

Matter: FA Rules of the Association 2022/23 E3.1 Improper Conduct
Ref: 11043105M
Hearing date: 11 January 2023
Decision date: 15 January 2023

**Decision of the Football Association
Serious Case Panel
Amateur Football Alliance**

Panel members:

Miss N Zulfiqar (independent chair)
Mr A Day (independent panel member)
Mr M Hill (independent panel member)
Mr R Davis (panel secretary)

Participant: Daryl Savage [1694353]
Participant's club: Latymer Old Boys First
Opponent Club: Old Woodhouseians Reserves

1. Charge/Allegation

1.1 We have considered the following charge against Daryl Savage:

‘FA Rule E3 - Improper conduct against a match official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

Details: It is alleged that Daryl Savage used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Savage told the Match Referee to "fuck off" or similar and/or pushed the Match Referee or similar.’

2. Decision

2.1 We find the charge of improper conduct against a match official including physical contact proved. Mr Savage's conduct towards the referee was improper because he made physical contact with him. He also swore at the referee and his language was abusive. His conduct brought the game into disrepute. This was in breach of rule E3.1.

2.2 The reasons for our decision are contained in section six.

Sanction

2.3 We suspend Mr Savage from all football activity for 182 days from the date of the interim suspension order.

2.4 We fine Mr Savage £75.

2.5 Mr Savage must complete a face-to-face education course. He remains suspended until the course is completed.

2.6 We impose eight penalty points on Mr Savage's club Latymer Old Boys First.

3. Relevant FA Rules

3.1 Rule E3.1 of the FA Rules of 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 uses any one, or a combination of violent conduct, serious foul play, threatening, abusive, indecent, or insulting words or behaviour

3.2 If we find the charge proved under rule E3.1 we may impose any sanction or penalty including a fine, warning or reprimand (paragraph 41 General Provisions - FA Disciplinary Regulations 2022/23).

3.3 In imposing a penalty, we must apply any standard sanctions as may be communicated by the FA. We may only depart from the standard sanctions where we 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 (paragraph 42.1 General Provisions - FA Disciplinary Regulations 2022/23).

3.4 **Offences against match officials:** the categories of offence against match officials include:

3.4.1 Threatening behaviour, words or action that cause the match official to believe that they are being threatened. Examples include but are not limited to the use of words that imply (directly or indirectly) that the match official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the match official; pretending to throw or kick an object at the match official [Rule 96 Section Three FA Disciplinary Regulations 2022/23].

3.4.2 Physical contact or attempted physical contact; physical actions or attempted actions that are unlikely to cause injury to the match official but are nevertheless confrontational, examples include but are not limited to pushing the match official, pulling the match official (or their clothing or equipment),

3.5 **Sanction:** If we find the charge is proved, the following sanctions apply (FA Disciplinary Regulations 2022/23):

Physical contact or attempted physical contact:

Rule 101.4: suspension from all football activities for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days.

Rule 101.5: a fine of up to £150, with a mandatory minimum fine of £75.

Rule 101.6: an order that the participant completes an education programme before the time-based suspension is served or within 28 days of the decision, whichever is the later.

3.6 The standard of proof is the balance of probabilities. This means that we are 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 We received and considered a bundle of documents consisting of 18 pages. We also received a video recording of the alleged incident sent by the opposition club.
- 4.2 A misconduct charge notification letter was sent to the club secretary on 15 December 2022. On 20 December 2022 Mr Savage denied the charge and requested a personal hearing.
- 4.3 On 10 January 2022 the panel secretary informed us that Daniel Young, a witness supporting Mr Savage was unable to attend the hearing. We were provided with a statement from Daniel Young dated 3 December 2022.
- 4.4 On 12 January 2022, shortly before the hearing the panel secretary sent us a second statement (undated) prepared by Mr Savage. We have read and considered these additional documents.

