

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

*Sitting on behalf of Amateur Football Alliance and Kent County Football Association*

**CONSOLIDATED PERSONAL HEARINGS**

*of*

**West Wickham**

[Case ID: 11474015M]

*and*

**Piers Hanifan**

[Case ID: 11537241M]

*and*

**CONSOLIDATED CORRESPONDENCE HEARINGS**

*of*

**West Wickham**

[Case ID: 11473992M]

*and*

**The Manor**

[Case ID: 11537240M]

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**THE DECISION AND REASONS OF THE COMMISSION**

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**Introduction**

1. On 12 November 2023, West Wickham (“WW”) played against The Manor (“TM”), in an Orpington and Bromley District Sunday Football League, Division One, fixture (collectively “the match”).
2. Piers Hanifan (“PH” and/or “the player”) was a fielded player for TM in the match.
3. Amateur Football Alliance (“Amateur FA”) and Kent County Football Association (“Kent FA”) received an extraordinary incident report form alleging misconduct had taken place after the match.
4. Amateur FA and Kent FA investigated the reported incident(s).

**The Charges**

5. On 4 January 2024, Amateur FA:
  - i. charged WW as a club:

- i. with misconduct for breach of FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match (“charge one” and/or “the players charge”);
  - i. it was alleged that WW failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative contrary to FA Rule E20.1. This referred to the allegation that after the fixture WW players were involved in a confrontation with opposition players/officials, and
- ii. with misconduct for a breach of FA Rule E21 - Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match (“charge two” and/or “the spectator charge”);
  - i. it was alleged that alleged that WW failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1. It was further alleged that the words and/or behaviour made reference to Sexual Orientation contrary to FA Rule E21.4. This referred to the comments “faggot” or similar and/or “pansy” or similar. And/or it was also alleged the supporter was involved in a confrontation with opposition players/officials after the fixture.

6. On 4 January 2024, Kent FA:

- i. charged TM as a club:

- i. with misconduct for breach of FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match (“the charge”);
    - i. it was alleged that TM failed to ensure that directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative contrary to FA Rule E20.1. This referred to the alleged involvement of TM players and/or officials in a mass confrontation or similar, that occurred following the conclusion of the fixture, and
    - ii. charged PH as a participant:
      - i. with misconduct for a breach of FA Rule E3 - Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour) (“the charge”);
        - i. it was alleged that PH engaged in behaviour that was improper contrary to FA Rule E3.1 and it was further alleged that this constituted use of violent conduct and threatening and/or abusive language/behaviour as defined in FA Regulations. This referred to the allegation that following the conclusion of the fixture PH used his knee to strike or attempt to strike, a West Wickham player, or similar.
7. Amateur FA and Kent FA included with each charge letter the evidence that it intended to rely upon in each case.
8. WW, TM and PH each had until 18 January 2024 to respond to their respective charge(s).

### **FA Rules & Regulations**

9. FA Rule E3 states inter alia:

*“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”.*

10. FA Rule E20 states inter alia:

*“Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servants and representatives, attending any Match do not:*

*E20.1 behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;”.*

11. FA Rule E21 states:

*“A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:*

*E21.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;*

*E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch;*

*E21.3 encroach on to the pitch or commit any form of pitch incursion;*

*E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.*

*E21.5 it shall be a defence to a Charge in relation to Rules E21.1 to E21.3 (only) if a Club can show that all events, incidents or occurrences complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged. However, when considering whether this defence is made out a Regulatory Commission will have regard to all relevant factors including:*

- The extent to which the Club has discharged its duty;*
- The severity of the issues involved;*
- The extent to which similar issues have occurred previously in which case whether the Club took sufficient action in preventing further such incidences.*

*E21.6 For the avoidance of doubt Rule E21 shall apply to the conduct of both a Club's home and/or away supporters."*

12. 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**

### **West Wickham**

13. Amateur FA received a response on 19 January 2024 which indicated charge one was ‘accepted’ (pleading guilty). WW requested the case be dealt with in the club’s absence at a correspondence hearing.

