

**FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

**GLOUCESTERSHIRE FA**

**V**

**STEVEN FINCH**

**Case ID: 10764013M**

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**WRITTEN REASONS**

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**Background and Chronology**

1. The Football Association convened a Disciplinary Commission (“the Commission”) on Tuesday 04 May 2022 on behalf of the Gloucestershire FA to adjudicate upon disciplinary charges levied against Steven Finch.
2. The charges arose out of a match played on 06 March 2022 between Cam Everside Youth and Southside Star Youth in the Cheltenham Youth League.
3. The Commission Members were Yunus Lunat (Independent Chairman of the FA National Serious Cases Panel), Dr Tehmina Khan and Chris Williams (Independent members of the FA National Serious Cases Panel). Chris Lucker of the Gloucestershire FA acted as secretary to the Commission.
4. By letter dated 18 March 2022 Steven Finch was charged with a breach of FA Rule E3 – Improper Conduct against a match official (including threatening and/or abusive language/behaviour). The details of the charge relied upon an allegation the Mr Finch acted in an aggressive and intimidating manner towards the club assistant referee Ben Guy.

5. An acknowledgement was filed by Mr Finch pleading not guilty and requesting it to be dealt with at a personal hearing.
6. A remote hearing was therefore arranged. The Commission members were those set out in paragraph 3 above. Mr Finch represented himself at the hearing. His club chairman Matthew Arthur was admitted to sit in as observer.
7. The following is a summary of the principal issues and matters considered by the Commission. It does not purport to contain reference to all the issues or matters considered, and the absence in these reasons of reference to any particular point or submission made by any party should not be read as implying that it was not taken into consideration. For the avoidance of doubt, all the evidence and materials furnished was taken into consideration.
8. **The Relevant FA Rules**

Rule E3.1 provides that:

*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.*

*The FA Disciplinary Regulations specify offences against match officials into three categories – Threatening behaviour; physical contact or attempted physical contact and assault or attempted assault. The first is relevant to the E3 charge against Mr Finch.*

*Regulation 96 defines:*

*96.1*

*Threatening behaviour as 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 the hands to intimidate the match official; pretending to throw or kick an object at the match official.*

### **The Hearing and Evidence**

9. The Commission had been provided with a bundle of documents and statements which had been read and considered. The Commission heard from the following witnesses:

Evidence in support of charge:

Bradley Nash

Bradley was the referee. He confirmed the contents of the report he had submitted dated 06 March 2022. Under questioning he maintained that he actually heard Mr Finch shout "*what the fuck do you call that*" towards a Cam Everside player in response to a tackle which he felt was dangerous. Bradley explained that despite awarding a free kick Mr Finch continued to shout abuse at him. Bradley explained that he was in the middle of the pitch (closer to the side Mr Finch was stood) running back and clearly heard and also saw Mr Finch shout the comment. Bradley explained that he did not speak to Mr Finch about the comment as he wanted the match to continue and intended to pick him up on this if there was any repetition.

He was asked about any further incidents occurring, to which he described a coming together with the assistant referee when he threatened to drop the assistant referee. Bradley did not hear this but it was brought to his attention by the assistant referee, so Bradley explained that he intervened and asked Mr Finch to calm down or he would be asked to leave the area. The referee explained that the incident was over the assistant referee trying to keep up with play which resulted in some jostling between them. Bradley explained that he had to step between them and after Mr Finch was asked to calm down, he said that the assistant referee was crying like a baby. Bradley explained that Mr Finch was almost face to face with him at the time.

Mr Finch put to Bradley that he did not swear and actually shouted "*what was that*" in response to which the assistant referee shouted "*get on with it*". Bradley maintained that he was on the half way line and saw and heard the swear word.

Mr Finch put to Bradley that he was actually on the pitch treating his injured player when he made the comment to Bradley and not the Cam Everside player, but Bradley could not recall Mr Finch ever asking to come on to the pitch.

So far as the complaints by the assistant referee were concerned, Bradley explained that he did not witness any coming together between Mr Finch and the assistant referee but that it was the assistant referee who brought it to his attention after which he intervened. Bradley threatened to abandon the match if it continued.

