

NATIONAL COUNTY FOOTBALL ASSOCIATION SERIOUS
CASE PANEL

On behalf of Oxfordshire County Football Association

Personal Hearing of

Oliver OSWIN [63922784]

Case ID: 10621230M

THE DECISION AND REASONS OF THE COMMISSION

Preliminary Issue

1. Before the commencement of the hearing the Commission sought to clarify the basis of the participant's plea. The participant had indicated, via the Whole Game System, that he accepted the charge and requested a verbal plea hearing, however, in his written statement submitted prior to the hearing, the participant had indicated that, whilst he accepted he had assaulted another participant, he asserted that he did not do so with intent, but rather his actions were reckless. The Commission explained that the charge alleged that the participant "without warning and with intent had headbutted a Chinnor player" and that by admitting the charge, the Participant was accepting that his actions were intended. The Commission advised the participant that if he wished to challenge any part of the charge then he should enter a not guilty plea and the matter should go before a different Commission and witnesses would be called. The Secretary also advised the participant of the four options available to him, as set out in the charge sheet. Having fully explained the situation to the Participant, the Commission set the matter back for the Participant to reflect on the information and his decision and to discuss it with his manager. The Participant returned to the hearing and confirmed to the Commission that he wished to continue with the plea entered. He confirmed he understood that this meant the Commission

would proceed on the basis that he had intended to headbutt the Chinnor player. The Commission were satisfied that the Participant had been made aware of his options and the consequences of his decision, that he was articulate, and it was clear to the Commission that he understood what had been explained and that he accepted the charge in full. The Commission therefore proceeded on that basis.

Introduction/Background

2. On 3 November 2021, Clanfield (85) Vets played Chinnor Veterans in the UHlsport Hellenic League, hereafter known as 'the match'.
3. Following the match Oxfordshire County Football Association (Oxfordshire FA) began an investigation into an incident that had occurred during the match.

The Charge

4. On 30 November 2021, Oxfordshire FA charged Oliver Oswin (OO), a Clanfield player, with Misconduct for a breach of FA Rule E3 namely Assault by participant on participant.
5. The FA Rules of the Association are set out in The FA Handbook Season 2021-22. Rule E3 states:
E3.1 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 a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
6. The FA Disciplinary Regulations 2021-2022, at paragraph 104, states that if a match official's report indicates that a participant has perpetrated an assault on another participant causing serious bodily harm before, during or after a match, the affiliated association shall without delay investigate the referee's report.

The Allegation

7. It was alleged that on or around the 55th minute of the match OO called out to a Chinnor player. As the Chinnor player turned around OO without warning and with the intent, headbutted the Chinnor player in the face, striking the player on the cheek bone below the right eye, causing a deep and open wound to the players face and that this action constituted a breach of FA Rule E3.

The Reply

8. OO responded to the Oxfordshire FA Discipline Team on 7 December 2021, via the whole game system, indicating that he accepted the charge of assault and requested that the matter be dealt with at a personal verbal plea hearing.

The Commission

9. The Following members were appointed by The FA to the Disciplinary Commission ("the Commission"):

Lorraine Ladlow (Chairman);

Graham Fairweather (Independent Member)

Bill Stoneham (Independent Member)

10. Mr Adam Wing of Derbyshire FA acted as the Secretary to the Commission.

Documents Received

11. The Commission had received and read the bundle of documents prior to determining the case, which included:

Oxfordshire FA Evidence

- (i) Misconduct Charge Notification dated 30 November 2021;
- (ii) Statement from Martin Woodley, Referee dated 16 November 2021;
- (iii) Screenshot of the Whole Game Match Report
- (iv) Statement of Ryan Coker, Chinnor FC dated 13 November 2021;
- (v) Email statement of Ryan Coker dated 15 November 2021, including photographs;
- (vi) Email statement of Pete Osborne, of Clanfield FC dated 15 November 2021;

- (vii) Email statement of Police Constable Henry Gillingham dated 30 November 2021;

Participant charged Evidence

- (viii) Statement from Oliver Oswin, the participant, dated 7 December 2021;
- (ix) Screenshot of the Whole Game System, dated 7 December 2021 confirming the charge was admitted and requesting a personal verbal plea hearing.
- (x) Character Reference from Peter Osborne;
- (xi) Character Reference from Anthony Lune.

12. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, or to all the statements and information provided, 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 it determined the matter. For the avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished in this case.

13. The Commission having considered all the evidence, had regard to the following:

- (a) In his written statement, the referee Martin Woodley stated that about the 55th minute OO and number 12 for Chinnor got involved in nothing more than holding on to each other after they had both gone to ground. He stated that he shouted at number 12 to come away which he did. He stated that as he watched the free kick get taken, number 12 jogged back to the halfway line. He stated that he heard a large shout behind him and turned to see number 12 on the ground with OO stood near him. He stated that he heard players say, 'he just headbutted him'. There were no other players within 10 metres of the incident. He stated that he quickly went to the player and was quite shocked to see that he had a very bad gash under his right eye that would probably require stitches

due to the size and depth. The player said, "you head butted me". He went to stand up and stumbled. He was very unsteady on his feet to me he was obviously semi-concussed. The cut was bleeding badly and needed a lot of compression to ease the flow of blood which was down his face and had soaked into his football shirt. I looked around and saw two young lads who were watching the game and saw one demonstrate a head but to the other to show him what had happened. He confirmed he did not see the actual headbutt, but due to the severity of the injury, the youth showing the other what had happened, and the two players involved, he issued a red card. He stated that he was aware that OO was taken home after the incident.

- (b) In his statement Ryan Coker of Chinnor FC stated that during an off the ball incident OO approached him from behind and headbutted him on the side of the head. Just prior to this OO had committed a foul and attempted to stud him in the midriff. He stated that he did not react to this and that there was no prior aggression or reason for this behaviour. He confirmed that his injuries required him to stay overnight at hospital as there were concerns about a fracture to his eye socket and also the sight in his right eye. He stated that he had to see the plastics team to treat a significant cut under his eye. He confirmed that whilst they are still monitoring his eyesight it appears to be improving. In a further statement Ryan Coker confirmed that he had been introduced as a substitute at about 30 minutes into the game. On his first touch of the ball he was fouled from behind by OO. He stated that he did not react to this. He stated that as the game went on OO made a few verbal comments. At around the 50-minute mark he stated both he and OO ended up tussling for the ball and that OO tumbled. He stated that as he tried to avoid standing on OO, OO extended his leg in a deliberate attempt to stud his midriff and in fact did so. He stated the OO stood up and squared up to him which amounted to nothing. He stated that OO came up behind him whilst the ball was at the other end of the pitch and said something along the lines of "hey fella" and that as he turned to see who was calling him, he was head butted to the right eye/side of the head. He confirmed that he hit the floor and although he did not lose

consciousness, he was very dazed. He was aware he had a significant cut as blood was running down his face. OO was sent off. Later he confirmed he attended hospital as the cut was deep enough to reach his cheek bone and there were concerns about his eye socket and blurred vision. He confirmed that he underwent a scan and had the cut treated after an overnight stay in hospital. He stated that he was discharged from hospital and the cut is healing well although he will be left with a scar.

- (c) Pete Osborne of Clanfield FC stated that he was not at the game and that nobody had seen the incident. He stated that OO would not be playing for Clanfield this season as the club had made that decision.
- (d) PC Henry Gillingham stated that OO was interviewed by police and had given an account that denied outright intentionally head butting the victim. He stated that OO had said both players were niggling at each other most of the game. That OO had stated as a free kick was being taken he wanted the victim to know he was still there and was going to nudge him in the back but the victim was facing away from him. OO had stated that as he lunged forward the victim turned his head and OO must have caught his face. OO denied that he intentionally headbutted the other player but admitted his actions were reckless and not a fair sporting challenge. OO confirmed the victim did not see it coming. The officer confirmed that OO had signed a community resolution and agreed to pay victim compensation.
- (e) In his statement OO stated that the game was played in a competitive nature, and it was a good battle with the Chinnor striker. He stated the reference to him kicking out just before was not true and the foul was actually committed on him. He stated that the game continued, and the ball was in the opponent's half. He stated he was behind the striker running up the halfway line and the striker's back was facing him. He stated that to let the other player know he was in the game, as his back was to him his intention was to give him a nudge in the back and a word in the ear. He stated that as he ran past he approached the player, and that the player turned his head and he caught him on the cheek. He stated at the time he did not know any injury was caused until the referee stopped the game. He stated that after being sent off he left the field of

play and went home. He stated he was frustrated at having been sent off and for letting his team mates down. He stated that he admitted the incident was reckless to the police but denied intentionally hurting or injuring the other player. He accepted his actions were reckless and confirmed he was embarrassed and ashamed by it all. He wanted the other player to know that it was not intentional and that he apologises for his actions. At the hearing OO confirmed that this was his first season playing for the club. He described himself as honest and trustworthy. He confirmed he was a competitive person, and his aim was to win. He offered apologies to the player and to his team for letting them down.