14. No response was received by Amateur FA in respect of charge two and therefore the matter was treated as if the club had denied the charge and it was arranged for the case to be dealt with in the club’s absence at the same correspondence hearing.

### **The Manor**

15. Kent FA received a response on 9 January 2024 which indicated the charge was ‘accepted’ (pleading guilty). TM requested the case be dealt with in the club’s absence at a correspondence hearing.

### **Piers Hanifan**

16. Kent FA received a response on 18 January 2024 which indicated the charge was ‘denied’ (pleading not guilty). PH requested the case be dealt with in his presence at a personal hearing.

## **The Commission**

17. The Football Association (“The FA”) convened a Disciplinary Commission (“the Commission”), on behalf of Amateur FA and Kent FA.

18. The Commission was constituted of Lea Taylor (Chair), Gurjit Bdesha and John Cush, all members of The FA National Serious Case Panel.

19. Debbie Sowton acted as Secretary to the Commission.

### **Preliminary Matter**

20. On 31 January 2024 the Chair of the Commission received notification from Amateur FA of the following:

*“West Wickham have now replied to their E21 charge raised against them and requested a personal hearing”.*

21. With the stipulated response due date having been the 18 January 2024, and with Amateur FA having already extended the deadline to 19 January 2024 in light of the accepted response for charge one, the Chair of the Commission considered whether to allow WW the opportunity to amend the recorded response to charge two as a preliminary matter.

22. Prior to considering the preliminary matter, the Chair of the Commission requested Amateur FA seek additional information from WW as to the reasons for the late response. On 1 February 2024 the Chair of the Commission received the following response from Amateur FA:

*“I had sent the club secretary of West Wickham an reminder email on the day the response was due as they had not yet responded to the charges. They then replied to that email on 18/01/2024 regarding potential sanctions so this was explained to them and the charge letters were sent to them on that email. On 23/01/2024 West Wickham responded to my email that they were unaware of the charges raised and were looking into this matter themselves aswell before they knew how they wanted to respond (I had also sent an email to the club secretary six days before a response was due that the charges had been raised with a copy of the statement). On 31/01/2024 had looked into the matter that they would like to request a personal hearing. On 31/01/2024 at 12:46 West Wickham club secretary sent us the attached screenshot of a Whatsapp conversation between them and The Manor Manager, Harry Jeal.*

*West Wickham have confirmed they would be able to attend on Wednesday 7th February if their application is granted”.*

23. In addition to considering the above response, the Chair of the Commission also had sight of the screenshot of a Whatsapp conversation referenced in the application.

24. Having considered the application, and taken into account WW's availability to attend a personal hearing for the date already fixed for the personal hearing of PH, the Chair of the Commission concluded it was appropriate to grant the preliminary application on this occasion in order to afford WW the opportunity to present oral evidence in defence of charge two in light of the additional information which had come to light since the time of the charge.

25. In granting the preliminary application, the Chair of the Commission directed:

*"...the CFA produce a hearing cover sheet in respect of this matter by Monday 5 February 2024 and serve it on the Secretary to the Commission (to be circulated to the Commission). To assist with the effective case management of these proceedings, the club should assist the CFA in production of the hearing cover sheet by indicating the likely defence witnesses to be called.*

*The Chair of the Commission shall consider any additional directions upon receipt of the cover sheet and/or upon application from any of the parties."*

26. In compliance with the aforementioned direction, the Chair of the Commission on 5 February 2024 was informed by Amateur FA:

*"Due to the person who alleged to have heard the aggravated comments not being able to attend the hearing on the night, we do not have any county witnesses to call".*

27. Amateur FA subsequently advised it did not wish to make any further application in respect of the scheduled hearing listed for 7 February 2024, stating:

*"We did ask for dates of availability and they have informed us that they are working nights for the foreseeable future so would not be able to attend".*

28. As a result, the Chair of the Commission directed the personal hearings of WW and PH should proceed on 7 February 2024 as previously scheduled.



