

# County FA Serious Case Panel

Case ID:

10336421M

## Disciplinary Commission

*Correspondence Hearing - Chair Sitting Alone*

### Oxfordshire Football Association

County FA

v

**Scott Bryson**

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.*

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## **Introduction**

1. On the 12<sup>th</sup> December 2020, there was a football match (the “match”) between *Chinnor 1<sup>st</sup>* (“Chinnor”) and *Watlington Town First* (“Watlington”). Mr Scott Bryson was playing for Chinnor and for the purpose of this case he is a “participant”.
2. It is alleged that a player from Chinnor’s technical area called out at player 5, Jon Little, of Watlington, referring to him as “a spastic”. The referee, Mr Aaron Clayton, asked who this was but the offender was unidentified resulting in Chinnor’s manager, Ben Davies, being dismissed.
3. This incident was investigated by Oxfordshire Football Association (the “County FA”) and statements were obtained to establish what took place.
4. The above County FA is subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

## **The Charge(s)**

5. On the 13<sup>th</sup> January 2021, the County FA communicated to Mr Bryson that they had made the decision to charge him on the evidence below.
6. The charges below are extracts from The FA Handbook<sup>1</sup> that can be accessed online<sup>2</sup>.
7. The County FA have laid the following charges against Master Heer:

### ***Charge 1 – Case ID 10336421M***

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

7.2. The relevant section of FA 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*

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<sup>1</sup> The FA Handbook 2020/21 – Section E. Misconduct

<sup>2</sup> <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

*any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”*

**Charge 2 – Case ID 10310157M**

7.3. Rule E3.2 – Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

7.4. The relevant section of FA Rule E3.2 states:

*“E3.2 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.”*

**The Reply**

8. Mr Bryson was required to respond to the charges above by 27<sup>th</sup> January 2021.
9. On the 26<sup>th</sup> January 2021, the County FA received a response where Mr Bryson accepted his charges and wanted the matter to be dealt with by way of correspondence.

**The Commission**

10. The County FA prepared the bundle for these matters and The FA officially appointed me, Alban Brahimi, to adjudicate on this case alone as a Chair member of the County FA Serious Case Panel.
11. For the purpose of fairness, I am independent from the relevant parties and I did not have a conflict of interest to declare. My decision is based on the evidence I have been sent and this is outlined below.

**The Hearing and Evidence**

12. I sat on this case on the 6<sup>th</sup> February 2021 as a chair sitting alone and conducted a correspondence hearing.

13. Below is a list of documents within the bundle that are of evidential value. Alongside each document are relevant summaries or quoted extract(s) that specifically go to proving the charge(s) and/or summaries or quoted extract(s) that disprove the charge(s). **Emboldened** text refers to comments of significant value that went towards making a decision.
14. County FA’s evidence in support of the charges:
15. Aaron Clayton, Referee:
- 15.1. Extraordinary report dated 12<sup>th</sup> December 2020: *“An unidentifiable person in the home technical area, called away player 5 Jon Little, **“a spastic”**. I asked the home manager who made the comment and **he was unable to identify the offender**. I then dismissed the home manager Ben Davies for an s.6 Offence”*.
- 15.2. Further statement dated 16<sup>th</sup> December 2020: *“A the game was entering into the last 5 minutes, I was running past the benches, close to the touchline and I heard the word “spastic” come from the direction of the home technical area, but I did not see who made the comment. ... the referee then describes the reaction from Jon Little, who is described as the recipient of the comment and showing him the red card as a result of his reaction. The referee further describes heading to the home technical area, trying to establish who made the comment but is unable to. As a result, he sends off the manager and dismisses him from the technical area.*
16. Chain of correspondence dated 15<sup>th</sup> – 16<sup>th</sup> December 2020 between Mr Clayton and Mr Steve Honey (*of Oxfordshire FA*), where Mr Honey requests further clarification from the referee’s extraordinary report. This results the referee in producing a detailed account as outlined in his further statement above.
17. Chain of correspondence dated 15<sup>th</sup> December 2020 – 5<sup>th</sup> January 2021 between Lee Bowden (*of Watlington*), Mr Martin Williams (*Watlington Team Manager*) and Mr Honey.

The correspondence between them is effectively trying to establish what happened and who made the comments. Of note is the following:

17.1. Mr Williams says “*a second ball entered play and the Chinnor captain got a bit angry as they were in a rush to play and **called our bench spastics**, Jon Little our no.5 who was serving a sinbin at the time then told him to Fuck off... the red then came straight to us and sent Jon off for foul language” ... “Once Jon had been sent off the ref then went to their bench and asked who had given the abuse as he didn’t know and the manager took the fall and he was subsequently sent off” ... “Personally I do believe the ref over reacted to the whole thing as I mentioned above **the game had been played in good spirits** and it was a tense ending to the game and **things get said in the moment** but both sides shook hands and at the final whist and it was done”.*

17.2. Mr Williams is asked if he heard the Chinnor Captain use the words and further writes in the chain of emails “*Yes heard it and it was the No.2 the captain believe name was Scott... again appreciate it’s not down to me but I don’t feel any additional action needs to be taken as said before the game was played in good spirits the whole way through.*”

