

The Football Association Discipline Commission

(on behalf of Oxfordshire FA)

In the Matter of Reece Heaver [62650943]

Case ID: 10495975M

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Reasons for decision at a Personal Hearing made by the Commission on 15 October 2021

The Discipline Commission members were: Hollie Ball (Chair), Victoria Fletcher and Rupert Bonny

John Lilburne of Staffordshire FA sat as secretary at the hearing.

The following is a record of the salient points which the Panel considered and is not intended to be and should not be taken as a verbatim record of the decision.

The Hearing

The Hearing commenced at approximately 7.15pm ending at around 10.15pm. Mr Heaver represented himself at the Hearing. The following witnesses did not attend: Izak Andrews, Kevin Smith and Stuart Richmond. The panel heard from 9 witnesses during the course of the Hearing (including Mr Heaver), 2 on behalf of the County and 7 on behalf of the defence. Statements were not provided in advance for the defence witnesses except for Mr Heaver.

The Chair started by reminding Mr Heaver the standard of proof required in these Hearings, being the balance of probabilities and explained that the Panel would be considering whether the allegations are more likely than not to have occurred, i.e. 51% likelihood. The Chair also explained the process to Mr Heaver who stated that he understood.

During the Hearing Mr Heaver and his witnesses were reminded that they must present their evidence in a place of privacy and where they could not collaborate as initially it appeared that many were in the same area.

Charges

By a Misconduct Charge Notification dated 22 September 2021 Mr Heaver was charged with the following:

Charge 1: FA Rule E3 - Improper Conduct against a Match Official (Assault or attempted assault)

Alternative Charge: FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

The charge arose out of the game of Ivy FC First v Ampleforth FC First on 12 September 2021. Mr Heaver playing for the away side. It is alleged that after being dismissed from the field of play following 2 sin bin offences, Mr Heaver re-entered the field of play telling the referee to "Fuck off" and calling him a "Cunt". It is alleged that Mr Heaver then swung his arms at the referee in a violent manner and hit the referees lower left arm which had been brought up to protect himself. After the game had finished it is alleged that Mr Heaver ran back on the pitch and went straight up to the referee saying "Ref you dirty fucking bastard" and "you're a fucking cunt".

The Relevant Football Association Rules

Rule E3.1 reads:

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.

Regulation 96 sets out the offences against Match officials as follows:

96.1 Threatening Behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.

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); and

96.3 Assault or attempted assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury), examples include, but are not limited to, causing and/or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official.

The Sanctions are set out from Regulation 101 as follows:

101. Where a Charge issued in accordance with paragraph 98.1 above has been found proven against the Participant, a Disciplinary Commission shall impose sanctions in accordance with this paragraph 101:

Sanction range (Suspension)

A Disciplinary Commission shall impose an immediate suspension within a range based on the category of offence committed (as set out below). A Disciplinary Commission shall take all aggravating and mitigating factors into account, including, but not limited to, those listed in paragraph 102, when determining the level of sanction within the range.

Unless otherwise stated, the lowest end of the applicable range shall operate as a standard minimum suspension. A Disciplinary Commission may impose an immediate suspension in excess of the upper limit in circumstances where aggravating factors of significant number or weight are present.

Threatening behaviour:

101.1 suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days.

101.2 a fine of up to £100, with a mandatory minimum fine of £50.

101.3 an order that the Participant completes an education programme before the time-based suspension is served.

Physical contact or attempted physical contact:

101.4 suspension from all football activities for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days.

101.5 a fine of up to £150, with a mandatory minimum fine of £75.

101.6 an order that the Participant completes an education programme before the time-based suspension is served or within 28 days of the Disciplinary Commission's decision, whichever is the later.

Assault or attempted assault:

101.7.1 immediate suspension from all football activity for a period of between 5 years and 10 years, subject to the following:

101.7.2 where the Participant is aged 14 or under, the standard minimum suspension shall be 2 years; and

101.7.3 where any assault causes serious injury to the Match Official, the standard minimum suspension shall be 10 years.

