

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Oxfordshire Football Association

NON-PERSONAL HEARING

of

Lewis Kemp

Stonesfield FC

[Case ID: 11075293M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 14 January 2023, Stonesfield FC First ("Stonesfield", the "Club"), played a Witney & District FA Premier Division fixture against Milton-U-Wychwood FC First ("Milton") – collectively the "match".
2. Following the fixture, the appointed Match Official submitted an Extraordinary Report regarding the alleged misconduct of Mr Lewis Kemp of Stonesfield.
3. Oxfordshire Football Association ("Oxfordshire FA") investigated the reported incidents.

The Charges

4. On 30 January 2023, Oxfordshire FA charged Mr Lewis Kemp:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour);
 - 4.2. It is alleged that Lewis Kemp used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations. This refers to the allegation that Lewis Kemp pushed the club match officials face or similar.
 - 4.3. Oxfordshire FA advised in the charge letter that the range of sanction for this offence was a suspension of between 112 days and 2 years with an entry point, prior to considering any mitigating or aggravating factors is 182 days; a fine of up to £150, with a mandatory minimum fine of £75 and a mandatory education programme to be completed before the time-based suspension is served.
 - 4.4. The charge letter further informed Stonesfield that Mr Kemp, due to the serious nature of the offence, is immediately suspended from all football

and football activities from 30 January 2023 until the case has been dealt with by the Association.

4.5. 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.

5. Oxfordshire FA included with the charge letter the evidence they intended to rely on in this case.
6. Mr Kemp was required to respond to the charge by 06 February 2023.

The Reply

7. The case bundle contains a scan of the response sheet signed by the participant dated 31 January 2023 and further signed by the club secretary on 01 February 2023 denying the charge and requesting this be dealt with by correspondence. Also within the case bundle is a screen capture showing WGS had been updated to reflect this on 02 February 2023.
8. During the investigation, evidence was submitted from:
 - 8.1. Match Referee, Extraordinary Incident Report and further e-mails;
 - 8.2. Statements from Milton-U-Wychwood FC;
 - 8.3. Statements from Stonesfield FC.

The Commission

9. 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 this case.

¹ p. 141 of FA Handbook

The Hearing and Evidence

10. The case bundle was sent via e-mail to the appointed Chair 03 February 2023 to be completed within 3 working days.
11. I adjudicated this case on 04-06 February 2023 as a correspondence hearing.
12. 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 relevant names have been removed from evidence.
13. The appointed Match Official for the fixture submitted an Extraordinary Incident Report via WGS, the text of which has been included in the case bundle, which states the following:
 - 13.1. The report in full notes *"In the last minute as I was issuing a cautions about on the half line looking across to the side line there was quite a crowd which until that minute had been no problems then I see Lewis Kemp who had been substituted for Stonesfield walk to the front of the crowd him and the assistant referee who was club officials for Milton then after a through seconds Lewis Kemp threw a punch at him I wasn't sure if it made contact then went across to him speak to him and showing the red card"*.
 - 13.2. The referee was then contacted on 16 January 2023 by the County FA requesting further information regarding who the punch was thrown at, who it was and their role in the fixture, if there were any witnesses and the reaction of the participant charged. In response to this on the same date the referee adds *"The person he threw the punch at was Pat King who is a member of Milton football club he was running the line for me (assistant referee) as I said in my report they exchanged a few words then he threw the punch, when I went across to him told him I was going to show the red card he*

just said go on get on with it I showed the card just turned and walked away he never said anything more, the others by him were laughing at him and taking the mickey. There was quite a lot watching the game, however I wouldn't class them as witnesses. The secretary of Stonesfield, Brian Clarke said what an idiot to do that, I don't know if Brian Clarke being secretary of Stonesfield. would be willing to be a witness".

- 13.3. The case bundle also contains a screen capture of the discipline from the fixture as reported on WGS showing four cautions, none of which are for the participant charged. This is further supported by a capture from Full-Time showing the same information.
14. The next part of the case bundle is the responses from Milton-U-Wychwood to contact from Oxfordshire FA dated 16 January 2023 regarding the alleged incident requesting details of who was allegedly struck, their role in the fixture, if injuries were sustained and any witness statements. There are three responses from the club, the first notes the following;
- 14.1. The first response, also dated 16 January 2023 notes the following *"I believe it was more of a slap than a punch. Also, it was aimed at our First Team manager [redacted], who was running the line when it happened. There was contact made but no injuries. I will contact [redacted] and ask for a statement".*
- 14.2. The second response sent 17 January 2023 contains the statement of the individual allegedly struck. They begin noting the fixture was played in good spirits until the 70th minute when *"the 10-15 younger stonesfield supports on the side line found their voice for the last 20mins cheering every stonesfield challenge and booing every milton challenge, with a couple of minutes to go milton centre back made a challenge on the halfway line to which the referee played advantage and stonesfield had 2 opportunities to score. The game carried on until a late challenge on the halfway line from stonesfield resulting in the referee booking a stonesfield player".*

