

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIR SITTING ALONE

on behalf of Surrey Football Association

NON-PERSONAL HEARING

of

Ollie Turley

F&M United FC

[Case ID: 11459477M]

THE DECISION AND REASONS OF THE COMMISSION

<u>Content</u>	<u>Page</u>	<u>Paragraphs</u>
1. Introduction	3.....	1 – 3
2. The Charges	3.....	4 – 6
3. The Reply	4.....	7 – 8
4. The Commission	4.....	9
5. The Hearing and Evidence	5.....	10 – 17
6. Standard of Proof	7.....	18
7. The Findings & Decision	7.....	19
8. Previous Disciplinary Record	8.....	20
9. Mitigation.....	8.....	21
10. The Sanctions.....	8.....	22 – 25

Introduction

1. On 08 October 2023, F&M United FC ("F&M", the "Club"), played a Leatherhead & District Sunday League Division One fixture against Carshalton Town (Surrey) FC First ("Carshalton") – collectively the "match".
2. Following the fixture, the appointed Match Official submitted an Extraordinary Incident Report containing allegations of misconduct by Ollie Turley of F&M United FC.
3. Surrey Football Association ("Surrey FA") investigated the reported incidents.

The Charges

4. On 06 November 2023, Surrey FA charged Ollie Turley:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct (including foul and abusive language /behaviour) **Charge 1;**
 - 4.2. with a further charge for a breach of FA Rule E3.2 – Improper Conduct - aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability **Charge 2;**
 - 4.3. It is alleged that Oliver Turley used abusive and/or indecent and/or insulting words or behaviour 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) of calling a player "*a pikey*" or similar.
 - 4.4. Surrey FA advised in the charge letter that the range of sanction was between 6-12 matches. 6 matches are the standard minimum; a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors. A participant found to have committed an aggravated breach will be subject to an education programme.

4.5. The relevant section of FA Rule E3 states¹:

“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.

E3.2 A breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.”

5. Surrey FA included with the charge letter the evidence they intended to rely on in this case.
6. Ollie Turley was required to respond to the charges by 20 November 2023.

The Reply

7. A response was received via WGS on 07 November 2023 of “Accept – Correspondence”.
8. During the investigation, evidence was submitted from:
 - 8.1. Reports and information supplied by the Match Official;
 - 8.2. Statements from F&M United FC;
 - 8.3. Statements from Carshalton Town.

The Commission

9. 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.

¹ p. 143 of FA Handbook (2023-24)

The Hearing and Evidence

10. The case bundle was sent to the appointed Chair 10 November 2023 to be completed within 3 working days.
11. I adjudicated this case on 12 November 2023 as a correspondence hearing.
12. 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. Where possible names have been removed from statements.
13. The first part of the case bundle is the Referee's Extraordinary Incident Report submitted via WGS on 09 October 2023, which relays the following;
 - 13.1. The report in full states *"After a foul a quick free kick was played. Whilst going past the fouled/fouler, I saw/heard Ollie Turley call the other player a "Pikey" twice. The red was issued and he left the field, no other issues came from the event. This is the match report for a red card issued in the F&M United Vs Carshalton Town (Surrey) match which was unable to be added in the original. Red card is on the system though"*.
 - 13.2. In response to a follow-up e-mail from Surrey FA on 11 October 2023 they request confirmation the player was dismissed purely for the alleged comments. On the same date the Official replies *"The sending off was just for this comment. The player did question the red but did leave the field when asked to. After the match he also apologised, not saying that that excuses the incident, just wanted to make it clear that only the comments were the cause of the red"*.
14. The next entries in the case bundle are statements from F&M United FC, the first dated 18 October 2023 includes the observations of Ollie Turley on the allegation which provides the following;