101.8 an order that the Participant completes an education programme before the time-based suspension is served.

Plea

Mr Heaver responded to the charge on 29 September 2021 entering a not guilty plea and requesting a personal hearing. The panel went on to consider the evidence.

Evidence

The Panel considered the following evidence in the pack provided by the County FA in advance of the hearing which included:

1. Extraordinary incident report from the Match Official, Nicholas Rawlings, dated 14.09.21
2. Emails between Nicholas Rawlings and Steve Honey dated 14-22.09.21
3. Fixture details document
4. Statement from Brian Leach dated 15.09.21
5. Emails between Steve Honey and Brian Leach (Manager of Ivy FC), dated 17-20.09.21
6. Statement from Izak Andrews (player of Ivy FC), dated 20.09.21
7. Extract from Mr Heaver, dated 20.09.21

The Panel heard from the following witnesses:

1. Nicholas Rawlings (Match Official)
2. Brian Leach (Manager of Ivy FC)
3. Reece Heaver (chargee)
4. Callum Gerken (player of Ampleforth)
5. Josh Gonzales (player of Ampleforth)
6. Kurtis Coyle (player/manager of Ampleforth)
7. Lyndon Cowled (player of Ampleforth)
8. Jack Plummer (player of Ampleforth)
9. Craig Watts (player of Ampleforth)

All witnesses were given a full opportunity to provide their evidence and add/retract anything from those statements that had been provided in advance. The Panel questioned all witnesses. Mr Heaver was given the opportunity to ask questions of all witnesses and time was taken to ensure Mr Heaver was happy that he had a full opportunity to be heard. Mr Heaver confirmed that he considered the Hearing to be fair.

Conclusion

The Panel reminded themselves that the standard of proof is the civil standard of the 'balance of probability'. That means the Panel is to be satisfied, on the available evidence that the charge made against Mr Heaver was more likely than not to have occurred.

The Panel noted the following:

1. Nicholas Rawlings (the Referee) was adamant during questioning that Mr Heaver had taken a swing at him and had made contact with the side of his lower left arm. He stated that had his arm not been raised Mr Heaver would have made contact with his chest. The Referee stated that Mr Heaver had acted maliciously and in a violent manner.
2. Brian Leach stated that he had seen Mr Heaver move his arms as if he was going to swing at the Referee but that he didn't see whether he had in fact done so, although he commented he was shocked by what he saw.
3. Izak Andrews reported in his statement (although he did not give evidence during the Hearing) that Mr Heaver appeared to raise an arm to the Referee. It is unclear from the statement what the motivation was for this or whether Mr Heaver had intended to or made contact. Mr Andrews stated that he couldn't tell whether Mr Heaver had attempted to hit a card out of the Referee's hand or had attempted to hit the Referee. Mr Andrews did report hearing derogatory language used by Mr Heaver including "fuck off" and "cunt".
4. Jack Plummer stated that he was playing at the time as goalkeeper and was standing on the edge of his box. He said the incident had occurred on the half way line. He reported that he had heard language being used by Mr Heaver which was loud and aggressive but that no contact had been made by Mr Heaver to the Referee. He stated that a grabbing motion was made towards the card due to frustration throughout the game.
5. Callum Gerken stated that he was on the sideline at the time, that he had seen an altercation between the Referee and Mr Heaver and that there was a disagreement but that nothing offensive was said. He stated that Mr Heaver had tried to grab the Referee's card. He described this as an overreaction but not violent.
6. Lyndon Cowled stated that he was on the sideline at the time of the offence. He stated that as the Referee pulled out a red card towards Mr Heaver, Mr Heaver had tried to grab the card (which was above the Referee's head). He stated that there was no contact or attempted contact. He stated Mr Heaver was angry and had lashed out and stated that this was because there was a feeling that the Referee was against the team all game.
7. Kurtis Coyle was the player/manager and stated he was the closest person to the incident, approximately 5 meters away. He stated the Referee had put the red card in the face of Mr Heaver and that he had gone to grab the card (but missed). He stated Mr Heaver was angry and annoyed and "blew his lid". He stated the Referee did not move when this was happening. Mr Coyle could not recall any language used by Mr Heaver.
8. Josh Gonzales was a player on the pitch at the time of the incident. He stated that after Mr Heaver had been sent off he flinched for the cards in the Referee's hand but had never made contact with the Referee. He stated that there was bad language used throughout the game.
9. Craig Watts stated that he was playing at the time and that when Mr Heaver was given a red card he had tried to take it out of the Referee's hand. He stated that no contact was made by Mr Heaver. He stated that Mr Heaver was upset and used language which was atrocious but that there was no intent to cause harm.
10. Mr Heaver admitted in his statement that he used body language and vocabulary towards the Referee which was not appropriate or acceptable and apologised for this. He stated that he verbally abused the Referee for which he received a red card and "stupidly" tried to snatch the red card out of the Referee's hand but missed as the Referee moved his arm. He stated it was his intention to make the referee look stupid but he instead made himself look that way. Mr Heaver stated he walked off the pitch verbally abusing the Referee, including "fucking biased cunt". Mr Heaver categorically denied in his statement and in person that he made contact

