

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

*Sitting on behalf of the Berks and Bucks County Football Association in
the case of*

JOE SMITH

Discipline Commission: Royston Schafer, Chair
 Jane Hodge
 Peter Sowton

Secretary Shane Comb

Date: 1st February 2021

1. This is the decision and written reasons of the Discipline Commission considering the case of Joe Smith (“JS”) of Stony Stratford Town Football Club.

2. By necessity, this is a summary document, and does not purport to contain all evidence and submissions. For the avoidance of doubt the Commission carefully considered all the written evidence, before us.

3. Joe Smith was acting as an Assistant Referee for Stony Stratford Town.

4. By charge letter dated 8th January 2021 JS was charged with

FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour)

5. The Rule Provides.

F.A. Rule E3

“(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.”

6. During a North Bucks District league Division Two match, Stony Stratford Town V MK Wanderers Reserves, played on 5th December 2020 Joe Smith was acting as an assistant referee for Stony Stratford FC. During the 2nd half he was relieved of his duties having allegedly used offensive language towards the referee and thrown the referees flag to the ground. At the conclusion of the match he is alleged to have approached the referee and asked why the referee had overruled a decision he had made. He was then alleged to have attempted to head butt the referee who took evasive action and then used offensive language and threatening behaviour towards him.

7. Joe Smith denied the charge brought under FA Rule E3 (1) and requested a personal hearing. The hearing was held on Monday 1st February 2021 via WebEx, a computer based system used by the Football Association.

8. The match referee, Fred Price said that Mr. Smith was a replacement assistant referee during this match. In the second half he had to replace Mr. Smith also because he used offensive language to the referee by calling him a “Prick” and then throwing the assistants flag to the floor. This had materialised because the referee had overruled a signal from Mr. Smith for offside.

At the conclusion of the match Mr. Smith approached the referee and questioned the referees decision to overrule him. At this point Mr. Smith attempted to head butt the referee who took evasive action and in doing so prevented being struck with the head. Mr. Smith was then alleged to have punched out towards the referee but had been prevented from doing so by nearby players who took Mr. Smith away.

During questioning the referee said he did not recall having met Mr. Smith before this match and recalled that this was a good competitive match where he had awarded a couple of penalties. There were no cautions during the game and when the game finished everyone was saying that it was a good match including the coaches of the teams. He stated that Mr. Smith approached him asking why he had been overruled. I said, “I can only give what I see”. He continued and stated that Mr. Smith started swearing and arguing and then attempted to head butt him in the face. He took evasive action by moving his head back. Mr. Smith then came back towards the referee but players came in and took him away. He said that Mr. Smith tried to come back yet again but had been held off by players. In answer to a question he said that when Mr. Smith approached him after the game he didn’t appear angry and when asked why he had been replaced the referee told him that he had used offensive language towards him by calling him a “Prick”. He then just snapped and

went berserk. The referee confirmed that no contact had been made with the head or as a result of an attempted punch. The referee was however confident that had he not have taken evasive action then he would have been struck in the face. He was asked what specific offensive words were used and he said he was called “fucking shit”. The referee said that Mr. Smith was stood directly in front of him whilst they were talking. The referee was specifically asked if he had thrown a punch or attempted to head butt Mr. Smith, which he denied. He said he had been refereeing for 30 years and would never do a thing like that.

When questioned by Mr. Smith the referee again said that as far as he was aware he had not met him before that match. He said he had met many people during the course of refereeing matches but did not remember meeting Mr. Smith.

9. The next County Witness was Jak Jenkins, the manager of MK Wanderers Reserves. He stated that 2 separate assistant referees had been sent off during the match, one of whom was Mr. Smith. The first assistant was sent off over a throw in and the second one over an offside decision. He stated that after the game he was doing a team talk when he became aware of a heated discussion taking place between the referee and Mr. Smith who he recognised as being the assistant referee that had been sent off. He said that Mr. Smith made a forward movement with his head and a scuffle took place. Some players became involved and took Mr. Smith away. He said there had been a heated discussion. During questioning he confirmed he was about 30 yards away but said he had a clear view. He recalled that the referee and Mr. Smith were side on to him so he was able to see what had taken place. He stated that the referee and Mr. Smith were stood very close to one another when they were talking. He recalled seeing the referee bringing his head back following a movement of the head by Mr. Smith and he went to describe where this altercation had taken place. He said the referee stated, “He just head butted me”. Mr. Jenkins confirmed he did not hear any of the initial conversation that had taken place between the referee and Mr. Smith. When asked if he knew the referee, he confirmed that he would see him about 3 times a year when refereeing matches for his club but said some of the players would know him because he referees in the Power League which some of them play.

