

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Oxfordshire FA

NON-PERSONAL HEARING

Of

Lennon Parkin

Bicester Town Colts FC

[Case ID: 11075318M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 08 January 2023, Bletchington AFC U16 ("Bletchington", the "Home Club"), played an Oxfordshire FA Under 16 Youth County Cup fixture against Bicester Town Colts FC U16 ("Bicester", the "Away Club") – collectively the "match".
2. Following the fixture, the appointed Match Official submitted an Extraordinary Incident Report following an allegation of discrimination during the fixture.
3. Oxfordshire Football Association ("Oxfordshire FA") then investigated the reported incidents.

The Charges

4. On 26 January 2023, Oxfordshire FA charged Lennon Parkin:
 - 4.1. With misconduct for a breach of FA Rule E3 – Improper Conduct including foul and abusive language **Charge 1;**
 - 4.2. with a second charge for a breach of FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender reassignment, Sexual Orientation or Disability **Charge 2;**
 - 4.3. It is alleged that Lennon Parkin used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to disability. This refers to the comment(s) *"he's dribbling from his chin"* or similar.
 - 4.4. Oxfordshire FA advised in the charge letter that the range of sanction was between 6-12 matches. 6 matches are the standard minimum; a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors. A participant found to have committed an aggravated breach will be subject to an education programme.

- 4.5. For a participant aged 12-15 the standard minimum six matches apply, but the Commission may suspend some matches as they deem appropriate. A minimum of one match must be served immediately.
- 4.6. The relevant section of FA Rule E3 states¹:
- “E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.*
- 4.7. Oxfordshire FA cited the evidence that they intended to rely on in the case bundle.
5. Mr Parkin was required to respond to his charges by 09 February 2023.

The Reply

6. For case **11075318M** Mr Lennon Parkin, a response was received via WGS on 07 February 2023, denying both charges and requesting they be dealt with by correspondence
7. During the investigation, the evidence was submitted from:
- 7.1. Match Referee Extraordinary Incident Report;
- 7.2. Two FA Management Information Systems (MIS) Screen grabs;
- 7.3. Statements from Bletchingdon AFC;
- 7.4. Statement from Bicester Town Colts;
- 7.5. Statement from Lennon Parkin;
- 7.6. Response to the charge.

¹ p. 141 of FA Handbook

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 Chairman Sitting Alone to adjudicate in these cases.

The Hearing and Evidence

9. The case bundle was sent via e-mail to the appointed Chair 13 February 2023 to be completed within 3 working days.
10. I adjudicated this case on 14 February 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. The appointed Match Official for the fixture submitted an Extraordinary Incident Report, this contains the following details;
 - 12.1. The report notes, in the 80th minute he was made aware of an allegation of discrimination used by Lennon Parkin towards a Bletchingtondon spectator who is *"autistic and has cerebral palsy, I didn't catch what was all said by the player but I heard something along the lines of dribbling by the chin"*.
 - 12.2. After the end of the fixture the Referee was approached by the Bletchingtondon manager who mentioned this to them, the parent of the spectator also came over to them and they explained they were talking about the incident.
 - 12.3. As the Match Official left the parent spoke with them *"I asked exactly what was said as he was stood on the side line who's son was being shouted at, he told me that he didn't hear what was said and neither did the son know. When I was*

leaving [Bletchington manager] told me that (Lennon parkin) wanted to apologise but understandably it was going to be accepted".

