

**THE FOOTBALL ASSOCIATION NATIONAL SERIOUS CASE PANEL
DISCIPLINE COMMISSION**

Sitting on behalf of Amateur Football Alliance & Surrey County Football Association

**CONSOLIDATED
CORRESPONDENCE HEARING**

of

Jack Dean

[Case ID: 11544387M]

and

James Grant

[Case ID: 11544391M]

and

David Baldwin

[Case ID: 11545686M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 3 December 2023, Balham Mariners (“BM”) played against Dara FC (“DFC”) in a Southern Sunday Football League, Donovan Thomas Cup, fixture (collectively “the match”).
2. Jack Dean (“JD”) and James Grant (“JG”) were fielded players for BM in the match and David Baldwin (“DB”) was a fielded player for DFC in the match (collectively “the players”).
3. Amateur County Alliance (“Amateur FA”) and Surrey County Football Association (“Surrey FA”) subsequently received complaints alleging discriminatory language had been used during the match.
4. Amateur FA & Surrey FA investigated the reported incident(s).

The Charges

5. On 10 January 2024:
 - i. Amateur FA charged JD [74813411] as a participant:

- i. with misconduct for a breach of FA Rule E3 – Improper Conduct (including foul and abusive language) (“charge one”);
 - ii. with misconduct 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 two” and/or “the aggravated charge”);
 - i. it was alleged that Jack Dean used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it was further alleged that this was an aggravated breach as defined by FA Rule E3.2 because it included a reference to faith. This referred to the comment(s) “Amish looking prick”, or similar;
- ii. Amateur FA charged JG [68432756] as a participant:
 - i. with misconduct for a breach of FA Rule E3 – Improper Conduct (including foul and abusive language) (“charge one”);
 - ii. with misconduct 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 two” and/or “the aggravated charge”);
 - i. it was alleged that James Grant used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it was further alleged that this was an aggravated breach as defined by FA Rule E3.2 because it included a reference to ethnic origin. This referred to the comment(s) “Pikey”, or similar, and
- iii. Surrey FA charged DB [61636921] as a participant:

- i. with misconduct for a breach of FA Rule E3 – Improper Conduct (including foul and abusive language) (“charge one”);
- ii. with misconduct 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 two” and/or “the aggravated charge”);
 - i. it was alleged that David Baldwin used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it was further alleged that this was an aggravated breach as defined by FA Rule E3.2 because it included a reference to sexual orientation. This referred to the comment(s) “get up you poofter” followed by “stop being gay and get on with it”, or similar.

6. Amateur FA and Surrey FA included with the charge letters the evidence that it intended to rely upon in each case.

7. The players had until 24 January 2024 to respond to their respective charges.

FA Rules & Regulations

8. FA Rule E3 states:

“E3.1 A Participant shall at all times act in the best interests 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.”

9. The FA Disciplinary Regulations (“the Regulations”) (Part A – General Provisions) at paragraph 13, state:

“Where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same Match or where there is common evidence of The Association or the defence) and where appropriate for the timely and efficient disposal of the proceedings, The Association and/or the relevant panel shall have the power to consolidate proceedings so that they are conducted together and the Charges may be determined at a joint hearing. In respect of such matters:

- 13.1 evidence adduced by or on behalf of a Participant shall be capable of constituting evidence against another Participant (the relevant panel shall give appropriate weight to such evidence);*
- 13.2 Participants or their representatives shall be entitled to cross-examine other Participants and their witnesses; and*
- 13.3 the relevant panel may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings”.*

The Replies

Jack Dean

10. Amateur FA received a response to the charges on 12 January 2024. It was indicated both charges were ‘accepted’ (pleading guilty) and it was requested the case be dealt with in JD’s absence at a correspondence hearing.

James Grant

11. Amateur FA received a response to the charges on 23 January 2024. It was indicated both charges were ‘accepted’ (pleading guilty) and it was requested the case be dealt with in JG’s absence at a correspondence hearing.

David Baldwin

12. Surrey FA received a response to the charges on 22 January 2024. It was indicated both charges were 'denied' (pleading not guilty) and it was requested the case be dealt with in DB's absence at a correspondence hearing.

The Commission

13. The Football Association ("The FA") convened a Disciplinary Commission ("the Commission"), on behalf of Amateur FA and Surrey FA.

