

**Disciplinary Commission ("The Commission")**  
**On behalf of Gloucestershire Football Association (Glos. FA)**  
**In the matter of**  
**Mr. Kevin ASHWOOD - Case ID:10854504M**

**Hearing Summary including Written Reasons**

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Wednesday 24<sup>th</sup> August 2022.

2. Glos. FA had raised the following charges against Mr. Kevin Ashwood:-

Charge 1: FA Rule E3 – Improper Conduct (including foul and abusive language);

Charge 2: FA Rule E3.2 - Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

Those charges were detailed as follows:-

*"Details:...It is alleged that Kevin Ashwood (a player associated with Wick FC and Chipping Sodbury Town FC) published abusive and/or indecent and/or insulting language contrary to FA Rule E3.1 on Facebook towards The FA and Gloucestershire FA on 20 July 2022. It is further alleged that this is an aggravated breach as defined in FA Rule E3.2 because the words used include reference to Religion and Disability, "as corrupt as the Church of England" and/or "...all the mongos running the fa gfa etc..." (sic).*

The charges had been raised following alleged misconduct by Mr. Ashwood in posting a response to a "Facebook" posting by Glos. FA in respect of the FAs decision to trial the removal of heading in U12 matches and below.

3. Glos. FA became aware of a posting under the name "Kevin Ashwood" which stated *"The gfa As corrupt as the church of England U and all the mongos running the fa gfa etc are killing the game"* (sic)
4. As a result of that posting Glos. FA undertook an investigation during which it sought a statement from Ashwood. In his statement dated 28<sup>th</sup> July 2022 Mr Ashwood said, *"...I apologise for making the post which I did in anger as a response to proposed rule changes by the FA. I am passionate about our game and it's history and tradition, and I become annoyed at what I consider to be unnecessary change. As soon as I reflected on my post, and realised that it could be viewed as offensive, I took the post down."* (sic)

5. At the conclusion of the investigation Glos. FA raised the charges against Mr. Ashwood on 15<sup>th</sup> August 2022.
6. On-line responses were received from Mr Ashwood in which he entered a plea of “Accept -Correspondence” in respect of Charge 1 and “not guilty” in respect of Charge 2 and thus indicating he was content for the matters to be dealt with in his absence.
7. A further written response was received from Mr Ashwood in which he said, “...I acknowledge that I posted comments on my social media account which were taken down prior to receiving this charge. I am a firm believer in free speech but accept that this should be within reason. On reflection I removed the post shortly after posting, therefore I wish for this to be taken into consideration. I strongly deny using a term relating to disabilities and I am upset that you believe that I did. I have family with disabilities so would not use language aimed toward a disability. If you are referring to my use of the word mongos, this is a word I use for incompetent people. This word or meaning is not in the dictionary. With regard to religion, I hold strong views that many religious groups (including the Church of England) exercise an abuse of power. I believe that I am entitled to my views, which I believe I am allowed to express as my right to free speech. I accept that others may not share my views, that is why my post was taken down. I am known as an abrupt person but this is just my manner, and it is not meant to be offensive. Because of this I have chosen not to ask for a personal hearing as my normal manner may not help my hearing. However I am what I am, and I am especially passionate and vocal about football, it’s rules and governance. I apologise if my post was seen as offensive.” (sic)
8. The foregoing 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 the member determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.
9. As Mr. Ashwood had accepted Charge 1 the Commission was initially only concerned with determining whether Charge 2 had been proven.
10. In respect of the matter the burden of proof is on the County that raised the charges. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

11. After considering all the available evidence in respect of the charges raised against Mr Ashwood the Commission was content to accept his plea in respect of Charge 1 and determined, on the balance of probabilities, that Charge 2 had been proven. In coming to those decisions it found:-
- Mr Ashwood accepted that his posting could be considered by others as being offensive;
  - he had alleged that Glos. FA was “*As corrupt as the church of England*” and by inference that applied to those persons running and/or employed by it;
  - whilst Mr Ashwood may state he only uses the word “*mongos*” as a reference to “*incompetent people*” it was what a person who reads his comment takes as its meaning;
  - a person or persons within Glos. FA had considered the word “*mongos*” to be an implied reference to disability;
  - the use of the word “*mongos*” was an implied reference to disability;
  - the reference to “*The gfa As corrupt as the church of England*” in constituting a breach of FA Rule E3.1, also included an express reference to religion or faith and therefore was an “*aggravated breach*” as defined in defined in FA Rule E3.2.
12. Mr. Ashwood’s disciplinary record over the last 5 years was then considered. It showed a previous recorded aggravated breach in respect of a match in November 2021 for which he had received a 6-match suspension, a fine and mandatory attendance at an education course. He had also been sent off for using offensive etc. language in October 2018.
13. Reference was also made to FA Rules E3.1, E3.2, paragraphs 27, 45, Appendix 1 to Part A: Section One: General Provisions and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It noted that there was a presumption that the sanction for a second or further “*aggravated*” offence would be higher than the top end of the Sanction Range (i.e. 12 matches) however an immediate suspension of no fewer than 7 matches was to be imposed, with mitigating and aggravating factors also being taken into account.
14. The Commission considered if there were any mitigating or additional aggravating factors in respect of the matter before it. It found the only mitigating factors to be the fact he had apparently taken down the post at an early stage and, by his acceptance of Charge 1, that it constituted foul and abusive language. Additional aggravating factors were found in this being his second “*aggravated*” breach within 8 months, his lack of remorse, his belief that he has the right to exercise freedom of speech whilst failing to understand that others may find his comments offensive.

15. Having taken into consideration all the facts in the matter the Commission determined that the following sanction be imposed:-

- a suspension from all football for 12 qualifying matches;
- a fine of £80;
- a requirement for Mr. Ashwood to undertake the on-line FA Equality & Diversity Module before the completion of his 12-match suspension. If he fails to do so within that timescale he is to be suspended from all football activity until such time as he is in compliance with this order. Details of the course will be provided to him;
- 10 disciplinary penalty points imposed.

16. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

T. Edwards, Chairman

24<sup>th</sup> August 2022