- 12.4. In further correspondence with Oxfordshire FA dated 10 January 2023, in response to a request to add clarification to the report already submitted, the Referee confirms all he heard was *"the spectator, "your good picking on a disabled person ent you" "*. The comment was made to the spectator who is autistic and does have cerebral palsy. The response also adds the parent did not hear what was said but others may have. The player was around 25 yards away from the spectator and then walked away; he did not see the player at the end.
13. The case bundle includes two screen grabs of FA MIS, the first is of Full-Time showing the fixture details. At the point it was taken there is no line up shown for Bicester Town Colts. The second shows Whole Game System with no misconduct recorded for the fixture.
14. On 10 January 2023 Oxfordshire FA contacted Bletchington for their observations on the incident. In response four statements are provided. The first is from a club official that contains the following;
 - 14.1. The response begins confirming the allegation and adds further detail regarding the medical status of the supporter. The match is described as competitive with, *"the usual banter that would be expected between the teams, however, the incident that took place took that to another level and stepped beyond the acceptable behaviour for a player on the pitch"*. The response ends by noting there are statements from the spectator and a parent with a further submission from a second team official.
15. The first statement provided is from the team official, this adds the following information;
 - 15.1. The statement begins with the post-match discussion they had with the Referee, when he was stood with him, a parent approached and *"made myself and the Referee aware that he was not happy of a situation that happened*

in regards to his son ([redacted] a spectator) about a player number 6 saying something disgusting to his son and that he will be reporting this. At this point the referee said that he is aware of this and will be putting this in his report".

- 15.2. The author told the Match Official they would look for further information, at this point a team official from Bicester also approached and was made aware of the allegation; the Bicester official was not aware of the allegation and would do the same to find out further information. The Bicester official then allegedly said *"to the referee that situations like this may not of happened if the game was controlled from the start"*.
- 15.3. In response to this he *"told the referee that he had done a great job with the game and said to [referee] that this incident had nothing to do with in game management by the Referee. [who] agreed. And that this was a completely seperate situation"*. Everyone then returned to the changing areas, when they came out he saw the Bicester team official talking with the spectator and their mother asking if the player could apologise to them in person *"At this point my observation was the mother and son [redacted] were very hesitant and choose not for this to happen at this point"*.
- 15.4. The incident was discussed further in the changing rooms between the author and the Bicester team official, he *"explained the situation and that we would follow up with this through the correct channels. [Bicester team official's] response was that he is the welfare officer for his team so if anything comes through he would be able to respond appropriately and take action where needed"*.
16. The second statement included is from a parent of the spectator allegedly abused who was present at the fixture, they add the following regarding the incident;
- 16.1. They refer to the medical condition of their son. Of the incident their son heard the word *"wanker"* being used by the participant charged, and *"said to my wife and I that "they were using big boy words" I can only assume this was overheard by the Bicester Town number 6 who then gestured towards [redacted], mocking his weight by rolling his hands around his own midriff. I then heard the*

Bicester Town number 6 comment that "I bet he's dribbling from his chin"'. This is noted as a stereotypical comment associated with their son's condition.

- 16.2. The final whistle was blown soon after and they were approached by one of their players to see if the son was okay, he was followed by the brother of the spectator who was *"livid as he had witnessed derogatory comments being made about Sam and his disability"*. The author went to find the team manager and saw they were with the referee and also the opposition team official.
- 16.3. The witness approached them to make them aware, the referee asked and gestured for him to go away but he admits he ignored the Official as *"I felt this was a very serious matter that needed to be brought to the Bletchington Manager's attention immediately. So, I informed him that I wanted to speak with the Bletchington Manager as I needed to ensure he was aware of discriminatory comments that had been made about my son"*. Having spoken with the manager and was also informed by the referee who was already aware. He then informed the referee it was their son and *"this was not acceptable, and that the situation needed to be dealt with"*.
- 16.4. As they returned to the side line the Referee approached him, he apologised to the Official for ignoring him previously and they had a brief chat regarding the incident and he advised them *"the comments directed towards him mocking his disabilities were not acceptable. I informed him that it was the Bicester Town number 6 who had made the comments and actions directed towards [redacted] about his disability. The referee noted these things on his match card and confirmed that it would be included in his report"*.
- 16.5. Upon returning home he was made aware of a contact through social media by the Bicester player to his son to offer an apology, he feels *"the damage has already been done and [redacted] cannot unhear the disgusting comments made to and about him. Furthermore, whilst Lennon might allege he was "not trying to pick on his disability" these comments really upset him and took away the enjoyment he has in watching his brother play football. His [son]*

believes these comments were made with the intention to make fun of him by using his disability which can be deemed as discriminatory abuse”.

