

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIRPERSON SITTING ALONE**

*Sitting on behalf of Gloucestershire County Football Association*

**CORRESPONDENCE HEARING**

*of*

**WILLIAM BALDWIN**

**[Case ID: 10859500M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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Warning: This document contains foul and abusive language.

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### **Introduction**

1. On 11<sup>th</sup> August 2022 Weston under Penyard Firsts played Sling 1<sup>st</sup> Team in a West Dean Charity League Junior Section Fixture, collectively called “the match”.
2. Gloucestershire County Football Association (“Gloucestershire FA”) received a report of Improper Conduct against a Match Official following the match.
3. Gloucestershire FA investigated the reported incident.

### **The Charge**

4. On 17<sup>th</sup> August 2022 Gloucestershire FA charged William Baldwin (“the Participant”) with;

FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

It is alleged that William Baldwin, Captain of Sling FC used threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in the FA Regulations.<sup>1</sup> This refers to the allegation that Mr Baldwin acted in a confrontational manner towards Referee Kevin Peck after the player’s dismissal during the match.

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<sup>1</sup> Paragraph 96.1 Page 194 of the FA Handbook 2021/2022

5. The relevant section of FA Rule E3.1 states:

*E3.1 A participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.*<sup>2</sup>

6. Gloucestershire FA included with the charge letter the evidence that it intended to rely on in this case.

7. The Club was required to respond to its charge by 31<sup>st</sup> August 2022.

### **The Reply**

8. The Club response to the charge was received on 30th August 2022 and was “Accept – Correspondence”.

### **The Commission**

9. The Football Association (“The FA”) appointed me, Ian R. Stephenson, as a Chair Person Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chair Person Sitting Alone to adjudicate in this case.

### **The Hearing & Evidence**

10. I adjudicated this case on 5<sup>th</sup> September 2022 as a Correspondence Hearing (“the Hearing”).
11. I had received and read the bundle of documents prior to the Hearing.
12. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all of the evidence and materials furnished with regard to this case.
13. The following evidence was provided in the case bundle:
14. An FA Extraordinary report submitted by Kevin Peck dated 16<sup>th</sup> August 2022. Mr Peck confirmed that he was the Match Official and stated and I quote;

*“Mr Baldwin Home Captain acted in such a manner with his threatening behaviour that at one point I actually felt for my safety he had to be restrained by his team mates from physically getting to me after being sent off.*

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<sup>2</sup> Page 124 of the FA Handbook 2021/2022

*Game in question was on 11<sup>th</sup> August at Sling vs Weston under Penyard kick off at 1830 I believe the fixture may have been switched as I was paid by the away team Weston under Penyard FC.*

*Mr William Penyard was the captain of Sling FC.*

*The incident happened in the second half of the match, Mr Baldwin struck an a member of the opposition team who then retaliated, they were both dismissed.*

*After being shown the red card Mr Baldwin then screamed at me that 'he wasn't fucking having it' and I wasn't sending him off, he repeatedly said that he wasn't having it, he was restrained by at least 2 of his team mates, as he appeared to be coming towards me to confront me, he continue to swear at me telling me that he wasn't being fucking sent off, I showed him the red card 3 times and told him to leave the field. I told him that I would report him and he said he didn't give a toss. I found this behaviour to be very intimidating, as he appeared to be coming towards me.*

*I am not sure of the names of the team mates that restrained him.*

*Mr Baldwin continued to shout abuse from the side of the pitch shouting that 'I had ruined the fucking game' I reminded him again that I would report him and he continued to swear at me, telling me he didn't give a toss.*

*There were a number of families present who witness this behaviour, and also both team coaches.*

*My main concern was that if this had been a younger referee, this could off put them off the game for life. This is the worst behaviour and reaction I have seen after sending a player of the field of play in the last 6 years that I have been a referee.*

*The above is honest and true reflection".*

### **Evidence in response to the Charge**

15. There was no evidence received in response to the Charge.
16. That concludes all of the evidence that was provided to the Commission.

### **Standard of Proof**

17. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

### **The Findings & Decision**

18. The Commission reminded itself that the burden of proving a Charge falls upon the County FA, in this case it falls upon Gloucestershire FA.

19. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, that is whether the witness is attempting to tell the truth, and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.
20. Where there are discrepancies between witnesses, it is for the Commission to accept which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and which to reject, the Commission then has to decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.<sup>3</sup>
21. It should be noted that where direct speech is quoted in a witness statement, I have recorded it exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typo errors.
22. In summary:
23. It was alleged that the Participant used threatening and/or abusive and/or indecent and/or insulting language/behaviour against a Match Official as defined in FA Regulations<sup>4</sup>.
24. It was specifically alleged that the Participant acted in a confrontational manner towards the Match Official after the player had been dismissed during the match.
25. The Participant accepted the Charge.
26. There were no other witnesses to the incident/s in the match.
27. Mr Peck was the Match Official. He described the Participant's behaviour at one point to cause him to fear for his safety as he (the Participant) had to be restrained by his team mates from physically getting to him after he had been sent off.
28. Mr Peck stated that after showing a red card to the Participant he screamed "*he wasn't fucking having it*" and was then restrained by at least two of his team mates. Mr Peck actually showed the red card three times in an effort to get the Participant to leave the pitch, telling him that he would be reporting him. The Participant's response was that "*he didn't give a toss*".
29. Having been sent off the game restarted and the Participant continued to shout abuse from the side of the pitch shouting to the Official that he had "*ruined the fucking game*". When the Official informed him that this would also be reported the Participant continued to swear at the Official again telling him that "*he did not give a toss*".
30. Threatening behaviour against a Match Official is defined as "*words or action that cause the Match Official to believe that they are being threatened*".<sup>5</sup>

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<sup>3</sup> Paragraph 4 page 2

<sup>4</sup> Paragraph 96.1 Page 194 of the FA Handbook 2021/2022

<sup>5</sup> Paragraph 96.1 Page 194 of the FA Handbook 2021/2022.

31. The language used by the Participant is clearly foul and abusive and his actions in needing to be restrained from getting to the Match Official when shown the red card were interpreted by the Official as concerning for his personal safety.
32. Clearly such behaviour, as alleged, amounts to threatening conduct in itself, and after considering the evidence, and taking into account that the Participant accepted the Charge, the Commission found the E3 charge PROVEN
33. It was noted that neither the Participant, or his Club, presented any evidence in relation to the matter, nor was any mitigation presented. Consequently, the Commission only had the evidence presented from the Match Official to consider, evidence which was accepted by the Participant.

### **Previous Disciplinary Record**

34. After finding the Charge proven the Commission sought the Participant's offence history. The Participant has no previous finding of misconduct recorded against him during the past five Seasons and credit will be awarded for this.

### **Mitigation**

35. No formal mitigation was submitted following the Charge.

### **The Sanction**

36. The Commission reminded itself that in a case of Improper Conduct including Threatening Language / Behaviour against a Match Official, the Participant shall be the subject of a suspension from all football activities 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.<sup>6</sup>
37. A fine of up to £100.00, with a mandatory minimum fine of £50.00.<sup>7</sup>
38. An order that the Participant completes an education programme before the time-based suspension is served within 28 days of the Disciplinary Commission's decision, whichever is the later.<sup>8</sup>
39. The Commission noted that the Participant had accepted the Charge and credit is given for "*guilty plea*".
40. The Commission noted that the Participant had no other findings of Misconduct recorded against him during this Season, or during the previous five years and credit is allowed for this for having previous good character.
41. There are however aggravated factors to this case which cannot be ignored. The Participant clearly refused to leave the field of play when he was shown the red card and the Match Official

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<sup>6</sup> Paragraph 101.1 Page 195 of the FA Handbook 2021/2022

<sup>7</sup> Paragraph 101.2 Page 195 of the FA Handbook 2021/2022

<sup>8</sup> Paragraph 101.3 Page 195 of the FA Handbook 2021/2022.

had to show the red card three times before the Participant left the field of play. Throughout this, the Participant had to be physically restrained from getting at the Match Official and when he did leave the field of play, he continued to shout abuse at the Match Official from the side-lines. It was also noted that there were families in attendance at the game and this behaviour presents a negative image on the game.

42. The Commission considered that the appropriate sanction to be imposed was:

- i. A suspension from all football activities for a period of 112 days.
- ii. A monetary fine of £75.00 (Seventy-Five pounds).
- iii. The Participant **MUST** attend an online Education programme. This **MUST** be undertaken before the time-based suspension is served.
- iv. Failure to comply with this order will result in a Sine-Die suspension being issued against the Participant until they have fulfilled this order in its entirety.
- v. He is formally warned as to his future conduct.
- vi. 7 Club Disciplinary points to be recorded.
- vii. The sanction is formally imposed.

43. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: *Ian R. Stephenson*

FA National Serious Case Panel Chair

5<sup>th</sup> September 2022.