## The Hearing and Evidence

29. The Commission met via the online video platform MS Teams to adjudicate on these matters on 7 February 2024 (“the hearing”). In accordance with paragraph 13 of the Regulations (as per paragraph 12 above) all cases were consolidated and considered by the Commission at the same hearing.
30. The Commission had received and read four bundles of documents prior to the hearing which related to each of the cases as supplied by Amateur FA and Kent FA. In addition, the Commission received a 14 second video clip submitted by TM and the screenshot of the Whatsapp conversation submitted as part of the preliminary application by WW.
31. At the hearing PH appeared in person and represented himself. WW was represented by Jamie Hackshall (“JH”). Before commencing proceedings, the charges were read out by the Secretary to the Commission and it was confirmed the respective denials were maintained in relation to the charges subject to a personal hearing. It was confirmed to JH, on behalf of WW, charge one which had been accepted by WW would be dealt with by way of correspondence at the conclusion of the personal hearing (charge one having not been subject of the preliminary application to amend the response). The procedures that would be adopted for the hearing were explained. Neither PH nor JH, on behalf of WW, had any questions or objections to the proposed procedure at this time.
32. The match referee, Gavin Farrington (“GF”), was called by Kent FA in support of the charge against PH. In relation to his misconduct report submitted on 12 November 2023 and his email correspondence with Amateur FA on 14 & 20 November 2023, GF declined the opportunity to add, retract or change any of the content.
33. At the end of the match GF recalled being stood *“in the centre of the pitch...shaking hands with various players”* when *“noise”* drew his attention to an altercation. GF estimated he had been *“twenty yards maybe”* away from the altercation.

34. GF advised he could identify PH because *"I could see the number 19 shirt"* and confirmed he it was the *"number 19"* who he saw *"knee"* a WW player. GF explained he was sure PH had kneed the player because *"I could see his leg go up...his leg was bent"* and described he had not been stood at ninety degrees to the incident but at *"a slight angle...not dead straight"*. GF was unable to recall with certainty which knee PH had used.
35. GF stated there had been *"people in and around the area"* but considered he had a *"fairly decent view of it"*. GF accepted his view *"wasn't one hundred percent unobstructed...but no-one directly in my line of sight between me and Piers Hanifan"*.
36. GF recalled PH kneeling the WW *"number 3"* and advised WW3 reacted by *"he got quite aggressive about it...he wasn't happy...the two players go closer together as if about to have a fight"*.
37. With the assistance of the Secretary to the Commission, GF was shown the photograph contained within the evidence bundles. GF confirmed it was him depicted on the left of the photograph and was able to identify PH in the photograph.
38. GF confirmed *"I am aware of a supporter getting quite injured...I was made aware of this"*. GF advised he did not hear any homophobic language during or after the match. GF stated the only language he heard was *"usual ones referees get from supporters"*. GF was aware a WW spectator was making comments towards TM players during the match because although *"I don't know what was said to them...at times players were asking me to get rid of him"*. GF believed the comments involved *"slurs of people's weight and things like that"*. Following *"one incident where players asked me to move him...he moved himself to another part of the pitch and started shouting at me"*. GF advised the TM players only reported the spectator was *"annoying them...nothing specific"*. The complaints amounted to *"the spectator is swearing and shouting at people"*.
39. GF again confirmed he did not hear anything that he considered to be homophobic and also stated that no such comments were reported to him during the match.

