

THE FOOTBALL ASSOCIATION

and

STEVE ATKINS

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DECISION AND WRITTEN REASONS

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**Preliminary Matters**

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 27 April 2021 following a charge brought by the Amateur FA against Mr Steve Atkins ("**Mr Atkins**").
2. The appointed Chair for the hearing was Elliott Kenton.

**The Charges**

3. Mr Atkins has been charged by the Amateur FA with the following breaches of the FA Rules:-
  - (a) FA Rule E3.1 – Improper Conduct (including foul and abusive language); and
  - (b) FA Rule E3.2 – Improper Conduct *aggravated* by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.
4. The basis for these charges are that Mr Atkins allegedly used abusive and / or insulting language contrary to FA Rule 3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule 3.2 because it includes a reference to ethnic origin and / or faith. This is because Mr Atkins allegedly said "Fuck off, he's just tripped up over his big nose" (hereafter referred to as the "**Comment**") which can be interpreted to be an anti-Semitic comment.

**The Evidence**

5. The Chair has the following evidence before him for consideration, which can be summarised as follows:
  - (a) Amateur FA Misconduct Charge Notification setting out the above charges against Mr Atkins.
  - (b) County Association Report Form from referee Dylan Ellis dated 6 April 2021 confirming:

- (i) In the 85<sup>th</sup> minute of the game, Mr Ellis was informed by a player that an anti-Semitic comment had been made by a Winchmore player directed at a Maccabi player.
  - (ii) Mr Ellis did not hear this and as the team were okay to play on, he continued the game and sought clarification about what happened after the game.
- (c) Email dated 9 April 2021 from Mr Ellis.
  - (i) This contains the handwritten teamsheet for Winchmore Hill Vets A ("**Winchmore**") and a SAL teamsheet of London Maccabi Lions Veterans ("**Maccabi**"), although the Maccabi team sheet is not legible.
  - (ii) Mr Ellis remarks that some of the numbers of the teamsheet are wrong and that Winchmore's No 5 was not Adrian Bullock but was Mr Atkins, who was wearing the No 5 jersey.
- (d) Email correspondence between Paul Lenchner and Melanie Armstrong, which can be summarised as follows:
  - (i) Mr Lenchner is the Manager for Maccabi.
  - (ii) Mr Lenchner commended the conduct of Mr Ellis who acted with maturity and sensitivity as referee.
  - (iii) The manager of Winchmore, Theo Simou had apologised for the Comment and suspended Mr Atkins for five games.
  - (iv) The Winchmore player who made the anti-Semitic remark wore the No.5 jersey.
  - (v) Mr Lenchner forwards Mr Simou's email to Ms Armstrong. In this email, Mr Simou confirms he was in earshot of the Comment and he reprimanded the player immediately.
- (e) Witness Statement of Paul Lenchner dated 7 April 2021, which can be summarised as follows:
  - (i) Maccabi is a Jewish Football Club with over 800 members. It is an identifiably Jewish football club and the Maccabi team wear a star of David, a Jewish symbol as the club crest on their shirts.
  - (ii) Mr Lenchner was approached at the end of the game by the referee who explained that there was an anti-Semitic incident, addressed by Mr Simou as the Winchmore manager. Mr Simou confronted the player concerned, who is identified as No 5 of the Winchmore team.
  - (iii) Mr Lenchner was told that No.5 had shouted out the Comment and explains that the Comment is highly offensive and anti-Semitic to make the Comment to a Jewish person.
  - (iv) Mr Lenchner commends Mr Simou and Mr Ellis for addressing the incident appropriately.

- (f) Witness Statement of Theo Simou dated 4 April 2021, which can be summarised as follows:
- (i) Mr Simou is the Captain of Winchmore.
  - (ii) Towards the end of the game, a professional foul was committed by a Maccabi player which stopped a clear goal scoring opportunity. The referee hesitated in sanctioning the player and the Winchmore players were aggrieved.
  - (iii) Mr Atkins said to the referee "ref, you need to sin bin him". The Maccabi player who committed the foul shouted back to Mr Atkins, "shut up, you fat cunt."
  - (iv) The Maccabi player was sent off and as he is walking off field, Mr Atkins made the Comment.
  - (v) Mr Simou was standing close to Mr Atkins and heard the Comment. He immediately reprimanded Mr Atkins for the Comment.
  - (vi) On behalf of Winchmore, Mr Simou has said that there is zero tolerance to racism or anti-Semitism and invoked a three match ban on Mr Atkins.
  - (vii) Mr Atkins has apologised to Mr Simou for his Comment, which Mr Atkins states was said in gest.
- (g) Witness Statement of Matt Kleinman dated 6 April 2021 which can be summarised as follows:
- (i) Mr Kleinman is a player for Maccabi.
  - (ii) During the second half of the game, Daniel Sugarman, a defender for Maccabi tackled a Winchmore player outside the Maccabi penalty box. According to Mr Kleinman, this looked like a deliberate foul by Mr Sugarman.
  - (iii) A disagreement ensued between the Winchmore and Maccabi players following the aforementioned foul and a previous foul a few minutes earlier. During the commotion, a Maccabi player fell to the ground although Mr Kleinman cannot definitively say what was happening as he was too far away.
  - (iv) Mr Kleinman was standing on the sideline, just inside the Winchmore Hill half when he heard a Winchmore player wearing a No.5 jersey made the Comment to his teammate.
- (h) Email correspondence between Melanie Armstrong and Mr Atkins between 13 – 15 April 2021. This is the only correspondence from Mr Atkins conveying his version of events which can be summarised as follows:
- (i) Towards the end of the game, one of the Maccabi players purposely fouled a Winchmore player and a number of Winchmore players sought a red card from the referee.

