

## The Football Association on behalf of Amateur Football Alliance

V

**Kealan Bissendary – Case ID: 11428036M**

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### WRITTEN REASONS

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#### INTRODUCTION:

1. This is a hearing summary and includes written reasons for the decision of the disciplinary commission (the commission) which sat alone on Wednesday 1 November 2023.
2. The commission was a non-personal hearing chaired by Bill Stoneham (National Serious Case Panel).
3. The following is a written record of the main points considered by the commission. It is a summary of the main evidence presented and is not intended to refer to all the points made in the evidence presented. The absence in these reasons of any particular point, or piece of evidence, should not imply that the commission did not consider any such point or evidence. For the avoidance of doubt, the commission carefully considered all the evidence that was submitted.

#### THE CHARGE:

4. The charge in question arose following a fixture between Owens 4th FC (the club) v St James' Old Boys 3rd FC (the opposition) played on Saturday 30 September 2023 in the SAL Junior Division 3 North. This game was abandoned.
5. Amateur Football Alliance issued a charge letter dated 20 October 2023. In this letter, Kealan Bissendary (KB - club player) was charged under FA Rule E3 – improper Conduct (including violent conduct and threatening and/or abusive language/behaviour). **Charge 1** - Assault by participant on participant.
6. It is alleged that Kealan Bissendary used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary

to FA Rule E3.1, and it is further alleged that this constitutes Assault by a Participant on another Participant as defined in FA Regulations. This refers to the allegation that KB punched/struck Jamie Smith (JS – opposition player) causing a laceration on his eyebrow which required medical treatment (laceration was glued). An alternate, lesser charge, of improper conduct (including violent conduct and threatening and/or abusive language/behaviour) has also been raised. This charge will only be considered should the primary charge be found not proven.

## **EVIDENCE:**

7. Amateur Football Alliance provided the following evidence in relation to the charge:
  - I. An emailed statement dated 2 October 2023 submitted by Philip Mayer (PM - the referee);
  - II. an emailed statement dated 9 October 2023 submitted by Shaun O'Sullivan (SO'S – opposition club secretary);
  - III. the statement from SO'S referred to immediately above contained statements from Dave Coffey (DC), Jamie Smith (JS), Shaun Doris (SD), and Josh Emmett (JE) all opposing club players;
  - IV. a further emailed statement dated 13 October 2023 submitted by SO'S which includes photographic evidence of the injuries inflicted on JS;
  - V. an emailed statement dated 9 October 2023 submitted by Jon Robinson (JR - club secretary);
  - VI. a witness statement dated 9 October 2023 submitted by Azaan Choudhry (AzC – club player);
  - VII. a witness statement dated 9 October 2023 submitted by Arsalan Choudhry (ArC – club spectator);
  - VIII. an undated witness statement submitted by Kealan Bissendary (KB – the charged club player);
  - IX. a witness statement dated 9 October 2023 submitted by Connor Fallon (CF – club player and assistant manager);
  - X. a witness statement dated 9 October 2023 submitted by Joe Clegg (JG – club player);
  - XI. a witness statement dated 9 October 2023 submitted by Luke Theodorou (club player);
  - XII. a witness statement dated 9 October 2023 submitted by Marvin Emanuel (club player and manager);
  - XIII. on 27 October 2023 Amateur Football Alliance received an online response from the club/KB stating 'Accept – Correspondence' in

relation to Charge 1. As the charge was accepted, the alternate charge was not considered;

- XIV. an emailed statement dated 27 October 2023 submitted by KB accepting the charge but stating his actions were an act of self-defence. He also offered an apology for the inconvenience caused.

## **DETERMINATION**

8. As KB (the player) had accepted the charges raised, the commission was solely concerned with determining the sanctions to be imposed. For clarity, it should be noted that having carefully and fully examined all the evidence, the commission was content to accept the plea offered by KB and sought his disciplinary record over the last five years. It was noted that prior to this game, his record was exemplary.
9. The commission was concerned about the seriousness of the offence and noted that the opposition player had to receive medical treatment for his damaged eye. The commission could find little evidence to support KB's claim that he was acting in self-defence.
10. In mitigation, the commission noted the following:
  - I. KB willingly accepted the charge;
  - II. prior to this game, KB had an exemplary disciplinary record;
  - III. in both his written submissions, KB had expressed regret and offered apologies. He had offered apologies to his opponent.
11. the aggravating factors that can be highlighted:
  - I. This is a serious offence. One that caused KB's opponent pain, distress, and the inconvenience of having to undergo medical treatment;
  - II. KB's actions directly contributed to the referee abandoning the game;
  - III. KB's actions, in part at least, were responsible for triggering a mass brawl. This would have presented an unedifying scene in a public setting where at least one witness refers to children being present;
  - IV. the commission is further concerned about reputational damage to the image of the game.

