



## **Football Association Disciplinary Commission**

**The Football Association on behalf of**

**Gloucestershire FA**

**v**

**James Phillipps Case ID: 10569781M**

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### **WRITTEN REASONS**

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#### **Factual Background and Chronology**

1. These are the Reasons for the decision of the Disciplinary Commission which was heard by a One Person Commission at 18.00 on 14<sup>th</sup> November 2021.
2. The Commission member was Mr Michael Cloherty (National Serious Case Panel).
3. The following is a record of the main points which the Discipline Commission considered.
4. The charge in question arose following a game between Port of Bristol FC and AFC Bristol 1st on 30<sup>th</sup> October 2021. Following the fixture a report was provided to Gloucestershire FA and details of the allegation were contained within this report.
5. By letter dated 19<sup>th</sup> October 2021 Mr James Phillipps, a player for Port of Bristol was charged with breach of FA Rule E3 – improper conduct against a match official (including threatening and/or abusive language/behaviour).

6. Mr Phillipps provided a reply to the charge and he denied the misconduct charge and requested that the matter be dealt with at a non-personal hearing .

7. **The Relevant FA Rules**

**FA Rule E3 ; Improper Conduct against a match official**

96.1 *Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.*

**Penalty for breach of Rule E3; Improper conduct against a match official.**

101.1 *suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days.*

101.2 *a fine of up to £100, with a mandatory minimum fine of £50.*

101.3 *an order that the Participant completes an education programme before the time-based suspension is served.*

**The Evidence**

8. The Commission had before them the following items to consider:
- (i) A typed report dated 31<sup>st</sup> October 2021 from Mr Craig Colquhoun, referee for the fixture who reported that after the end of the game he was in the changing rooms when he was approached by Mr Phillipps who shouted at him 'You're not the ref now you just an ordinary bloke so fuck off'. The match official reported that Mr Phillipps turned to a fellow player and said 'I'm doing everything in my power not to, but I just want to....' And he turned away and the referee did not hear the end of the sentence. The match official concluded his report by outlining that he believed the words were intended to intimidate him and he removed himself to prevent an escalation.
  - (ii) An undated typed statement from a person only identified as Van from Port of Bristol who reported that Mr Phillipps denied making the comment.

**Decision**

9. As part of its work the Commission reminded itself of the standard of proof which was required in order to find the charge proven, which was on a balance of probability.

10. The decision of the Commission was to find the charge, against Mr Phillipps, of FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) proven on the balance of probability.
11. The factors taken into consideration in reaching these conclusions were the following;
  - i. The referee provided credible evidence against Mr Phillipps which included insulting and threatening words and behaviour which he believed was intended to intimidate him.
  - ii. The only response from Mr Phillipps is a limited statement from a person from his club and he denied making the comment.
  - iii. Mr Phillipps told the official to 'fuck off' which is offensive and abusive.
  - iv. Mr Phillipps second comments are believed to be an attempt to make the official believe that he would be subject of personal violence and the official took action to prevent an escalation which would clearly indicate that he felt threatened.

### **Sanction**

12. Having found the charges proven The Commission was able to consider mitigation.
13. The Commission was then advised of Mr Phillipps' previous misconduct record over the previous five years which showed he had a clear record.
14. Due to the lack of response from Mr Phillipps there are no other mitigating factors to be considered.
15. There were no other aggravating factors.
16. The Commission referred to the Disciplinary Sanction Guidelines of the FA Handbook 2021/22 in arriving at its decision regarding sanction.
17. Having weighed up all of the factors, the penalty imposed by the Commission was as follows;
  - i. Mr James Phillipps will be suspended from all football related activity for 112 days.
  - ii. Mr James Phillipps is fined the sum of £50.
  - iii. Mr James Phillipps is ordered to complete an online education course prior to the end of his time based suspension. Failure to do so will result in a sine die suspension until the online course is completed.
  - iv. Mr James Phillipps is warned as to his future conduct.
  - v. Port of Bristol FC is awarded 7 penalty points.

18. There is the right to appeal in accordance with the FA Regulations

14<sup>th</sup> November 2021

Mr Michael Cloherty