

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIR SITTING ALONE

on behalf of Oxfordshire Football Association

NON-PERSONAL HEARING

Of

Chinnor Youth FC

[Case ID: 11327589M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 26 August 2023, Chinnor Youth FC U14 Girls (“Chinnor”, the “Club”), played a friendly fixture against Oxford Blackbirds FC U14 Girls (“Oxford”) – collectively the “match”.
2. Following the fixture, a complaint was raised to both Chinnor Youth FC and Oxfordshire FA of an allegation of misconduct by a Chinnor Youth FC spectator.
3. Oxfordshire Football Association (“Oxfordshire FA”) investigated the reported incidents.

The Charges

4. On 08 September 2023, Oxfordshire FA charged Chinnor Youth FC:
 - 4.1. with misconduct for a breach of FA Rule E21 - Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match;
 - 4.2. It is alleged that Chinnor Youth FC - Failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1. It is further alleged that the words and/or behaviour made reference to Race/Ethnic Origin contrary to FA Rule E21.4. This refers to the comment(s) *“That’s what them Africans do”* or similar.
 - 4.3. Oxfordshire FA advised in the charge letter the offence carried a sanction range of £0-200 fine.
 - 4.4. The relevant section of FA Rule E21 states¹:

“E21 A Club must ensure that spectators and/or its supporters (and anyone purporting

¹ p. 148 of FA Handbook (2023-24)

to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:

E21.1 “use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;

E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch; E21.3 encroach on to the pitch or commit any form of pitch incursion;

E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability” [...]”

4.5. Oxfordshire FA cited the evidence that they intended to rely on in this case which was included within the charge letter.

5. Chinnor Youth FC were required to respond to their charge by 22 September 2023.

The Reply

6. The case bundle contains a to the charge response via WGS on 22 September 2023 of “Deny-Correspondence”.

7. During the investigation, the evidence was submitted from:

7.1. Reports and information supplied by the Match Official;

7.2. Statements from Oxford Blackbirds FC;

7.3. Statements from Chinnor Youth FC.

The Commission

8. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chair Sitting Alone to adjudicate in this case.

The Hearing and Evidence

9. The case bundle was sent via e-mail to the appointed Chair 22 September 2023 to be completed within 3 working days.
10. I adjudicated this case on 24-25 September 2023 as a correspondence hearing.
11. The following is a summary of the principal submissions provided. 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 we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case. Where appropriate names have been redacted.
12. Below is a summary of the main points:
13. The first inclusion in the case bundle is the statement of the Referee dated 30 August 2023, this states the following;
 - 13.1. The statement in full adds *"I was the referee on the above fixture. The game started at 10am. I was made aware of an incident involving a spectator after the match when I went to speak with my dad, who was talking to the Oxford linesman, I was asked if I heard anything from the sidelines of a racist nature, which I informed my dad & the linesman, then the Oxford coach when he came over, that I hadn't"*.
14. The next part of the case bundle is the initial complaint made to Chinnor Youth FC by a team official from Oxford Blackbirds FC followed by three statements. The initial complaint is in the form of an e-mail sent the day of the fixture and includes the following;
 - 14.1. The e-mail begins by praising Chinnor players and coaching staff, this then moves on to the allegation that a supporter from Chinnor who was very vocal throughout; a description of the individual is also included. The comments they allege are *"Get stuck in"*, *"Be stronger"* and *"Score 5*

more". There was a battle between two opposing players leading to a free-kick awarded to Chinnor, of the two players the Oxford player is described as *"of colour"*. This was allegedly followed by a comment of *"that's what Africans do"* by the same supporter in reference to the Oxford player which has been overheard by an Oxford parent.

- 14.2. The author of the statement was made aware of this allegation and he informed the Chinnor coach who was *"supportive and said that he would speak with them after"*. He also notes this is not a matter for the coaches to deal with but is a club matter and adds *"The parent of the daughter has called me and asked to be updated as to what the outcome is, if she isn't satisfied then she has said she will raise it as a matter to the FA. I have explained how well you dealt with the issue and that we will liaise with Chinnor as a club as to the outcome. It is extremely disappointing that an individual can still have this archaic mindset, especially with such a wonderful game in play"*.
- 14.3. The e-mail concludes with *"I trust that you, as a club, will deal with this accordingly as after speaking with you, you have the same beliefs as us"*.
15. The first statement is from a parent from Oxford that has allegedly overheard the comment, this is dated 04 September 2023 and provides the following information;
 - 15.1. Confirming the details of the fixture they also heard the comments of *"Get stuck in"*, *"Don't be scared of them"* and *"Go on push back"* from an individual they assumed to be with Chinnor. They provide a description of the individual and then go on to add, following two players competing for the ball *"Go on keep battling, keep pushing, go on, go on"* At this point, the male has made his way to nearly where we were standing (his left) when the referee gave the foul, he turned away and said *"Yeah that is what Africans do"*.
 - 15.2. The author and a second parent heard the comment and felt *"shocked for a minute"*. They alerted the team manager immediately *"who said to ignore it for now, he would deal with it with the other teams manager. The male continued to be aggressive and loud throughout. At the final whistle, a representative from*

