

# THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

*Sitting on behalf of Berks & Bucks Football Association*

## CONSOLIDATED PERSONAL HEARING

*of*

**PHILLIP READ<sup>[L]</sup><sub>[SEP]</sub>**  
**RISBOROUGH RANGERS FC**

*and*

**RISBOROUGH RANGERS FC**

---

## THE DECISION AND REASONS OF THE COMMISSION

---

### INTRODUCTION

1. The Football Association (“The FA”) convened a Disciplinary Commission (“the Commission”), on behalf of the Berks & Bucks Football Association to adjudicate upon disciplinary charges levied against Mr Phillip Read of Risborough Rangers FC (“PR”) (Case ID number: 9958767M) and Risborough Rangers FC (“the Club”) (Case ID number: 9933912M) arising from a match between Risborough Rangers FC First v Didcot Town FC Development on 7<sup>th</sup> September 2019.
2. The Disciplinary Commission members were Mr Davide Corbino (Independent FA appointed Chair), Mrs Louise Dorling (Member of the FA National Wing Persons Panel) and Mr John Martin (Independent FA appointed Member). Mr Alastair Kay of Berks & Bucks Football Association acted as the Secretary to the Commission. Mr Mark Eaton (Club Manager) represented PR; Ms Jones of Counsel represented the Club.

3. By letter dated 4<sup>th</sup> October 2019, PR was charged with misconduct for a breach of FA Rule E3, namely for an allegation of Improper Conduct (including foul and abusive language). The charge alleged PR's language/behaviour towards the opposing supporters and/or coaches was foul and abusive.
4. By letter of the same date, the Club was charged with misconduct for a breach of FA Rule E20, namely for an allegation that the Club failed to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion. It was further alleged that such misconduct was aggravated by reference to an individual's sexuality and/or race.
5. PR denied the charge and requested a personal hearing. The Club had initially denied the charge but on 14<sup>th</sup> November 2019 notified the County FA that they accepted the charge and requested a personal hearing to advance a verbal plea of leniency. Accordingly, a personal hearing was convened.
6. As the offences were alleged to have been committed during and after the same match and there was related or common Association evidence, the proceedings against PR and the Club were consolidated, as per Regulation 13 of FA Disciplinary Regulations – General Provisions of the FA Handbook Season 2019-2020, and were therefore considered at a joint hearing.

### **PRELIMINARY ISSUE**

7. The Commission was conscious that the details of the charge against PR, as contained in the charge letter dated 4<sup>th</sup> October 2019, alleged that he had used foul and abusive language/behaviour towards supporters/coaches only. The Commission was mindful that the written evidence predominantly alleged that PR used foul and abusive language/behaviour towards a player and thus, it appeared as if there had been an oversight in the drafting of the charge letter.

8. PR notified the Commission that he took no objection to the detail of the charge being amended. The Commission also considered that PR had not suffered prejudice by the oversight. Thus, in accordance with its discretion under Regulation 4 of FA Disciplinary Regulations, the Commission proceeded to consider whether PR used foul and abusive language/behaviour towards an opposing player in addition to opposing supporters and/or coaches so that the real substance of the charge could be considered.

### **EVIDENCE**

9. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case. <sup>{L}</sup><sub>{SEP}</sub>

#### *PR – Improper Conduct (including foul and abusive language)*

10. With regard to the case against PR, the Commission heard live evidence from Caelan Isaac, Didcot Town Development player; Mark Coles, Didcot Town Development Assistant Manager and Physiotherapist; Lee Matthews, Didcot Town Development Manager; and Dawid Michno, Didcot Town Development Assistant Manager. In summary, all witnesses stated that the person who had been abusive towards both Caelan Isaac and Dawid Michno was not the person who now identified himself as PR at the hearing.
11. PR gave live evidence before the Commission. In PR's oral evidence, he denied having been the person who was abusive to any Didcot Town player or member of staff.

*The Club – Failing to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion*

12. The Commission considered the following written evidence:
13. Alistair MacDonald, Match Secretary of Didcot Town Development stated that he witnessed Caelen becoming upset. At first he thought he had been booked or sent off as he was remonstrating with the referee. Mr MacDonald stated that by the time he walked round the game had almost finished and it was then that he heard for the first time that some of the comments might have been racist.
14. Caelan Isaac, Didcot Town Development player stated that during the entirety of the second half, he was the victim of racial and homophobic abuse from a woman supporting Risborough Rangers. Mr Isaac states that throughout the game, he was called, “little nigger”, “gay prick” and “black cunt”. The woman also said to him that she “bets I have a small dick”. Mr Isaac states another spectator also called him a “nonce”. After having been subject to this abuse, Mr Isaac describes himself as being “visibly distraught and didn’t know what to do with myself”.
15. Dawid Michno, Assistant Manager of Didcot Town Development, states that he became alarmed when Caelan turned to the crowd as he had been subject to abuse during the whole game, which he understood could be considered as racist abuse. Mr Michno states that Caelan then said that he was racially abused and the referee stopped the game. However, the people that were responsible continued at which point Mr Michno stepped in to intervene and this was met with an aggressive response.
16. Lee Matthews, Manager of Didcot Town Development, stated that he was first alerted to the incident when there was shouting and commotion at the sideline nearest him, where Caelan was present. Mr Matthews states that at this time, he did not know there was racist abuse involved. He then noticed that the referee looked concerned and asked for the opposing team managers

and the chairman. The referee asked that spectators were moved due to on-going abuse, which Mr Matthews was told was racist abuse. Mr Matthews states that during the break in play a man wearing a sweatshirt with the Risborough Rangers badge on it continued to abuse Caelan.

