team and they were ashamed.

#### **Response from the club - Woodmansterne**

- 4.25 On 3 February 2023 Michael Watts prepared a statement signed by his father, Zackary Watts. He said that in the second half after Sheen Lions scored their third and fourth goals some of the players ran up to him screaming in his face celebrating. In relation to the spitting incident, it was an accident. The player ran up to him from behind and he did not see him coming. He never intended to spit at him.
- 4.26 Michael Watts said not long after the spitting incident he was jogging past the player who stepped across into his path so they would clash shoulders. The player shouted to the referee that he was fouled. Another player also ran up to him from behind complaining he had elbowed him. This was not the case and the everyone on the side of the pitch saw what happened.
- 4.27 Michael Watts denied making a racist comment. He called the player 'a prick.' None of the players or referee heard the comment. They were just trying to get him sent off. He reported the matter to the referee and his manager.
- 4.28 On 6 February 2023 the club secretary Jayne Devlin informed Surrey FA that Michael Watts was suspended until the outcome of the investigation. She said that their coach had

four parents confirm that they saw Michael Watts spit at Conor Ware. The parents were not willing to put this in writing. They did not hear any discriminatory comments.

- 4.29 On 10 March 2023 Michael Watts said he pleaded guilty to the charge which related to spitting. He said it was unfortunate and regrettable that the player was walking past him when he spat which resulted in his spit hitting the player.
- 4.30 He pleaded not guilty to the charge relating to the comment. Michael Watts said at no point did he make a comment about the Sheen Lions player ethnic origin. The referee did not hear anything and neither did the players or parents. He wanted his discipline record taken into account and also said he was suspended for a five week period by his club.

## **5. Reasons**

### **Charges 1 and 2 - Improper conduct aggravated by reference to ethnic origin**

- 5.1 I carefully considered the written evidence on behalf of both players provided by the clubs. It is apparent that the game was a competitive fixture as it was a cup match. The coach of Woodmansterne said Michael Watts was their best player.
- 5.2 At half time Woodmansterne was losing 4-2. It is probable that Michael Watts was becoming frustrated with his own team mates and also the Sheen Lions players. The report provided by the referee is poor and I place little weight on it. He has not explained what happened during the game, the context in which it was played and whether any incidents happened between the players. It is unhelpful.
- 5.3 I find the evidence provided by Sheen Lions to be credible and fair. They referred to the behaviour of Michael Watts during the game which has helped to provide an understanding of how he behaved during the match. I do not consider that the statements are embellished. The spectators all said they did not directly hear the comment. They appear to me to be fair and objective accounts of what happened and inherently believable.
- 5.4 Jack Mountcastle said he heard the comment 'curry muncher' made by Michael Watts. He was in front of Conor Ware when he heard the comment. Based on the behaviour of Michael Watts described by the spectators and the nature of the match, I accept the evidence of Conor Ware and Jack Mountcastle. Conor Ware reported it straightaway to the referee. He repeated what happened after a goal was scored and tried to get the referee to listen to him. He reported it to his team official Jack McGrath. I did not consider he would have been so determined to express his views if the incident was something that he had fabricated.
- 5.5 For these reasons I find that Michael Watts called Conor Ware a 'curry muncher'.

### **Charge 3 – improper conduct – the spitting incident**

- 5.6 I have made general comments in relation to the referee's report above. The referee said no-one saw the incident in relation to the spitting. However, Woodmansterne confirmed that four of their parents said they saw Michael Watts spit at Conor Ware. The referee also did not say that he saw the spit on Conor Ware's arm. I believe Conor Ware did show the referee his arm and it was clearly also seen by spectators for both teams and some of the players. Michael Watts admits the charge, although he said he did not intend to spit at Conor Ware and it unintentionally landed on his arm.

- 5.7 I do not accept the evidence of Michael Watts that the spitting incident was an unfortunate accident. That is because his own club have reported that its parents saw him 'spit at' Conor Ware. The account did not say that it was accidental or unintentional, or that it happened in passing.
- 5.8 I have explained above that I find the evidence provided by Sheen Lions to be credible and fair. None of the parents said they directly heard or saw the spitting incident. They appear to me to be fair and objective accounts of what they observed.
- 5.9 Jack Mountcastle was the player closest to Conor Ware and described how he heard Michael Watts spitting during the game. He did not see the actual incident but explained how he saw the spit on Conor Ware's arm immediately after it happened. I accept his account.
- 5.10 For these reasons I find that on a balance of probabilities Michael Watts intentionally spat at Conor Ware. The conduct was improper, abusive and violent because it was intentional.

### **Sanction**

- 5.11 Michael Watts has no previous misconduct charges. He has one offence committed on 19 March 2022 for unsporting behaviour – adopting an aggressive attitude.
- 5.12 The incidents happened on the field of play and Conor Ware was reported to be upset. He was not believed by the referee who did not take any action, especially in relation to the spitting. The club officials also took no action. Michael Watts has not apologised for spitting and I found that it was intentional. Spitting at a player is considered by the FA to be violent conduct.
- 5.13 The comment 'curry muncher' was abusive and insulting. Michael Watts ridiculed the player. These are aggravating factors.
- 5.14 In mitigation I note that Michael Watts has no previous E3 misconduct charges. The comment 'curry muncher' was said once.
- 5.15 The conduct was serious and due to the above factors, I have decided to suspend Michael Watts from football for six matches for the aggravated charge offence.
- 5.16 He must also attend an online education course. The course must be completed before the end of the suspension.
- 5.17 For the spitting offence, because it was intentional it falls in the mid-range of sanctions, and I suspend Michael Watts from football for three matches and fine him £30.
- 5.18 I impose 5 penalty points for charges 1 and 2 and 5 penalty points on the club for charge 3. This makes a total of 10 penalty points imposed on Woodmansterne Hyde Youth.

### **General observation**

Given my comments about the report of the referee, I would suggest that the FA remind referees at this level to ensure that all incidents of this nature are properly

recorded. It is not necessary for an allegation of improper conduct to have been witnessed by others. That is for the county FA to investigate.

The club should also remind its officials and spectators that they should report any improper conduct or behaviour in an impartial manner to their club official.

Miss N Zulfiqar  
Serious Case Panel Chair