

DISCIPLINARY COMMISSION

Sitting on behalf of the Norfolk County Football Association

IN THE MATTER OF A NON-PERSONAL HEARING

of

MR DARREN EDWARDS OF HELLESDON FC

THE COMMISSION'S DECISION AND REASONS

BACKGROUND & HEARING

1. The Disciplinary Commission ("the Commission") convened via WebEx video conference on Thursday, 31 January 2019 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Norfolk County FA against Darren Edwards as the result of alleged misconduct in a match between Mattishall Youth U13's and Hellesdon U13's on Sunday, 18 November 2018.

THE COMMISSION

2. The Members appointed to the Commission were:

- i) John Turner (Council Member of Norfolk County FA)
- ii) Sally Davenport (Independent Member)
- iii) Paul Ballard (Council Member of Norfolk County FA)

3. Matt Lemmon (Norfolk County FA) assisted the Commission as Secretary.

THE CHARGE(S)

4. Norfolk County FA charged Darren Edwards as follows:

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

5. The particulars of the charge against Darren Edwards are that it was alleged that while acting as assistant referee he approached the referee to express his discontent at his refereeing performance. It was further alleged that after a Hellesdon player was substituted, he began to "heckle me [the referee] with threats" including "Your [sic] going to want to stay away from me ref, cos if you don't there'll be trouble" and "that's your fault ref" before being physically restrained by another spectator.

THE REPLY

6. Darren Edwards accepted the charge and confirmed he was content for the matter to be heard in his absence by correspondence.

THE RULES

7. Pursuant to The FA Handbook 2018-19 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

8. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event was more likely than not. Therefore, if the evidence is such that the Commission can say “we find it more probable than not” the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

9. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

10. The documents before the Commission comprised of:

- i) The referee’s report dated 18 November.
- ii) A screenshot confirming that Darren Edwards had accepted the charge.
- iii) A 3 page handwritten response from Darren Edwards
- iv) An email from Joanna Durrant, Club Welfare Officer of Hellesdon FC
- v) An email from Ashley Collins, U13’s coach at Hellesdon FC

11. The referee’s report indicated that ‘*After I had approached his son, [REDACTED] [REDACTED] to speak to him about his persistent time wasting, and that [sic] cautioned him for dissent due to his refusal to speak to me, and then when he did his response of “We don’t have yellow cards at this level, learn the rules ref” and after [REDACTED] [REDACTED] had been substituted and talked to by his manager, Mr Edwards then began to heckle me with threats such as “Your [sic] going to want to stay away from me ref, cos if you don’t there’ll be trouble” and once I had answered the question from a Hellesdon player as regards to what the fine was he said “and that’s your fault ref”, after I had informed the manager that he would need to get a new linesman, the assistant then asked a parent to be linesman and I noticed Mr Edwards being physically restrained by another parent who I believe was the mother of one of the other Hellesdon players. After returning to the Technical Area (as he was a Hellesdon coach as well), Mr Edwards left the field of play, along with his son who was substituted and walked towards the car park...’*

12. In response to the charge Darren Edwards had submitted a 3 page handwritten response, the majority of which was concerning incidents in the game. In his response Darren Edwards highlighted a medical condition that he has and he also went on to say:

'At half time I did try and approach the referee but different to the report a Mattishall parent ran on to the pitch and spoke to me first saying I was not to shout at the ref as he was young and had [REDACTED] which as you know I understand the condition. I got this parent to stand with me whilst I talked to the ref. I did ask the ref if he thought I was cheating (as in report) but unlike what is in the report he did not correct me or give any reason he just started to walk off and said "please go to join your team" this is what upset me first I should have given up running the line at this point...'

"...The incident with my son [REDACTED] [REDACTED] started because I gave a free kick to hellesdon which was right in front of me and again the ref was a distance away he blew his whistle and again overruled me and gave a free kick to mattishall which as you can assume upset the hellesdon players causing many issues. I took the yellow card personel [sic] as many of the players where [sic] shouting at the ref and he picked out one of my children because he knew he was mine.

The lady who "physically restrained me" was only 5ft 1in and if I was out of control as the ref said she would not of been able to physically restrain me. The lady actually came over to me grapped [sic] my hand and said "lets go for a little walk Darren" we walked together holding hands until I got back to the coaches the other side of the pitch. She is willing to put this in writing...'

13. To be clear, whilst not making specific reference to the alleged comments in the referee's report, in his response Darren Edwards took responsibility for his behaviour and admitted shouting at the referee, saying:

'As I said at the start this letter is not to justify me shouting at the referee and I know that I have let my children down and set a bad example to them.'

FINDINGS

14. The Commission studied the evidence very carefully, being conscious of the burden and standard of proof. The Members noted that Darren Edwards had responded by accepting the charge and considered that the referee had submitted a full and detailed report based on what he had witnessed on the day.

15. The Commission Members reminded themselves that for the charge to be proven, on the balance of probabilities, the following questions had to be taken into consideration, namely:

- i) Did Darren Edwards act as reported by the referee?
- ii) Did this conduct amount to a breach of FA Rule E3?

16. The Commission first considered the alleged actions of Darren Edwards and noted that he had accepted the charge in its entirety, albeit he did then give a slightly different account of events in his written submission.

The Commission further considered the report submitted by the referee and found this to be a well written and very clear account of the allegations.

The Commission noted that whilst he had not directly admitted to using the words alleged by the referee, he did admit to shouting at the referee and had to be led away from the incident by another adult, clearly indicating that something had happened. For these reasons, the Commission found it more likely than not that Darren Edwards did commit the threatening action alleged by the referee.

17. In summary, the Commission unanimously found the charge against Darren Edwards to be proved.

PREVIOUS DISCIPLINARY RECORD

18. The Secretary advised the Commission that Darren Edwards had no previous misconduct charges on his record.

SANCTION

19. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.

20. The Commission found this to be an unacceptable action causing the referee, who was 15 years of age at the time of the incident, to feel threatened.

21. The Commission noted that the recommended sanction for a proven offence is a 112 day / 12 match suspension and up to a £100 fine, with a minimum sanction of 56 days / 6 matches and a £50 fine.

22. In considering the sanction to impose, the Commission took into account the young age of the referee and the full nature of the incident which included a threat towards him and necessitated Darren Edwards being physically removed from the vicinity.

23. The Commission also considered the written letter of mitigation provided by Darren Edwards, his personal circumstances and his previous unblemished record. Furthermore the Commission noted the emails from Joanna Durrant and Ashley Collins which confirmed that Darren Edwards had been asked to step away from the U13's with effect from 27 November and therefore had effectively had a Club imposed ban of around 2 months.

24. Taking all of the circumstances into account and remembering the recommended sanction guideline for this offence, the Commission unanimously decide to impose the following sanction:

- i) Darren Edwards is suspended from all football activity for 56 days.
- ii) Darren Edwards is fined the sum of £50.
- iii) Darren Edwards is severely warned as to his future conduct
- iv) Hellesdon FC receive five penalty points on their Club disciplinary record.

APPEAL

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

John Turner (Chair)
Sally Davenport
Paul Ballard

4 February 2019