

Disciplinary Commission (“The Commission”)
On behalf of Gloucestershire FA
In the matter of Mr Ben Anderson - Case ID: 10307128M
Hearing Summary including Written Reasons

The Commission

1. This is the hearing summary and the written reasons for the decision of the Disciplinary Commission which convened by Webex on Tuesday 24th November 2020 to consider the above matter.
2. Mr Nick Leale (Chairman), Mr Steve Francis and Mr Trevor Brock were the Commission members appointed by the FA to consider the case. Mr Chris Lucker of Gloucestershire FA was appointed by the FA as Commission Secretary.

The charges

3. Mr Anderson was charged by Gloucestershire FA in respect of the following matters:
Charge 1: FA Rule E3 - Improper Conduct against a match official (including physical contact and threatening and/or abusive language/behaviour).
Alternate Charge 1: FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour).
The charges followed the alleged misconduct of Mr Anderson (of Fairford Town FC) during a match between Fairford Town FC and Kington Town FC on 24th October 2020.

Key background facts and evidence

4. The following is a summary of the key submissions provided to the Commission. It does not contain reference to all the points or submissions made and the absence of any point does not mean that it has not been considered.
5. For the avoidance of doubt, the Commission have carefully considered all the evidence and materials in respect of this case.
6. Gloucestershire FA had received an incident report form from the match referee David Sallis dated 25th October 2020.
7. It was alleged that, after being sent off by Mr Sallis in the 82nd minute, Mr Anderson threw the match ball at Mr Sallis which hit him on the ankles without bouncing.
8. On 6th November, Gloucestershire FA informed Mr Anderson's club of the misconduct charges being brought against him, as outlined above.
9. Mr Anderson denied the allegations, stating that he was returning the ball to the referee. He attended the hearing with his club's first team manager Jody Bevan.

Summary of further relevant evidence

10. The written evidence considered by the Commission included:
 - The incident report form prepared by match referee David Sallis;

- Observations dated 29th October 2020 of Fairford Town FC Secretary Nick Stevenson;
- Written response of Ben Anderson dated 19th November 2020.

10. The Commission heard oral evidence from:

- i) David Sallis (match referee). Mr Sallis stated that Mr Anderson threw the ball towards him from what he thought was around 20 yards, from his chest area in a push throw motion. The ball made contact with his ankles on the full. No abusive language was used. Mr Sallis stated that as he had sent Mr Anderson off, he believed it was more likely that Mr Anderson threw the ball at him rather than that he was returning the ball to him.
- ii) Ben Anderson. Mr Anderson stated that he picked the ball up as leaving the field of play with the sole intention of returning the ball to the referee.
- iii) David Legg (Fairford Town FC Reserve Team Manager). Mr Legg stated that Mr Anderson did throw the ball towards the referee in a downward motion from his midriff area. It was not thrown in an underarm motion. Mr Legg stated that Mr Anderson's actions may have been petulant in nature. The ball did make contact with Mr Sallis.
- iv) Miles Arnold (Fairford Town FC player). Mr Arnold stated that Mr Anderson, after being sent off, picked up the ball and lightly threw it at Mr Sallis with no malicious intent.

Decisions and reasons

- 11. The Commission carefully considered all of the written and oral evidence provided.
- 12. The burden of proof rests with the County FA.
- 13. The standard of proof is the civil standard; the balance of probability. In simple terms, the Commission has to be satisfied, on the evidence, that it was more likely than not that an event had occurred.
- 14. The Commission unanimously found the charges proved. There was no dispute that Mr Anderson threw the ball towards Mr Sallis and that the ball made contact with him. The only issue in dispute was Mr Anderson's intention. Taking the evidence as a whole and, in particular the context in which they took place in that Mr Anderson had just been sent off, the Commission were satisfied that it was more likely than not that Mr Anderson was not returning the ball to the referee and did throw the ball at Mr Sallis in an act of frustration and/or petulance.

The Commission noted that Mr Anderson's team manager Mr Legg stated that it may have been a petulant action and in a written response to Gloucestershire FA Fairford Town FC Secretary, Nick Stevenson, stated that Mr Anderson regretted his actions, wished to apologise to the referee and that his actions had been childish and brought about by his frustration at being sent off.

The Commission also accepts that the ball was thrown with a low level of force and without malicious intent. It was entirely an act of frustration, however, it is an inescapable fact that Mr Anderson's deliberate act of throwing the ball towards Mr

Sallis caused the ball to make contact with him. It was a deliberate act of making physical contact with the referee that was not accidental.

16. Mr Lucker advised that Mr Anderson's disciplinary record showed no previous misconduct matters.

17. The recommended sanction for such an offence is a 182 day suspension and £150 fine. The mandatory minimum sanction for such an offence is an 84 day suspension and £100 fine.

The Commission placed Mr Anderson's proved misconduct at the lowest end of the scale of offences of this kind. As stated above the Commission concluded that the ball was thrown with minimum force and was as an act of frustration. The impact caused no injury and no physical discomfort to Mr Sallis. There was no person to person contact made. The ball was thrown from some distance. No abusive language was used. Although Mr Anderson did not accept the intention behind his actions he did show remorse for the fact that his actions caused the ball to make contact with Mr Sallis. The Commission therefore considered that the imposition of the recommended sanction would be excessive in the circumstances.

The Commission considered that a fair starting point with regard to sanction, when taking into account solely Mr Anderson's actions, was the minimum sanction of 84 days. However, Mr Anderson continued to deny the intention behind his actions throughout his hearing and for this reason the Commission concluded that an uplift of 28 days from the minimum sanction was appropriate and commensurate in this case.

18. The Commission therefore imposed the following sanction in respect of this matter:

- 112 days suspension (from playing and refereeing only – effective 6th November 2020);
- a fine of £100 (plus forfeiture of the hearing fee);
- 8 club disciplinary penalty points.

19. This decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Nick Leale (Chairman)

24th November 2020