17. The spectator allegedly abused, has provided a statement and has been assisted by a parent in doing so, this contains the following details;

17.1. He begins by confirming his medical condition and his attendance at the fixture. He description of the incident in full states *“I heard the Bicester Town Colts No.6 use the word “wanker” in relation to an on the pitch incident. I was quite shocked by this out of the blue outburst and said to my mum and dad “Ooh big boy words”. My comment was not said to the player in question but I assume it may have been heard by him as he responded by making a comment about my weight. He rubbed his tummy and called me “a fatty”. I know I am overweight as I am unable to exercise much due to my disability and I am very conscious about my weight. The same player then made a further comment which was a direct reference to my disability. He said “he dribbles down his chin” whilst rubbing his chin. Dribbling is a common symptom of my disability and as such I found this comment really offensive and hurtful. I have previously struggled with watching my brother play football due to anxiety and I have only recently built up the courage to do so”.*

17.2. He confirms the approach of two players to check on his welfare, at this point the alleged offender did not make any attempt to apologise. He went to find his parent and spoke to them, whilst doing so *“someone who I believed was the Bicester manager came over asking who the lad was who his team had made comments about and I made myself known. He asked what had happened as he had not heard it himself and he said how sorry he was for what had happened. He added that the player wanted to apologize to me however he wanted to do it in private. This made me feel quite uncomfortable as I suffer with Autism which sees me struggle with social interaction”.*

17.3. They continue adding the anxiety makes it difficult talking to strangers and he felt very uncomfortable in this position. This led to him *“going into my shell a little and standing there nervously not knowing what to do. I didn’t want to face the Bicester No.6 who had insulted me but I didn’t know how to*

explain this to their manager. The player may be sorry now but I can't forget what he said to me or how this made me feel".

- 17.4. The witness notes the Bletchingdon manager came over and *"freed me from this nightmare situation by saying I didn't have to face the player and we would deal with this by making a report"*. He then confirms the social media message which he has not responded to as he does not believe his comments were acceptable and *"if they were not said to "make fun of my disability" then I don't know what his intention was"*.
- 17.5. Of the impact of the incident on him *"I feel very hurt by what happened today. I love football and would love to be able to play but can't due to my disability. The next best thing is to be able to go and watch my brother play and feel part of the Bletchingdon family where they have welcomed me and allow me to join in with training. However, this experience was tarnished today and I feel very upset by the discriminatory comments directed at me. Football is supposed to be inclusive for all but today I was made to feel that it isn't"*.
18. There is a screen grab of the social media message, this is addressed to him and states *"Hi [redacted] I wasn't trying to pick on your disability I'm sorry if you took it that way. It was just a hot headed moment where we both gave it. But I didn't mean to make fun of a disability that you have"*.
19. On 11 January 2023 Oxfordshire FA contacted Bicester Town Colts FC for their observations regarding the incident. Two responses were received, the first, dated 12 January 2023, was from a club official and relays the following;
 - 19.1. The author notes they are waiting on a report from the participant charged, they are not able to comment on what was said as they were located at the other side of the field of play. They have spoken with their player who *"massively regrets what was said but he made no reference to anyone's disability because he was unaware the kid had a disability"*. He does not condone the what was said and adds of the gesture *"because fat shaming is not nice it's a form of bullying which I won't stand for"*.