14. The Commission was constituted of a single member, Mr Lea Taylor, a member of The FA National Serious Case Panel, a Chair sitting alone to adjudicate on this case.

Preliminary Matter

15. The Chair of the Commission noted, as a preliminary matter, the equivocal nature of the responses received to the charges brought against JD and JG in light of their witness statements. As a result, on 26 January 2024, the Chair of the Commission directed Amateur FA to contact BM and request clarification from each participant as to their charge response.

16. On 29 January 2024, the Chair of the Commission received communication forwarded by The FA from Amateur FA which detailed confirmation from BM that both JD and JG were aware of the charge responses which had been submitted.

17. In light of the evidence received, the Chair of the Commission considered it appropriate to proceed on the basis both JD and JG had accepted their respective charges.

The Hearing and Evidence

18. The Commission sat to adjudicate on these matters on 30 January 2024 as a correspondence hearing ("the hearing"). In accordance with paragraph 13 of the Regulations (as per paragraph 9 above) all of the cases were consolidated and considered by the Commission at the same hearing.

19. The Commission had received and read three bundles of documents supplied by Amateur FA and Surrey FA prior to the hearing which collectively contained the following:

- i. Misconduct Charge Notifications dated 10 January 2024;
- ii. Charge Response Pro-Forma (blank);
- iii. Complaint of Ashley Carley (Dara FC – club secretary/manager) dated 3 December 2023
- iv. Email correspondence between Amateur FA and Dominic Corcoran (match referee) dated 4 & 5 December 2023;
- v. Screenshot of Full Time team-sheet;
- vi. Email correspondence between Amateur FA and Ashley Carley (Dara FC – club secretary/manager) dated 4, 5 & 8 December 2023;
- vii. Witness statement of Ashley Carley (Dara FC – club secretary/manager) dated 4 December 2023;
- viii. Witness statement of Cameron Theodore (Dara FC – player) dated 4 December 2023;
- ix. Witness statement of Charlie Williams (Dara FC – player) dated 7 December 2023;
- x. Witness statement of Dean Flatt (Dara FC – player) dated 8 December 2023;
- xi. Witness statement of David Baldwin (Dara FC – player) dated 8 December 2023;
- xii. Email correspondence between Amateur FA and Edward Thomas (Balham Mariners – club secretary) dated 4, 8, 18 & 22 December 2023;
- xiii. Statement of James Grant (Balham Mariners – player) undated;

- xiv. Statement of Jack Dean (Balham Mariners – player) undated;
- xv. Statement of Cerys Parkin (Balham Mariners – supporter) undated;
- xvi. Statement of Edward Thomas (Balham Mariners – club secretary) undated, and
- xvii. Screenshots of Whole Game System.

20. The complaint of Ashley Carley (“AC”) states inter alia:

“[...]

I would like to report two Alleged discriminatory comments that were directed towards Dara FC player’s in a match that took place this morning at Wandsworth Common in the Donovan Thomas cup in the southern Sunday league.

In around the 68th minute a Balham marriners player allegedly was called a homophobic comment after a coming together in the penalty area but could not highlight the player that made the comment.

In retaliation for this alleged comment The number 10 for Balham Mariners called a Dara player a ‘pikey’. The referee appointed by the league Dominic Corcoran didn’t hear either comment but he can confirm he heard the number 10 from Balham when challenged about his comment admit to calling a Dara player a ‘pikey’ and apologising for this although no action was taken and the game restarted with a corner kick.

At the end of the match my number 10 Cameron Theodore was rather deflated and reported to myself that the number 9 for Balham Mariners called him an ‘amish looking prick’ which is clearly anti semetic judgement based on his looks which is highly unacceptable.

[...]”.

21. In email correspondence with Amateur FA Dominic Corcoran (“the match referee”) states inter alia:

“[...]

Yes correct I was the referee of the game mentioned. I didn't hear any of the comments made and was sorting out an injury elsewhere on the pitch. One of the players for Balham Mariners then explained that he would like to make a report at the end of game as he claimed to have been on the end of a homophobic comment. I then made it clear to him that I will help him to make a report and will report my account. I don't know what exactly was said as I didn't hear it.

[...]

Did you help the player compile the report about the homophobic comment please? We havent had anything (emphasis added)

[...]

Yes, I gave my account on the incident in an earlier email in this thread.