Chinnor came to myself with the other parent and our manager. We said our side of the incident, shared details and agreed it would be dealt with by Chinnor". They also confirm they did not approach, speak with or interact the individual and conclude the statement with "I am appalled that we are still seeing this behaviour in today's game, especially at such young games".

16. The next statement is from the same team official that had sent the initial e-mail, dated 04 September 2023 this adds the following further information;

16.1. This notes a belief the individual from Chinnor was "a little over the top", they confirm hearing the following comments "be stronger", "push them" and "get stuck in" and further cite a concern for the manner in which these were made. They confirm the contact from the other witnesses "Half way through the second half I received a phone call from one of the parents to say that they had heard this male say "That is what Africans do" This was referenced to a possession battle in the middle of the field. Our #4 is black. I remember that he half cheered and supported the Chinnor player when the foul was given to the player."

16.2. In this call he asked his parents "to refrain from confronting him and I would deal with it. I immediately went to speak to Clifford and explained the situation to him and that it would need to be dealt with but after the game. I didn't want to bring this attention to the girls whilst they were having fun". He was approached by an individual he believed to be part of Chinnor who asked for their "take on the incident" and asked them to email both themselves and the club secretary. He ends the statement noting Chinnor "have dealt with this amazingly and he was not a reference of the club at all".

17. The final statement from Oxford dated 04 September 2023 provides the following information on the allegations;

17.1. The statement begins by noting the actions of the individual and then provides a description. They feel the comments were inciting aggression from the Chinnor players and heard the following comments "be stronger", "push them back" and "be harder". They continue "His demeanour

was noticed by all parents and coaches, including a representative from Chinnor (referenced later). He was stood where the Chinnor parents were stood. He also made a few out of order comments towards the referee".

- 17.2. They note the coming together of the two opposing players adding the Oxford player *"is of black origin"*. This lasted 4-5 seconds as they were running and the Chinnor supporter *"almost followed them along the line whilst shouting for the Chinnor girl to "Battle hard", "Battle back", "Be stronger" "Go on, go on" Once the referee had given the foul to Chinnor, whilst turning around, he said "Yeah, that's what Africans do""*. They also allege a further parent heard this who has black children.
- 17.3. At this point they spoke with the manager and made them aware of the comments who confirmed hearing some comments but nothing discriminatory. He also informed them he would take this up with the opposing coaches and *"deal with it directly and for us to ignore it for now until it's dealt with directly. Thankfully the girls didn't hear this comment as it was in a hushed tone walking away from us. A young, 10-year-old, heard it also"*. Following the game, they informed a representative from Chinnor of the allegations who had asked them to e-mail the club.
18. The case bundle then contains the statements from members of Chinnor Youth FC, the first is from an individual involved with a different team but also the parent of the Match Referee. This contains the following observations;
- 18.1. They confirm their attendance at the match and, with around 10 minutes remaining Chinnor were awarded a free-kick following an attempt to play an advantage which had not materialised. At this point *"I heard a member of the Chinnor supporters shout "about time ref", after the whistle, an Oxford player, didn't see the number, but she was a mixed race girl, grabbed & pushed Chinnors number 14, a white girl, that was all that happened during that free kick moment that I saw or heard"*.
- 18.2. After the free-kick they decided to go to the opposite side and stand with the supporters as he did not want the Referee to be shouted at; he adds

the Referee was identifiable as an U18 official due to an armband. As they went across they were stopped by the Oxford club linesman who *“asked me if I was an official, I said I was a referee & a member of the club as a manager & on the committee, he informed me that his son, who is mixed race & I think 8 or 9 years old, had informed him that he & other parents had heard racist language from a Chinnor supporter, I told him that I was heading over to the other side to listen for any abuse towards the referee, and I would listen out for any more racist language while I was over there”*. He notes he did not hear the use of any such language.