- 19.2. The fixture was heated at times and he notes some *"tasty challenges"* which he asked the referee about believing *"if a few cards were produced the game would've become easier to manage"*. He feels this built the tension at the end of the game and he did *"pull the referee up on this because it got silly towards the end"*. The Official did explain his reasons which is respected although the author wishes to highlight this point.
- 19.3. He confirms he spoke to the parent after to offer his apologies and ask if the player be allowed to apologise face-to-face but this was *"unfortunately declined"*. He adds *"Having spoken to the mother and kid they said they never heard what was actually said it came from the players on the pitch hearing what Lennon had said. I asked if they knew who Lennon was just so I could find out if Lennon did know the kid had a disability. The mother said she knew who he was but the kid wasn't aware of him"*. The witness wishes to emphasise he is using the term *"kid"* as he is not aware of the person's name.
- 19.4. He has spoken to the player and his dad about the situation and agree he *"needs to be more aware of words that comes out of his mouth because they can really hurt people's feelings. He wants to be a leader within the team so I said starting from now he needs to focus on football and helping his team mates so we can have a successful season"*. The player has a good disciplinary record and he feels *"with the importance of the game his emotions took over which led to him saying what he did"*.
20. Oxfordshire FA make further contact with Bicester on 17 January 2023 to follow up the response form the participant charged. The case bundle contains a photograph of a written statement from Lennon Parkin which states;
- 20.1. The statement in full reads *"I swore at a player on the Bletchington team and then a supporter said to me "oooo big boy words" to which I replied "you're drooling mate" and made a pot belly gesture at the fan. In this situation I had no idea about their disability and have since apologised as they took it that way"*.

21. Having been informed by Oxfordshire FA via e-mail of the charge raised on 26 January 2023, Bicester, having held a meeting on 06 February 2023, had sent a response. This includes the following;
- 21.1. They ask the following areas be taken into consideration when reviewing the case. There are 18 points, the first notes the response from Lennon Parkin was due to a player kicking his shin pad away after it had fallen out. They also allege abuse was directed to their player first and had responded to the *"abuse from a spectator to a child"* and ask if a separate charge is being raised for this incident against their opponents.
- 21.2. They also note Lennon Parkin had no knowledge of the disability of the spectator and had not approached them to engage in a confrontation. In addition, they believe the referee has not heard the comment nor had the spectator or parent according to his report; the subsequent report notes the referee only heard the response from the spectator which was also the first time his player was aware of any disability. The initial report also notes the father wanted to find out what was said as he didn't hear the comments directly just saw the rubbing of the tummy gesture.
- 21.3. There is no other reference in any report from the managers or referee of the chin rubbing gesture. In the report of the Bletchington manager he notes the parent stating *"something was said"* but did not detail what; they feel this implies the parent was not aware of what was said. They also question why no other reports from players or spectators had been provided, not even from the mother who was allegedly there but the statement of the son notes they were in the tuck shop.
- 21.4. They also note the alleged lack of attempt to apologise in the spectators report was due to the players being in the changing rooms. There is also reference to the manager asking for his player to apologise which shows an apology had been offered at the appropriate time. Of the comment *"the player may be sorry now for comments but I cannot unhear what was said"* they

note the referee and manager report noting the parent did not hear the comment said.

- 21.5. The player did try to apologise off his own back using social media as he could not do so after the match in person as he felt bad for any misunderstanding. They also note the response from Lennon Parkin and the term used as *"you're drooling mate"* and rubbing his stomach to imply the spectator was overweight; this was said from a distance of 25 yards and at the time he did not believe it was audible to the spectator.
- 21.6. They also refer back to the spectator being happy to give abuse from the side line but the statements have been written to *"maximise the sanctions on Lennon"* and alleging the father is a former coach and *"knows how the FA Discipline system works"*. The alleged comments are also inconsistent in the statements provided by Bletchingdon compared to those admitted by their player.
- 21.7. The player does realise his comments were *"ill advised"* and could be taken badly now that he understands the spectator has a disability. He was not aware at the time and the comment was not said to discriminate only in response to the abuse he received and had pro-actively tried to apologise for his part.
- 21.8. The final point is of the reminder for the player of the club code of conduct he needs to adhere to and that all disabilities are not obvious. They add *"to his credit he has not sought to deflect or try and claim he didn't make a gesture or comment to the spectator but has confirmed he had no idea the spectator was disabled and made observational comments in response to the abuse from the spectator"*.
- 21.9. The club note they are looking out for their player's welfare and he has also received abuse from the side line to initiate the back and forth and request the points raised are taken into consideration, the accept the player should not have responded and his response was ill-advised.

