

**IN THE MATTER OF  
GLOUCESTERSHIRE FOOTBALL ASSOCIATION**

**-v-**

**MATT JACKSON  
(CASE REFERENCE 10483673M)**

**AND**

**MICHAEL MAYES  
(CASE REFERENCE 10483669M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISIONS  
MONDAY 25<sup>th</sup> OCTOBER 2021**

**INTRODUCTION**

1. These are written reasons for the findings of a consolidated Disciplinary Commission (“the Commission”), held on behalf of Gloucestershire FA (GFA), on Monday 25<sup>th</sup> October 2021. The Commission met via videoconference (Teams) to consider misconduct charges against Matthew Jackson (MJ), a registered player with Harrow Hill (HH), and Michael Mayes (MM), the Manager of Upton St Leonards (USL). Charges were raised following a game (“the Match”) between HH and USL in the Gloucestershire Northern Senior League on 11<sup>th</sup> September 2021.

**Comment:** The Commission noted that the actions of MJ are subject to an on-going criminal investigation by the Police.

**PARTIES**

2. The Commission Members, all members of the County FA’s Serious Case Panel, were Anthony Rock (Chair), Martin Hill and Peter Sowton.
3. Isabella Borg (Grassroots Division of the FA) acted as Secretary to the Commission.

**MISCONDUCT CHARGE NOTIFICATIONS**

4. By GFA Misconduct Charge Notifications, both dated 16<sup>th</sup> September 2021, the following charges were raised:
  - a. Charge (MJ) - FA Rule E3 - Improper Conduct - Assault by Participant on Participant.

- Alternate Charge (MJ) - FA Rule E3 - Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour).
- b. Charge (MM) - FA Rule E3 - Improper Conduct (not including threatening and/or abusive language/behaviour).

### **FA RULE E3**

5. The relevant section of FA Rule E3 (The FA Handbook, Season 2020-2021, Chapter 10, Part E, Paragraph 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.*

### **CHARGES**

6. Charges were raised against MJ when, following an off the ball incident in or about the 39<sup>th</sup> minute of the match, he is alleged to have punched an opposition player, Jamie Henshall. The incident was not seen by the Referee so he was unable to take any on-field action. The punch resulted in Jamie Henshall requiring medical treatment and time off work.
7. The charge against MM was raised when, following the off the ball incident referred to above (paragraph 6), the USL players decided that, for safety reasons, with MJ remaining on the pitch, they were unable to continue with the match. The Referee abandoned the match following instructions by the USL Manager (MM) to his players not to continue playing.

**Comment:** The Commission noted that written reasons are required where there is an aggravated element to the charge, or for any serious case involving an assault or physical contact or threatening behaviour towards the Match Officials or for any personal hearing involving assault by participant on participant. In the above cases this would apply to MJ only. However, the Commission deemed it appropriate that the Findings and Sanctions in all cases should be included.

### **PLEAS**

8. On 1<sup>st</sup> October 2021, MJ denied the charges and requested that his case be dealt with by correspondence.
9. On 30<sup>th</sup> September 2021, MM denied the charge and requested that his case be dealt with by correspondence.

### **WRITTEN EVIDENCE**

10. The written evidence available to the Commission consisted of:

- a. County Association Report Form dated 13<sup>th</sup> September 2021, submitted by the Referee, Richard Watkins. Report of the incident in or about the 39<sup>th</sup> minute of the match.
- b. E-mail dated 13<sup>th</sup> September 2021, from Nick Musty (Secretary, USL) to Chris Lucker (GFA). Report from the match, including pictures of the injury sustained by Jamie Henshall. Also included comments from John Green (Secretary, Gloucestershire Northern Senior League) regarding the game being abandoned.
- c. FA Whole Game System screenshots - detailing the not guilty pleas submitted by both MJ and MM.
- d. GFA Misconduct Charge Notifications (MJ and MM) both dated 16<sup>th</sup> September 2021.
- e. Undated statement from Richard Watkins (Secretary, HH).