with the Referee or had attempted to do so. Mr Heaver stated he is shocked at this allegation and accused the Referee of lying.

The Panel were persuaded by the volume of evidence which suggested that Mr Heaver had attempted to snatch the red card out of the Referee's hand and did not accept on balance that Mr Heaver had made contact with the Referee. Mr Heaver himself acknowledged that he was verbally abusive towards the Referee and had attempted to take the card out of his hand.

The Panel found Charge 1 – Assault or Attempted Assault on the Match Official not proven.

The Panel found the Alternative Charge - Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour) proven. The Panel considered the wording of this charge which included attempted contact of the Referee's equipment which Mr Heaver had admitted. Mr Heaver had also admitted verbally abusing the Referee. The Panel found that the alleged abuse including "Fuck off" and calling him a "Cunt" had occurred and that Mr Heaver had entered the field of play at the end of the game to further abuse the Referee. The Panel found Mr Heaver's behaviour abusive towards the Referee.

Mitigating and/or Aggravating Factors

Mr Heaver was invited to make a statement in mitigation after the Secretary read out the Panel's findings. Mr Heaver asked the Panel to take into account the events leading to his frustration during the game and the severity of the Referee's statement which he considered had blown things out of proportion. He stated that he had held his hands up to the abusive language and trying to snatch the red card from the start and was disgusted with himself for his actions. He pleaded for leniency in the circumstances.

The Secretary read out Mr Heaver's statement while he was present which was clean.

The Panel adjourned to consider sanction. The Panel considered the following to be mitigating factors:

1. Mr Heaver's clean record;
2. Genuine remorse shown.

The Panel considered the following to be aggravating factors:

1. Mr Heaver was in a position of responsibility as Captain;
2. The repetition of the abuse in that Mr Heaver further abused the Referee at the end of the game after he had chance to calm down.

Sanction

The following sanctions are the unanimous decision of the Panel.

That Mr Heaver will receive a 182 day immediate ban from all footballing activity, to be applied from the date of the match, being 12 September 2021.

That Mr Heaver shall be required to complete a face to face education course before the expiry of the suspension failing which he shall be suspended from all footballing activity until his completion of the said course.

That Mr Heaver shall receive a £75 fine.

That the club (Ampleforth FC First) will receive 8 disciplinary penalty points.

This decision is subject to the relevant Appeal Regulations.

Hollie Ball (Chair)

Victoria Fletcher

Rupert Bonny

15 October 2021