- 21.10. The player is fully aware of the challenges those with disabilities face due to his personal circumstances and he would *“not actively go out and discriminate against anyone as he knows from experience the challenges and abuse that can be aimed at people with life challenges”*. They admit comments were made but, in both directions, and were initiated by the spectator and they were ill-advised but the disability was not known at that time.
22. That concluded the relevant evidence in the case.

Standard of Proof

23. 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

24. As is usual in cases of this nature, **Charge 1** must be considered first. The charge notes the use of the comment *“he’s dribbling from his chin”* or similar. Whilst it is noted by the participant he stated *“you’re drooling mate”* it is of a similar theme to the words within the charge letter. Furthermore, whilst all the statements do not consistently agree on the wording, they are all of a similar nature; for clarification, the Commission has focussed on the words as provided by the participant charged.
25. Lennon Parkin also admits to a *“pot belly gesture”* towards the spectator. Two of the statements from Bletchingdon also note use of the word *“wanker”* towards an opponent which initiated the incident drawing the response that included the words *“oooo big boy words”* from the spectator, also a child. The response from the spectator’s parent of *“your good, picking on a disabled person”* is not considered abusive.
26. The wording of **Charge 1** is of Improper Conduct using foul and abusive language. The comment made to an opponent and the further comments to the spectator are considered by the Commission to meet the threshold of the charge.

On the balance of probability, the Commission believe it was more likely than not, this has taken place as alleged and have found **Charge 1 Proven**.

27. The participant charged also admits to “*making a pot belly*” gesture towards the spectator which, the statements from Bicester call an action of bullying, specifically “*fat-shaming*”; this is also a further example of abuse towards the spectator. This was at a distance of 25 yards which the participant charged felt would not be audible, however the action would still have been visible to the spectator.
28. The Commission then considered **Charge 2**, the aggravated aspect, this is defined within the FA Handbook (page 141) as follows;
 - 28.1. “*A breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following:- ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability*”.
29. The Commission accept the participant charged would not have been aware of any medical condition the spectator may have. However, the comment used, alluding to dribbling/drooling, is a direct reference to someone who would be suffering from a neurological disorder or other health condition.
30. Any such comment directed at any individual would be an implication of them having such a condition; the use of this term as a slur, implying a disability, does meet the threshold of the charge. It is the belief of the Commission, on the balance of probability, the comment was used in this manner and therefore have found **Charge 2 Proven**.

Previous Disciplinary Record

31. The five-year offence history of Lennon Parkin contains no previous Misconduct charges relating to this offence.

Mitigation

32. Lennon Parkin had attempted to make an apology in person on the day to the spectator for any offence he may have caused and did make contact via social media to apologise. He has also been reminded of the club code of conduct and has admitted his words were, *"ill-advised"*.

The Sanctions

33. The sanction for this offence is as follows;
- 33.1. As suspension of 6-12 matches;
 - 33.2. A monetary fine;
 - 33.3. Mandatory education.
34. When considering the sanction, the Commission noted the following aggravating factors; within this incident there is use of offensive language to an opponent, discriminatory comments loud enough to be heard from 25 yards away and further abusive gestures towards the spectator. This would normally attract a sanction around 9-10 matches, including a ground/venue ban and a fine in excess of £100.
35. Having taking into consideration the Participant Offence history of the player, the age of the participant charged and the mitigation listed above Lennon Parkin is:
- 35.1. to serve a suspension from all football and football activities for a period of 4 matches. This comprises an award of 7 matches with three suspended for 12 months from the date of these written reasons and will be removed after this period if no further misconduct of this nature occurs;
 - 35.2. fined a sum of £75;
 - 35.3. to satisfactorily complete an online mandatory education programme before the suspension is served, or Lennon Parkin be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to Lennon Parkin; and

- 35.4. 6 (six) Club Disciplinary Points to be recorded.
36. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
37. Signed...

Steve Francis (Commission Chair)

14 February 2023