### Benjamin Guy

Ben was the club assistant referee on behalf of Cam Everside. He confirmed the contents of his statement. So far as the first half incident was concerned he maintained that he definitely heard Mr Finch swear but was unable to recall the exact words. He did however recall the reaction of some of the parents which indicated Mr Finch had sworn. He admitted he may have responded to Mr Finch by shouting at him to shut up and get on with the game.

His main complaint was that he was prevented from carrying out his duties by Mr Finch and his assistant who kept having to be told to keep the line clear. This resulted in a minor collision in the second half which Mr Finch alleged was deliberately initiated by Mr Guy. This resulted in a coming together during which Mr Guy alleged that Mr Finch threatened to drop him on a number of occasions. Mr Guy did admit that it was perhaps unwise of him to say to Mr Finch "*grow up*" but at all times maintained that the collision was accidental.

### Stephen Young

Stephen was the Cam Everside manager. He confirmed the contents of his statement. Under questioning he maintained that in the first half he heard Mr Finch swear and shout "*what the fuck you going to do with that ref*". He explained that at the time he was about 10 to 15 metres away from Mr Finch on the same side of the pitch.

He was questioned regarding the incident between Mr Finch and the assistant referee, to which he explained that he was unable to hear anything but saw them face each other aggressively. He had also observed the assistant referee having to encroach on to the pitch on a few occasions to carry out his duties as Mr Finch kept getting in his way.

He was questioned by Mr Finch regarding an apparent apology he made to Mr Finch after the match for the conduct of his Mr Guy. Stephen however denied making any such apology and confirmed that it was Mr Finch who had conceded that his conduct may have crossed the line as set out in his statement.

### Evidence in response to charge:

#### Steven Finch

Mr Finch confirmed the contents of his statement. Under questioning he maintained that he was extremely disappointed and frustrated at the lack of action taken by the referee to the dangerous tackle in the first half but denied swearing. He was questioned regarding his reference to "lack of action" when the referee had blown and awarded a free kick? He felt the referee should have spoken with the player or the Cam Everside manager should have withdrawn him because the same player had committed a poor challenge in a previous match between the teams. He admitted shouting *"what was that"* to which the assistant referee replied to him to *"shut up and get on with it"* in response to which he replied *"no you shut up and get back in your box. It's a terrible challenge"*.

So far as the complaint by the assistant referee was concerned Mr Finch maintained that his belief that he was elbowed intentionally by the assistant referee. On the first occasion he felt a brush which he felt may have been accidental but on the second occasion he maintained it was deliberate. Mr Finch challenged the assistant referee who he felt was goading a reaction from Mr Finch by telling him the he wouldn't be intimidated and said *"you carry on you will see"*. The assistant referee told Mr Finch to grow up and challenged Mr Finch to *"try me"*, in response to which Mr Finch replied *"be very careful what you ask for"*. It was put to Mr Finch that his responses amounted to a threat to the assistant referee which Mr Finch did not dispute but explained that they were in self - defence.

The inconsistency in Mr Finch's statement and report filed on full time was also put to him. In his statement he made various criticisms of the referee based on the referee's young age (18), that he was unduly influenced by his club assistant which he said was mentioned in his post match report on full time. It was put to Mr Finch that the full time report did not indicate such concerns. Mr Finch explained that his conversation with Mr Young, the Cam Everside manager who apologised for the conduct of the assistant referee provided him reassurance and he therefore omitted reference to his concerns.

#### Matt Bell

Mr Bell confirmed the contents of his written statement. He maintained that in the first half he did not hear Mr Finch swear following the foul tackle but rather he shouted *"what was that"*.

Much of his statement focused upon criticism of the referee due to his young age and inexperience.

### Jon Selby

Mr Selby confirmed the contents of his written statement. He was questioned regarding his assertion in his statement that Mr Finch remained markedly calm about the foul challenge on his player in the first half when that did not appear to be the case from Mr Finch's report of the incident in his own statement. It was also put to Mr Selby that much of his statement appeared to be based on hearsay as he did admit in his statement that he did not hear or see many of the incidents that he was seeking to comment upon.