5. Summary of background and the referee's report.

- 5.1 On 3 December 2022 Latymer Old Boys First played Old Woodhouseians Reserves in the London Old Boys Junior Cup. The referee David Stevenson reported the following in an extraordinary incident report form date 8 December 2022:
 - 5.1.1 After the final whistle Mr Savage ran over to him and accused him of adding extra time.
 - 5.1.2 He said he had not added any extra time to the game.
 - 5.1.3 Mr Savage told him to 'fuck off' and pushed him. He took a couple of steps back to regain his composure.
 - 5.1.4 Mr Savage turned away and walked towards his bag which was behind the goal area.
 - 5.1.5 His bag was in the same area. He waited until Mr Savage was several yards in front of him, collected his bag and left.
- 5.2 On 5 December 2022 Conor Higgins the captain of the Old Woodhouseians team reported the following:
 - 5.2.1 The game finished 1-1 at full time which meant they had to play extra time. The game had passed without many major incidents and was generally played in good spirits.
 - 5.2.2 In extra time they scored a late winner which seemed to upset some of the Latymer players, particularly the captain (no 7).
 - 5.2.3 He had taken himself off earlier in the game and when the full-time whistle went he entered the pitch from around the half way line to congratulate his team mates, thank the opposition and the referee.
 - 5.2.4 As he made his way across the pitch, he noticed the Latymer captain making his way towards the referee. The captain was verbally aggressive towards the referee. He did not hear everything the captain was saying but did hear him say something along the lines of, 'you are a disgrace I will be reporting you to the league'. He was confused by this as he was unsure what the referee had done wrong.

- 5.2.5 As he got closer, he saw the captain raising his hands and push the referee. The captain was then pulled away by some of his own team mates and some of the players from Old Woodhouseians.
- 5.2.6 The referee walked away at this point to remove himself from the situation.
- 5.2.7 He was one of the players who assisted in removing the captain. As he was removed from the situation, the captain continued to verbally threaten the referee by saying, 'I will be reporting you to the league.'
- 5.2.8 They record a majority of their games and video evidence of the incident was attached.
- 5.3 On 7 December 2022 the AFA Football Services Manager asked Jud Walker of Old Woodhouseians to comment on a statement made by Mr Savage. He said that the referee was considerably taller than him, stood over him and shouted in his face in an intimidating way, telling him to 'F-OFF'.
- 5.4 On 8 December 2022 Jud Walker said Conor Higgins replied that he did not see the referee acting in this way. As he walked across, he saw the Latymer captain shouting at the referee and push him. It could be seen from the video that the referee did not stand over the captain.

Response from Latymer Old Boys / Daryl Savage

- 5.5 On 7th December 2022 a statement prepared by Mr Savage was sent to the AFA discipline team. The club secretary, Ashley Rogers said that he and the club chairman held an online meeting with Mr Savage so that they could understand the situation and discuss the matter with him. It was clear that neither Mr Savage or the match official 'covered themselves in glory' during the closing stages of the game. Mr Savage apologised to them about the events of the day and had shown a huge amount of regret.
- 5.6 Ashley Rogers said the incident was out of character for Mr Savage however they reminded him about his future conduct as a representative of their club and they will monitor future games. The referee had officiated their club a number of times already this season and it was reported to Ashley Rogers that the referee threatened to caution anyone who attempts to speak to or question him. Ashley Rogers also said that Mr Savage was not cautioned or sent off for foul and abusive language or violent conduct. If a serious offence was committed then it could have been dealt with on the day of the fixture rather than it being put into a report.
- 5.7 In a statement dated 3 January 2023, Daniel Young said that Mr Savage went to the referee to ask how long they had played for. The referee eventually responded after telling Mr Savage to go away quite a few times. Mr Savage said he would report the referee as he had played over the time limit stated. The referee became very angry towards Mr Savage. He then swore at Mr Savage who swore back. They then moved towards each other but no contact was made between them. Mr Savage was pushed and grabbed by the other team and he walked off.
- 5.8 In his first statement dated 5 December 2022 Mr Savage said the following:

