

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION
CHAIR ALONE NON – PERSONAL HEARING**

**OXFORDSHIRE FA
(on behalf of the Football Association)**

and

SUMMERTOWN STARS AFC (CASE ID: 10439934-M)

DECISION AND WRITTEN REASONS

Preliminary Matters

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 15 July 2021 following a single E20 charge brought by Oxfordshire FA against Summertown Stars AFC (“**Summertown**”)
2. The appointed Chair for the hearing was Elliott Kenton.

The Charges

3. Summertown has been charged by Oxfordshire FA with the following breach of the FA Rules:
 - (a) FA Rule E20 – Failure to ensure Players and / or Officials and / or Spectators conducted themselves in an orderly fashion.
 - (b) The charge is aggravated by the use of language including protective characteristics relating to race and colour.
 - (c) The particulars of the charge were that Summertown supporters verbally abused the Chalgrove goalkeeper using words aggravated by race and colour including the comments “Isn’t he a Paki” and “No he’s Tarzan”.
 - (d) Summertown accepts the charge.

The Evidence

4. The relevant factual background herein is a summary of the principal submissions provided to the Chair. 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 Chair did not take such point, or submission, into consideration when it determined the matter. For avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.

5. This matter relates to a fixture between Summertown Stars AFC Iron Stars U16 and Chalgrove Cavaliers U16 (“**Chalgrove**”) in the Oxfordshire Youth Football League that took place on 30 May 2021.
6. The Chair has before him the following evidence:
 - 6.1 County Association Report Form from Keith Godfrey, the Match Official dated 31 May 2021. Mr Godfrey’s evidence can be summarised as follows:
 - (a) It was brought to Mr Godfrey’s attention by the Chalgrove goalkeeper at the end of the game that he had been racially abused by four spectators from behind the goal.
 - (b) The Match Official spoke with the four spectators and also the management and coaching team of Summertown. They in turn spoke with the player and coaching team at Chalgrove.
 - (c) Mr Godfrey did not hear any comments and was not aware of anything until after the game.
 - (d) The four spectators were playing football behind the goal that Chalgrove were defending and Mr Godfrey believe are known to the Summertown U16’s team.
 - 6.2 Email correspondence between Chris Hawkins for Chalgrove and Andrew Fleury (Chair of Chalgrove) dated 30 May 2021. Mr Hawkins states:
 - (a) During the game, there were a few boys behind the goal which ‘Raf ‘ was defending. The boys said ‘is he a paki’ ‘no he’s Tarzan’.
 - (b) Raf spoke to the referee after the game and did not receive any support.
 - (c) Raf spoke to the other manager who joined Raf in speaking with Alan and was supportive and recognises this is a welfare issue.
 - (d) Following the incident, on the way back to the cars, one lad who had been a part of the group apologised to Raf and said it was not meant in a racist way.
 - 6.3 Email correspondence between Andrew Fleury for Chalgrove and Nigel Saverton (Oxfordshire FA) and Steve Honey (Oxfordshire FA) In these emails, Mr Fleury forwards on Mr Hawkins’s account and asks Oxfordshire FA to investigate. He also confirms he will gather statements from relevant witnesses.
 - 6.4 Witness Statement of Rafferty Spiers, goalkeeper for Chalgrove dated 14 June 2021. In his statement, Rafferty explains:
 - (a) During the second half of the game, Rafferty was racially abused by players friends on the side line and behind his goal.
 - (b) They said during the game ‘Oi Tarzan’ and murmured ‘Tarzan’ during play, intending to purposely distract Rafferty during Summertown’s attack.
 - (c) After Rafferty made a save, one of the group of 6 said “isn’t he a paki?” and then there was a conversation afterwards saying ‘no he’s Tarzan’. The comments were made in a way so Rafferty could hear them.
 - (d) After the game, they shouted “good game Tarzan” during the handshaking.

- (e) After the game, whilst walking to the cars, the teammate's friend apologised to Rafferty and said he did not mean it.

6.5 Witness Statement of Alan Spiers dated 14 June 2021. Mr Spiers' evidence can be summarised as follows:

- (a) After the game, it was brought to Mr Spiers attention by the opposing managers at Summertown that one of the Chalgrove players had been racially abused. The player was Mr Spiers' son, Rafferty who is the goalkeeper.
- (b) Rafferty told Mr Spiers to 'leave it' and Mr Spiers said 'we would talk on the way back home'.
- (c) On the way back to Mr Spiers car, a boy approached Rafferty and apologised.
- (d) On the way home, Rafferty told Mr Spiers what had been said by the group of boys behind his goal which was 'Isn't he a paki, no he's Tarzan'. Mr Spiers told Rafferty that he would have to report this as it constituted racial abuse.

