

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearing

of

**JORDAN PHILLIPS
(Sporting 77 FC)**

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 14th October 2018 Sporting 77 Football Club played in a match against Dunmow Rhodes in the Braintree & North Essex Sunday League (the match)
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the match referee. This contained allegations of an assault by Jordan Phillips of Sporting 77 FC.
3. Essex FA commenced an investigation into the allegations and raised charges

The Charges

4. Jordan Phillips was charged under FA Rule E3 – Assault by participant on Participant
5. The details of the charge against Jordan Phillips were contained in the charge letter: *“I was the referee at the fixture concerned and my report was sent by the Whole Game system on Monday last week. I also spoke with Fran (ECFA) to highlight the seriousness of this incident and the fact that police investigations were underway.”*
6. The relevant section of FA Rule E3 states:
“If a Match Official’s report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a Match, the Affiliated Association shall, without delay investigate the referee’s report”

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) Statements from the match official
 - (ii) A letter from Sporting 77 Youth Football Club
 - (iii) A statement from Andrea Alexander of Dunmow Rhodes FC
 - (iv) A statement from Jordan Phillips
 - (v) Photographic evidence of injuries received.

The Reply

8. Jordan Phillips responded to the charge pleading guilty

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
Mr Wayne Deller (Chairman)
Mr Alan Dare (Essex FA Council Member)
Mr Andy Schooler (Independent)
10. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The non-personal Commission took place at the Essex County Football Association Headquarters on 9th November 2018, commencing at 8:00pm and finishing shortly before 8:45pm.
12. The Commission had received and read the bundle of documents prior to the hearing.

The following is a summary of the principal submissions 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 submission, should not imply that the Commission did not take such point, or submission, into consideration when it determined the matter. For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished with regard to this case.

13. On 23rd October 2018 the match official responded to a request from Essex FA asking for further details by stating: *"I was the referee at the fixture concerned & my report was sent via Whole Game on Monday last week. I also spoke with Fran to highlight the seriousness of this incident & the fact that police investigations were underway. It was indeed a cowardly attack with the perpetrator taking advantage of a mass group of players to punch Harrie who had no ability to defend himself & was not directly involved in any direct action with this person. I am happy to help in any way I can. I would mention that the club for whom the perpetrator played, Sporting 77, were as shocked as us to the severity of the punch. They immediately ordered their player away from the ground & within a few hours had suspended their player. Copies of their correspondence has been sent to ECFA."*
14. On 22nd October 2018 a statement from Andrea Alexander of Dunmow Rhodes FC was received stating: *"This incident was an unprovoked brutal assault. One punch to the face. (See photos) As I mentioned earlier, his cheek bone is shattered and he has a hole in his bone. (See X-Ray). Today at Broomfield Hospital he has had a metal plate put in his cheek bone. He is under the care of the plastic surgery team. Whilst he was under the Anaesthetic he had his nose re-aligned, re-stitched inside and out, as this was a flap, pulled away from his face by the force of the punch. Also, the inside of his mouth has been stitched. He is staying in hospital overnight. He has been advised he needs to have his teeth checked by a dentist. He has been told he may not be able to continue to play football. He is unable to work at the moment. He is a young lad and has struggled to cope with the enormity of it all. It has been a huge shock to him and his family (his twin also plays in our team) and the team as a whole. He and his family are happy for you to access his medical records if needed. This has also been reported to the Police. Harrie and his family wanted you to be fully informed of the extent of his injuries."* This statement was accompanied by photographic evidence, including X-Rays, of the players injuries.
15. A 15th October 2018 copy of a letter from Sporting 77 Youth Football club to Jordan Phillips stating: *"Dear Mr Phillips, The club cannot condone your actions during today's fixture Sporting 77 FC v Dunmow Rhodes FC. We write to confirm that you have been placed under a temporary suspension from any club involvement, pending any subsequent County FA action. Your membership of the club & registration with Sporting 77 FC (S) will be terminated on conclusion of the suspension. We will keep you updated with the situation, and any outstanding fees or fines will need to be paid prior to the suspension being lifted. I trust the above is clear, if you have any questions, please reply by email or post."* This was forwarded to Essex FA.
16. A statement from Jordan Phillips (the charged party) was also forwarded to the ECFA stating: *"First of all, I'd like to express again my biggest apology for my actions, I can't stress enough how much I am hurt by the damage I have caused, I can't imagine how the guy is feeling. This was completely out of character and I have felt sick to my stomach the moment I did it. I have played football for 23 years of my life non stop minus a 5 month period where I was injured and I have never received a red card prior to this and my yellow cards have been minimal, Never once been in trouble with the police and this was massively out of character, I have always been the one to calm such situations down. I'm not here to tell anything but the truth, so I'll now explain my version of events from my point of view, as although I don't condone my actions whatsoever I disagree with certain statements including the referees view in which he said 'it was a cowardly attack and I took advantage of the situation and punched an innocent person' and I would like to put across how I saw it. It all started from their number 9 play acting, he was vigorously waving an imaginary card at the referee for an alleged push from behind, in which sparked a reaction from all those from our team in frustration at his actions, he then went down holding his face rolling about implying he had been attacked, which most laughed at and a few very angry at this individual. I even heard the referee say 'it's people like you that bring this game into disrepute' which I totally agreed with. Whilst the guy was on the floor, everyone was crowding round in anger at his actions and one of our younger lads run over, laid on the floor with him and vented his frustration verbally in an aggressive way. This caused everyone to start pushing and things got very heated, at this point I was about 5 yards away from the situation as the referee had told people to go away, I then saw the guy in question run over and kick our player on the floor whilst he was talking to the guy play acting on the floor aggressively. This sparked further aggression and pushing between players, I then saw him smirk after doing this and I threw one punch without thinking and then instantly felt sick, their number 10 run at me in which I fell over and had 6/7 players surrounding me whilst laying on the ground, My team mates ushered them away and I was told to wait off the pitch until the referee had sorted the situation, once the referee had issued me the red card I went to the changing rooms got changed and left the ground and was crying for the best part of an hour and felt what I can only describe as the worst feeling and guilt I've ever endured, this is not a statement for sympathy, I*

