

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Amateur Football Alliance

CORRESPONDENCE HEARING

of

DAVID PRICE

HSBC

[Case ID: 11198940M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 25th March 2023, HSBC (“the Club”) played a fixture against Alleyn Old Boys Fourth (“Alleyn”) – collectively the “Match”.
2. The Match Official, Mr Neil Rank, reported the conduct of Mr David Price (“DP”) a Club player.
3. Amateur Football Alliance (“Amateur FA”) investigated the reported incident.

The Charge

4. On 6th April 2023, Amateur FA charged DP:
 - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language) it is alleged that David Price 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 disability. This refers to the comment(s) “Get this fucking spastic off me” or similar.

5. The relevant section of FA Rule E3 states:

“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.”

And E3.2 provides that 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.*

6. Amateur FA included with the charge letter the evidence that it intended to rely on in this case.
7. DP was required to respond to the charge by 20th April 2023.

The Reply

8. On 7th April 2023 DP replied to the charge online via the Whole Game System where he admitted the same and requested that it be dealt with in his absence at a Correspondence Hearing.

The Commission

9. The Football Association (“The FA”) appointed me, Karen Hall, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

The Hearing & Evidence

10. I adjudicated this case on 13th April 2023 as a Correspondence Hearing (the “Hearing”).
11. I had received and read the bundle of documents prior to the Hearing.
12. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to this case.

13. The Match Referee, Mr Neil Rank, provided a Report dated 25th March 2023 in which he states that in the 26th minute of the Match he cautioned the Club number 16, later identified as DP, for his use of inappropriate language because he shouted “get this fucking spastic off me” whilst involved in a minor tussle with an Allyens player.
14. In response to the allegation made, Mr Wayne Shand, Club captain, provided an email Statement dated 30th March 2023 in which he states that the following a coming together with an Allyens player DP used an expletive, which he says is out of character for him. He goes on to say that DP immediately apologised.
15. In addition, DP provided a Statement dated 30th March 2023 in which he states that he apologised after the incident and apologies again. He states that his reaction was purely out of frustration and irritation. He has been warned about his future conduct by the Club.
16. That concluded relevant evidence in this case.

Standard of Proof

17. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

18. It was noted that DP had responded to the charge admitting the same. Credit would therefore be given for the guilty plea.
19. I have to be satisfied that it is more likely than not that the alleged comment was made and on the basis of the undisputed evidence above, in respect of the allegation that DP was guilty of improper conduct, including foul and abusive language and that in addition this was aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability in that he made the comment “Get this fucking spastic off me”, I found that the charge was PROVEN.

Previous Disciplinary Record

20. After finding the charge proven, I sought DP offence history. I note that DP has no proven misconduct charges in the preceding five years.

Mitigation

21. No mitigation was found in the case bundle. I do note both DP’s statement and his immediate and subsequent apology.

The Sanction

22. The relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E3.2 is a sanctioning range of a suspension of between 6-12 matches where 6 matches is the standard minimum. A participant found to have committed an aggravated breach will be the subject of an education programme in addition.
23. After taking into account the facts of this case I note that DP made a singular comment for which he immediately and subsequently apologised. In this case, I did not find it necessary to deviate from the minimum sanction. I also note his prior disciplinary record.
24. After taking into consideration all circumstances in this case, Mr Price is:

- 24.1. to serve an immediate suspension from all football and football activities for 6 (six) matches.
- 24.2. fined a sum of £50 (fifty pounds);
- 24.3. to satisfactorily complete an online mandatory education programme before the match-based suspension is served, or Mr Price be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to him; and
- 24.4. 6 (six) Club Disciplinary Points to be recorded.

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

Signed...

Karen Hall F.C.Inst.L.Ex (Chairman)

13th April 2023