

Disciplinary Commission (“The Commission”)
Oxfordshire Football Association (OFA)
In the matter of Mr.. Graham SIMS – Case ID: 10183444M
Hearing Summary including Written Reasons

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Thursday 16th April 2020 via WebEx (as a result of government’s current self-isolation policy)
2. The Commission members were Mr. T. R. Williams (Chairperson), Mr.. P. Lyon (independent member) and Mr.. E Todd (independent member). Mr. S. Honey was Commission Secretary. Mr. SIMS had been charged by OFA in respect of the following matter:-

Charge: FA Rule E3 – Assault by a Participant on Participant

3. The OFA received the report from the match referee, Mr. Gerrard WALSH, (reproduced in 4. Below) in which he reported both the on the field of play incident between the two players amounting to both players dismissal for Violent Conduct, as well as the off the field of play incident of the assault by Mr. SIMS on Mr. DAVIES.
4. Charges were then raised regarding the assault by Mr. SIMS during the match between Hardwick Sports Club Reserves and Banbury Athletic First played on 4th January 2020 in the Banbury District & Lord Jersey League.

The circumstances are taken from the referee’s misconduct report.

“In approx. the 80th minute I became aware of a lot of shouting behind my back I turned and saw two players fighting on the ground. I would say about 6 yds from the halfway slightly off centre. It was obvious straight away this was a very serious fight. Several players from both sides tried to part them. The player I know as Graham SIMS (Banbury Athletic) was far more intent to continue fighting than the player named Gareth Davies (Hardwick Sports Reserves) the players could not break Graham SIMS grip but as he had a tight hold of Gareth DAVIES neck I stepped in and broke his grip. Once apart I made sure they stayed away from each other. I showed both players a red card. I had to shout over the noise to tell Graham SIMS to go to the changing rooms, which he did. I did not tell Gareth DAVIES to go there as I thought it best to keep as much distance between them as possible. Though shaken Gareth DAVIES did not show any signs of being seriously hurt at this point. But with so many people around I could have missed something.

I am 100% certain that Gareth DAVIES had no blood anywhere near or coming from his nose at this point. I checked to make Graham SIMS was beside the changing rooms, which he was approx. 200 yards away. I tried then to calm people down and restart the game. But before I could get the game going again a lot of loud shouting came from the side of the pitch near the halfway line. I went over, only to see Gareth DAVIES down on the ground. He had a lot of blood around his nose.

He got up. I was told by several players and people watching the player I had sent away had come back and punched Gareth DAVIES in the face. I went to Gareth DAVIES to see how he was but by the time I looked for Graham SIMS he had gone. I did not see him again. When I went to the home changing rooms to Gareth DAVIES after the game I was told he had gone to hospital I did not see him again."

5. In an email sent on the 25th March Mr. Graham SIMS had entered a guilty plea to the charge, apologised for his actions and offered an explanation for his actions. In this email he says *"..... I do not condone what I have done but I was scared. If I could say sorry for my actions to the player then I would. I am pleading guilty to the charges that you are putting on me. Again very sorry for my actions that shouldn't be seen on a football pitch."*

From the referees report and that of the witnesses it was clear there were trigger points between the two players leading up to this incident. Whilst the Commission have some empathy with Mr. Graham SIMS, there can be no mitigation for the use of physical violence at any time.

6. After deliberation the Commission were satisfied that the injury did, amount to Serious Bodily Harm and that a case for the charges being raised had been shown to be correct and the Commission were happy to accept the plea of Guilty.
7. The Secretary then asked the Commission to consider whether they felt the matter sat in a LOW, MEDIUM or HIGH range of guidelines set out by the Football Association for 2019/2020 season. The Commission decided the offence warranted being in the MEDIUM range in the guidelines.
8. Mr. Honey advised the Commission as to Mr.. SIMS' disciplinary record over the previous 5 years showed there were no other Misconduct Charges or findings of guilt in the past 5 years.
9. The FA recommended punishment for Assault by a Participant on Participant carries a ban of between 140 days (low), 1 to 2 years (medium) and 5 years (high) all with a fine of £150 fine.
10. The Commission considered Mr. SIMS' discipline record, and having regard for the mitigation, remorse Mr. Sims has shown and early admission of guilt and other mitigating factors as such imposed the following sanction in respect of the matter:-
 - A suspension from football for 18 months commencing from the 23rd March 2020.
 - a fine of £100
 - 7 disciplinary penalty points

11. In making their decision the Commission unanimously agreed to reduce the fine because:
- Mr. SIMS clean disciplinary record for the last 5 years.
 - Mr. SIMS had fully admitted his responsibility at the first opportunity and agreed there is no place in football for this type of action.
 - He had fully engaged in the investigation and taken the first opportunity to plead guilty.
 - Also given the government imposed self-isolation, and workers being laid off, finance is not easy for everyone. So it was felt imposing large fines was not appropriate and the loss of football would have a greater impact than a hefty fine.
12. The Secretary informed the Commission that this matter was subject to police investigation Mr. DAVIES having made an allegation of Assault Occasioning Actual Bodily Harm against Mr. SIMS immediately following the game which the police were investigating. The Secretary informed the Commission that the police had been fully consulted on the ongoing Oxfordshire FA investigation. The police had not requested a suspension of the Commission process.
13. There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

T. R. Williams (Commission Chairperson)

P. Lyon

E. Todd

16th April 2020