### Mike Dwyer

Mr Dwyer confirmed the contents of his written statement. He was questioned as to the accuracy of his statement regarding the foul challenge in the first half to the extent that he had stated that the referee took no action. It was put to him that a free kick was awarded with which he agreed but expected stronger action to be taken. He maintained that he did not hear Mr Finch swear.

So far as the incident between Mr Finch and the assistant referee was concerned he did not see anything between them but did hear Mr Finch complain that he had been barged into.

### Lea Faulkner

Mr Faulkner is the assistant manager to Mr Finch and confirmed the contents of his written statement. He was questioned as to the admissions made by Mr Finch in his statement and verbally at the hearing in light of his statement guaranteeing that no bad language was used towards the assistant referee and his version of the verbal exchange between the assistant referee and Mr Finch.

### **Decision**

10. As part of its deliberations 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 probabilities.
11. The Commission considered all of the evidence that had been presented.
12. It was a matter for the Commission to determine which evidence to accept and reject where there were discrepancies between the evidence of the witnesses.

13. Having determined which evidence the Commission accepted and rejected, the Commission then went on to determine the charge on the balance of probabilities. The decision of the Commission was to find the charge proven.

#### **Reasons for the Decision**

14. The Commission felt that Mr Finch and his witnesses had focused upon the allegations and counter allegations surrounding whether he had been intentionally elbowed by the assistant referee or whether he swore rather than upon the charge itself. The charge was largely found proven on the admissions made by Mr Finch in his written statement which were confirmed under questioning by the chair. This was reference to him not being intimidated by the assistant referee who was a lot bigger and saying to him *“you carry on you will see”*, to which he had been told by the assistant referee to grow up and challenged Mr Finch to *“try me”*. Mr Finch’s response to this was to say to the assistant referee *“be very careful what you ask for”*. The Commission did not accept Mr Finch’s explanation that either of the responses individually or collectively amounted to self - defence. Whilst there may have been provocation at best, the assistant referee’s comments did not amount to any threat or objectively put Mr Finch in fear of his safety. His retaliation and responses were disproportionate and in the unanimous view of the Commission objectively amounted to threats.

#### **Sanction**

15. Having found the club charge proven, the Commission was informed of Mr Finch’s previous disciplinary record, which was a clean record.
16. The Commission then heard from Mr Smith as to mitigation.
17. Aggravating and mitigating factors were then considered. The following were deemed as aggravating factors:
  - (i) His role of responsibility as a manager where he should be setting a positive example.
  - (ii) The offence was committed at an under 12 match in the presence of young children.

- (iii) Mr Finch was defiant in his response and submissions and failed to show any insight of his behaviour and effect on others.
- (iv) He was also defiant at his lack of respect towards the officials. This was due to the young age of the referee (which is stereotyping and discriminatory) and to the assistant referee because he was a club assistant. Mr Finch complained on the one hand that the referee should have been guided but on the other hand he complained that the referee was unduly influenced by the assistant referee.

The previous clean record was noted as a mitigating factor. The Commission also acknowledged that there was some provocation by the assistant referee.

- 18. Reference was made to all of the FA Rules including the Disciplinary and Sanction Guidelines in arriving at the sanction.
- 19. The following sanction was considered appropriate and proportionate:
  - (i) Steven Finch will be suspended from all football activity for 133 days. The recommended entry point of 112 days was increased by 4 weeks to take account of the aggravating factors, and then mitigated by 1 week. 92 days are however added to the 133 day suspension to cater for the fact that football will not be played during the close season. The total suspension is therefore 225 days to allow for the close season.
  - (ii) He will be fined the sum of £60.00
  - (iii) He will be required to complete an education course on line within 28 days of this decision or before the expiration of the suspension, whichever is later, failing which he will be suspended indefinitely until completion of the course.
  - (iv) Southside Star Youth FC shall be subjected to 7 disciplinary points.
- 20. There is a right of appeal in accordance with the relevant FA Regulations.

06 May 2022

Yunus Lunat (Independent Chairman)



Dr Tehmina Khan

Chris Williams