17. Jack Hollister, Didcot Town Development Player, stated that he was on the field of play for only 30 minutes and spent less time in the area the woman was stood, but in that time they were subject to constant abuse. He did not hear specific racist abuse, but did hear other derogatory terms used.
18. Callum Young, Didcot Town Development Player, stated that during the game, a woman was constantly hurling abuse at Caelan, which included comments such as “sissy”, “he has a small black dick, and gesturing her pinky finger” and “little cunt”. Mr Young states that there were two other men who were joining in with the insults. There was also another woman who said, “go back crying to your mum you little boy”.
19. Kieran Collins, Didcot Town Development Player, stated that as he warming up he could hear Caelan being shouted at. Mr Collins states that he also heard someone shout, “you smell like shit”.
20. Sam Eeles, Didcot Town Development Player, stated that from the start of the second half there were a group of fans stood on the sideline where the right back was defending; two men and two women. Mr Eeles stated that one of the women had decided to torment Caelan and called him “rubbish” and stated, “you can’t go home to your mummy now”. Mr Eeles stated that as the game went on, the abuse got worse and he reported to the referee that the abuse became homophobic, calling players “sissys and gay”. Mr Eeles states that Caelan was singled out.

### **BURDEN & STANDARD OF PROOF**

21. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

22. 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.

### **DECISION**

23. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission members. We have to assess the credibility of the witness (that is whether a witness is attempting to tell the truth) and the reliability of the witness (that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon).

24. Where there are discrepancies between witnesses, it is for us to accept which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for us to assess if the discrepancy is important. Having considered which evidence we accept and reject, we then have to decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.

25. The determinative issue, therefore, was whether the Commission was satisfied, on the balance of probability that the evidence before us proved that it was PR who had made the comments as alleged.

26. The Commission was satisfied that the incident occurred as alleged. However, given that the County FA witnesses' live evidence was clear that it was not PR, the person present at the hearing, who made the alleged comments, the Commission unanimously found the charge against PR to be not proven.

### **SANCTION**

27. The Commission went on to consider sanction in the Club's case.

28. We were informed of the Club's disciplinary record. The Commission noted that the Club had two previous breaches of Rule E20. One was for an accumulation of penalty points. In addition, the Club was fined £75 for a breach of Rule E20 in 2017. The Commission noted that neither breach was aggravated under the definition of FA Rule E3(2).
29. The Commission considered that the misconduct was aggravated by the following features; the abuse was aggravated by reference to race and sexual orientation and the words used abhorrent; the abuse was sustained and deliberate; it was targeted towards a particular individual; it had a significant effect on that individual (who described being visibly distraught).
30. The Commission further considered with care the contents of the statement of Mr Richard Woodward, Chairman of the Club, dated 14<sup>th</sup> November 2019. Ms Jones also presented a verbal plea in mitigation. Ms Jones invited the Commission to consider the following:
- i. The Club has arranged for diversity training to be delivered by Kick it Out on 4<sup>th</sup> December 2019. Players, coaches and officials across all teams are to attend, and the spectators identified as perpetrating the abuse towards Caelan Isaac have been invited to attend also;
  - ii. Kick it Out signage and materials are to be displayed throughout the ground and the club house. Additional signage is to be displayed at the entrance point to the ground and in each end of the main stand which is to outline the zero tolerance approach the Club takes to abusive language and discrimination;
  - iii. There will be a page in the match day programme outlining the zero tolerance approach that the Club takes to abusive language and discrimination;
  - iv. In recognition of the abhorrence of the spectators conduct towards Caelan Isaac, the Club have banned them indefinitely from matches. The club will reconsider their position if they attend the Kick it Out training on 4<sup>th</sup> December 2019;

- v. The Club are sincerely apologetic with regard to the treatment Mr Isaac had to endure;
  - vi. The two previous breaches of FA Rule E20 were not aggravated breaches;
  - vii. The Club had recently attained community club status; and controlling spectators was not always an easy task.
31. The Commission accepted the Club had learnt from the incident, and was impressed and gave credit for the positive action the Club had taken subsequent to the incident. The Commission also accepted that the Club was contrite for the treatment the player had been subjected to during the game and gave credit for its guilty plea (albeit late).
32. The Commission determined that the starting point for this misconduct was within the high end of the spectrum, involving as it did, repeated abuse of an aggravated nature. After having given due weight to the Club's mitigation, guilty plea and the significant steps it had taken since the incident, the Commission found that the particular offence fell at the high end of the medium range of seriousness of such offences for which FA guidance recommends a fine of between £75 and £150.
33. In accordance with FA guidance, we imposed:
- i. A monetary penalty of £150;
  - ii. Seven Penalty Points.
34. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

**Mr Davide Corbino (Chair)**

**Mrs Louise Dorling**

**Mr John Martin**

21 November 2019