6.6 Statement from Andrew Ball (by email) dated 04 June 2021. Mr Ball's evidence can be summarised as follows:

- (a) Mr Ball is the manager of Summertown.
- (b) Mr Ball accepts full responsibility for the boys involved considering where they were on the field but no player, coach or parent of Summertown was involved in the incident.
- (c) Four boys were involved. Two of them were boys who had played for Summertown a few years ago and who were thinking of re-joining the club. Mr Ball had invited them to sample the game's atmosphere with the squad and they were both in the technical area.
- (d) The two other boys were friends of players of the team, both of which Mr Ball recognised and who appeared in the technical area chatting with the Summertown substitutes and the two invited boys during the first half.
- (e) During the second half, the four non-Summertown players took a ball and went for a kickabout. They positioned themselves about 15 – 20 yards away from the goal line, roughly in line with the edge of the box. Mr Ball admits that their close proximity to the field of play was an error.
- (f) At the end of the game, the Chalgrove goalkeeper was very angry with Mr Ball when he approached him for a first-bump. The goalkeeper refused to first-bump Mr Ball because the Summertown players had been racially abusing him. Mr Ball explained that it must have been the four boys and that they were not Summertown players but he would report it to the Summertown Club Welfare Officer.
- (g) The goalkeeper made a complaint to the referee. Mr Ball repeated what had been said to the goalkeeper to the Chalgrove Coach before going to speak to the boys involved.
- (h) Mr Ball spoke to the boys he had invited to the fixture individually and then to the four boys collectively. There was a general agreement as to what happened. One or more of them had called the goalkeeper "Tarzan". It wasn't clear whether this had happened

two or three times, but they all confirmed that the final time was when Summertown scored their late winner and was in the context of saying 'you've just lost/let in the winner'. They were all visibly shocked by the idea that anything they had said had been intended as a racial insult. The reason they called him "Tarzan" was that he "looked like Tarzan". Mr Ball assumes this is a reference to a Disney film.

- (i) Mr Ball reminded the boys of the importance of care in one's choice of words. The two boys who were invited to the game were invited to the team's training session on Tuesday evening and were reminded of the FA Respect Code of Conduct and the Summertown Code of Conduct.
- (j) Mr Ball believes that the boys made the comments with no racial intent. However, he can see how a racial construction may have been perceived by the goalkeeper.

6.7 Email from Annette Gautrey (Welfare Officer – Summertown) dated 4 June 2021. In this email, Ms Gautrey states that:

- (a) The boys are not registered players with Summertown.
- (b) Unfortunately, this is not the first instance of issues with spectators as they operate in public parks and the Club is not in control of visitors.
- (c) Mr Ball took a proactive approach, in light of the fact that these are not registered players of the Club and addressed the issue immediately and took the opportunity to educate and inform his team and the boys in question.
- (d) Mr Ball reported this to Summertown Welfare;
- (e) It is regrettable that this insensitive comment was perceived as racial as it was not so intended. However, any comment on anyone's appearance is out of order. Mr Ball discharged himself of his duty and Ms Guatrey is confident that Mr Ball and Summertown have made every effort that this will not occur again.

Decision on Sanction

- 7. As Summertown has admitted the charge, the Chair considered the appropriate sanction to impose. In doing so, the Chair referred to FA Rules and the Disciplinary Sanction Guidelines issued by the FA in relation to E20 charges.
- 8. The Chair consulted Summertown's disciplinary record and noted that there were a number of E20 charges found proven within the relevant period. This is an aggravating factor that the Chair takes into account in relation to sanction.
- 9. The Chair considered if there were any mitigating factors that should be taken into consideration when deciding the sanction. The Chair considered Summertown's detailed plea in mitigation in doing so.
- 9.1 The Chair is satisfied that Summertown did take responsive measures following the Incident including investigating the conduct and accepts that the Club will take proactive measures (where reasonably practicable) to prevent any similar occurrences.
- 9.2 However, the Chair considers it regrettable that more robust action was not taken against the perpetrators, two of which were wanting to re-join the Club. Further, the complainant alleges that two racially aggravated comments were made and it appears that the comment which was

more obviously racially aggravated as it involved the slur 'paki' was not addressed on the basis of the evidence before the Chair.

10. In terms of mitigation, the Chair considers that the early acceptance of the Charge and Summertown's cooperation with the FA investigation should also be taken into account in relation to credit.
11. Accordingly, when applying the mitigation in this case, the Chair imposed the following sanction against Summertown:
 - (a) £65 fine; and
 - (b) 5 penalty points.
12. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton
National Serious Case Panel Chair
15 July 2021