He stated he did not know Mr. Smith and said it was unusual to have 2 assistant referees sent off during a match. He said this was the first match that Stony Stratford had lost all season. His players drew his attention to the incident. He confirmed that he did not see if there was any contact made by the head but said the referee looked visibly shaken and scared as a result of this.

As a result of a question from Mr. Smith he confirmed that he was approximately 30 yards from the incident.

There were no further county witnesses and both the referee and Mr. Jenkins left the meeting.

10. We then heard from Mr. Smith who represented himself. He stated that he did not know what had happened with the first assistant referee but he was asked to run the line and he had done it a few times before. The game had gone well. He stated the incident happened and I will not cheat. I put my flag up, they carried on and Wanderers were given a penalty. I stayed there with my flag up. The ref hadn't seen me so I went onto the field. I said, "Are you going to ask me why I got the flag up". He said, "it's a penalty". At this stage I petulantly threw the flag down. I am baffled that the ref said he doesn't know me. After the game I went over and said "Talk me through why you did what you did". The ref said, "I can only give what I see". I said, "You are nothing but a cheat". There were 2 or 3 players there, the coaches and me and Fred. He threw his head forward and I said "Did you fucking well try and head butt me there". They pulled me away and words were exchanged. If I had wanted to head butt him then I could have. I admit I lost it. Fred put his head forward' we was 2 or 3 yards away from each other and this is laughable. No one ever thinks a ref would do that. I lost it. Mr. Jenkins, I think he said I head butted the ref. He said we were so close but we were 3 yards apart.

Mr. Smith was wearing glasses at the hearing and was asked if he was wearing glasses when acting as an assistant referee. He said he doesn't need them for long distance so wasn't wearing glasses. In response to questions he said there were about 4 players and maybe 1 coach present but wasn't 100% sure. When asked about his and the referees position after the game he said they weren't side by side. He was asked why a referee would try and head butt him if they were 6 feet or more apart. He said he couldn't understand it. I just lost it when he did. He was asked that when he lost it, would it have been possible that he threw a punch but stated he never threw a punch. From accounts given it was described that he had been pulled away, to which he said, "Yes because of what the ref had done". He agreed that he had tried to move forward towards the referee but said he was annoyed with what he had done. He accepted that he had lost the plot. When asked if he believed the referee was afraid he stated that he wasn't first of all because they were only talking. Referring to Mr. Jenkins comment that the referee appeared scared he stated he didn't know because he was pulled away. He stated there was no contact because we were nowhere near each other. I said to the ref "You tried to fucking head butt me. Who the fucking hell do you think you are".

That's when the players held me back. I did call him a cheat. At no point did I try and head butt him. I had done nothing wrong. He was the one who tried to head butt me.

Mr. Smith did not call any witnesses in support of his case and left the meeting. Prior to leaving he agreed that he had had a fair hearing and a full opportunity to put his case.

11. In considering whether these charges were proved, we referred to the specifics of the charge. The standard of proof required for this matter is the balance of probability. This means that we have to be satisfied, based on the evidence that it was more likely than not that Joe Smith had used improper conduct against a match official which included physical contact, threatening behaviour and abusive language or behaviour. Whilst it was accepted that there was no evidence of physical contact, the admissions of verbal abuse and having to be restrained by other participants to prevent a physical assault amounted to threatening behaviour. The commission therefore agreed unanimously that the charge was proven..

12. We noted that Mr. Smith had no previous record over the past 5 years and when considering the level of sanction we took into account the seriousness of the facts and the mitigating circumstances.

13. We were guided by the sanctioning guidelines for Breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour). The recommended punishment for an offence of this nature carries a 182 day suspension plus a fine of £150.

14. .We therefore considered the following suspension to be fair and proportionate

A. 182 days suspension from all football to commence from the restart of football

B. £150 fine of which £100 is suspended for one year

C. 7 penalty points

D. Hearing fee deposit forfeited

15. The decision is the subject to the right of appeal under the relevant FA regulations.

Royston Schafer (Chair)
Jane Hodge
Peter Sowton

2nd February 2021