

**FA NATIONAL SERIOUS CASES DISCIPLINE PANEL
DISCIPLINARY HEARING**

**The Football Association on behalf of
OXFORDSHIRE FA**

V

TENZIN WILLIAMS (68016626)

Case ID: 11603080M

WRITTEN REASONS

FACTUAL BACKGROUND AND CHRONOLOGY

1. These are the reasons for the decision of the Disciplinary Commission which was considered by a Chair Alone Commission on Saturday 24th February 2024.
2. The Commission member was Mr Keith Allen (CFA National Chairs Panel).
3. The following is a record of the main points which the Discipline Commission considered.
4. The charges in question arose from a match between Thame United U-13 Red FC and Penn & Tylers Green U-13 FC, played on 29th January 2024.
5. By letter dated 9th February 2024 Tenzin Williams, a player for Thame United U-13 Red FC was charged as follows:

Charge 1 FA Rule E3 – Improper Conduct (including foul and abusive language)

Charge 2 FA Rule E3.2 – Improper Conduct – aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or disability.

6. Details of charges 1 and 2: This refers to the comment (s), " Monkey and/or monkey gesture and/or noises or similar."
7. By WGS dated 21st February 2024, Tenzin Williams entered a **NOT GUILTY** plea and requested it be considered by correspondence in his absence.
8. FA Disciplinary Processes/General Provisions Section 1 Rule E3.1 provides for: 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 dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

EVIDENCE

The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, 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.

9. The Commission had before it the following items to consider:

a) A report and correspondence from match referee Max Shayler and his mother:

“ I didn’t actually hear any of the abuse during the match and there was no reaction from any of the players, but the coach and player informed me of what had happened after the game. I then informed Danny Williams, head of refereeing at Thame United about the incident and what I heard from the coach 4 and player. I then also informed Matt Pacetti when he asked me about what happened. Many thanks, Max. “

“This is Juliet, Max’s mum. Max has his A’Level mocks this week so I’m afraid he will not be replying until the end of the week- I hope that you understand.

I’m not sure what else he needs to say as he reported it to Danny Williams, the Thame Utd referee co-ordinator straight after the match and Martin Pacetti a week last Tuesday. The away manager called Max over and said that he’d heard a Thame player saying something abusive to one of his players. Max didn’t hear it, so the away manager said he’d speak to the Thame manager and report it to the club. Max came home and told us and reported it to the club straightaway through Danny.

He’s still learning and he reacted the best he knew how, Danny advised after that if it happens again and he doesn’t hear it, to address the player and manager to say I didn’t hear it, so can’t do anything, however if he did hear anything further the player would immediately have to leave the match.

I hope this is OK, please advise if you still need Max to reply, however it won’t be until after his mocks as I believe that he needs to prioritise these as his parent.”

b) A statement from Aston Jervis, a player for Penn & Tylers Green FC:

“ During the second half of the match, I tackled player number 5, he asked “why are you fouling me?” I started to laugh and he pushed me in my back, I asked him why he was pushing me, and he said, “shut up you monkey”. I reported this to my coach after the match who spoke to the referee.”

c) A hand written statement from “Kiran” a player for Penn & Tylers Green FC:

“ Our player Aston made a fair challenge on opposition number 5. No 5 got up and pushed Aston. Aston then said, “why are you pushing me for” and laughed at him. Player number 5 then said, “shut up you monkey”.

d) A statement from Barney Gardiner, coach of Penn & Tylers Green U-13 FC:

“ During the game, there were a number of aggressive challenges and antagonistic comments from the Thame players, two instances of which my co-coach had to speak to the Thame coaching team and ask them to speak to their players. There was also mocking and antagonistic comments from the players who were substitute during the game. Although this was disappointing and unsporting, I personally did not witness any discriminatory comments.

After the game when I was packing up, one of our Penn players, Aston, approached me and said a Thame player had called him a “monkey” during the game, I asked him which player and he said “No 5”. At the same time, the referee walked over towards us and so I informed him and he said he would include it in his match report. I then approached the Thame coaches to advise them of the situation and say we would have to follow FA process.

Dan was frustrated at my insistence to follow process and said he would have preferred to have dealt with it by speaking to all involved. Concerned by this, I challenged Dan on his awareness of the Safeguarding guidance and whether he had completed the FA safeguarding course and insisted we follow procedure.

After 10 minutes of conversation/debate we parted company/

That evening, I contacted the parent of my player to advise of the situation and the process we would follow, also providing information on the sport matters support resources. I also advised the Penn Welfare Officer and the Breks and Bucks representative.”

e) Statements from Pete Jupp, a parent of a Penn & Tylers Green FC player, present at the game:

“At various times of the 90 minutes played between Thame and Penn I viewed the number 5 for Thame doing monkey gestures and noises to Ashton (sic) from Penn football club. This went on throughout the game.”

“ To confirm Thame Number 5 was making those noises and gestures to Aston.”

f) A statement from Martin Pacetti, secretary of Thame United FC:

“ I have spoken to both coaches involved, neither of them were aware of any issues while the game was going on.

The coaches involved were Dan Williams, who's son Tanzin was the number 5 and Tim Field.

Dan became aware of the allegation issue after the match, whilst talking to the opposition coach. (I've attached a statement from Dan). To note Tanzin is mixed race and very aware of the implications of racism, as described in Dans statement.