## **THE SANCTION:**

12. The commission deemed this to be a mid-level offence because the assault involved medical intervention and that the referee abandoned the game. Though the injuries inflicted on the opposing player required medical treatment, there is no evidence to indicate that they were serious enough to require hospitalisation or prolonged out-patient treatment. For a proven case of this nature, FA Regulations state that the relevant sanctions are a suspension from all football activities for a period of between 140 days and five years, with a mandatory minimum of 140 days, plus a mandatory fine of £150-00.

13. Having considered all the facts in this case, the commission's decision is that **Kealan Bissendary** be:

- I. Suspended from all football activity for 56 weeks (equal to 392 days). As KB is currently under an interim suspension order (ISO), the start date of this suspension shall be backdated to 20 October 2023;**
  - II. fined a sum of £150-00;**
  - III. ten disciplinary points applied against the player's club;**
  - IV. these sanctions in are addition to any other penalties associated with this fixture that might be imposed by the AFA;**
  - V. the length of the time-based suspension was calculated as follows: An entry point of one year (52 weeks) reduced by fourteen days for accepting the charge, reduced by a further thirty-five days because of the player's exemplary record and reduced by a further twenty-eight days for expressions of remorse. The sanction was increased by forty-two days for the injury inflicted, with twenty-eight days added for contributing to the abandonment of the game, plus thirty-five days for the reputational damage caused to the image of the game.**
14. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

Bill Stoneham

Chairperson

1 November 2023.

## **CONSOLIDATED CASES**

Further to the case listed above, two additional charges were levied against Owens Football Club. These additional charges are as follows:

**FA Rule E20 (11393395M)** – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

**FA Rule E21 (11393402M)** – 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.

The club responded to the AFA on 25 October 2023 in relation to both charges stating 'Accept – Correspondence'.

As the club had accepted both charges, the commission was solely concerned with determining the sanctions to be imposed. For clarity, it should be noted that having carefully and fully examined all the evidence, the commission was content to accept both pleas offered and sought the club's disciplinary record over the last five years. It was noted that the club fields four teams and that prior to this game, there had been seven misconduct charges, though only two were deemed to be similar. These offences were dated March 2022 and April 2022. In the first instance the club was fined £85-00, with a £75-00 fine on the second occasion.

In respect of these two cases, the commission noted the club's readiness to accept both charges. The commission further noted the detailed and candid submission submitted by JR (the club secretary) dated 9 October 2023, which was accompanied by various witness statements from club members. Though these submissions can be cited as mitigation, the commission noted some aggravating factors, including:

- ❖ The seriousness of the unedifying scenes that occurred involving a number of players and at least one spectator (who admits his association with Owens FC).
- ❖ the situation that developed resulted in the referee abandoning the game;
- ❖ one opposition player received a nasty injury that required specialist medical attention;
- ❖ the unedifying scenes took place in a public setting where at least one witness refers to children being present;
- ❖ the commission is further concerned about reputational damage to the image of the game;
- ❖ the commission noted that the two previous similar offences had taken place within the last eighteen months.

The commission placed the breach of **FA Rule E20** in the high category, because of the number of players, in particular, involved and imposes a final sanction of £175-00.

There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

The commission placed the breach of **FA Rule E21** in the mid category because the evidence indicates that only one spectator was fully involved and imposes a financial sanction of £80-00.