40. In relation to the post-match altercations, GF described them taking place at “*six or seven different areas of the pitch*”. GF confirmed PH was assaulted after the match because “*everyone involved gave a punch and took a punch...he definitely took one or two punches*”. GF stated “*no-one had been punched before...he [PH] started it*”. GF advised he did not see PH being assaulted prior to him kneeling WW3.
41. GF informed the Commission, “*the game itself didn’t make me have my guard up...players were really well behaved...quite surprised that specific game [ended up in a fight]*”.
42. GF confirmed a WW supporter “*definitely confronted Piers at certain points that’s for sure*” and the WW support had been “*vocal...he wasn’t quiet on the pitch*”. GF stated he did not know who had been responsible for causing the injuries to the WW supporter although GF recalled seeing “*the supporter pulled to the ground by a sub*”.
43. GF suggested “*I think Manor started it...I don’t think they are the only ones to blame...over forty people were involved...the supporter did come from the Wickham side...members from both teams were trying to break it up...a few players weren’t keen on getting involved from both teams...caveat I didn’t see what sparked it, just Piers’ knee...for me the first physical action was from Manor*”. Asked whether PH could have been acting in self-defence, GF stated, “*I don’t know, you’d have to ask him*”.
44. PH was afforded the opportunity to put questions to GF. In response, GF confirmed WW3 had been aggressive in response “*from what I can remember*” and confirmed WW3 did not fall to the ground after the alleged kneeling.
45. JH, on behalf of WW, was also afforded the opportunity to put questions to GF. In response, GF stated he could not identify the WW supporter, referred to as Stephen Hackshall (“SH”), as being in the photograph previously shown; stating “*I don’t think he is in there, no*”. GF was unable to suggest when the photograph had been taken and whether any altercation had taken place prior to the photograph being taken.

46. PH gave evidence in his own defence. In relation to his witness statement dated 15 November 2023, PH declined the opportunity to add, retract or change any of the content.
47. PH stated *"I didn't hear any homophobic abuse, none of us bar one person heard anything homophobic"*. PH recalled *"there was one supporter and West Wickham number 3...took it upon them to taunt us...believe father and son...me the most that took umbrage to that and approached the number 3 [after the match]"*.
48. PH advised *"I did square up...but did not headbutt or knee anyone"*. PH suggested he had a *"different recollection"* to events than GF. PH suggested GF had been *"more than twenty yards away"* and categorised GF's evidence as *"a mistaken judgement"* and that he is *"confused"*. In relation to the photograph previously displayed during the hearing, PH stated *"I did go close to him with my head...at no point did I strike him"*.
49. In reference to the video clip, PH explained *"you see Mr Hackshall take a run at me...he suffered some injuries"*. PH confirmed he had been wearing the *"number 19 shirt"* and stated *"it was me underneath him after his swing and punch"*.
50. PH explained his witness statement had only been 'brief' because *"I didn't want it to go any further"*. PH submitted there was *"no video footage of the alleged headbutt or knee"*.
51. PH advised *"I was plating up front but all over the pitch...I didn't hear anything that was said, my starting position was on the left side...Harry Jeal ("HJ") reported the homophobic abuse...he was left sided centre back"*.
52. When asked whether he had been angry after the match, PH replied *"more than anyone...but not just me...angry, no...confrontational to an extent"* as a result of *"being called shit"* and taunted. PH advised it was out of *"frustration"* that he simply did not walk away, which he conceded he should have done, and he explained *"it rubs you up when someone doesn't win in the right way"*.
53. PH accepted the WW supporter was not in the photograph contained within the evidence bundle. PH confirmed there was no physical violence from the WW3

towards himself. PH explained the spectator landed on top of him because of *“the momentum of swinging”* and afterwards the video clip shows *“I scurry away”*. PH denied stamping on the WW supporter, stating *“whoever did it, it wasn’t me”*. In relation to physical contact with WW3, PH stated, *“my head didn’t get as close as my lips would have been as I was leaning into him to speak to him”*.