- 18.3. After the match he went and spoke with the linesman and asked the child, in an appropriate manner, to confirm what they had heard and was informed *“his words to me were “I heard the word African, but I didn't hear the rest of what was said”, the Oxford coach & one of the supporters came over to speak to myself, Elliott & the linesman, the supporter told me that she heard a spectator say “that's what them Africans do”, after the Oxford girl pushed the Chinnor girl”*. He asked the Oxford personnel to e-mail him with the details and he also called the Club Welfare Officer to inform them of the allegations made.
19. The following statements are from parents/supporters/officials from Chinnor and these add the following regarding the allegations;
 - 19.1. The first from the club linesman notes *“I did not hear any racial comments from players or parents of either team. The match was played in good spirits and no controversial incidents/bad tackles etc that could have incited any bad feeling”*.
 - 19.2. The second is from a parent who was present at the fixture they were stood close to the alleged offender *“he did not say what he has been accused of as if he did this would have been heard by a large number of people. The parent accused is a well-known spectator that gives a lot of positive encouragement to both teams and to all players to support them”*. They also believe the player must have misheard what had been said adding *“One of the things he does say a bit to all the girls if they do something good is “that is how you do it”*. So

maybe this is what he said when the person thought they heard " that is how Africans do it" ? So as a witness there was nothing bad/negative at all said during the game and i was in a position to have heard as was stood right next to them".

- 19.3. The next statement notes only hearing *"lots of positive supportive comments on the pitch"*. This is followed by another statement which notes *"I did not here anything I was standing about 5 people away all I here coming out of the gentleman's mouth is encouragement and praise to both teams His family is new to Chinnor girls and from what I see they are a really nice family"*.
- 19.4. The following statement has been authored by the individual alleged to have made the comment, he adds the following *"This did not happen, I would not use any racial remarks to anyone especially children. African would not be in my vocabulary. I have supported girls football since my granddaughters started playing at 7 years of age, I always encourage both teams and comment on good play on both sides"*. He does admit to being vocal and does say *"that's the way to do it"* and he recalls saying this after a goal had been scored. The response ends *"am not racist at all and have 2 other grandchildren that have west Indian grandparents. This is been very upsetting for the family, and I really think the young girl misheard what was said"*.
- 19.5. The next statement is from another parent at the fixture, this adds the following *"I was a spectator at this match stood with the accused person and other Chinnor parents/spectators and i did not hear anything bad said at all. This man is a very committed supporter and well known for being so encouraging to all the girls on both teams. He does give lots of positive comments and i think if this player thought that they had heard something bad i can only assume that they have heard something incorrectly"*.
- 19.6. The final statement from Chinnor notes *"Haven't heard a comment itself just saw reaction to it from both players and parents of the Blackbird Leys team. [redacted] and [redacted] went into rough tacking with bit of pushing involved. After that goalie of BL team came to ask her mum did she heard the comment and she replied yes and ask her to get back to the game"*. They note a player walking

off in tears at the end with a parent and they reiterate *"haven't heard the comment itself as stand in the middle of both supporter sides. According to one of the parent of the BL team comment was said by a men under black umbrella"*.

20. The case bundle then includes a response to the charges and further witness statements, the response is from a club official and provides the following;

20.1. This begins with the history of the alleged offender and their family; they have only been with the club for a short period of time and he is described with *"his infectious energy and praise for both teams when displaying good football. He is also very encouraging when players aren't necessarily at their best"*. They admit to him being vocal however they have only ever heard positive things from them towards both Chinnor and opposing teams.

20.2. They have interacted with the individual on many occasions who *"often talks of his grandchildren from his other daughter, whose partner is of West Indian descent and his grandchildren are mixed race"*. They were not present at the fixture and therefore unable to comment on the allegation but in their brief time knowing them *"this is something that I have never even had an inclination that he might say. I can only assume that whatever he did say was unfortunately misheard. This type of comment is completely and absolutely out of character and terminology used is not something I would associate with [the alleged offender]"*.

20.3. They end the statement *"As a football club, we stand by our supporter and offer a plea of not guilty, I sincerely hope that this good man's record is not tarnished by this and he, his family and all of us can move on and get our [redacted] back, with his passion and unparalleled support"*.

21. The next statement is from a team official, written on 30 August 2023 this provides the following;

21.1. They were informed of the allegation *"around 11am so it was near the end of the game that someone made a comment after a hard tackle/foul took place something along the lines of "that's what they do in Africa". I apologised to the*

coach and said I would deal with it; we discussed that there is a difference between banter and that comment and I said "it was totally unacceptable in any context to say that let alone a friendly football game". We agreed that the best time to deal with it would be after the game".