take full responsibility for my moment of madness, again as I said this was completely out of character, I'm 28 years old, I have a family, a little girl at home and it's something that I will never forgive myself for. I'd give anything to go back and change what I've done."

Standard of Proof

17. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
18. 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.

Findings

19. From the documentation that we read there was no doubt that there was an attack causing actual bodily harm on an opposing participant.
20. From the documentation that we read and the admission of guilt by the charged party it was clear that the assault had been carried out by Jordan Phillips (the charged party).
21. The Commission were satisfied that the photographic evidence and X-Rays submitted confirmed that the assault had caused a substantial level of actual bodily harm requiring surgery and an overnight stay in hospital.
22. Having carefully considered the whole of the documentation before us the Commission members:
 - (i) Unanimously concluded that the charge against Jordan Phillips under FA Rule E3 Assault by Participant on Participant, was Proven.
23. The Commission determined that the level of sanction in this case was High due to the severity and long lasting effects of the assault.

Sanction

24. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to this case. This was suspension of 5 years and a fine of £150.00
25. The Commission carefully considered the statement made by Jordan Phillips in mitigation and noted there was no previous discipline record for this individual.
26. The Commission also noted that whilst Mr Philips had pleaded guilty and apologised for his actions he had also attempted to justify his actions by reference to the match official and alleged incitement by the assaulted party.
27. The Commission unanimously agreed that there was insufficient mitigation to warrant reducing the sanction from the level recommended in the FA Guidelines and imposed a suspension of 5 years.
28. The Personal commission further determined that the previous playing record of the charged party warranted a degree of mitigation and reduced the fine imposed to £100.00 charged
29. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. Wayne Deller (Chairman)
Mr. Alan Dare
Mr. Andy Schooler
Friday 21st November 2018