### **SUMMARY OF EVIDENCE IN THE CASE AGAINST MJ**

11. The foregoing is a summary of the written evidence provided. 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.
12. The Commission noted that, in the absence of an appointed match official, the HH Secretary, Richard Watkins, referee'd the game. In the 39<sup>th</sup> minute, his attention was drawn to an off the ball incident. He noted that the USL player, Jamie Henshall, had his face in his hands and that blood was running from him. The Referee was immediately swamped by USL players telling him that the HH Number 2, MJ, had punched Jamie Henshall and that he had to send him off. The Referee had not seen the alleged punch and therefore was unable to take any action. As he got closer to Jamie Henshall, the Referee could see the cut on his nose. Following a stoppage of around 10 minutes, the Referee tried to re-start the game. He was told by the USL Manager, MM, that if MJ was to remain on the field, then his players would leave the pitch and refuse to carry on. At that point the Referee abandoned the game. The Referee also reported that, once the Police had taken statements, MJ was arrested.
13. In the e-mail submission from Nick Musty (paragraph 10b above) he says that, following a goal kick, MJ came from behind and punched Milly (Jamie Henshall) in the nose, causing significant damage and likely a break. It is not clear if Nick Musty had himself witnessed the alleged assault, or if the details had been reported to him. The Commission noted that there were no observations/statements from any USL player, including the victim, Jamie Henshall. Pictures submitted by Nick Musty show Jamie Henshall with blood on his nose and face, bruising around his eye and stitches to a wound on the bridge of his nose. There is no medical submission stating the specific extent of the injuries nor what treatment Jamie Henshall received. Nick Musty reported

that both the Police and ambulance services were called, and it was his understanding that the Police had arrested MJ. He also reported that Ashley Bick (USL) contacted John Green (Secretary of the League) seeking advice regarding abandonment of the match. John Green confirmed that he had told Ashley Bick that he could not see how the game could continue if the Police were in attendance.

14. The Commission noted that MJ did not submit a statement/observations. He had been advised by his solicitor to plead not guilty to the charges and not to enter into any communication with GFA (paragraph 10e above).

### **FINDINGS IN ALL CASES**

15. The burden of proof is on the County FA meaning it is for GFA to prove each case. The applicable standard of proof in these cases is the civil standard of the balance of probability, sometimes referred to as the 51% test. The balance of probability standard means that the Commission has to be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.
16. **MJ:** The Commission was satisfied that the injuries caused to the bridge of Jamie Henshall's nose and face was the result of a punch and that, on the balance of probability, it was MJ who had punched him. The Commission was also satisfied that MM was unable to defend himself from the unprovoked attack, and that MJ's actions constituted an assault against another player. On the evidence submitted, the charge of Improper Conduct against MJ (Assault by Participant on Participant) was unanimously found **proven**. Having found the assault charge proven, the Commission did not consider the alternate charge of violent conduct.
17. **MM:** The Commission acknowledged that Ashley Bick had phoned the Secretary of the League to seek advice about abandoning the game. In the evidence submitted by Nick Musty, both MM and the USL players had decided that, if MJ remained on the pitch, they would not continue with the game. The Commission determined that MM's actions, informing the Referee that his players would not continue with the game, caused the match to be abandoned and found the charge of Improper Conduct (not including threatening and/or abusive language/behaviour) unanimously **proven**.

### **FA SANCTION GUIDELINES/CATEGORISATION OF OFFENCES**

18. The Commission noted the FA Guidelines/Regulations for the 2021/2022 Season in regard to the sanction for Assault, Participant on Participant (FA Handbook, Chapter 11, Part D, Section 3, Paragraph 105): suspension from all football activities for a period of between 140 days and 5

years, and a fine of £150. Before considering any mitigating/aggravating factors, the Commission placed the offence within the High Category of the FA Sanction Guidelines.

19. In regard to the charge against MM, the Commission noted that the sanction range lay within a match ban of 0-3 games and a fine of up to £40. Before considering any mitigating/aggravating factors, the Commission placed the offence within the High Category of the FA Sanction Guidelines.

### **DISCIPLINARY RECORDS**

20. MJ has one previous proven charge of misconduct. In 2018/2019 he was found guilty of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour), and sanctioned to a 14 day suspension and £30 fine.
21. MM also has one previous proven charge of misconduct. In 2020/2021 he was found guilty of Improper Conduct against a Match Official (including abusive language/behaviour), and sanctioned to a 3-match suspension and £40 fine.

### **SANCTIONS**

22. Taking into account the FA Guidelines and Regulations, nature and circumstances of the offences, misconduct records, submissions and observations, mitigating and aggravating factors, and pleas submitted, the Commission concluded that the following sanctions are to be imposed:
- a. **MJ:** to be suspended from all football and football activity for 1095 days (3 years) and fined £150. The suspension is to be backdated from the start of his interim suspension order, 16<sup>th</sup> September 2021. His Club, HH, are to incur 9 disciplinary penalty points.
  - b. **MM:** To be warned as to his future conduct and fined £15. His Club, USL, are to incur 5 disciplinary penalty points. Whilst guilty of causing the match to be abandoned, the Commission felt that there was significant mitigation regarding MM's decision.
23. In accordance with FA Regulations there is a right of appeal against the decisions.

Anthony Rock (Chair)  
Martin Hill  
Peter Sowton

Monday 25<sup>th</sup> October 2021