54. PH advised the Commission the video clip submitted into evidence had been supplied to TM by *“a spectator”*. PH accepted his behaviour had been confrontation but denied it had been threatening. PH explained *“I have a right to stand up for myself”* but suggested the altercation was *“not as bad or aggressive an incident that Gavin suggested...it probably went too far when the spectator threw a punch”*.
55. JH, on behalf of WW, was afforded the opportunity to put questions to PH. In response, PH stated HJ had been substituted during the match but *“I’m pretty sure he wasn’t substituted for the whole of the second half”*.
56. PH confirmed he was no longer intending to call any other witnesses in defence of the charge which had been brought against him after two defence witnesses (family members) had become unavailable at short notice. PH stated he did not wish to seek an adjournment to the proceedings and requested the Commission to proceed in their absence. The Chair of the Commission confirmed the Commission had already had sight of the witness statement of Matias Poyet (“MP”) and would give due consideration to its content when considering the case.
57. JH gave evidence in defence of the charge brought against WW. JH advised *“I was one of the ones pulling people away”*. JH stated he didn’t hear any homophobic language and it *“wasn’t until Christmas time, well after the game”* that he first became aware of the allegation personally.
58. JH confirmed the WW supporter referred to in the evidence was his father. JH confirmed the supporter was *“in the melee with the other forty of us...he was in the middle of a ruckus...can’t really control what a spectator does on a public pitch...seeing his son attacked”*. JH confirmed the support usually attends WW matches, notably *“every minute of every game”*.

59. JH advised his father does not use bad language and he had never heard him use homophobic language.
60. In relation to the altercations, JH accepted *“everyone was in there some more aggressive than others...my players were during that, some of theirs too to be fair”*. JH acknowledged *“kid’s games were going on”* on adjacent pitches. JH described the incident as *“sixteen or seventeen angry men...we couldn’t control it, it was out of our hands”*.
61. JH stated he did not see PH knee his brother during the altercation.
62. JH explained *“a lot of it I don’t believe...the witness statements...Harry weren’t on the pitch when the alleged comments were made...he was stood next to me...no-one else heard the comments”*.
63. PH was afforded the opportunity to put questions to JH; PH declined the opportunity to do so.
64. Having concluded hearing all the live evidence in the two cases, both PH and JH, on behalf of WW, were offered the opportunity to make closing submissions.
65. The Commission was grateful to all parties for the manner in which they had presented their respective cases and/or given evidence.
66. 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 these matters. For the avoidance of doubt, the Commission carefully considered all of the evidence and materials furnished with regard to these cases.

### **Burden & Standard of Proof**

67. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in these matters Amateur FA (in respect of WW) and Kent FA (in respect of TM and PH).

68. 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**

69. 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.

70. 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.

### **West Wickham**

#### **Charge one**

71. With charge one having been accepted by WW, the Commission was not required to determine liability and was satisfied to the required standard that charge one had been made out by Amateur FA.

72. With the charge having been accepted, the basis on which it had been brought could not be challenged by WW; the Commission therefore proceeded to deal with the case as presented by Amateur FA.

73. The Commission accordingly found:

- i. charge one - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match, contrary to FA Rule E20.1, proven.

#### **Charge two**

74. Having further reviewed the written submissions, screenshot evidence and notes taken on the live evidence heard, the Commission:

- i. found the evidence of GF credible and consistent;
- ii. noted GF, as the match referee, had not heard the alleged homophobic comments, nor had the alleged comments been reported to him;
- iii. accepted the evidence of GF that:
  - i. no report had been made to him in respect of alleged homophobic comments, and
  - ii. he witnessed the WW supporter confront PH "*at certain points*";
- iv. noted the only player to have heard the alleged comments had been HJ;
- v. recognised that although the case against WW was being dealt with by way of a personal hearing, the Commission and JH, on behalf of WW, was unable to test the evidence submitted by HJ in support of the charge through live questioning and therefore the Commission could only consider his account against the totality of the evidence received;
- vi. noted PH confirmed the only person said to have heard the alleged comments was HJ;
- vii. noted JH had accepted a WW supporter had entered the field of play after the match and had been "*in the melee with the other forty of us*";
- viii. found the evidence in support of the charge against WW only partially clear, reliable and compelling that it could be relied upon;
- ix. found, as matters of fact, the following:
  - i. a WW supporter entered the field of play after the match;
  - ii. a WW supporter confronted a TM player, namely PH, and
- x. was unable to find, as matters of fact, the following:



- i. a WW spectator had said the words “*faggot*” and/or “*pansy*”.