- (f) Anthony Lune stated he had known OO for a number of years that he was not aggressive and described him as a good guy.
- (g) Peter Osborne stated that he had known OO for a long time, that he was a good person, that the incident was totally out of character and that he would not have expected this to have happened.

Burden and Standard of Proof

- 14. The burden of proof rests with the County FA. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. In simple terms, this means that the Commission must be satisfied, based on the evidence, that it was more likely than not that an event occurred.

Findings of Fact

- 15. The Commission found the following facts on the relevant evidence:
 - (i) Whilst the referee did not witness the incident, it was not disputed by OO that Ryan Coker sustained an injury and that OO was responsible for that injury.
 - (ii) In his interview with the Police following the incident, OO accepted that his actions were reckless and not a fair sporting challenge. OO denied that he intentionally headbutted Ryan Coker.

- (iii) At the start of the hearing, after the Commission sought to clarify the basis of his plea, OO accepted the detail of charge, namely that he had intentionally headbutted Ryan Coker.
- (iv) The referee described being shocked to see a very bad gash under Ryan Coker's right eye that would probably require stitches due to the size and depth. He stated that Ryan Coker was very unsteady on his feet and that he was obviously semi-concussed.
- (v) The Commission noted the photographs of Ryan Coker's injury and Ryan Coker's statement when he described staying overnight in hospital to have treatment to the cut which was deep enough to reach his cheek bone. The Commission also noted that the injury was likely to result in a scar.
- (vi) The Commission noted the evidence of the Referee and Ryan Coker who referred to OO's actions prior to the incident, along with OO's own evidence that he pursued Ryan Coker with the intention of making contact.

Decision

16. After considering all the evidence, the standard of proof and the alleged offence, and the admission by OO that he assaulted Ryan Coker, the Commission found there was sufficient evidence to support the charge namely assault by participant on participant and that therefore the charge was found PROVEN.

Previous Disciplinary Record

17. The Commission, having found the charge proved, sought the participant's previous disciplinary record and noted that he had a clean record with no other misconduct charges.

The Sanction

18. The Commission considered the Football Association Disciplinary Regulations 2021-2022 and noted that at paragraph 107 for an offence of assault by participant on a participant, the Commission should impose a suspension from all football activities for a period between 140 days

and 5 years, with a mandatory minimum sanction of 140 days. The sanction should also include a mandatory fine of £150. The sanction was dependent on the Commissions assessment of the case, including the aggravating and mitigating features present.

19. Having regard to the aggravating features, the Commission found that the actions of OO amounted to a vicious assault that was deliberate and resulted in a significant injury, an overnight stay in hospital and a likely long-term scar.
20. The Commission also noted that after the assault Ryan Coker was dazed and semi-concussed.
21. The Commission also had regard to the fact that OO deliberately pursued Ryan Coker with the intention of making contact with him.
22. Having regard to the mitigating features, the Commission noted OO's clean disciplinary record, his admission of the charge and his apologies to the player, the referee, his manager and his team. However, whilst OO had apologised for his actions, the Commission found that OO lacked insight into his actions.
23. The Commission had regard to the fact that this was a single incident.
24. The Commission also noted the positive character references.
25. The Commission further noted that OO had been the subject of immediate suspension from all football activities since the date of charge which was 30 November 2021 and that any period of suspension should take effect from that date.
26. After taking all the aggravating and mitigating factors present, the Commission assessed the appropriate level of sanction as in the medium range and imposed the following sanctions:

(1) A fine of £150.00

(2) Suspension from all football activities for two years to take effect from
30 November 2021

(3) 10 Club Disciplinary Points to be recorded.

27. The decision of the Commission is subject to the right of appeal under
the relevant FA Rules and Regulations.

Signed

Loraine Ladlow

Graham Fairweather

Bill Stoneham

22 December 2021