

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Oxfordshire Football Association

CORRESPONDENCE HEARING

of

CHRISTIAN ROWBOTHAM

AFC HENLEY

[Case ID:11640821M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 25th February 2024, AFC Henley ("the Club") played a fixture against Mansfield Road Juniors U18 ("Mansfield Road") – collectively the "Match".
2. The Match Referee, Mr Andrew Barrett, reported the conduct of Mr Christian Rowbotham ("CR") a Club Player.
3. Oxfordshire Football Association ("Oxfordshire FA") investigated the reported incident.

The Charge

4. On 7th March 2024, Oxfordshire FA charged CR:
 - 4.1. with misconduct for 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). It is alleged Christian Rowbotham used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule 3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined by FA Regulations. This refers to the allegation that Mr Rowbotham kicked a football directly at the referee and used foul and/or abusive and/or threatening language by saying "I am going to fucking have you" and/or "you are a fucking prick" and/or "I am going to smash your fucking head in" and/or "I am going to fucking smash your car up" or similar.
5. The relevant section of FA Rule E3 states:

"E3.1 A Participant shall at all times act in the best interest 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."
6. Physical contact or attempted physical contact against Match Officials is defined, under *Offences Against Match Officials*, as:

"96.2 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)".
7. Oxfordshire FA included with the charge letter the evidence that it intended to rely on in this case.
8. CR was required to respond to the charge by 14th March 2024.

The Reply

9. On 14th March 2024 CR responded to the charge online via the Whole Game System, accepting the charge and he requested the case to be dealt with in his absence at a Correspondence Hearing.

The Commission

10. The Football Association ("The FA") appointed me, Karen Hall, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

The Hearing & Evidence

11. I adjudicated this case on 17th March 2024 as a Correspondence Hearing (the “Hearing”).
12. I had received and read the bundle of documents prior to the Hearing.
13. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to this case.
14. The Match Referee, Mr Andrew Barrett, submitted a Report, dated 26th February 2024 in which he states that in the 23rd minute of the Match he dismissed CR. After he did so, CR picked up a football and kicked it directly at him. He dodged out of the way. CR then rushed towards him shouting how he was going to smash his head and “all other kinds of abuse” He was restrained by Club coaches and led away to the changing rooms. Ten minutes later he reappeared and shouted across the field at how he would smash up his (Mr Barrett’s) car and again calling him names.
15. As part of the investigation, Sports Integrity Matters, on behalf of Oxfordshire FA, sought further clarification from Mr Barret. In an email response dated 26th February 2023 he further stated that CR kicked the ball with excessive force, it was a volleyed kick from 10/15 yards away. CR got within a few feet of him before he was restrained by his coaches. He was scared for his safety. He did inform the Club captain that if the shouting continued he would abandon the Match. CR was then bundled into a car and driven away.
16. Mr Michael McDonagh, Assistant Referee, provided a Report dated 26th February 2024 in which he states that in the 23rd minute of the Match CR was dismissed and he saw him scream in a loud and aggressive manner towards the Referee “I am fucking going to have you”, “You’re a fucking prick”. He then saw CR pick up a football and kicked it in an aggressive manner towards the Referee. He then rushed at the Referee as if to attack him, shouting “I am going to smash your fucking head in”. He was then led away by the Club coaches before reappearing some 10 minutes later and again started shouting towards the Referee saying “I am going to fucking smash your car up” and other abuse.
17. Mr Lee Harding, Assistant Referee, provided an email Statement dated 26th February 2024 in which he states that CR was dismissed and he saw him get up off the chair he was sat on, pick up a football and kicked it towards the Referee. He then started towards Referee “I’m going to fucking have you”. He was then led away by the Club coaches and as he was he was shouting “which is his fucking car”. He reappeared some 10 minutes later and again started shouting towards the Referee saying “where’s that fucking twat referee? You fucking wanker” and “where’s your fucking car? I am going to fucking smash it” before he was driven away by his Dad.
18. Mr Daniel Sadler, Club Child Welfare Officer, provided an email response regarding the incident dated 4th March 2024. He states that the Club are aware of medical challenges faced by CR and he is supported by them. On the day of the Match CR was a named substitute. He was cautioned and then shown a red card for a profanity. He reacted to this by becoming very upset. He kicked a ball at the Referee and started walking towards him before being restrained by him and other Club coaches. He was then led away to the changing rooms and his Dad was called to come and take him home. Following subsequent discussions with CR’s parents, it has been agreed that CR will not be playing football in the immediate future, as his parents would prefer for him to be in

a better place mentally first. He goes on to say that the Club will support CR when he is ready to return to a footballing environment.

19. In a further email dated 12th March 2024 to Oxfordshire FA, the Club asked for guidance in supporting CR and also requested that his welfare be considered “front and centre” in determining the charge.

20. That concluded relevant evidence in this case.

Standard of Proof

21. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

22. It was noted that CR had responded to the charge by admitting the same and liability was therefore predetermined by the guilty plea.

23. In respect of the Charge against CR of misconduct for 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), this was accepted by him and based on that, coupled with the undisputed evidence above, I found that the charge was PROVEN.

Previous Disciplinary Record

24. After finding the charge proven, I sought the participants offence history. I note that CR has no previous misconduct charges in the preceding five years. However, I note a dismissal for violent conduct in September 2023.

Mitigation

25. There is no mitigation within the bundle from CR, though I note his medical challenges and the support offered by the Club.

The Sanction

26. In respect of the charge, the relevant FA Disciplinary Regulations on sanction (Regulation 101.4) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 112 days and 2 years, the recommended entry point, prior to considering any mitigating or aggravating factors is 182 days together with a fine of up to £150.00, with a mandatory minimum fine of £75.00. There shall also be an order that the participant completes an education programme before the time based suspension is served.

27. Regulation 102 provides factors to be considered when determining sanction. In that regard I note that CR kicked the ball at the Referee, who managed to take action to avoid being hit by it. CR then threatened the “smash” the Referee’s “head in” and “smash his car”. There were two episodes of sustained comments. CR has not apologised for his actions, nor shown any remorse. This merited a sanction of a suspension of 212 (two hundred and twelve) days. This is further aggravated by CR disciplinary record to 242 (two hundred and forty two) days. The sanction is mitigated by the guilty plea and I note the personal circumstances of CR and the support offered by the Club. I note the outlet that football is able to offer CR when he is in a position to return.

28. Therefore, after taking into consideration all circumstances in this case, Mr Christian Robotham is:

28.1. to serve a suspension from all football and football activities for 162 (one hundred and sixty two) days commencing from the date of his suspension namely 7th March 2024. However, CR is permitted to re-start pre-season training for the season 2024/25 with the Club as an exception to this suspension, if he so wishes. This exception is granted in respect of training sessions only and CR must not participate in any other footballing activities, as to do so will be a breach of his suspension;

28.2. fined a sum of £80 (eighty pounds) For the avoidance of doubt the fine is to be paid by the Club given CR's age;

28.3. to satisfactorily complete a face to face mandatory education programme before the time-based suspension is served, or Mr Rowbotham be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him; and

28.4. 8 (eight) Club Disciplinary points to be added.

29. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Karen Hall F.C.Inst.L.Ex (Chairman)

17th March 2024