

Football Association Disciplinary Commission

(‘The ‘Commission’)

Sitting on behalf of Berks & Bucks FA

In the matter of Jack Powell (Case number 9519685M)

Disciplinary Commission Decision

Webex Hearing 25th October 2018

1. The following members were appointed by The FA to the Commission: Mrs. Stacy Newnham-Payne, Mr. Les Pharo and Ms. Vivienne Aiyela.
2. Ms. Rachel Scase from Leicestershire & Rutland FA acted as Secretary to the Commission.
3. Mr. Jack Powell was charged with a breach of FA Rule E3 Improper Conduct. It was further alleged that this breach of Rule E3(1) was an “aggravated breach” as defined in Rule E3(2) as it includes a reference to race.
4. The relevant sections of FA Rule E3 (p. 113-114 of the FA Handbook Season 2018-2019) state:

“(1) A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

“(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.”

5. This case was brought by Berks & Bucks FA following a complaint made of words and conduct at a match played on 16th August 2018. It was alleged Mr. Jack Powell said to an opposing player ***“you fucking paki cunt”***.
6. Mr. Jack Powell responded to the charge, pleaded not guilty and requested the matter be dealt with in his absence. The burden of proof was on the Berks & Bucks F.A. to prove on the balance of probability. The balance of probability standard means that the Commission would be satisfied an event occurred if the Commission considered that, on the evidence, the occurrence of the event was more likely than not.
7. In advance of the hearing, the Commission had received and read a small bundle of documents including written submissions from Mr. Michael Cofie (Referee), Mr. Duane Watkinson (Player) and Mr. Jack Powell; together with Facebook Messenger Screenshots.
8. The Commission were aware for the charges to be made out in full in this instance, there were the following tests to be satisfied:
 - a. Did Jack Powell make the alleged comment?
 - b. Did those comments amount to a breach of FA Rule E3(1)?
 - c. Were the words used also an “Aggravated Breach” pursuant to FA Rule E3(2); namely in respect of race?
9. The Commission reviewed the above-mentioned written statements and found, upon the balance of probabilities, the charges proven. The Commission was satisfied that the statement of Mr. Duane Watkinson was reliable. Further, the Commission noted the referee’s observations as to Mr. Watkinson’s behaviour immediately after the alleged incident. The Commission felt it could not place much weight upon the relied upon Facebook screenshots.

10. The Commission therefore proceeded to determine sanction and consulted the 2018-2019 Sanction Guidelines. Mr. Jack Powell's record was considered, and it was noted there were no relevant charges to be taken into consideration.
11. The Commission was mindful of the sanctions guidelines which required the Commission to start at an entry point of a suspension of 5 matches together with a £75.00 fine. The Commission felt, on this occasion, the matter was not further aggravated. As such, the sanction imposed was a 5-match suspension, £75 fine and 6 penalty points.
12. Mr. Jack Powell is also required to attend an online FA education course within four months of the original notification of this decision; details of which will be provided by The FA. Failure to complete the mandatory FA Education course within the relevant timeframe shall initiate the automatic suspension of Mr. Jack Powell from all football and football related activity until such time as the mandatory FA Education course has been successfully completed.
13. This decision is subject to the right of appeal in accordance with the relevant regulations within The FA Handbook.

Stacy Newnham-Payne

Chairman

26th October 2018