75. In light of the aforementioned findings, the Commission concluded:

- i. the conduct of a WW supporter was confrontational, provocative and/or threatening, and
- ii. on an objective basis, a reasonable bystander would consider the actions of a WW supporter to have been improper and contrary to accepted societal norms.

76. It therefore follows the Commission was satisfied to the required standard that charge two had been made out by Amateur FA and accordingly found:

- i. charge two – Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match, contrary to FA Rule E21.1, proven.

77. It also follows the Commission was not satisfied to the required standard that the reference to discriminatory conduct, contrary to FA Rule E21.4, had been made out by Amateur FA, and accordingly found this element of charge two not proven.

#### The Manor

78. With charge one having been accepted by TM, the Commission was not required to determine liability and was satisfied to the required standard that the charge had been made out by Kent FA.

79. With the charge having been accepted, the basis on which it had been brought could not be challenged by TM; the Commission therefore proceeded to deal with the case as presented by Kent FA.

80. The Commission accordingly found:

- i. the charge – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match, contrary to FA Rule E20.1, proven.

Piers Hanifan

81. Having further reviewed the written submissions, video evidence and notes taken on the live evidence heard, the Commission:

- i. found the evidence of GF credible and consistent;
- ii. accepted the evidence of GF, namely he had seen:
  - i. TM19 and WW3 adopt aggressive behaviours towards each other;
  - ii. TM19 knee the WW3, and
  - iii. Following the kneeing of WW3 by TM19, WW3 reacted in an aggressive manner;
- iii. noted PH accepted he had acted out of "*frustration*" and his conduct has been confrontational;
- iv. noted PH accepted he "...*did go close to him [WW3]*";
- v. was satisfied identification was not an issue in this case for the following reasons:
  - i. PH accepted being the TM number 19;
  - ii. PH accepted he had been captured in the photograph contained within the evidence pack, and
  - iii. PH accepted he "*approached the [WW] number 3*";
- vi. recognised that although the case against PH was being dealt with by way of a personal hearing, the Commission and PH was unable to test the evidence submitted by Billy Hackshall ("BH") and SH in support of the charge through live questioning and therefore the Commission could only consider his account against the totality of the evidence received;

- vii. considered and rejected the possibility GF had been mistaken in his recollection of events for the following reasons:
  - i. GF submitted his report the day of the match, presumably whilst events were still clear in his mind;
  - ii. GF's account before the Commission was consistent,
  - iii. GF's recollection of events, namely PH kneeing the WW3 (BH), is corroborated by the written evidence of BH and SH;
- viii. preferred the evidence of GF over the account provided by PH;
- ix. found the evidence in support of the charge against PH sufficiently clear, reliable and compelling that it could be relied upon;
- x. found, as matters of fact, the following:
  - i. PH confronted a WW player namely WW3;
  - ii. PH kneed WW3;
  - iii. WW3 reacted in an aggressive manner;
  - iv. WW3 did not fall to the ground, and
- xi. was unable to find, as matters of fact, the following:
  - i. PH had headbutted a WW player, namely WW3.

82. In light of the aforementioned findings, the Commission concluded:

- i. the conduct of PH had been violent, and
- ii. on an objective basis, a reasonable bystander would consider the actions of PH to have been improper and contrary to accepted societal norms.

83. It therefore follows the Commission was satisfied to the required standard that the charge had been made out by Kent FA and accordingly found:

- i. the charge – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour), contrary to FA Rule E3.1, proven.

### **Previous Disciplinary Record**

84. Having found charges against WW and PH proven, the Commission sought and was provided with the relevant disciplinary records for the player and club. With the charge having been accepted by TM, the Commission was also provided with the relevant disciplinary record for the club.

### **West Wickham**

85. The Commission considered the club's offence history for the previous 5 years, and noted:

- i. the club consists of 9 teams;
- ii. one previous offence contrary to FA Rule E20 which predated the current charge, namely:
  - i. 25.04.2021 – FA Rule E20 (Sunday team) resulting in a £113.75 fine, and
- iii. one previous offence contrary to FA Rule E21 which predated the current charge, namely:
  - i. 29.04.2023 – FA Rule E21 (Saturday team) resulting in a £85 fine.