- 5.8.1 When the Old Woodhouseians scored he went to the referee and asked why the game was still continuing. He had asked the referee several times how long they had left to play. The referee said one minute about four minutes previously. The referee kept shouting for him to go away.
- 5.8.2 He asked the referee if he could see his watch and he agreed. The watch showed 13 minutes and 12 seconds which meant that they had played over 13 minutes of extra time despite the referee specifically telling him that they would play 10 minutes of extra time and no more because it was getting dark.
- 5.8.3 He asked the referee why they had played an extra 3 minutes and was told to 'shut up and go away'. The referee said this several times before eventually shouting at him that they were meant to play 12 minutes of extra time. This was a lie, and the captain of the other team would agree that they were meant to play 10 minutes of extra time each way.
- 5.8.4 He wanted to speak to the referee about this as it was a clear error, but he refused to talk. The referee was telling him to, 'fuck off and leave him alone'. The referee stood over him and shouted in his face to 'fuck off'. The referee was considerably taller than him and shouted in his face in an intimidating way.
- 5.8.5 As a reaction he went to push the referee out of his face, but he pulled back before he did as he knew it was wrong. He edged in self-defence to get the referee away from him as he was aggressively shouting and swearing over him. He did not 'lay a hand' on the referee.
- 5.8.6 As soon as he stepped forward he stepped back as he wanted to get out of the situation. He was also pretty certain that he did not swear at the referee and was being sworn at. He was more focused on knowing why the referee had added additional time rather than wanting to swear at him. He may have sworn in frustration but this would have been at the situation and as a result of being sworn at, but he cannot be certain as he was in a situation where he felt intimidated.
- 5.8.7 The captain of the other team ran over at this time and started shoving him and put his head towards his head in an act of threatening to headbutt him. A few of the opposition players started shoving him and all he did was walk away and said he wanted to be out of this situation.
- 5.8.8 He is not an aggressive person and would not be the captain if he was. He was frustrated from an awful performance from the referee and to concede in the last kick of the game when they should not have been playing.
- 5.8.9 He was very sorry for going over and speaking to the referee. He should not have spoken to him as he has the final word. He is sorry for raising his voice and shouting at the referee when he was frustrated, and he should have been respectful. He is old enough to know the values he should be promoting and apologises.
- 5.8.10 He did not physically touch the referee and would not apologise for this. He will apologise for potentially swearing in front of the referee but if he did it was only due to the fact that he was already being sworn at and being stood over.

5.8.11 He is happy to apologise to the referee in person but he is not someone who likes confrontation and he is in fact embarrassed that he is having to write a statement. This was an isolated situation where he was frustrated and felt intimidated at the time.

5.9 In the second statement we received from Mr Savage, he said the following:

5.9.1 He apologises to everyone including the referee. He should never have initiated the conversation and he is completely embarrassed at the situation.

5.9.2 At the beginning of extra time they were given the choice to play 10 minutes each way or penalties. They decided to play 10 minutes each way. At the end of the second-half he asked several times how long was left and the referee kept responding that they had one minute. After the opposition team scored with the last kick of the game he spoke calmly to the referee and asked how much time was added. He asked to see the amount of time played and did not receive a response. Eventually the referee showed his watch which showed that 13 minutes had been played. The referee insisted it did not show 13 minutes and they had played the correct amount of time.

5.9.3 Eventually he said he would report the matter. At this point the referee became very angry and swore at him and he swore back. He was very frustrated and did move towards the referee but then pulled back as he realised what was happening. Almost immediately he was pushed around by the opposition team, and he walked off the pitch to his bag.

5.9.4 He is a very responsible person and has played football all his life. He is a PE teacher and the captain of this football team. He has never been in a situation like this and does not do conflicting situations. This is a completely isolated situation. He had no issues with the referee or with any of the opposition players during the game. He tried to have a laugh with the referee to make him feel comfortable and was making jokes before the game about using his pencil. He was respectful and polite during the game when talking to the referee throughout.

5.9.5 He denies physical contact or harm or indeed that he would want to. He did swear in response to the referee and apologises for this. He should not have got himself in this situation by even talking to the referee.

5.9.6 He just wanted to find out why they had played longer than had been agreed but due to being met with anger he reacted in the same way.

5.9.7 He has a diagnosis of ADHD and one of the symptoms is that he has a heightened sense of morality. When he feels someone is being unfair or doing something wrong, he struggles to keep it in and normally challenges it. Over the years he has been able to control this. However, with the frustration of conceding a goal in the last minute and being dismissed so easily and being shouted and sworn at he was unable to regulate himself and became upset with the situation.

5.9.8 He has been struggling with his mental health in the last few months and he has had some significant factors in his personal life. Football is an escape for him and he desperately needs it. He has to remain strong and hide his feelings with his job as a teacher. The combination of frustration with a last

minute goal feeling like it was unfair and his own mental headspace led to this outburst of frustration which was against his character.

The hearing – 11 January 2022

- 5.10 The individuals named in the table below attended the hearing. We were told that Daniel Young was meant to be attending but could not make it. The video footage of the incident was shown to all the witnesses several times during the hearing. The referee identified himself as wearing a tracksuit. Both Conor Higgins and Mr Savage identified themselves in the video. Mr Savage confirmed he was wearing the no7 shirt.
- 5.11 Mr Savage confirmed that he had received the bundle of documents and he also had the opportunity to question the referee and Conor Higgins. With his agreement, Mr Savage was assisted with putting his questions to the witnesses by the Chair.