- (ii) Mr Atkins said to the referee that the Maccabi player should be sin binned, following which the Maccabi player called him a 'fat cunt'.
  - (iii) Mr Atkins has struggled with weight issues and mental health problems and was upset by this comment. In retaliation, Mr Atkins made the Comment.
  - (iv) Mr Atkins denies that he made the Comment in any way that would be racist or Anti-Semitic.
- (i) Email correspondence between Anna Russell and Melanie Armstrong dated 25 April 2021, whereby it is confirmed that Mr Atkins denies both charges and there is no further documentation from him to submit for the Chair to consider.

### Decision on Liability

6. The Chair took into consideration all of the evidence as summarised above in considering whether the charges against Mr Atkins are proven.
7. The burden of proof is borne by the Amateur FA that the charges are proven upon *the balance of probability*.
8. Put simply, this means that the Chair should be satisfied that it was more likely than not that Mr Atkins made the Comment based on the evidence put before him.
9. The Chair also notes that an aggravated form of the allegation is a serious one and cogent evidence is required upon the balance of probability that Mr Atkins made this discriminatory comment.
10. The Chair having considered all of the evidence before him has found that the charges **are proven. Accordingly, Mr Atkins is liable for the charges.**
11. The reasons for the Chair reaching this conclusion are as follows:
  - (a) All the evidence before the Chair points to the Comment being made by a Winchmore player, identified as wearing the 'No.5 jersey'. This is identified to be Mr Atkins by Mr Simou, the Captain of Winchmore.
  - (b) Mr Simou's evidence is reliable as he was standing by Mr Atkins and within ears hot of the Comment. The Chair finds Mr Simou to be a credible witness with the evidence he presents being clear that Mr Atkins made the Comment which led to an immediate reprimand.
  - (c) Although Mr Atkins did not tender a statement, he has provided an email summary of his version of events. Mr Atkins corroborates that he did make the Comment. However, Mr Atkins has stated that he did not intend for this to be racist or anti-Semitic.
  - (d) The Chair does not accept this and finds that when playing against a rival team, one that is identifiably Jewish (as described by Mr Lenchner), it is more likely than not that Mr Atkins knew that the Comment was an anti-Semitic trope and if he did not, he was shutting his eyes to the obvious.

- (e) The Chair accepts that the Maccabi player made hurtful comments to Mr Atkins and therefore, it is more likely than not that Mr Atkins wanted to say something hurtful back to the Maccabi player, which was the basis for the Comment.

### Decision on Sanction

12. Having found the charges proven, the Chair consulted Mr Atkin's disciplinary record and notes that although there are no further misconduct cases, a number of cautions have been entered against Mr Atkins' disciplinary record.
13. The Chair considered the *FA Sanctioning Guidelines 20/21* in relation to breaches of E3.1 and E3.2 for using foul or abusive language, including reference to ethnic origin, race, religion or belief.
14. It is at the Chair's discretion to vary a sanction (within its appropriate range) where there are aggravating or mitigating factors present.
15. The Chair considered if there were any aggravating or mitigating factors that should be taken into consideration when deciding the sanction.
16. In terms of mitigating factors, the Chair took into consideration Mr Atkins admission in making the Comment and the comment made by the Maccabi player that provoked Mr Atkins. In terms of aggravating factors, the Chair noted there was some previous disciplinary history.
17. Accordingly, the Chair imposed the following sanctions:
- (i) A 9 match suspension;
  - (ii) A fine of £90.00; and
  - (iii) To complete a formal education programme (as mandated by the FA) within 4 months of this Decision.
18. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton  
CFA National Disciplinary Panel Chair  
30 April 2021