- 14.3. He continues noting at this time Mr Kemp, who had previously been taken off as he had been injured, had become involved *“started screaming at the ref to send off the Milton centre back for the previous challenge. He started calling me a fucking cheat as I always flag for offsides, I replied I haven't had to give one all game. He kept shouting next to me regarding me being a cheat and saying Milton are a dirty side. I laughed at him and said Stonesfield are a better team without him on the pitch”*.
- 14.4. It was at this point he alleges the incident took place when *“He slapped me round the face which the young Stonesfield lads on the sideline thought was very funny. I walked to the referee who was still dealing with the late Stonesfield foul on the halfway line and said how long was left? Just under 2mins. I said for everyone's safety call fulltime. He had seen Lewis Kemp strike me and asked what happened. I was running the line and do most weeks but I don't expect to be having to put up with situations like this”*. That concluded the statement.
- 14.5. The final response, also dated 17 January 2023 adds the following information; in full this adds *“I may add that after the game, everyone shook hands and it settled down. We joined Stonesfield in the clubhouse for refreshments and nothing was said between the teams. Lewis obviously knew he had messed up as he was saying that he was probably going to "get a 10 game ban". Massive shame that the game came down to this bitter incident”*.
15. The case bundle then moves onto the statements from Stonefield FC; Oxfordshire FA contacted them on 16 January 2023 to ask for their observations on the incident that had been reported to them regarding the actions of Mr Kemp. On 17 January 2023, the following information was sent through via e-mail;
- 15.1. The author begins noting they had carried out an internal investigation and had received witness statements from two committee members in attendance at the fixture *“these indicate that there was an altercation at the end of the match involving the Milton linesman and the Stonesfield goalkeeper Lewis Kemp (who had previously been substituted following an injury sustained during the game).”*.

- 15.2. They further note one of the statements highlights the role in the incident of the opposition linesman who *“ran over shouting abuse at the end of the match with the Milton linesman proceeding to “get right in Lewis Kemp’s face”*. The other witness had not seen the start of the incident. They add *“It seems that Lewis Kemp then pushed the Milton linesman’s head away from his own. It is strongly denied that any punch was thrown. There was also no visible mark or injury to the Milton linesman’s face to indicate any force was used in pushing the Milton linesman’s head away from his own head”*. The same two individuals then *“quickly separated them to ensure there was no escalation of the situation”*.
- 15.3. The author notes further statements can be obtained including one from the participant charged; they also request the referee’s report so *“we can understand what he saw himself and why he has included any reference to a punch in his report as those present are clear that no punch was thrown”*. The statement concludes noting, as a club *“we are disappointed that this altercation happened and do not condone in any way anyone associated with the club getting involved, whatever the circumstances”*.
16. Having been notified of the charge being raised by Oxfordshire FA three responses were sent. The first takes the form of a social media message, this is added as a capture and the name of the author is hard to discern. The message adds the following;
- 16.1. The statement in full reads *“It all started with a really bad tackle in the middle of the field. Supporters were complaining regarding this tackle. Stonesfield goal keeper, who come off injured was complaining also with the supporters. The linesman didn’t like the Stonesfield goal keeper moaning and some words were passed between them. The Milton goal keeper also started shouting abuse at Stonesfields goal keeper. The referee blew the whistle early because of all this, in which the goal keeper ran over shouting abuse.”*.
- 16.2. This continues *“The linesman then got right into the Stonefields goal keeper’s face and flinched as if he was going for him. Stonesfield goal keeper then raised*

his hand and pushed the lineman's head away from his. Then both teams pulled them both away. The linesman kept moaning and abusing supporters on the line. Lots then suggested the Stonesfield goal keeper was sent off but I did not see a red card raised."

17. The second Stonesfield response is from a spectator who was present at the fixture statement is from a parent of a player, dated 16 January 2023 this contains the following;

17.1. The author was at the fixture notes around the 70th minute it became feisty and they feel the referee was losing control. By this point Mr Kemp had suffered an injury and had been substituted. He adds there was an exchange of "banter" between the supporters and the Milton linesman which was *"all very friendly and respectful and added to our enjoyment of the match"*.

17.2. The statement then alleges, with a few minutes to go, an apparent altercation on the halfway line that *"involved the Milton linesman and someone from the Stonesfield support who were watching the game. I saw the Milton linesman take what looked like a blow to the back of the head but I didn't see who it was who did it The Milton linesman did not retaliate and I have no idea what sparked the altercation"*.

17.3. The linesman then walked in his direction and he asked if he had been punched; the response was *"he was 'caught on the side of the face' (I don't recall him saying the word 'punch') There appeared to be no mark on his face and there was no blood so it was maybe just a push rather than a punch. At that point I noticed that the ref had called full time. [redacted] both shook hands with the Milton linesman, (mutual respect He was good value and had enhanced our day!)"*.