David Stevenson	Referee
Conor Higgins	Captain – Old Woodhouseians
Daryl Savage	Captain – Latymer Old Boys First
Ashley Rogers	Club Secretary - observer

- 5.12 In summary the referee David Stevenson said the following:

- 5.12.1 He has been a referee for over 20 years and has refereed Latymer Old Boys First four or five times. He has refereed them twice this year. He spoke to the captain of the team during the game and did not experience any problems or any issues either at this game or previously.
- 5.12.2 He did not agree with the suggestion that he would ask players not to speak to him during a game or caution them if they asked him questions. He is open to people talking to him during the game.
- 5.12.3 When the incident happened with Mr Savage another player asked him if he was okay. He did not get a chance to caution Mr Savage because he had walked off and he did not want to engage with him as he thought this may 'stoke the fire'. he collected his bag and left.
- 5.12.4 He explained that he wears two watches during a match. The first is a stopwatch and the second is a regular watch. He showed Mr Savage his watches. They had played 10 minutes each way of extra time. His clock said 10 past and he blew the final whistle. Mr Savage asked to see his watch and when the final ball was played it was 11 minutes past so he ended the game.
- 5.12.5 Mr Savage run towards him and told him to 'fuck off'. he did not recall him saying anything else. Mr Savage pushed him and he had to take two steps back. he was pushed with one hand. He was not mistaken about being pushed.

5.13 In summary Conor Higgins said the following in his evidence:

- 5.13.1 He came off the pitch with around 20 minutes left to play and the game was played in good spirits. The referee was fine and there were no incidents. He recalled the referee spoke to him setting out the ground rules before the game.
- 5.13.2 His team scored a late winner in extra time after they had agreed to play 10 minutes each way. The referee was worried about the light and offered this as an option in addition to penalties. He did not feel that they had played for exceptionally longer than 10 minutes of extra time. He recalled asking the referee about how much time was left in the game at one point and the referee said around 3 minutes.
- 5.13.3 The captain was aggressive towards the referee and he saw him walking over to speak to the referee stating that he was going to report him to the league. He heard Mr Savage say to the referee that he was a disgrace. At this point he was about 15 metres away. He continued walking towards the players and saw Mr Savage raised his hands and push the referee. He said that this was with two hands, and they were open. He did not know whether it was done with force but there was a push. The referee did not stumble or fall and walked away immediately.
- 5.13.4 He did not hear the referee use any negative language towards Mr Savage or swear at him. Mr Savage was quite upset and he helped to pull him away from the situation.
- 5.13.5 When questioned he said that it looked as though Mr Savage pushed the referee and he thought he was close enough to see contact. Other players in the vicinity also said that Mr Savage had pushed the referee. He was running towards the incident when he saw the push. Other players also grabbed Mr Savage to get him away. He was not aware of the referee swearing at Mr Savage.

Daryl Savage

5.14 Mr Savage gave his version of events as follows:

- 5.14.1 He had not experienced any previous incidents with this referee who had refereed them a few times previously.
- 5.14.2 At the end of the second-half of the match they were 'under the cosh' and the game went into extra time which they agreed would be 10 minutes each way.
- 5.14.3 He asked the referee three or four times how much they had left to play because he could 'see a goal coming'. the referee kept saying that they had a minute left to play. Eventually his team conceded a goal. He was frustrated.
- 5.14.4 When he spoke to the referee during the game this was in a respectful way. He wanted to know why so much time was added on. The referee shouted at him saying that he did not add any extra time to the game. The referee snapped at him.

- 5.14.5 He is smart and intelligent but was stupid enough to keep talking back to the referee and asked to see his watch. He described the referee as angry and frustrated with him. The referee's watch showed that they had played 13 minutes. The referee kept shouting at him and he accused the referee of lying to him because they had played 13 minutes for some unknown reason. The referee was verbally aggressive and swore at him. He swore back.
- 5.14.6 He moved towards the referee but then pulled back and did not lay a hand on anyone. He walked off and was embarrassed. Conor Higgins in his evidence did not see a push, there was no contact.
- 5.14.7 He asked to see the referees watch around 5 seconds after the winning goal was scored at the end of the game. His mindset was that they were not going to equalise. He asked three or four times initially and kept being told that they had a minute left to play.
- 5.14.8 He walked over to the referee after the game had finished and the referee was walking away from him. He was walking towards the referee. He was not walking in an aggressive manner. It was a fight or flight situation and he rotated towards the referee but then pulled back. Conor Higgins described him as using both his hands to push the referee but this did not happen.
- 5.14.9 He accepted that he was upset and in the moment it may have looked like he pushed the referee from a distance. However, he would not lay a hand on anyone.
- 5.15 The club secretary said that the second statement was prepared by Mr Savage because the AFA asked when it would receive his defence statement. They were not aware of this requirement and therefore provided the second statement we received on the day of the hearing.
- 5.16 Mr Savage was asked about why he had mentioned his ADHD diagnosis in his statement. He said that if he feels aggrieved, he has a moral imperative to speak out. In this case he was being told that he is lying when this was not correct. The referee was bigger than him and was shouting and swearing at him telling him he is a liar. He was unable to regulate himself and swore. However, he did stop himself from doing anything else. Maybe his hands came up a little bit which is why others thought that he pushed the referee. There was no contact.
- 5.17 When asked Mr Savage said he did not know why the referee accused him of pushing him. It may be that the referee was pushed by somebody else.