I told the player during the match that I would give my account and for him to reach out to me if he needed my reference in doing so, while I will also do my part to contact my boss regarding the incident.

[...]”.

22. In email correspondence with Amateur FA, AC states inter alia:

“[...]

Goalkeeper was David Baldwin

[...]”.

23. The witness statement of AC states:

“In around the 68th minute I was a club assistant referee. There was a collision in the box in which the Balham number 10 went down and no penalty was awarded. Then a confrontation started between a group of players, to help calm down my players I entered the field of play to resolve the issue so that play could continue with a corner kick. The Number 10 for Balham said a homophobic comment was made and was comforted by a few Dara players for calling one of them a ‘Pikey’. When challenged on his comment the player apologised and admitted to using the

slur to describe a Dara player. The referee Dominic didn't hear either alleged comments but did hear the player admitting to using the term and apologising.

The referee asked both sets of players to calm down and got on with the game. The referee didn't use the Fa Guidance in dealing with this type of incident.

At the end of the match, I approached Cameron Theodore who was upset – I asked him why and he said following a foul that was given against him Balham Mariners number 9 called him an 'Amish looking prick'. I informed Cameron that although I didn't hear this comment that I would be reporting this to the County FA”.

24. The witness statement of Cameron Theodore (“CT”) states:

“After a foul was given against me. The number 9 for Balham was on the ground – I told the player to get up as I didn't believe it was a foul and he responded by saying – shut the fuck up you Amish looking prick' and then continued to tell me to fuck off when we were walking back to the 18-yard box to restart play. The referee was present but I don't believe he was concentrating on the incident.

I believe this comment is discrimination based on my appearance and has clear anti-Semitic intentions.

Player was wearing the number 9 shirt , white male , roughly 5'11 , long sleeves , stocky but toned build, blonde short hair which is almost buzzed cut”.

25. The witness statement of Charlie Williams (“CW”) states:

“During the 2nd half an attacking player for Balham went down in the box after a free kick trying to win a penalty . I then heard the number 10 shout towards our goalkeeper calling our keeper a 'Pikey'. Dean then approached the player as he was offended by this due to his family links and the player apologised. the referee ran over and then told everyone to calm down and said the player shouldn't have called the player a pikey but didn't hear it. He did hear the player admitting to using that word. The game restarted with a corner kick to Balham”.

26. The witness statement of Dean Flatt (“DF”) states:

“During the 2nd half an attacking player for Balham went down in the box. My goalkeeper shouted at the player to get up. The player wearing number 10 responded and called him a ‘Pikey’. I took this highly offensively and approached the player who apologised. the referee ran over as he was quite far away from play and when I approached the player to ask him why he used the word ‘pikey’ he apologised which the referee heard. The player claimed to have heard a homophobic comment which I didn’t hear”.

27. The witness statement of DM states:

“I was playing in goal for Dara FC during the above match. The match had been hotly contested throughout with the referee not having any cards which resulted in a feisty match which some very heavy challenges. during the second half Balham number 10 who was playing up front who was aggressive throughout went over in the box claiming to have been fouled. I shouted at him to get up. He reacted very angry at not being awarded a penalty and raced towards me shouting that I had been homophobic and then called me a ‘Pikey’ which a few of my teammates heard and confronted him in which he apologised. I can confirm I didn’t use any homophobic language.

The referee ran over once the ball went out of play for a corner and told both players to calm down and heard the number 10 apologise for his comments”.

28. In email correspondence with Amateur FA, Edward Thomas (“ET”) states inter alia:

[...]

As requested, the players you asked to be identified are #9 Jack Dean and #10 James Grant.

[...]”.

29. The statement of JG states:

“The allegations made towards myself, as the player wearing number 10 during the above fixture, making discriminatory language relating to any protected characteristic is strongly denied and I find the allegations defamatory.

I will admit to having a conversation with the presumed captain/manager/lines man during the time of Dara FC 1st Team’s penalty kick late in the second half, which is video recorded but of which I am out of ear shot but it shows conversation and demeanour is calm. In said conversation, I admitted any accused overheard language from either team was ill-mannered and discriminatory but I do not accept, because I held that conversation, that I was the player who is accused of making those comments. These allegations in fact appear to be a retaliation for the homophobic comments made by Dara FC.

I refrain from making comment on the nature of the game and opposition due to this process encouraging and exhibiting unfounded accusations with no ownership or integrity for matters on the day.

