

THE FOOTBALL ASSOCIATION  
DISCIPLINARY COMMISSION

(on behalf of The Oxfordshire FA ('OFA'))

Participant: Hailey FC ('HFC')

Hearing: Non-Personal Hearing

Date: 26 January 2021

Incident: HFC v Enstone Sports FC ('ESFC'). 19 December 2020 (the 'Fixture')

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THE DECISION AND REASONS OF THE COMMISSION

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### Disciplinary Commission

1. The following member was appointed to the Disciplinary Commission:
  - a. Mr Alan Darfi (Independent Chairman appointed by The Football Association)  
(the 'Commission')
2. The case was considered at a non-personal hearing.
3. The case was considered at a consolidated hearing together with charges issued against ESFC (accepted breach of FA Rule E20), Mr Rocky Burton of Chadlington FC (accepted breach of FA Rule E3) and Mr Lewis Smith of Hook Norton FC (denied breach of FA Rule E3 (nil response)) (together, the 'Consolidated Charges')

### Charges

4. In correspondence dated 12 January 2021, OFA issued a charge letter alleging that HFC had acted in breach of FA Rule E20 during the Fixture. Rule E20 states that 'each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players officials employees, servants representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper conduct, violent, threatening, abusive indecent, insulting or provocative words or behavior, whilst attending at or taking part in a match in which it is involved, whether on its own ground or elsewhere'. ('Charge 1').
5. It was alleged that this breach of FA Rule E20 was aggravated by virtue of the fact that individuals connected to HFC used the words 'pikey' and 'gypsy scum' and/or 'stinky gypsy' and 'dirty pikey' towards Mr Burton and/or Mr Lewis.
6. HFC accepted Charge 1, requesting the matter be dealt with at a non-personal Hearing.

### Evidence

7. The Commission had received and reviewed the following documents, in advance of the Hearing:
  - a. OFA charge letter, dated 12 January 2021;
  - b. Evidence in support of Charge 1, various dates;
  - c. Response to Charge 1, various dates; and
  - d. Evidence in support of the Consolidated Charges, together with responses.

### Decision

8. The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to these cases.
9. As Charge 1 had been accepted, the Commission dealt only with the sanction to be imposed.
10. The Commission noted that, in response to the charges issued against Mr Burton and Mr Smith, it had been alleged that the aggravated words 'pikey', 'gypsy scum', 'stinky gypsy'

and 'dirty pikey' had been said by individuals connected to HFC, towards these individuals. It was stated by Mr Burton that these words were said referencing the fact that he had been brought up in the traveler community.

11. It was noted that a mass confrontation between HFC and ESFC spectators took place. It was noted that a number of witnesses confirmed that those connected to HFC were actively involved in fighting. It was noted that HFC stated this misconduct had been in retaliation to acts of violence from both Mr Burton and Mr Smith (who were both ESFA spectators on the date of the Fixture), with a number of witnesses confirming these two individuals to be aggressors. It was noted that the Fixture was abandoned as a result of the confrontation between those connected to HFC and ESFC.
12. It was noted that HFC had admitted Charge 1. The Commission noted HFC had 3 teams and a previous discipline record indicating 1 previous E20 offence, from November 2019. It was noted HFC had been fined £55 for that offence.
13. The Commission referred to Regulation 40 of the FA Disciplinary Regulations General Provisions which states 'save where expressly stated otherwise, a Regulatory Commission shall have the power to impose any one or more of the following penalties or orders on the Participant Charged...'. The Commission noted the range of penalties or orders available.
14. The Commission considered the Football Association Sanction Guidelines. The Commission ordered that the incident should be considered a 'high' level of seriousness, in light of the aggravated comments and allegations of fighting. The Commission noted that, for the level of football concerned, the recommended banding for a proven E20 charge was a fine of between £75 and £150.
15. Taking all of the above into account, the Commission agreed that a fine of £100 was appropriate.
16. For the avoidance of doubt, the Commission was not tasked with confirming whether or not HFC was a racist club, simply whether, on this occasion, it was felt that comments from spectators had been aggravated by reference to a protected characteristic.

#### Outcome

17. The Commission ordered that HFC be:
  - a. Fined the sum of £100; and
  - b. Issued with 7 penalty points.
18. There is the right to appeal these decisions, in accordance with FA Regulations.

Alan Darfi  
26 January 2021