17.4. They returned to the social club and he spoke to Mr Kemp regarding his injury *"he was quite animated and said "fucking sore". I then asked him, "who had punched the Milton linesman?" and he said that he (the linesman) wasn't punched. I said, "I thought he'd been punched". Lewis then said that he'd*

pushed him but he didn't throw a punch: Lewis then asked his friends who were about 10 yards away if the linesman had been punched and several of them shout "No". Lewis then exclaimed that he'd "heard it all now"."

- 17.5. The author then made his way home and concludes adding *"wasn't aware until the next day (Sunday) that the ref had sent Lewis Kemp off following the altercation as I didn't see him show his red card. This is an honest, accurate and true account of my observations"*.
18. The third and final response is a statement provided by the participant charged, this was sent 31 January 2023, and relays the following;
- 18.1. Mr Kemp also notes a good game with no issues until the 80th minute at which point he alleges *"challenges were flying all round the pitch "*; he believed these were worthy of cautions for both sets of players. Following on there was a challenge in the 85th minute on one of his colleagues that was *"horrible which the referee missed which the lead on to the incident between myself and [redacted] the Linesman for the game, after myself asking the referee how that it was not a red card whilst he was trying to deal with it from the horrible challenge on [redacted] which was happening toward the centre circle, [redacted] started to shout and hollow at myself and the fans who were nearest to him are you fucking stupid that's never a foul you lot always fucking dive about trying to get fouls"*. The attention of the linesman then focussed on him and *"he marched up the line and come face to face with myself and then pushed his head toward mine in which then I pushed [redacted] away using my hand"*.
- 18.2. Others arrived at this point and hey were separated but the Milton goal keeper *"ran over from his box shouting and swearing at myself and also trying to get to me to start a fight the referee come over to me and produced the red card saying the he had saw at all happen in which he definitely DID NOT as he was dealing with the challenge in which happened before as there was an escalate in the middle of the park due to the challenge from Milton player on [redacted], people who was there also can clarify this as they saw the referee*

dealing with the matter of the challenge So I believe he sent me off by word of mouth". He notes this is supported by a further witness although this has not been supplied in the case bundle.

- 18.3. Mr Kemp does not believe the individual who ran the line should be allowed to as he is also a team official and *"what happened with myself happens every week with different team within our league, he always likes to make every about himself during the games when he runs the line for Milton and also does things in which you not aloud, example shouts at Milton players to step up to catch teams offside also coaching them on the sideline given then advice in which I believe that you cannot do if you are running the line for your team. Also always shouting and verbally attacking fans on the sideline whilst he is running the line which I think is embarrassing to say the least".*

19. That concluded the relevant evidence in the case.

Standard of Proof

20. 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

21. For case **11075293M** Mr Kemp for physical contact on a match official the threshold for a charge such as this is contained within the FA handbook and is as follows;

- 21.1. *"96.2 Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment)"*

22. The Commission considered the written evidence presented to them. All statements note there was an altercation and this did involve the linesman of Milton, confirming the individual was actively carrying out this role during the fixture and therefore is afforded the same standing as any Match Official.
23. There are allegations of punching contained within some of the statements, however, Mr Kemp has not been charged with this action but with Physical Contact. In his own testimony he states he has pushed the linesman away with his hand. Additionally, as they were subsequently separated by players the Commission also believe the push to have been undertaken in a confrontational manner and does meet the threshold of the charge.
24. Whilst the actions of the club linesman are noted and this individual does admit to use of foul language towards Mr Kemp, this does not excuse the actions of the participant charged. Furthermore, it is clear he was aware of the role in the fixture undertaken by the individual whom he states he pushed. Therefore, on the balance of probability, the Commission believe it was more likely than not the physical contact had taken place and find the charge **Proven**.

Previous Disciplinary Record

25. Lewis Kemp' five-year offence history contains one other misconduct relating to this offence;
 - 25.1. 17 April 2018 E3 Improper Conduct against a Match Official (including abusive language/behaviour) sanction 1 match and a monetary fine of £15.

Mitigation

26. Mr Kemp has not provided anything further in mitigation.

The Sanction

27. For case **11075293M** Mr Lewis Kemp relating to physical contact, the sanction range for this offence is as follows:

- 27.1. Suspension of 112 days to 2 years with an entry point before considering mitigating and aggravating circumstances of 182 days
- 27.2. A fine up to £150 with a mandatory minimum of £75
- 27.3. Mandated FA Education
- 28. After taking into consideration Mr Kemp's previous record, alongside the aggravating factors of approaching the club linesman with the additional use of foul language, the sanction will be:
 - 28.1. To serve a suspension of 210 days from all football activity to include ground/venue ban, backdated to 30 January 2023;
 - 28.2. fined a sum of £80;
 - 28.3. Mr Lewis Kemp is to satisfactorily complete a mandatory face-to-face education programme before the suspension is served or Mr Kemp be suspended until such time, he successfully completes the mandatory education programme, the details of which will be provided to Mr Kemp.
 - 28.4. 6 (six) Club Disciplinary Points to be recorded.
- 29. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
- 30. Signed...

Steve Francis (Commission Chair)

06 February 2023