I accept the disciplinary process the Amateur FA must follow is without prejudice but in an attempt to calm situations with the opposition on the day, my name has now been brought into disrepute. At the time of writing, I strongly wish to remove myself from grassroots Step 5 or below for the foreseeable future. I understand I have the backing and inclusion of the club who host a safe environment and I will await a response from the chosen members who now have to take their time to handle such accusations.

[...]”

30. The statement of JD states:

“I am the player identified as number 9 by the opposition, however I strongly refute any accusations of discriminatory language made against me. I am happy to participate in this disciplinary process or order to clarify any details needed, however I believe that the accusation made against me is without substance and a result of us reporting abuse in the match to the referee and league officials.”

31. The statement of Cerys Parkin (“CP”) states:

"I was a spectator for the entire match on the 03/12/2024 between Balham Mariners and Dara FC on Wandsworth Common.

Although the game was admittedly heated and ungoverned by the referee, I didn't hear any of the alleged terms used nor did I pick them up during any of the games recordings I took.

During the second half, I overheard a conversation between Dara FC's linesman and the playing wearing number 10 for Balham Mariners, both discussing that any alleged language used was unacceptable but any evidence of it being said was unfounded and that the Balham players should 'just get on with it'. In my opinion, the attempts of Balham Mariners players to calm the situation doesn't constitute as ownership of the alleged comments. Players 9 & 10 were also not accused of making any of the alleged remarks during the game but I understand that number 10 has since been accused for an attempt to calm the situation on the sideline".

32. The statement of ET states:

"I played in the fixture concerned as goalkeeper for Balham Mariners and assist in the running of the club in my role as secretary. I would note that I support and endorse the statements made above by both the players and supporter in attendance at the game and am happy to provide any information in connection with these allegations.

As I was goalkeeper, I was some distance away from the alleged incidents, however having spoken to the players concerned, I understand the timeline of events to be as follows:

In around the 65-70th minute, two homophobic comments were made to a player on our team by the Dara FC goalkeeper which were reported immediately to the referee and opposition manager. There was no action taken as they purported to not have heard the abuse, despite close proximity to the event.

Straight after the game, this was reported to me as our players were very surprised that no action was taken. At this point, there was no suggestion of any wrongdoing from our players.

I then reported the abuse over email to Graham Rodber, who runs the SSFL. He confirmed receipt of my email before later confirming that Dara had made two allegations of abuse from our players, which was the first that I had heard of this, from either the referee, opposition manager or any of our players. Therefore, while not wanting to doubt the claims of the Dara players, it does feel somewhat that these have been made in response to our complaint, rather than flagged organically.

Again, as mentioned in my email, I am very happy to support this process and can provide any information requested”.

33. In further email correspondence with Amateur FA, ET states inter alia:

“[...]

... I have been informed by the player who received the abuse that there were two instances, both said by Dara’s goalkeeper, which were:

“get up you poofter” followed by “stop being gay and get on with it”

This was heard by a number of players in our team was reported immediately to the referee, but no action was taken.

[...]”.

34. These written reasons are a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, however the absence of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when determining this matter. For the avoidance of doubt, the Commission carefully considered all of the evidence and materials furnished with regard to these cases.

Burden and Standard of Proof

35. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in these matters, Amateur FA (in the cases against JD and JG) and Surrey FA (in the case against DB).

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

The Findings and Decisions

37. The assessment of the evidence in these cases is entirely a matter for the Commission. The Commission must assess both the credibility and the reliability of the evidence placed before it at the hearing.

38. Where there are discrepancies between the evidence, it is a matter for the Commission to decide which evidence to accept and which to reject. Even where there are discrepancies between evidence or within evidence itself, it is the Commission's role to assess if the discrepancy is important. In doing this, it is for the Commission to decide how much weight it chooses to place on the evidence.

39. The Commission recognised that with the cases being dealt with by way of correspondence, the Commission was unable to test the evidence through the questioning of the witnesses and therefore could only consider each witness's account against the totality of the documentary evidence submitted.

Jack Dean

40. With JD having accepted both of his respective charges and pleaded guilty, the Commission was not required to determine liability and was satisfied to the required standard that the two charges had been made out by Amateur FA.

41. With the charges having been accepted, the basis on which they had been brought could not be challenged by JD; the Commission therefore proceeded to deal with the case as presented by Amateur FA.