- 21.2. The author contacted a family member who was supporting and stood on the opposite side with the other spectators *"to ask if anyone has said anything racial from our parents and I gave her the sentence which was given to me which was said. They were all baffled because they did not hear or say anything. She also turned to [redacted] mum who was on the side-line who did not hear anything too. All our supporters were in a line together no more than 5 metres apart, the person who has been accused of saying this was sat down on a chair and it would have been picked up by our parents"*.
- 21.3. They confirm the alleged offender is new to the club and they have been directly involved with them at both fixtures and tournaments *"He is very vocal and has a loud booming voice, but I've only heard him being encouraging and supporting of both teams playing football. He likes to watch good football being played and makes comment to either team he is watching not just his grand-daughters team"*. He also notes family members who are black and one was stood close to the individual and feels *"These sorts of comments would have not gone unnoticed by any of them which again surprises me that these comments were apparently said"*.
- 21.4. They reference history between the two teams and allegations made previously by Chinnor regarding behaviour of the Oxford teams at a different age group *"I would hope this was not some form of malice against us for making those complaints"*. The match was arranged as he had undertaken his coaching courses with the manager from Oxford and wanted to bridge the gap between the clubs. There are also counter-allegations of poor behaviour from Oxford supporters *"some of the parents of the other team saying not very nice things about our players and were jeering when our girls fell over to give you a sense of some of the dynamics that could have been playing out during the game"*.

- 21.5. The statement concludes with *“That said if these allegations are true, we will take it very seriously and ensure this does not happen again from anyone supporting Chinnor or any coaching staff”*.
22. The last part of the case bundle is an appendix that contains no further new evidence for the charge. There are details of the allegations and the actions taken by both clubs following the allegation. The first part details the fixture and the participants involved and then confirms the statement provided of the linesman informing the father of the Referee of the allegation. This ends with the actions taken following the incident.
23. There is also e-mail traffic between a Chinnor club official and the Oxfordshire FA safeguarding team are included; these ask for further details and the club asking for advice on how best to proceed. One part of the e-mail trail notes the possibility of seeking legal advice and the allegation is false. The last part relates to the collation of and subsequent submitting of statements.
24. That concluded the relevant evidence in the case.

Standard of Proof

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

The Findings & Decision

26. For case **11327589M** the E21 raised against Chinnor Youth FC, the Commission considered the charge against the club. The allegation is of the use of a racial slur *“that’s what them Africans do”*, noted by members of Oxford. They had immediately informed their coach of the allegation, there was also contact between the club linesman to the parent of the Referee, also a club official of Chinnor, before they were made aware of the allegation by the Chinnor team management. It is also shown the allegation remains consistent throughout the statements of use of the word *“African”*.

27. It is noted no member of either club's management teams or the Match Referee have heard these comments. In response, the statements from Chinnor deny hearing any such words used; although one does note the reaction of the player to the alleged incident who had asked a parent if they had heard what was said. Almost all statements admit the alleged offender to be vocal and with a booming voice however when the comment was allegedly made the individual had turned away and had spoken the comment which was then allegedly overheard by the Chinnor personnel. The members of Chinnor also state the individual had followed play down the field of play at that point and was stood near to them.
28. Whilst there is a belief the words as alleged had been misheard, from the suggested comments provided it is unlikely these would have been misheard for the word "*African*" by the Oxford individuals close by. There also appears to be some confusion as to when and who by the comments were made with some noting they had been sat during the game or had been holding an umbrella.
29. The Commission have decided, on the balance of probability, it is more likely than not the words as stated by the supporters of Chinnor were more than likely to have been those used at the time of the offence. The E21 charge has therefore been found as **Proven**.
30. The Commission considered the aggravated aspect of the charge of the use of the term Africans. In the context used it is a generalisation of African people and implies they physical, this is a reference to their nationality and does meet the threshold for the charge and the aggravated aspect has also been found as **Proven**.

Previous Disciplinary Record

31. Chinnor Youth FC have 18 teams, the five-year offence history contains the following relevant charges;
 - 31.1. 03 November 2019 E20 (Open Age) including a discriminatory comment by a supporter to a Match Official sanction £30;
 - 31.2. 20 September 2020 E20 (Open Age) including spectator conduct sanction

of £75;

31.3. 20 September 2020 E20 (U17) sanction of £50;

31.4. 03 October 2021 E20 (U18) including spectator conduct sanction of £100.

Mitigation

32. Nothing has been provided in mitigation for the charge.

The Sanctions

33. For case **11327589M** E21 Chinnor Youth FC the sanction range for this offence is as follows:

33.1. A fine up to £200

34. Due to the seriousness of the offence of use of a discriminatory comment taking place at a youth match the Commission placed the entry point for this offence in the higher end of the sanction guidelines at £125. As the previous history includes a previous incident of a discriminatory comment by a spectator which took place on 03 November 2019; this was considered to be a serious aggravating factor for the charge, therefore, the sanction will be:

34.1. fined a sum of £175;

34.2. A warning as to future conduct.

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

36. Signed...

Steve Francis (Commission Chair)

25 September 2023