

DISCIPLINARY COMMISSION

Sitting on behalf of the Gloucestershire Football Association

IN THE MATTER OF A PERSONAL HEARING

OF

DWAYNE SMITH - LEBEQ (SATURDAY)

DATE OF COMMISSION: 28th NOVEMBER, 2018

CASE NUMBER: 9595723

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

Unfortunately Mr Barrie Phillips had to stand down as Chairperson due to personal reasons (not published) and Mr Nigel Newport-Black was elected as Chairperson. Mrs Susan Henson-Green took on the role of council member, Mr David Neale acted as secretary and Mr Ian Scott was the independent member.

Dwayne Smith was reported in the match against Cribbs Reserves on 13 October 2018 for using improper conduct against the referee and therefore causing the match to be abandoned.

THE COMMISSION

The members appointed to the Commission were:

Chairperson:	Mr Nigel Newport-Black
Secretary:	Mr David Neale
Council Member:	Mrs Susan Henson-Green
Independent Member:	Mr Ian Scott

THE CHARGE(S)

The Gloucestershire FA charged Dwayne Smith as follows:

Charge: FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour)

THE REPLY

Mr Smith entered a plea of not guilty.

THE RULES

Pursuant to The FA Handbook 2018-2019 Season, FA Rule E3 (1) provides as follows:

“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 BURDEN AND STANDARD OF PROOF

For these charges to be made out in full in this instance there were two tests which needed to be satisfied:

- a) Was Mr Smith guilty of improper conduct (including threatening and/or abusive behaviour?)
- b) Did his behaviour cause the match to be abandoned?

The Commission judged this case and the standard used was on the balance of probabilities.

THE EVIDENCE

Information was provided by Lebeq Saturday confirming identity and names of players listed in report.

Witness statement provided by Dwayne Smith

Witness statement provided by Warren Edgell of Lebeq Saturday

Witness statement provided by Courtnie Bean of Lebeq Saturday

A match report was submitted by referee John Duffy, report submitted by referee Andrew Plummer and a match observer's report from Stephen Poole.

Written statements were provided by members of Lebeq Saturday team and also from members of Cribbs Reserves.

FINDINGS

The case was found NOT PROVEN.

The commission was unanimous in agreeing that Mr Smith's behaviour, whilst not of the standard expected, did not constitute Improper Conduct against a Match Official including threatening and/or abusive behaviour).

The commission was in agreement that had a lesser charge been levied there was a strong likelihood of this having been found proven.

APPEAL

This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Chairperson:

Council Member:

Independent Member / LFADP:

Date of written reasons: 29/11/2018