42. The Commission accordingly found:

- i. charge one: Improper conduct (including foul and abusive language), contrary to FA Rule E3.1, proven, and

- ii. charge two: Improper conduct (aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability contrary to FA Rule E3.2, proven.

James Grant

43. With JG having accepted both of his respective charges and pleaded guilty, the Commission was not required to determine liability and was satisfied to the required standard that the two charges had been made out by Amateur FA.

44. With the charges having been accepted, the basis on which they had been brought could not be challenged by JG; the Commission therefore proceeded to deal with the case as presented by Amateur FA.

45. The Commission accordingly found:

- i. charge one: Improper conduct (including foul and abusive language), contrary to FA Rule E3.1, proven, and
- ii. charge two: Improper conduct (aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability contrary to FA Rule E3.2, proven.

David Baldwin

46. Having reviewed the written evidence, the Commission:

- i. noted the match referee did not hear the alleged comments but advised Amateur FA *"One of the players for Balham Mariners then explained that he would like to make a report at the end of game as he claimed to have been on the end of a homophobic comment"*;
- ii. noted the match referee did not identify the BM player, the alleged homophobic comment nor the alleged perpetrator of the comment in his correspondence with Amateur FA;

- iii. noted AC was aware of an alleged *“homophobic comment”* when submitting the complaint on behalf of DFC but suggested BM *“could not highlight the player that made the comment”*;
- iv. noted AC confirmed *“The Number 10 for Balham said a homophobic comment was made”* during the match;
- v. noted DF:
 - i. heard DB *“shouted at the player to get up”*, and
 - ii. heard *“The player [number 10] claimed to have heard a homophobic comment which I didn’t hear”*;
- vi. noted DB:
 - i. accepted *“playing in goal for Dara FC during the above match”*;
 - ii. accepted he *“shouted at him [number 10] to get up”*;
 - iii. accepted BM number 10 *“raced towards me shouting that I had been homophobic”*, and
 - iv. asserted *“I didn’t use any homophobic language”*;
- vii. noted ET identified the BM number 10 as JG;
- viii. noted the only reference in JG’s statement to the alleged comments was *“These allegations in fact appear to be a retaliation for the homophobic comments made by Dara FC”*;
- ix. noted JG did not identify DB as the player responsible for the ‘homophobic comments’ not did JG state what these comments were in his statements;
- x. noted ET did not hear the alleged comments but it had been reported to him that *“two homophobic comments were made to a player on our team by the Dara FC goalkeeper”*;

- x. noted despite requests from Amateur FA on 8 December 2023 and 18 December 2023 no statements were supplied from players who heard the alleged comments notwithstanding the assertion made by ET that *“This was heard by a number of players in our team”*;
- xi. noted the exact nature of the alleged comments originates from the second hand evidence of ET which states *“I have been informed by the player who received the abuse that there were two instances, both said by Dara’s goalkeeper, which were: “get up you poofter” followed by “stop being gay and get on with it”*”;
- xii. accepted an immediate complaint of homophobic language was made during the match;
- xiii. noted the incident is said to have occurred at a time when several players will have been located within the penalty area;
- xiv. could not be satisfied as to the exact nature of the language used;
- xv. was not persuaded by the evidence in support of the charges brought against DB for the following reasons:
 - i. the evidence of the match referee, AC and DF suggests a singular comment was complained of during the match whereas the evidence of ET has particularised two comments;
 - ii. the match referee has not confirmed the identity of the players involved nor whether the nature of the comment(s) was disclosed;
 - iii. JG has not provided direct evidence in support of the charges;
 - iv. no supporting evidence has been provided by BM players who are said to have heard the alleged comment(s);
 - v. the evidence of ET is second hand and therefore, in the opinion of the Commission, cannot be afforded sufficient weight that it can be relied upon (noting the purported source of ET’s evidence was

“the player who received the abuse” and the identify of said player was not confirmed by ET), and

- xvii. was unable to find as matters of fact DB has said the words *“get up you poofter* and/or *“stop being gay and get on with it”* as alleged.

47. In light of the above decision, the Commission was not satisfied the charges had been made out by Surrey FA to the required standard and accordingly found:

- i. charge one: Improper conduct (including foul and abusive language), contrary to FA Rule E3.1, not proven, and
- ii. charge two: Improper conduct (aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability contrary to FA Rule E3.2, not proven.