### **The Manor**

86. The Commission considered the club's offence history for the previous 5 years, and noted:

- i. the club consists of 1 team, and
- ii. there were no previous offences contrary to FA Rule E20.

### **Piers Hanifan**

87. The Commission considered the participant's offence history for the previous 5 years, and noted:

- i. no previous cases of proven misconduct contrary to FA Rule E3.

### **Pleas in Mitigation**

#### West Wickham

88. With the charge having been found proven, JH was afforded the opportunity to submit a verbal plea for leniency on behalf of WW prior to sanction being determined.

89. JH indicated there was nothing further he wished to add in mitigation on behalf of WW.

#### The Manor

90. With the case being dealt with by way of correspondence, the Commission was informed there were no additional submissions to consider other than those contained within the original evidence bundle.

#### Piers Hanifan

91. With the charge having been found proven, PH was afforded the opportunity to submit a verbal plea for leniency prior to sanction being determined.

92. PH invited the Commission to take into account his previously clean disciplinary record and also indicated that it would likely be his final season in football.

### **Sanction**

93. 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.

#### West Wickham

#### Charge one

94. The Commission noted that the Sanction Guideline for an E20.1 offence outside of the national league system is a fine of up to £300 with recommended ranges depending upon the level of seriousness of the offence (low: £0-£70, medium: £70-£140 and high: £140-£300). It is at the Commission's discretion to increase or decrease a sanction where there are aggravating and/or mitigating factors present.

95. 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 conduct was committed by multiple players from the club against opposition players
- ii. the nature of the conduct (punches)
- iii. the duration of the incident
- iv. the conduct occurred in a public place with youth football taking place nearby
- v. the match referee considered it too dangerous to take disciplinary action at the time

ii. mitigating factors

- i. the charge was accepted
- ii. the club's disciplinary record

96. Having balanced all the relevant factors, the Commission concluded that the offence fell at the top end of the medium level/bottom end of the high level of seriousness bracket within the Sanction Guideline. In reaching this assessment, whilst the Commission considered WW to have had a slightly lower culpability for the offence (in light of the evidence of the match referee) compared to TM, the Commission considered the credit for the club's disciplinary record should be

reduced in light of the previous proven case of misconduct contrary to FA Rule E20.1.

97. After taking into consideration all circumstances in this case, West Wickham FC is:

- i. **Fined a sum of £140 (one hundred and forty pounds).**

Charge two

98. The Commission noted that the Sanction Guideline for an E21.1 offence outside of the national league system is a fine of up to £300 with recommended ranges depending upon the level of seriousness of the offence (low: £0-£70, medium: £70-£140 and high: £140-£300). It is at the Commission's discretion to increase or decrease a sanction where there are aggravating and/or mitigating factors present.

99. 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. a spectator entered the field of play
  - ii. the conduct was directed towards a participant (opposition player)
  - iii. the nature of the conduct (confrontation)
- ii. mitigating factors
  - i. the club's disciplinary record
  - ii. the conduct was limited to one spectator
  - iii. the conduct was accepted by the club
  - iv. the sequence of events (player misconduct as a contributing factor)

