

THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION

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

Participant: Mr Steven Haines of Blue Elephant FC ('BEFC')
Hearing: Non-Personal Hearing
Date: 13 November 2020
Incident: BEFC v Mason's Arms FC. 31 October 2020 ('the Fixture')

THE DECISION AND REASONS OF THE COMMISSION

Disciplinary Commission

1. The following member was appointed to the Disciplinary Commission:
 - a. Mr Alan Darfi (Independent Chair appointed by The Football Association)
(the 'Commission')
2. The case was considered at a non-personal hearing.
3. The charge against Mr Haines was considered at a consolidated hearing in accordance with FA Regulations together with a charge against BEFC for an alleged breach of FA Rule E20 in the Fixture, resulting from the fact the Fixture was abandoned following the incident involving Mr Haines.

Charges

4. OFA received a report from the Match Official following the Fixture, alleging that Mr Haines had engaged in Improper Conduct.
5. In correspondence dated 5 November 2020, OFA issued a charge letter alleging that Mr Haines had engaged in Improper Conduct against a Match Official including physical contact and threatening and/or abusive language/behaviour in breach of FA Rule E3. Rule E3(1) states '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 combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behavior' ('Charge 1').
6. In the alternative, it was alleged that Mr Haines had engaged in Improper Conduct against a Match Official including threatening and/or abusive behavior, in breach of FA Rule E3 ('Alternative Charge 1')
7. It was alleged that Mr Haines swung numerous punches at the Match Referee including whilst being restrained. Also, that Mr Haines verbally abused the Match Referee during this altercation.
8. Mr Haines admitted Charge 1, requesting the matter be considered at a non-personal hearing.

Evidence

9. The Commission had received and reviewed the following documents, in advance of the Hearing:
 - a. OFA charge letter, dated 5 November 2020;
 - b. Evidence in support of the Charge; and
 - c. Evidence in response to the Charge.

Decision

10. 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 this case.

11. As Charge 1 had been accepted by Mr Haines, the Commission dealt only with sanction. As Charge 1 had been accepted, the Commission did not consider Alternative Charge 1. It was noted that the FA Disciplinary Regulations confirm that physical contact against a Match Official shall also include attempted physical contact.
12. It was noted the Match Referee had not awarded a goal following a shot that had been cleared off of the line. Following this, a number of BEFC players contested this decision, however Mr Haines' voice stood out. It was noted the Match Referee reported Mr Haines as repeating words such as 'ref are you blind you fucking cunt', 'you cheating cunt' and 'fucking blind' on numerous occasions whilst angrily running after the Match Referee.
13. The Match Referee reported that he then attempted to explain to Mr Haines why the goal had not been given, but was unable to do so as Mr Haines was unwilling to listen and then again used the words 'cheating cunt' at the Match Referee whilst thrusting an angry finger towards his face. For this, Mr Haines was then issued with a red card.
14. The Match Referee reported that Mr Haines then thrust his whole body towards him from about 4 feet away and swung a punch at the Match Referee. Contact was not made due to the Match Referee ducking out of the way and 4 or 5 BEFC players then attempted to restrain Mr Haines, whilst Mr Haines continued to throw punches over the top of them in the direction of the Match Referee. At one point, Mr Haines managed to get through the BEFC players and the Match Referee had cause to push Mr Haines away from him to prevent him from assaulting him.
15. Following this, the Match Referee believed the incident to be over, but Mr Haines again swung punches towards him over the top of BEFC players who were restraining Mr Haines. At this point the Match Referee abandoned the Fixture.
16. It was noted the Charge had been accepted, with no evidence in defence of the Charge being submitted.
17. The Commission noted that Mr Haines' previously discipline record indicated a clean record for misconduct cases.
18. The Commission referred to Regulation 40.2 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...a fine...a suspension from all or any specific football activity';
19. The Commission considered the Football Association Sanction Guidelines which indicated that, for an offence of physical conduct against a Match Official, the recommended punishment is a 182 day suspension plus up to a £150 fine, with a minimum suspension of 84 days a fine of £100.
20. However, the Commission felt that it was only down to the quick reactions of the Match Referee that he had not been assaulted with the first punch swung by Mr Haines. It was noted that Mr Haines then made two further attempts to assault the Match Official and, if it had not been for the fact that he had been restrained by a number of players and then pushed away by the Match Referee, it was extremely likely that a potentially serious assault on the Match Referee would have taken place. It was noted that Mr Haines had clearly completely lost control of his actions.
21. Whilst an assault had thankfully not occurred, the Commission felt that this was down to the actions of those around Mr Haines, including the Match referee, and not Mr Haines himself. The Commission felt that this was an extremely serious case which clearly has no place in football.
22. The Commission noted that the Football Association Sanction Guidelines indicated that, for an offence of assault on a Match Official, the minimum sanction is a 5 year suspension, up to a 10 year suspension. However, it was noted that no assault had actually taken place.

23. Taking all of the above points into account, the Commission agreed that a suspension of 2 years was appropriate, together with a fine of £150. It was felt that this was a sufficiently serious case to justify this level of suspension, as an assault had seemingly been avoided due to the reactions of the Match Referee and actions of others in terms of restraining Mr Haines, on several occasions.

Outcome

24. The Commission ordered that Mr Haines be:

- a. Ordered to serve a 2 year suspension from football and all football activities. It appeared from the OFA charge correspondence that a sine die suspension had been immediately issued at the point of the charge letter, in respect of the alleged charge of physical contact. However, due to the current Covid football shutdown, this would not have had any impact. Therefore, the suspension is to commence from the point that football activity is able to resume.
- b. Fined the sum of £150;
- c. The Commission ordered that BEFC be issued with 6 penalty points.

25. There is the right to appeal these decisions, in accordance with FA Regulations.

Alan Darfi
13 November 2020