Aggravated charges

48. In consideration of the respective second charge against each participant, the Commission reminded itself of the objective test to be applied in each case (as detailed in paragraph 8 above). For the avoidance of doubt, the Commission was not required to assess the participant’s intentions or beliefs when considering the aggravated charges contrary to FA Rule E3.2, simply whether the conduct contained a reference to one of the protected characteristics (in the case of JD faith, in the case of JG ethnic origin and in the case of DB sexual orientation); whether explicit or implied. It was not for the Commission to consider and/or determine whether any participant holds, or has, discriminatory views and/or opinions; the Commission made no such findings in this regard.

Previous Disciplinary Records

49. With the charges having been accepted by JD and JG, the Commission was provided with the relevant participant offence history for the previous 5 years.

Jack Dean

50. The Commission noted there were no previous cases of proven misconduct contrary to FA Rules E3.1 and/or E3.2. Furthermore, JD did not have any previous sending-off offences recorded on his record.

James Grant

51. The Commission noted there were no previous cases of proven misconduct contrary to FA Rules E3.1 and/or E3.2. Furthermore, JG did not have any previous sending-off offences recorded on his record.

Sanction

52. Prior to determining sanction in each case, the Commission referred to FA Rules, the Regulations and the County FA Disciplinary Sanction Guidelines (Season 2023/24) issued by The FA.

53. The Commission noted that paragraph 47 of the Regulations (Part A – General Provisions: Section One) requires a Commission, when dealing with a proven case of FA Rule E3.2, to apply the sanction guidelines contained within Appendix 1 (“the Guidelines”).

54. The Guidelines contained within Appendix 1 provide the following:

- i. A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches (“Sanction Range”).
- ii. A Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.
- iii. The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the “Standard Minimum”).
- iv. Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme.

55. It is at the Commission's discretion to increase or decrease a sanction where there are aggravating and/or mitigating factors present.

Jack Dean

56. The Commission considered if there were any aggravating or mitigating factors that should be taken into account when deciding the sanction in this case. The Commission noted the following to be of significance:

- i. aggravating factors:
 - i. the language was directed at a participant (opposition player)
- ii. mitigating factors:
 - i. the charges were accepted by the player
 - ii. the player's disciplinary record

57. Having balanced all the relevant factors, the Commission concluded that a sanction in accordance with the standard minimum would be appropriate. Therefore, after taking into consideration all circumstances in this case, Jack Dean is:

- i. **Suspended from all football activity for a period of 6 (six) matches.**
- ii. **No financial penalty shall be imposed.**
- iii. **Ordered to complete an education programme before the match-based suspension is served.**
 - i. **This programme shall be completed online.**
 - ii. **Failure to comply with this order will result in a Sine-Die suspension being imposed against the participant until he has fulfilled this order in its entirety.**
 - iii. **5 (five) Disciplinary Penalty Points shall be recorded against the record of Balham Mariners Football Club.**

James Grant

58. The Commission considered if there were any aggravating or mitigating factors that should be taken into account when deciding the sanction in this case. The Commission noted the following to be of significance:

- i. aggravating factors:
 - i. the language was directed at a participant (opposition player)
- ii. mitigating factors:
 - i. the charges were accepted by the player
 - ii. the player's disciplinary record

59. Having balanced all the relevant factors, the Commission concluded that a sanction in accordance with the standard minimum would be appropriate. Therefore, after taking into consideration all circumstances in this case, James Grant is:

- i. **Suspended from all football activity for a period of 6 (six) matches.**
- ii. **No financial penalty shall be imposed.**
- iii. **Ordered to complete an education programme before the match-based suspension is served.**
 - i. **This programme shall be completed online.**
 - ii. **Failure to comply with this order will result in a Sine-Die suspension being imposed against the participant until he has fulfilled this order in its entirety.**
 - iii. **5 (five) Disciplinary Penalty Points shall be recorded against the record of Balham Mariners Football Club.**

Penalty Points

60. The Commission was satisfied that the provisions of paragraphs 87 to 90 (penalty points) of the Regulations (Part D – On-Field Regulations: Section Three) did apply in these cases given JD and JG were both playing participants.

Right of Appeal

61. Each decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Lea Taylor
FA National Serious Case Panel (Chair sitting alone)
30 January 2024