I have spoke to the referee Max Shayler and he was not aware of any issues during the match.

I have also spoken to a few parents who were at the match and again have not seen or heard anything.

As a matter of good practice the coaches have held a session with the boys on racism and its implications.”

g) A statement from Dan Willams, Thame United U-13 FC coach and parent of Tanzin Williams:

“ The League cup 5th round game was played in windy conditions with Thame playing into the wind in the first half, despite the conditions Thame were much the better team and took a 2-1 lead into the break, the game was played in good spirits and there were no incidents that spring to mind during the first half.

The second half got underway and Thame were dominating the game even more than in the first half, which was undoubtedly aided by the weather, Penn could not get out of their half for long periods of the game and conceded more goals, I don't think any of the Penn players believed that they could do anything other than to lose the game and that's when for me, frustration began to creep into their game.

The match passed and it was only when Tim Field (Thame coach) and myself were walking off the pitch when the Penn coaches approached us and explained that a player had claimed that he was racially abused by the Thame number 5, who is my Son and the captain of the team.

The Penn coaches had gathered their players after the final whistle for a debrief, it was during this time that the allegation was made by a Penn player. All the coaches from both sides had a chat for around 10/15 minutes or so to try and figure out what if anything had been said, where it had been said and by whom it had been said.

It has to be said that both sets of coaches got on well before, during, and after the game.

Our Thame team is made up of players from all over the world, my Son himself is mixed race and has been a victim of racist abuse at school as recently as this term, he knows the hurt this can cause and has never said anything remotely racist to anybody ever. Most of our players have been with us since 6 years old and so we know them all very well, they are a well behaved and respectful squad. We also spoke to some of our players after the game and none of them heard Tenzin say anything remotely racist, both Tenzin and his team mates are upset at this accusation as none of them have ever been accused of racism in the last 8 years of playing together.

Tenzin has never been racist in any way shape or form, he has best friends from all ethnicities and back grounds, i will ask his school to provide a report on his character to back this up.

At the next training session after the Penn game we took 5 minutes to talk to the boys about racism, and how unacceptable it is at any place and at anytime, and that football is for everyone regardless of their creed, color or religion, the boys already knew this.

To be racially abused is not a nice thing to happen to anyone, what is equally as bad and possibly worse is to be falsely accused of racism solely for the purpose of causing hurt and damage, I hope that the investigation or process is robust and thorough enough to uncover and deal with any of the above.”

g) A statement from Tim Field a coach for Thame United Under 13 FC:

“Nothing to add to Dan’s report, which I believe you have already sent.

I would like to reiterate that I saw or heard nothing regarding the alleged incident, neither did the ref or linesman as far as I am aware.

We aim to develop them not only as footballers & also as decent young men & they are always humble in victory & gracious in defeat & respectful of the opposition.

We are proud to be a multi-racial team as you can see in the attached photo. I’ve been involved with the team for 6 + years & have never witnessed racism of any sort.”

h) A photograph of Thame United U-13 FC team.

i) Miscellaneous correspondence between the Association, Sporting Integrity Matters and the clubs involved.

STANDARD OF PROOF

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

DELIBERATION

10. As part of its work the Commission reminded itself that the charges against Tanzin Williams were:

Charge 1 FA Rule E3 – Improper Conduct (including foul and abusive language)

Charge 2 FA Rule E3.2 – Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or disability and the **standard of proof is balance of probability.**

11. The Commission noted:

a) The charge is most serious, particularly against a minor, although it is observed to be one of “making an aggravated remark including a reference to race/colour ” and not of being a racist, there is a distinct difference.

b) Neither the referee nor either assistant referee's reported hearing or seeing and aggravated remarks or actions.

c) The accusations come from Aston Jervis, a player for Penn & Tylers Green and his team mate "Kiran", who both reported hearing the same comments.

d) The accusation is corroborated by Penn & Tylers Green parent Phil Jupp, who alleged he saw the number 5 of Thame United making aggravated gestures throughout the game.

e) There was no statement from Tanzin Williams himself, his denial of the charge being made by the club and his coaches, one of which is his father.

f) The Commission were also concerned that the Thame United U-13 coach, Dan Williams was alleged to want the matter to be settled "in house", rather than follow due FA safeguarding procedure.

g) It is to the immense credit of the Penn & Tylers Green U-13 coach Barry Gardiner, that he insisted on following protocol, for which the Commission sincerely commend him.

h) The Commission, not for the first time, were left to make a decision on which party were most credible, with it being one parties word against another.

i) The Commission were unable to understand any motive of a 12/13 year old player and his colleague for making such a serious allegation, or that of a parent who also made an allegation.

j) However, the onus is on the Association to prove the charge, **on the balance of probability**.

k) With the only witnesses to the alleged comments being the two Penn & Tylers Green players and neither the referee nor anyone else hearing any comments or observing any gestures, the Commission did not consider the evidence placed before it sufficient to find the charge proven.

12. Having considered and given appropriate weight to all evidence, the Commission found the charges against Tanzin Williams of **Charge 1** FA Rule E3 – Improper Conduct (including foul and abusive language) and **Charge 2** FA Rule E3.2 – Improper Conduct – aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or disability, were both found **NOT PROVEN** on the balance of probability.

13. There is a right of appeal against the decision in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.