

Case ID: 10440345M

IN THE MATTER OF MISCONDUCT CHARGES UNDER RULE E3.2 OF THE RULES OF THE FOOTBALL ASSOCIATION

BETWEEN:

GLOUCESTERSHIRE FOOTBALL ASSOCIATION

and

KIERON ARCHER

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**DECISION AND REASONS**

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**The Charge**

1. On 27 June 2021, a match was played between Straight Outta Lockdown FC and Have You Seen This Chicken. Kieron Archer was a player for Straight Outta Lockdown FC.
2. Following this match, Mr Archer has been charged by the Football Association (“the FA”) with a breach of FA Rule E3 Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour) and it is further alleged that this constitutes Physical Contact or Attempted Physical Contact Against a Match Official. This refers to the allegation that Mr Archer threw his player’s bib into the Referee’s face.
3. Mr Archer is subject to a second charge of a breach of FA Rule E3.2 Improper Conduct aggravated by a person’s disability. This refers to the allegation that Mr Archer made the comment “the referee is blind” (or similar).
4. Mr Archer has denied the charge and has requested the case is dealt with via correspondence. In accordance with the FA Rules, Ellie Menezes was appointed as Chairwoman to the Disciplinary Regulatory Commission Panel (“the Commission”) to determine this case.

## **The Evidence**

5. The Commission considered a pack of documents, which included the charge letter, evidence in support of the charge and the response to the charge.

## **The Relevant FA Rules**

6. FA Rule E3.1 states:

*“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.”*

7. FA Rule E3.2 states:

*“A breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following :- ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.”*

8. Paragraph 96.2 of the FA’s On-Field Regulations states:

*“Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment)”.*

## **The Evidence Considered**

9. The Commission considered the following written statements provided in the case pack.
10. The Commission considered a written statement provided by the Referee, Kevin Watkins, which provided the following information:
  - 10.1. In the 10th minute of the second half, Mr Archer did not agree with a “50/50” decision made by the Referee.
  - 10.2. The Referee was standing on the half-way line, while Mr Archer was swearing loudly approximately 25-30 yards away, saying “shit decision”, “referee is blind”, “crap venue” and “cheating referee”. The Referee was wearing glasses at the time.

- 10.3. The Referee stopped the game and asked Mr Archer to approach him if he had an issue with the decision he had made. Mr Archer then ran 30 yards towards the referee at “full pace” and threw a bib at the Referee’s face from 1 yard away.
  - 10.4. Mr Archer then left the pitch and started swearing loudly behind the goal. The Referee restarted play and the final 7 minutes of the game were played.
  - 10.5. After the game, the players from Straight Outta Lockdown FC apologised for Mr Archer’s behaviour and said it would not happen again. The event manager, Paul Tyler, stated that Mr Archer is banned from the venue after the incident but not from the team.
11. The Commission considered a written statement provided by Paul Tyler, the League Co-Ordinator. The statement provided the following information:
- 11.1. Mr Tyler witnessed Mr Archer approach the Referee and shout “you’re a shit ref”. Mr Tyler witnessed Mr Archer throw his bib into the Referee’s face whilst continuing to shout abuse.
  - 11.2. After throwing his bib in the Referee’s face, Mr Archer walked behind the goal whilst shouting “you’re just a shit ref”.
  - 11.3. Mr Tyler states he attempted to calm down Mr Archer, but Mr Archer then started to shout at Mr Tyler in a very aggressive manner, such as “don’t tell me to calm down, this is a shit venue with shit referees.” Mr Tyler walked away from Mr Archer due to his aggressive manner.
  - 11.4. After the match had finished, Mr Tyler approached several of Mr Archer’s teammates to understand what had happened. The players apologised for his behaviour and stated that their opponents had wound him up.
  - 11.5. Mr Archer has been banned from the competition after such a recommendation by Mr Tyler.
12. There was no evidence provided by Mr Archer or Straight Outta Lockdown FC.

### **Findings of Fact**

11. Based on the written evidence, the Commission made the following findings of fact on the balance of probabilities.
  - 11.1. During the match, Mr Archer disagreed with a decision made by the Referee. Mr Archer then shouted several abusive comments towards the Referee. These include the comments: “shit decision”, “Referee is blind,” “you’re a shit ref” and “cheating Referee.”

11.2. Mr Archer ran towards the Referee from a distance of approximately 30 yards at full pace and threw his bib into the Referee's face from 1 yard away.

11.3. The Commission accepts the evidence of the Referee and Mr Tyler. Their evidence was consistent and the Commission notes that both accounts included Mr Archer's teammates apologising for his behaviour.

### **Conclusion**

12. Based on the findings of fact above, the Commission is satisfied that the charge of the breach of FA Rule E3.2 Improper Conduct aggravated by a person's Disability and the charge of the breach of FA Rule E3 Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour) are proven against Kieron Archer.

### **Sanction**

13. The sanction range for a breach of FA Rule E3.2 Improper Conduct aggravated by a person's Disability is a 6-12 match/42-84 day suspension, with a minimum 6 match/7 day suspension. A fine may also be imposed at the discretion of the Commission.

14. A breach of FA Rule E3 Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour) carries a recommended sanction of a 182 day suspension and a £150 fine. The mandatory minimum sanction is an 84 day suspension and £100 fine.

15. The Commission considered Mr Archer's disciplinary record. Mr Archer has had no other misconduct charges in the previous 5 seasons, dating back to the 2016/2017 season.

16. For the breach of FA Rule E3.2 Improper Conduct aggravated by a person's disability, the Commission considers that the appropriate sanction is:

(a) a suspension of 42 days, together with an additional 49 days to account for the close season, making a total of 91 days;

(b) a fine of £75.00;

(c) an FA online education course to be attended by Mr Archer; and

(d) Five penalty points.

17. For the breach of FA Rule E3 Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour), the Commission considers that the appropriate sanction is:

- (a) a suspension of 120 days, together with an additional 49 days to account for the close season, making a total of 169 days;
- (b) a fine of £100;
- (c) an FA online education course to be attended by Mr Archer; and
- (d) Five penalty points.

18. There is a right to appeal these decisions in accordance with FA Regulations.

Ellie Menezes  
23 August 2021