100. Although the charge was formally denied by the club, the Commission accepted the basis of the denial had been the allegation of the discriminatory conduct contrary to FA Rule E21.4 which had been found not proven by the Commission. The Commission therefore formed the opinion the Commission should be afforded the credit that otherwise would have been due had the charge been accepted.
101. Having balanced all the relevant factors, the Commission concluded that the offence properly fell within the medium level of seriousness bracket within the Sanction Guideline.
102. The Commission was however mindful that WW fell to be sanctioned for two offences arising from the same incident. It was therefore appropriate to apply the totality principle in these cases, and in doing so, the Commission was mindful of the provision contained within paragraph 4 of the Regulations (Part A – General Provisions: Section One – All Panels) which requires the Commission to achieve a just and fair outcome.
103. The practical application of the totality principle means that when a Commission is dealing with a number of offences and when specific sanctions in respect of them are being calculated to make a total, it is necessary for the Commission to undertake a final review of the total to see whether it appears fair; the Commission must not content itself by doing the arithmetic alone and imposing the sanction which the calculation produces. The Commission must look at the totality of the improper conduct and consider what is the appropriate sanction for the totality of the misconduct. That is the approach the Commission took when reaching its determination on sanction in this case.
104. To ensure a fair and reasonable outcome which achieved the necessary justice in this case, the Commission was therefore mindful of the aggregate sum of financial penalties being imposed against WW. As a result, the Commission further adjusted the financial penalty to be imposed in respect of charge two (to one which on paper would indicate an offence falling within the low level of seriousness bracket within the Sanction Guideline).
105. After taking into consideration all circumstances in this case, West Wickham FC is:



- i. **Finued a sum of £45 (forty-five pounds).**

### The Manor

106. The Commission noted that the Sanction Guideline for an E20.1 offence outside of the national league system is a fine of up to £300 with recommended ranges depending upon the level of seriousness of the offence (low: £0-£70, medium: £70-£140 and high: £140-£300). It is at the Commission's discretion to increase or decrease a sanction where there are aggravating and/or mitigating factors present.

107. 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 conduct was committed by multiple players from the club against opposition players
  - ii. the nature of the conduct (punches)
  - iii. the duration of the incident
  - iv. the conduct occurred in a public place with youth football taking place nearby
  - v. the match referee considered it too dangerous to take disciplinary action at the time
  - vi. the conduct resulted in injury to an opposition supporter
- ii. mitigating factors
  - i. the charge was accepted
  - ii. the club's disciplinary record

108. Having balanced all the relevant factors, the Commission concluded that the offence fell at the top end of the medium level/bottom end of the high level of seriousness bracket within the Sanction Guideline. In reaching this assessment, whilst the Commission considered TM to have had a slightly higher culpability for the offence (in light of the evidence of the match referee) compared to WW, the Commission afforded TM greater credit for the club's disciplinary record in light of there being no previously proven cases of misconduct contrary to FA Rule E20.1.

109. After taking into consideration all circumstances in this case, The Manor FC is:

- i. **Fined a sum of £140 (one hundred and forty pounds).**

Piers Hanifan

110. The Commission noted that the Sanction Guideline for an E3.1 offence of this nature outside of the national league system is a fine of up to £125 and 10 match suspension with recommended ranges depending upon the level of seriousness of the offence (low: 1/3 matches & £20-£50, medium: 2/4 matches & £40-£80 and high: 3/10 matches & £70-£125). It is at the Commission's discretion to increase or decrease a sanction where there are aggravating and/or mitigating factors present.

111. 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 conduct was directed at a participant (opposition player)
  - ii. the conduct occurred after the match
  - iii. the conduct contributed to an incident involving players from both teams
- ii. mitigating factors
  - i. the player's disciplinary record

ii. the degree of force used

112. With the charge having been denied by PH, the Commission was unable to afford the player additional credit that otherwise would have been available if the charge had been accepted in the first instance.

113. Having balanced all the relevant factors, the Commission concluded that the offence fell at the top end of the low level of seriousness bracket within the Sanction Guideline.

114. Therefore, after taking into consideration all circumstances in this case, Piers Hanifan is:

- i. **Suspended for a period of 3 (three) matches**
- ii. **Fined the sum of £50 (fifty pounds)**
- iii. **5 (five) Disciplinary Penalty Points shall be recorded against the record of The Manor Football Club.**

### **Penalty Points**

115. 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 the case of PH given the participant was a player. Furthermore, the Commission was satisfied the provisions did not apply in the cases of WW and TM, given both are clubs.

### **Right of Appeal**

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

**Lea Taylor (Chair)  
Gurjit Bdesha  
John Cush**

**FA National Serious Case Panel  
11 February 2024**