6. Reasons

- 6.1 We find that Mr Savage's conduct towards the referee was improper because he made physical contact with him. He also swore at the referee, telling him to 'fuck off'. This language was abusive. His conduct brought the game into disrepute in breach of rule E3.1.
- 6.2 We carefully considered all the written and oral evidence and the video footage. The footage was persuasive. We did not hear from Daniel Young and gave little weight to

his statement. It was prepared over a month after the game was played. We have made the above findings for the following reasons:

- 6.2.1 The report of the referee was clear and persuasive. Mr Savage said that he was frustrated at a goal having been scored against his team in the last few minutes of the game. He was anxious because he said he could see a goal coming and his team were 'under the cosh'. He kept asking the referee how long they had left to play. This suggested to us that Mr Savage was angry and frustrated at the referee.
- 6.2.2 The referee explained that he wore two watches during the game and that he kept the time for each half on one watch. He said he showed his watch to Mr Savage who incorrectly thought they had played more than the extra time. He blew the final whistle on or shortly after 10 minutes were played. We had no reason to doubt the credibility of what he was saying.
- 6.2.3 Mr Savage admitted he swore at the referee. The referee said he told him to 'fuck off'.
- 6.2.4 In relation to the physical contact, although it was not clear, the video footage appeared to show contact being made. Mr Savage was clear he was pushed and had to take two steps back to regain his composure. Conor Higgins said he believed he saw Mr Savage push the referee and other players said this too. The players grabbed Mr Savage to take him away from the referee. We do not consider they would have felt the need to do this unless the situation was serious. For these reasons we are satisfied on the balance of probabilities that Mr Savage pushed the referee.
- 6.2.5 Mr Savage was adamant there was no physical contact. He said Conor Higgins did not see the incident and referred to him using two hands whereas the referee said he used one hand. His evidence was inconsistent as he said that he raised his hands and it may have looked like he pushed the referee; that maybe his hand(s) came up a little bit and others thought he pushed the referee; that maybe someone else pushed the referee and the referee thought it was him and also that when he rotated and pulled back it may have looked like he pushed the referee from a distance. For the reasons given above, we did not accept these versions.
- 6.2.6 Mr Savage said the referee was bigger than him, shouted and swore at him. It is apparent from the video footage that there was not a significant difference in height between them. It is also not relevant to the issue of whether Mr Savage made physical contact with the referee. Conor Higgins who was relatively close to the incident said he did not hear the referee shout or swear at Mr Savage. It is probable that Mr Savage, in the heat of the moment and his team having lost the game took out his frustration on the referee because he thought they had played for longer than they should have.

Sanction

- 6.3 Mr Savage said in mitigation that he is the captain of the team a PE teacher and this incident was out of character for him. He tries to be a role model and referred to mental health issues he had experienced. Football is his escape. He apologised for his behaviour. He will not get into this situation again and is devastated at the outcome.

- 6.4 Mr Savage has no relevant previous record. It was an isolated incident.
- 6.5 Aggravating factors were that Mr Savage was the captain of the team and did not display the sort of behaviour expected of him. His conduct was witnessed by most of the players. We decided to impose the recommended entry point suspension of 182 days. We impose the mandatory minimum fine of £75.00.
- 6.6 Mr Savage must complete a face-to-face education awareness course. The details of this will be provided by the FA. He remains suspended until he completes this course.
- 6.7 We also impose eight penalty points on the club Latymer Old Boys First.

Appeal

- 6.1 Mr Savage can appeal by providing notice of his intention to do so within seven days of notification of my decision (the notification date). He must provide his grounds of appeal within fourteen days of the notification date (Disciplinary Regulations 2022/23).

Miss N Zulfiqar
Serious Case Panel Chair