

**Decision of the Football Association
Disciplinary Commission
Non-Personal hearing**

County: Berks & Berks FA

Participant: Darren Nelson

Participant's Club: Tilehurst Panthers

Dates of decision: 2 October 2021

Plea: Accepted

Warning: This document contains offensive language. The document also relates to minors and must not be circulated without written consent of the Football Association.

Introduction

1. The Misconduct Charge relates to a match played by Tilehurst Panthers ("the Club") against Ashridge Park U15 Girls ("Ashridge") on 18 September 2021.
2. It is unclear who initially reported the matter to the Berks & Berks County Football Association ("the County").
3. The incident subject to this charge happened at a match played by the Club against Ashridge Park U15 Girls ("Ashridge") on 18 September 2021.
4. The matter related to the incident of Improper Conduct by the Club's coach Darren Nelson ("Darren") towards the Match Official, Jack Payler ("the Referee") who is a minor.

Charge

5. **On 22 September 2021, Darren** was subject to the following charge by the County:
 - **Charge 1: FA Rule E3:** Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour);
 - **Allegation:** It was alleged that Darren's language and behaviour towards a Match Official (the Referee) was threatening and/or abusive.

The Rules

6. **The FA handbook 2021/22 state the following:**
 - **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 anyone, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

The Reply

7. As per the Charge letter dated 22 September 2021, Darren was required to respond to the Charge by **6 October 2021**.

Disciplinary Commission Member:

8. **Naila Hadid ("the Commission")** was appointed by the FA to adjudicate on the matter as Chair alone.
9. For the purpose of fairness, the Commission is independent from the relevant parties and does

not have a conflict of interest to declare. The Commission's decision is based on the evidence provided sent and this is outlined below.

The Hearing

10. The Hearing of the charge took place by the Commission on 2 October 2021.
11. The Commission was provided and read the bundle of documents which was 14 pages in total.
12. The following is a record of the salient points and evidence which the Commission considered. It does not purport to contain reference to all points made, however the absence in these reasons of any particular point should not imply that the Commission did not take such point into consideration when the Commission determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regards to this case.

Evidence

13. **Charge sheet:** The Commission noted that the Charge sheet did not include details of the allegation. It only included that *Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that his language/behaviour towards the Match Official was threatening and/or abusive.*
14. **Email correspondence dated 20 September 2021 from James Wyper ("James") of the Club in response to the County's enquiry:** The Email correspondence included:
 - i. **a copy of the Referee's report (neither signed nor directly emailed by the Referee):**
 - The Referee provided detailed summary of the incidents that happened during the game. In particular he said that from the beginning Darren criticised his refereeing. He also said that at one point Darren called him "**rubbish**" and as the same behaviour continued, he asked him to leave the pitch and wait in the car park. The Referee said that Darren refused and when the Referee asked him again, he said "**Are you gonna come and meet me in the car park?**"
 - The Referee said that further incidents happened because of which he asked Darren to leave the pitch again. However, he did not do so but moved behind the barriers and stopped making any further comments.
 - The Referee said that Darren apologised at the end of the game.
 - ii. **Email from Geoff Bull ("Geoff") of Ashridge to Rob:** The content of the email is general correspondence and not specific to the allegation. Geoff confirmed that when the parents of his Club noticed Darren's behaviour towards the Referee, they supported the Referee. He also said that Darren apologised at the end of the game.
 - iii. **Email from Kerry (role unknown) to Geoff:** Kerry gave a summary of the incidents. Kerry also said that Darren has stepped away from coaching on match days, apologised to the Referee and their teams and parents.
 - iv. **Email from the Referee to County dated 20 September 2021:** In response to the County's enquiry, the Referee said that Darren's 'demeanour was quite forceful'. He was loud and aggressive and as the game had stopped for a free kick everyone heard and saw Darren's behaviour towards him. The Referee said that he felt threatened by Darren's offer of meeting him in the car park.

15. Email correspondence from Geoff to the County dated 21 September 2021 with statements from the following parents/supports:

- David Masters
- Adam Morgan
- Joanna Daley
- Carys Dean
- Abhishek Awashthi

16. The Commission noted that the statements are neither signed nor directly emailed from the individuals. The Commission took full note of the content of the statements.

Response to the Charge

17. The Response form included with the Panel documents had selected the *Guilty and to be dealt by correspondence* option and had a typed comment that form was submitted online dated 23 September 2021.

Standard of proof

18. The burden of proof rests with the County FA. The standard of proof is the civil standard of the 'balance of probability'. In simple terms that means the Commission must be satisfied on the evidence, that it was more likely than not that an event had occurred.

Outcome

19. As the Charge was accepted by Darren, there was no requirement for the Commission to consider evidence to determine liability and therefore, the Commission moved to consider sanction.

Previous Disciplinary Record

20. The Commission was provided with the Darren's disciplinary record for the past five seasons.

Mitigation

21. Darren did not provide any mitigation. However, from the papers submitted, the Commission considered the following mitigating factors:

- Darren apologised for his behaviour at the end of the game;
- He has apologised to his team, the Club and the opposition team;
- He has stepped down from coaching on match days.

Aggravating factors

22. The Commission considered the following matters as aggravating factors:

- the nature of the offence is of a profoundly serious nature;
- The offence is against a Match Official;
- Repeated threatening behaviour and language towards a match official;
- The Match Official is a minor;
- It was a youth game and as such the incident happened in front of minors.

The FA guidance on Sanction

23. As per the Sanction Guidelines 2021/22, the recommended sanction for this offence:

- Between 56 days - 182 days (or matches where appropriate) with a recommended entry point of 112 days prior to any aggravating or mitigating factors.
- There will also be a fine of up to £150.00 with a mandatory minimum of £75.00.
- Regulation 101.3 Threatening a Match Official “*an order that the Participant completes an education programme before the time-based suspension is served*”.

Sanction

24. After having considered the seriousness of the incident, aggravating factors, mitigating factors, the guidelines sanctions under FA Rule E3 and the Disciplinary Sanctions Guidelines issued by the FA, the previous disciplinary record, the Commission orders that:

- i. Darren is to be suspended from all football activities for **56 days**;
- ii. Fine of **£90.00**;
- iii. The Club is to be given **seven penalty points**;
- iv. As per Regulation 101.3 Darren must complete the relevant **online education course** before the time-based suspension is served.

25. There is a right of appeal against this decision in accordance with the relevant provisions set out in the prevailing FA Rules and Regulations of the Association.

Naila Hadid

2 October 2021