

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR BRADLEY BARRY

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING
ON 5 JANUARY 2017

Background

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat by WebEx on 5 January 2017.
2. The Regulatory Commission members were Mr G Farrelly, Chairman, Mr M Kearns and Mr M Robinson.
3. Mr P McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. By letter dated 2 December 2016, The Football Association (“The FA”) charged Mr Bradley Barry with Misconduct for a breach of FA Rule E3 in respect of the fixture between Exeter City FC (Reserves) v Swindon Town FC (Reserves).
5. It was alleged that in or around the tunnel area at half-time Mr Barry used abusive and/or insulting words towards a Match Official.
6. This Charge was brought pursuant to Rule 8(k) of the FA Handbook 2016-2017, notwithstanding the dismissal for the incident as alleged above.
7. For completeness, Regulation 8(k) states –

A charge of Misconduct (as defined in and) pursuant to Rule E1 of the Rules of The Association may be brought against a Player in relation to an incident whether or not the same incident has been dealt with by the referee and / or pursuant to this Memorandum.

In deciding whether or not to bring a charge under this regulation, The Association will have particular (but not exclusive) regard to the following –

- (a) Any applicable Law(s) of the Game or Rules and Regulations or FIFA instructions and/or guidelines;*
- (b) The nature of the incident, and in particular any intent, recklessness, negligence or other state of mind of the Player;*
- (c) Where applicable, the level of force used;*
- (d) Any injury to any Participant caused by the incident;*
- (e) Any other impact on the game in which the incident occurred;*
- (f) The prevalence of the type of incident in question in football generally;*
- (g) The wider interests of football in applying consistent sanctions.*

8. In the Official Report Form the Assistant Referee stated –

“At the end of time, I had knocked on the door of the Swindon Town team to inform them that the second half was about to start. After the majority of the players had left the changing room, the No. 9 asked me about a couple of decisions made by the referee. I replied by saying he may have made a couple of mistakes, just as players do. At this point, the No.6 (Bradley Barry) left the changing room and said as he walked past me – “Don’t fucking talk about my team. Talk about my fucking team

again and I'll punch you in the fucking throat. I'll punch you in the fucking face". The only other person in the corridor at this time was Steve Perryman, Director of Football of Exeter City".

9. This was further supported by the Match Referee Martyn Gospel who stated that –

"At the end of the half time interval my assistant referee (Graeme Martin) reported to me that he had stood at the doorway of the Swindon Town dressing room. He informed me that whilst he was there encouraging them to leave the changing room for the start of the second half that he had chatted with the No 9 (Luke Norris). I was informed that he had talked about referee decisions that had occurred in the first half. He reported to me that he said to the No 9, "Oh come on, players make mistakes as well". He reported to me that the No 2 (Bradley Barry) got up and as he walked out of the changing rooms he said to him – "Don't talk about my fucking team, do it again and I will punch you in the fucking throat. I will punch you in the fucking face".

"As I waited for my assistant referee to join me, the named player ran past me and entered the field of play. My assistant referee then left the changing rooms and informed me of the information stated above. An official from Swindon Town then left the changing room. I informed him as to what occurred and that I was going to be required to send Bradley Barry off. I entered the field of play and sent Bradley Barry off for using abusive and threatening language towards my assistant referee. The assistant referee Graeme Martin reported to me that the incident was witnessed by Steve Perryman, a club official from Exeter City".

10. The Charge was denied on 10 December 2016.
11. Mr Barry did not request a personal hearing and the case was dealt with on the papers only.
12. Mr Barry had no previous record of similar misconduct.
13. The Regulatory Commission considered all of the evidence presented and ruled there to be a number of critical points. There was some initial confusion as to the number of the player involved but this had been resolved. Whilst seeking to rely on the three witness statements of his team mates, it was the opinion of the Regulatory Commission that these did nothing to support his case. They related to the dialogue in the changing room but at no point supported or challenged what was purported to have been said to the Assistant Referee at the point Mr Barry had left the changing room. The Regulatory Commission preferred the evidence of the Assistant Referee. He had immediately relayed the incident to the Match Referee who took the action that he did. Both parties referred to a witness being present but did not seek to adduce evidence from him.
14. The Regulatory Commission were satisfied to the requisite standard, the balance of probabilities, that the incident had taken place and found the Charge proven.

15. In addition, it is accepted that Match Officials at all levels have a difficult role. There is no place for abusive and/or insulting words as used in this case.

Conclusion

16. The Regulatory Commission came to a unanimous decision, having carefully considered the evidence, and have imposed the following sanction on Mr Barry:

(i) He is suspended for three (3) additional matches.

17. This decision is subject to the relevant Appeal Regulations.

Mr Gareth Farrelly, Chairman

Mr Mick Kearns

Mr Marvin Robinson

6 January 2017