

# National Serious Case Panel

Case ID:

*11054031M*

## Disciplinary Commission

*Correspondence Hearing - Chair Sitting Alone*

### Oxfordshire Football Association

County FA

v

**Kieran Jones**

Participant

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### The Decision and Written Reasons of The Commission

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#### Disclaimer:

*These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials in this matter.*

<b>Content:</b>	<b>Paragraph(s):</b>
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- |                                                  |                |
|--------------------------------------------------|----------------|
| • <b>Introduction.....</b>                       | <b>1 – 4</b>   |
| • <b>The Commission.....</b>                     | <b>5 – 6</b>   |
| • <b>The Charge(s).....</b>                      | <b>7</b>       |
| • <b>The Reply.....</b>                          | <b>8</b>       |
| • <b>The Hearing and Evidence.....</b>           | <b>9 – 11</b>  |
| • <b>Standard of Proof.....</b>                  | <b>12</b>      |
| • <b>The Decision.....</b>                       | <b>13</b>      |
| • <b>Previous Disciplinary Record.....</b>       | <b>14 – 15</b> |
| • <b>Aggravating and Mitigating Factors.....</b> | <b>16 – 17</b> |
| • <b>Sanction.....</b>                           | <b>18 – 20</b> |

**Introduction**

1. On the 13<sup>th</sup> November 2022, there was a football match (the “match” or “game”) between *The Ampleforth FC* (“Ampleforth”) and *FC Whitelands* (“Whitelands”). Mr Kieran Jones was playing for Ampleforth and he is therefore a “participant” for the purpose of this case.
2. Around the 70<sup>th</sup> minute, the referee alleges that following an incident an allegation was made that Mr Jones had used the “faggot”, that he says was not directed at anyone but he had heard it. Statements from Whitelands say that their number 15 was tackled and called a “faggot” which the referee heard but didn’t take any action.
3. This incident was investigated by the County FA and statements were obtained to establish what took place. On the 4<sup>th</sup> January 2023 the County FA communicated to the participant that they had made a decision to charge on the evidence below.
4. The County FA are subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

**The Commission**

5. The County FA prepared the bundle for these matters and the National Serious Case Panel (“NSCP”) officially appointed me as the “commission” to adjudicate on this case alone as a Chair member.
6. For the purpose of fairness, I am independent to the parties referred to in this case and I did not have a conflict of interest to declare. My decision is based only on the evidence I have been sent and this is outlined below.

**The Charge(s)**

7. The County FA laid the following charges (detailed within The FA Handbook<sup>1</sup>):

***Charge 1***

7.1. Rule E3 – Improper Conduct (including foul and abusive language).

***Charge 2***

7.2. Rule E3.2 – Improper Conduct – aggravated by a person’s ethnic origin, colour, race, nationality, faith, gender, gender reassignment, sexual orientation or disability.

**The Reply**

8. The participant responded by accepting the charges and I was instructed to conduct this case as a correspondence-only hearing.

**The Hearing and Evidence**

9. Below is a list of documents and/or witnesses in the bundle, that I was provided to consider.

10. County FA’s evidence in support of the charge(s):

10.1. Referee’s report and follow up statements;

11. Participant’s evidence:

11.1. Charged participant initial saying *“I made a fair tackle and the player has started screaming at the ref I said don’t be a maggot that’s a good tackle he must of misheard I’m not homophobic I’m a gay man myself and didn’t use these words. I also tried to say sorry after the match to the player I would like to write him a apology letter if possible”*.

11.2. Charged participant then later replied and said that he is pleading guilty.

11.3. Further email correspondence regarding contact and consolidated cases.

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<sup>1</sup> <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

**Standard of Proof**

12. As directed by The FA, the appropriate standard of proof in such cases is that of the civil standard. This means that the commission must be satisfied on the balance of probabilities that, as per the evidence presented before it, it was more likely that not that the events occurred as they have been charged.

**The Decision**

13. I was not required to decide on whether the charges were proven or not because they had already been accepted. However, for the avoidance of doubt, I would have found the charges proven because to call someone a “faggot” is abusive and it is further aggravated due to reference of sexual orientation.

**Previous Disciplinary Record**

14. After making my decision for the participant, I was then provided with a copy of his previous records in the last 5 years.

15. The participant has no other misconducts. I note there are some cautions over the years but this will not impact him receiving credit towards his sanction.

**Aggravating and Mitigating Factors**

16. Aggravating factors as per sanction guidelines and other observations are:

16.1. Initial denial of the offence.

17. Mitigating factors as per sanction guidelines and other observations are:

17.1. The guilty pleas to these matters;

17.2. The almost positive previous record.

**Sanction**

18. The FA Handbook and County FA Disciplinary Sanction Guidelines set out the scope and range of sanctions that are available. The applicable season is 2022/23.
19. After taking everything into account, I considered the mitigating factors to keep his sanction to the minimum allowed. The sanction that will therefore be imposed upon the participant is the following:
- 19.1. To serve an immediate 6 match ban (from the date of notification for this decision) until the participant's club complete their number of qualifying matches;
- 19.2. To complete an FA online education programme before the end of the match bans, or within 28 days of the Disciplinary Commission's decision, whichever is the later. Otherwise, the participant will be suspended until such a date that the programme has been successfully completed. Programme details will be provided;
- 19.3. Fined the sum of £75;
- 19.4. Penalty points of 6.
20. These decisions are subject to the right of appeal under the relevant FA Rules and Regulations.

**Alban Brahimi, Chair**

6<sup>th</sup> February 2023