

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

CALLUM SPENCE

of

Woodbrook United (S) FC

Case Number: 9875813

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 17th March 2019 Woodbrook United (S) FC. played in a match against Mustard Worms (S) FC in the Basildon & District Sunday Football League (the match)
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the match referee. This contained allegations of Violent Conduct by Callum Spence of Woodbrook United
3. Essex FA commenced an investigation into the allegations and raised charges

The Charges

4. Callum Spence was charged under FA Rule E3 – Improper Conduct-Standard punishment clearly insufficient.

The details of the charge against Callum Spence were contained in the charge letter “I did not hear any exchange of words between the players and spectators nor do I know what provoked the mayhem that was about to ensue but suddenly one spectator had entered the pitch with his arms raised and his fists clenched. One player was now the centre of attention – Callum Spence. Spence was now swinging his arms and trying to hit anyone from the opposition. He connected with two individuals who both sustained bleeding to their faces. However what I did not see because so many players and spectators were involved in a small area was that a spectator who had entered the field of play was now on the ground covered in blood being nursed for severe facial injuries. I don’t know if he slipped over on the wet and muddy pitch or if he was hit and knocked down but eye witnesses told me later that he had sustained the injuries from being kicked in the face by Spence. I am unable to personally confirm if this is what actually happened..... For the record I issued Spence with a red card for his violent conduct”

5. The relevant section of FA Rule E3 states:
“In truly exceptional circumstances, an Affiliated Association may seek to increase the disciplinary consequences of a sending off offence by making a claim that the standard punishment is clearly insufficient. An Affiliated Association may bring such a claim where it is satisfied that the standard punishment otherwise applicable to the sending off offence would be clearly insufficient. Such claims may only be made by an Affiliated Association in the following sending off offences (a) serious foul play (b) violent conduct (c) spitting at an opponent or any other person.

Documentation

6. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) Statements from the match official
 - (ii) A witness statement from the Dan Twine – Chairman of Mustard Worms
 - (iii) A witness statement from Tom Rosborough – Manager of Mustard Worms
 - (iv) A witness statement Davis Pearce – a player for Mustard Worms
 - (v) A witness statement from Kieran Stobbie – a spectator
 - (vi) A witness statement from Reiss Curtis-Farrell – Secretary of Woodbrook United
 - (vii) Various photographic evidences of the injuries sustained by Mr Barnes and two players.
7. On the 17th March 2019 the Chairman of Mustard Worms had submitted a long written witness statement the relevant parts of which stated “The foul took place on the half way line right next to the touch line where a number of spectators were standing next to each other. One of these was a Woodbrook FC substitute believed to be called Harry Bull and immediately next to him Mr Barnes, a 60 year old man who is the father of Charlie Barnes (*Mustard Worms player*) Although Mr Barnes is the father of Charlie Barnes he is not affiliated with Mustard Worms in any way at all and was only at the match to watch Charlie play. Immediately after the foul Harry Bull began shouting at Charlie Barnes calling him a “ginger cunt” Charlie responded by shouting back and telling him to shut up. Harry Bull then came onto the pitch and confronted Charlie. As Mr. Barnes saw Harry running onto the pitch, towards his son, he followed after him. By this time players from both sides were milling around and shouting at each other.....I must

stress that at this point no punches been thrown it was just two teams all jostling and shouting at each other.