18. Jon Little, play for Watlington:

18.1. Statement dated 16<sup>th</sup> December 2020: “*I had been put in the sin bin for appealing a decision regarding a late tackle... around 2minutes left... ball gone out of play... two balls ended up on the field... **the Chinnor captain made an accusation that we were doing this on purpose, our bench laughed at this and he then called us a bunch of spastics**.... I think it was directed at the bench rather than myself... I replied to the player as I was closest, to fuck off.... referee sent me straight off... couldn’t work out who from the opposition bench had said this remark so sent off their manager*”

19. Chain of email correspondence dated 5<sup>th</sup> January 2021 – 7<sup>th</sup> January 2021 between Mr Honey and Daryl Ridgley (of Chinnor FC).

19.1. Mr Ridgley is asked to clarify what he understands happened and he replies in detail of his investigation. On the 5<sup>th</sup> January 2021 he said that the management team had been spoken to and that they hadn't heard anything. Describes possible outcomes regarding Mr Bryson and is cooperative with Mr Honey.

19.2. On the 6<sup>th</sup> January 2021 Mr Ridgley confirms Mr Bryson is *“taking responsibility for it – apologised to the Manager(s) for not taking responsibility sooner and leaving one of them to carry the can”*.

19.3. On the 7<sup>th</sup> January 2021 Mr Ridgley forward a statement from Mr Bryson accepting the incident. Mr Ridgley describes Mr Bryson's positive development since his behaviour a couple of years ago (as reflected below in his previous disciplinary record). Mr Bryson, in his statement, confirms his role during the game. Expresses disappointment in his conduct and that it fell below standards. Explains he has apologised to his management team and extends his apology to others concerns including the referee, team mates, the “OFA”, and the Watlington. Mr Bryson emphasises he has learnt from this and further apologises.

Mr Bryson's evidence by way of Response:

20. Chain of email correspondence dated 13<sup>th</sup> January 2021 – 26<sup>th</sup> January 2021 between Mr Ridgley and Mr Honey where effectively the charges are accepted and mitigation is put forward in that *“sadly just a bad choice of words but not aimed at anyone specifically I don't believe”*.

**Standard of Proof**

21. 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 us, it was more likely that not that the events occurred as they have been charged. In this case the allegation had already been accepted but I weight up the surrounding facts.

**The Decision**

22. I am to not required to establish if the comment was made given that it has already been accepted.

23. I do make the following aggravating findings based on the evidence:

- 23.1. The comment was directed to multiple individuals, namely the bench;
- 23.2. Mr Bryson did not own up to the comment when asked by the referee;
- 23.3. Mr Bryson held a position of responsibility, namely captain of Chinnor.

**Previous Disciplinary Record**

24. After I reviewed the evidence, I then viewed Mr Bryson's previous disciplinary record to decide on whether to alter my sanction below. I note the has does not have any records of misconduct since the 2015/2016 period. There are a total of 5 cautions between 2016-2018 and one standard record in the year 2016/2017. These records did not have an impact on my decision towards a sanction.

**Mitigation**

25. I took into account that this matter was accepted within time of the reply window and for this I give Mr Bryson credit.



26. Mr Bryson does not have misconduct charges in the last 5 years of his previous disciplinary record and I will deem this incident to be out of character.
27. I note from the County FA evidence that there was reference of the game being played in good spirit which I shall take to also be reflective of Mr Bryson.
28. I note Mr Bryson produced a statement detailing his account, taking responsibility and shows genuine remorse by apologising for his conduct to all parties concerned and repeats his apology.

### **The FA Guidance on Sanctions**

29. I am guided by The FA Handbook 2020/21 as to my scope and range of sanctions that are relevant to this particular case:

30. Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches:

30.1. *“A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches (‘Sanction Range’) [for first offence].*

*A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.*

*The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the ‘Standard Minimum’).”*

31. Education in Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches:

*“Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association.”*

32. Other Penalties Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches:

*“A Regulatory Commission may impose any one or more of the other penalties as provided by paragraph 40 of Part A to the Disciplinary Regulations.”*

### **Sanction**

33. While the aggravating findings above did not assist Mr Bryson’s case, I found that the mitigation brought my decision back down within the sanction range.

34. After taking into account all the circumstances in this case the sanction that will be imposed upon Mr Bryon is the following:

34.1. A ban of 6 matches starting from the same day that The FA officially lifts the current Covid-19 restrictions from playing grassroots football;

34.2. Fined a sum of £75;

34.3. To complete an education course online within 4 months, otherwise Mr Bryson will be suspended until such a date that that he has successfully completed the mandatory online education programme. The details of this programme will be provided to Mr Bryson in due course;

34.4. 6 penalty points.

35. This decision is subject to the right of appeal under the relevant FA Rules and Regulations.

**Alban Brahimi**

*Chair in this matter on behalf of*

The County FA Serious Case Panel

6<sup>th</sup> February 2021