- 14.1. It was during the second half the author and an opponent challenged for the ball; he then began to jog towards the ball *"I was then pushed in the back by their striker who said "fuck off you *something*" (I genuinely can't remember what word was used). I turned, pushed him back and then carried on jogging forwards. I could sense him coming towards me again, so I turned again and saw him approaching me quite aggressively. I then said "go away you pikeyy". He then said "what did you call me?". I honestly can't remember what I replied to this, but straight after the referee approached me and gave me the red card"*.
- 14.2. He had issued an apology to both the Referee and the player concerned after the game which were accepted, of the apology to the player *"I approached him after the game, apologised and he replied "I'm not a pikeyy man" to which I said "I know you're not mate, sorry". We then shook hands".* He also notes he had no idea *"of the racial connotations to the word and only knew it to mean a dirty/aggressive person. I was informed by the referee after the game of the racial meaning of the word. Of course now I've learnt of the word's meaning I would never use the word again"*.
15. The next F&M Statement is from another player in the fixture for them, also dated 18 October 2023 and notes;
- 15.1. At the start of the second half, they saw the contest between Ollie Turley and their opponent, the opposition player pushed his colleague and further words were exchanged although they are unable to confirm the exact comments made. The opposition player *then moved towards Oliver Turley who turned around again and told the Carshalton striker to 'go away' and the word 'pikey' was also used in the same sentence. The referee then immediately stopped play, turned around and showed Oliver Turley a red card. The referee explained to me that the use of the word 'pikey' is not acceptable and that it is a sending off offence due to it being seen as a racial slur"*.
- 15.2. They also confirm witnessing Ollie Turley issue their apology to the Carshalton player after the game and also to the Referee. He spoke with

the player post-match *"he informed me that his use of the word 'pikey' was not racially motivated in any way, Olly said that his understanding of the word was 'someone who is aggressive'. Now Oliver understands the true meaning of the word he accepts the referees decision and will make sure to not use this word again on a football pitch or in any walk of life"*.

16. There follows an entry from Carshalton in the form of a joint statement from a team official and a player. Dated 30 October 2023 this provides the following details;

16.1. Confirming the initial incident and the Carshalton player was visibly annoyed *"he did not say anything to the player just appealed to the referee in which we were then given the foul. As the official and our player were walking away the opposition player (small lad not sure of his number) shouted the word 'Pikey'. It was very random and a bit uncalled for I think everyone was pretty surprised"*. The Referee heard the comment and acted swiftly dismissing the F&M player. They also note the player allegedly abused *"takes no offence to the language used and feels the ref dealt with the situation well"*.

17. That concluded the relevant evidence in the 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, 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

19. The Commission considered case **11459477M** against Ollie Turley for use of an aggravated comment, there is a formal response accepting both charges. The Commission are satisfied the threshold has been met for this charge and have therefore, found both **Proven** by admission.

Previous Disciplinary Record

20. Outside of this fixture, Ollie Turley's five-year offence history contains 2 cautions.

Mitigation

21. Ollie Turley has apologised for his actions at the earliest opportunity and has accepted the charge. He has served a two-match suspension and received a fine of £30 and an administration fee of £15 as part of the red card awarded for this offence.

The Sanction

22. For case **11459477M** Ollie Turley relating to an aggravated breach of FA Rule E3, the sanction range for this offence is as follows:
- 22.1. Suspension of 6-12 matches
 - 22.2. A monetary fine;
 - 22.3. Mandatory education.
23. The entry point for this offence is a suspension of 6 matches, a fine of £75 and mandated education. The Commission considered the multiple use of the word "*pikey*" to be an aggravating factor which has placed the sanction at 7 matches, a fine of £100 and mandatory education. Having considered the offence history and acceptance of the charge in mitigation, the sanction will be:
- 23.1. To serve a suspension of 4 matches, this is comprised of the award of a 6-match suspension less the two already served for the red card issued as part of the offence;
 - 23.2. A fine of £30 comprised of the award of a fine of £75 less the £45 already awarded as part of the red card issued for the offence;
 - 23.3. Ollie Turley is to satisfactorily complete a mandatory online education programme before the suspension is served or Ollie Turley be

suspended until such time, he successfully completes the mandatory education programme, the details of which will be provided to Ollie Turley;

23.4. 5 (five) Club Disciplinary points recorded.

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

25. Signed...

Steve Francis (Commission Chair)

12 November 2023