There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

Bill Stoneham

Chairperson

1 November 2023.

## **CONSOLIDATED CASES (CONT)**

As part of the same fixture, St James' Old Boys (SJOBFC) were charged under **FA Rule E20 (11393405M)** – failed to ensure directors, players, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

The evidence base for this case is the same as for case11428036M, which is set out below:

Amateur Football Alliance provided the following evidence in relation to the charge:

- I. An emailed statement dated 2 October 2023 submitted by Philip Mayer (PM - the referee);
- II. an emailed statement dated 9 October 2023 submitted by Shaun O'Sullivan (SO'S – SJOBFC);
- III. the statement from SO'S referred to immediately above contained statements from Dave Coffey (DC), Jamie Smith (JS), Shaun Doris (SD), and Josh Emmett (JE) all SJOBFC players;
- IV. a further emailed statement dated 13 October 2023 submitted by SO'S which includes photographic evidence of the injuries inflicted on JS;
- V. an emailed statement dated 9 October 2023 submitted by Jon Robinson (JR – opposition club secretary);
- VI. a witness statement dated 9 October 2023 submitted by Azaan Choudhry (AzC – opposition club player);
- VII. a witness statement dated 9 October 2023 submitted by Arsalan Choudhry (ArC – opposition club spectator);
- VIII. an undated witness statement submitted by Kealan Bissendary (KB – opposition club player);
- IX. a witness statement dated 9 October 2023 submitted by Connor Fallon (CF – opposition club player and assistant manager);
- X. a witness statement dated 9 October 2023 submitted by Joe Clegg (JG – opposition club player);
- XI. a witness statement dated 9 October 2023 submitted by Luke Theodorou (opposition club player);
- XII. a witness statement dated 9 October 2023 submitted by Marvin Emanuel (opposition club player and manager);
- XIII. on 26 October 2023 Amateur Football Alliance received an online response from the club stating 'Deny – Correspondence'. The following undated and unsigned statement was attached:

***Hello, We are pleading not guilty to FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct***

***themselves in an orderly fashion whilst attending any Match. As per the referee's report, there were no punches thrown by anyone who has any affiliation to St James' Old Boys and including the referee's notes there were no blows. Our Goalkeeper received a yellow card for this. It was quite clear by all statements most players from both sides went to the area an incident occurred to diffuse a situation by a couple of ill-behaved individuals associated with Owens FC. At no point was there any threatening behaviour from St James' Old Boys FC and the aim was to avoid serious injury to Jamie by getting him away***

Having considered all the evidence, the commission finds the charge against St James' Old Boys FC proven. The following points were taken into consideration:

- The undated/unsigned statement from the club states that no punches thrown by SJOBFC players and there were no blows. The charge levied does not refer to 'punches' or 'blows'. It refers to participants failing to act 'in an orderly fashion';
- the referee states that 'no blows were thrown' but he refers to two players 'squaring up'. This included the SJOBFC goalkeeper who was cautioned. He further adds that a mass confrontation took place. This would suggest that people associated with the club were not acting in an orderly fashion;
- DC on behalf of SJOBFC refers to pushing and shoving an opponent. He was cautioned for this, but his actions were partly responsible for what subsequently happened;
- JS on behalf of SJOBFC refers to pushing an opponent;
- SD on behalf of SJOBFC refers to trying to separate players. He says he was trying to diffuse the situation, but he did become involved and if members of his team were simply acting 'in an orderly fashion', why did he need to become involved? There is also a thin line between acting as a peacemaker and being seen as a protagonist;
- JE on behalf of SJOBFC states that his team captain confronted the opposition no. 9. They then grabbed one another, and other players ran over shouting. He further adds there was 'a bit of pushing'. This confrontation between the club captain and the opposing no.9 was, in the commission's view, a catalyst for the events that then unfolded and that this involved more than 'a bit of pushing';
- though evidence offered by members of the opposition team cannot be assessed as fully objective, there is a degree of consistency with reference to the incident involving the SJOBFC goalkeeper and the opposition no.9. The submissions also refer to players pushing and shoving and that a confrontation did take place. The commission also noted that the game was abandoned.

In finding the case proven, the commission concluded that the opposition were the main protagonists but, nevertheless, SJOBFC do have to accept some responsibility for the unedifying scenes that occurred. In mitigation, the commission noted that SJOBFC fields five teams. There have been five misconduct charges in the last five

years but only one offence was deemed similar. This was in January 2019. The club incurred a fine of £75-00.

Though accepting that SJOBFC were only partly to blame for the events that unfolded, the commission deemed this to be a mid-level offence because the game was abandoned. The decision of the commission is to fine St James' Old Boys FC £90-00.

There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulation of the Football Association.

Bill Stoneham

Chairperson

1 November 2023.