8. Mr Barnes, was, by this point, in the middle of the commotion and slipped in the mud and fell down onto the floor. As he was on the floor, a Woodbrook player, believed to be Callum Spence, completely out of the blue, swung his leg back and kicked Mr Barnes in the face. I did not see this happen but a number of other people did and I have included their statements in this report. Our manager Tom Rosborough who saw the incident, confronted Callum Spence and asked him "what are you playing at?" to which Callum replied "You want some as well do you?" and before Tom could reply Callum punched him in the face three times knocking him to the floor. I was quite close to Tom at the time and shouted at Callum and he swung punches at me too connecting with my lip and drawing blood. Callum was out of control, had taken his shirt off and was winging his fists and swearing at anyone who came near him. He was chased around the pitch and car park by a number of players and eventually left the scene. Following this the situation diffused itself. A number of Woodbrook players apologised for their player's actions and everyone calmed down. Mr Barnes was taken to hospital and treated for his injuries which include a broken nose and a fractured eye socket.
9. The relevant parts of the written statement from Tom Rosborough said "An exchange of words was had between a Woodbrook individual and Steve (*Mr Barnes*) and both were irate with each other. Steve slipped in the mud with the wet conditions and the Woodbrook player deciding this would be the best time to wade in and kick him in the face/head whilst he was down and unable to defend himself. Seeing this incident I rushed over to try and prevent the player from assaulting him any longer and to try and prevent any more clashes between people was asked "Do you want some too?" Before I could respond I was hit several times in the face with punches when I had no intent of any violence whatsoever."
10. In his written statement Davis Pearce said "I saw a lot of players pushing and shoving but I was closest to Steve. I saw Steve (*Mr Barnes*) trying to act as a peacemaker and in doing so he slipped right in front of me. As he was on the floor Callum Spence came from behind me and savagely booted Steve in the face."
11. A spectator, Kieran Stobbie, reported "As I was observing on the side line there was a massive huddle between both teams and I saw Steve Barnes in the middle of it all. I turned away for a quick second and the next thing I know he's on the floor and I see a player from the opposing team, and I saw his leg swing and he booted Steve Barnes in the face directly and I heard the connection from a fair distance away."
12. The relevant parts of the statement from Reiss Curtis Farrell said " ".....he's not having any of it, next thing he's father and brother are on the pitch trying to square up to our players, then his father tries to take a cheap shot and tries to hit one of our players from behind without him knowing, my player run over to stop him from trying it again, their number 15 'G' comes over throwing punches at my player so natural reactions he started to fight back out of he's own safety."
13. The match official had been absolutely clear in his misconduct report and in stating that he did not see the alleged assault on Mr. Barnes.
14. The Commission again reviewed the photographic evidential material of the injuries to Mr. Barnes, Tom Rosborough and Dan Twine

The Commission

15. The Discipline Commission members appointed by the Essex County Football Association were:
 - Mr Wayne Deller (Chairman)
 - Ms Sheryl Macrae (Essex FA Council Member)
 - Mr Andy Schooler (Independent)
16. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
17. The Commission took place at the Essex County Football Association Headquarters on 20th June 2019, commencing at 10.00 am and finishing shortly before 10.45 am

18. The Commission had received and read the bundle of documents prior to the hearing.
19. 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.

The Reply

20. There was no response from Callum Spence regarding the charge

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.

Findings

23. From the documentation that we read there was no doubt that there was a confrontation between Mr Callum Spence and Mr. (Steve) Barnes
24. The photographic evidence was, in the opinion of the panel members, clear and unequivocal evidence that Mr Barnes had received serious and potentially life changing injuries. The panel also noted the injuries to Tom Rosborough and Dan Twine
25. Having carefully considered the whole of the documentation before us, the Commission members unanimously concluded the charge against Callum Spence under FA Rule E3 Improper Conduct - Standard punishment clearly insufficient was proven.
26. The Commission determined that the level of sanction in this case was High due to the severity and effects of the assault.
27. The Commission reviewed the player's previous misconduct record in mitigation and noted that Callum Spence had no previous misconduct record.

Sanction

28. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to this case. This was at the discretion of the Commission.
29. The Commission unanimously agreed that there was insufficient mitigation to warrant reducing the sanction significantly and determined that the appropriate level of sanction should reflect the FA recommended sanction for an Assault on Participant by Participant and imposed a suspension of five years from all football.
30. In recognition of the previous record of Mr Callum Spence the Commission determined two years of the suspension to be served immediately, with the additional three years of the sanction suspended dependant on his future good conduct.

31. 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)

Ms. Sheryl MacRae

Mr. Andy Schooler

Monday 24.06.19