

COUNTY ANTI-DISCRIMINATION

DISCIPLINARY COMMISSION

On behalf of Shropshire Football Association

Correspondence Hearing

of

Deborah WINSTONE

Case ID: 9466029M

Linked to Case 9467107M

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 29 April 2018, Boca Seniors FC (“Boca Seniors”) played Craven Arms Rovers FC 1st (“Craven Arms”) in the Shrewsbury Sunday League (“the match”).
2. In an email dated 1 May 2018, Mr Les Bowen, the Manager of Craven Arms, alleged that the secretary of Boca Seniors ‘Debbie Wilson’, made remarks and gestures, regarding the disability of a player from Craven Arms.
3. Shropshire Football Association (“Shropshire FA”) commenced an investigation into the allegations.

The Charges

4. On 11 July 2018, Shropshire FA charged Deborah Winstone with:
 - (i) Discrimination, on grounds of origin, colour, race, nationality, religion, sex, sexual orientation or disability contrary to FA Rule E4 (“charge 1”) and, in the alternative,
 - (ii) Misconduct for a breach of FA Rule E3 – Improper Conduct (including foul and abusive language) (“charge 2”) and that this Improper Conduct was aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability, contrary to FA Rule E3(2) (“charge 3”) [Charge 2 and 3 collectively known as “Aggravated Breach Charge”].
5. It was alleged that Deborah Winstone, when referring to a player from Craven Arms said, “oh Cock-eye do you mean?” and accompanying the words she blinked her left eye repeatedly, half a dozen or more times, which was improper and which made reference to the person’s disability, within the meaning of FA Rule E3(2).
6. The relevant section of FA Rule E3 (1) and (2) and FA Rule E4 (p.118 onwards of the FA Handbook Season 2017-18) states:

“(1) A Participant shall at all times act in the best interest 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.

(2) A breach of Rule E3 (1) is an “Aggravated breach” where it includes a reference, whether expressed 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”.

(3) “A participant shall not carry out any act of victimisation as defined by the Equality Act 2010, or any act of discrimination by reason of ethnic origin, colour, race, nationality, religion or belief, gender reassignment, sexual orientation, disability, age, pregnancy, maternity, marital status or civil partnership, unless otherwise permitted by law and The Rules or regulations of The Association.

7. Deborah Winstone was required to respond to the charges by 25 July 2018.
8. Shropshire FA included with the charge letter the following evidence;
 - (i) An email statement from Mr Les Bowen dated 1 May 2018 and clarifying email with attached photos dated 3 May 2018;
 - (ii) An email response from Mr Jake Winstone dated 18 May 2018 and clarifying email dated 3 June 2018;
 - (iii) An email statement from Morgan Matthews dated 2 June 2018;
 - (iv) An email Statement from Deborah Winstone dated 3 June 2018 and clarifying emails dated 6 June, 7 June and a statement dated 22 July 2018
 - (v) An email statement of Edward Chadwick undated
 - (vi) An email statement of Ewan Stant undated
 - (vii) A statement of Gail Winstone undated

- (viii) A medical letter from Birmingham Women's Hospital dated 10 April 2015
- (ix) A screenshot of a tweet sent from Boca Seniors twitter account dated 29 April 2018
- (x) Emails correspondence regarding the allegations on various dates

The Reply

9. On 22 July 2018 Deborah Winstone responded to the Shropshire FA Discipline Team, indicating that she denied all the charges brought against her and wished the matter to be dealt with by way of a correspondence hearing.

The Commission

10. The Following members were appointed by The Football Association ("The FA") to this Disciplinary Commission ("the Commission"):

Mrs Loraine Ladlow (Chairman);

Mr Bradley Pritchard (Independent FA Appointed); and

Mr Anthony Rock (Independent FA Appointed).

11. Matt Carpenter, of Norfolk FA, acted as the Secretary to the Commission.

The Hearing and Evidence

12. The Commission convened at 0900hrs on 15 August 2018 via videoconference for this Correspondence Hearing ("the Hearing").
13. The Commission had received and read the bundle of documents prior to the hearing.

14. 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, 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 avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished with regard to this case.
15. In a statement dated 1 May 2018, Mr Les Bowen, wrote to the Shropshire FA making a formal complaint. The statement referred to an incident that had taken place during the match involving a player from Boca Seniors. The statement also made a complaint about an incident involving a person referred to as Debbie Wilson, Secretary of Boca Seniors.
16. Mr Les Bowen stated that Ian Reeves, a Craven Arms player and Mr Bowen's son in law, had previously sustained injuries in car crash, including the loss of an eye. He stated that Mr Reeves now has a glass eye, which has no movement.
17. Mr Les Bowen stated that during the game Mr Jackson, a player from Boca Seniors made comments about Ian Reeves facial disorder and, whilst face to face with Mr Reeves, Mr Jackson said "*are you looking at me*" referring to his disability.
18. Mr Bowen stated that at the end of the game Andrew Lockett, who he described as one of the Craven Arms Committee, spoke with Boca Seniors Secretary Debbie Wilson about the incident that occurred during the match and advised Debbie Wilson that the matter would be reported.
19. Mr Bowen stated that later he also spoke with Debbie Wilson about the incident and she referred to Mr Reeves as "*oh cock-eye do you mean*" and "*accompanying the words she blinked her left eye repeatedly half a*

dozen or more times. She actually repeated the words and actions in front of others”.

20. On 18 May 2018, Shropshire FA email Jake Winstone of Boca Seniors and invited comments regarding the complaint against ‘Mrs Debbie Winstone’, joint Club Secretary for Boca Seniors, which alleged she made discriminatory comments relating to Ian Reeves visual impairment to a committee member of Craven Arms.
21. Jake Winstone in his response, stated that the only members of Craven Arms Deborah Winstone spoke with on that day was an injured player and the Craven Arms manager at the end of the game regarding an incident in which a Boca Senior player was bitten by a Craven Arms spectator’s dog which ran onto the pitch.
22. In an email statement dated 3 June 2018, Deborah Winstone outlined the incident in which a Boca Senior player, Morgan Matthews, was bitten by a dog during the match. Deborah Winstone stated that following the incident, she called the police to report it. She stated that at end of the match she saw the Craven Arms manager and informed him that she had called the police.
23. In an email dated 6 June 2018, Shropshire FA, invited Deborah Winstone to comment on the discussion alleged by Mr Les Bowen to have taken place between her and a committee member of Craven Arms. Deborah Winstone denied having any conversation with a committee member of Craven Arms.
24. On 25 May 2018 Shropshire FA invited Mr Les Bowen to confirm the name of the manager present at the fixture. Mr Bowen stated he was the manager on the day.
25. In her statement dated 22 July 2018, Deborah Winstone confirmed that the person she spoke to was Andy Lockett and attached a photo to confirm his identity. Deborah Winstone described Mr Lockett as the

manager of Craven Arms not the secretary of the club, who she stated was Mr Les Bowen.

26. In an undated statement, Gail Winstone, a spectator, stated that after the match she was standing near the changing rooms when she heard Deborah Winstone telling the manager from Craven Arms that she had reported the incident with the dog to the police. Deborah Winstone then left the area. Gail Winstone remained as she was waiting for her sons. She stated that gentleman approached her and was abusive and aggressive to her. The man stated that his son-in-law, who played for Craven Arms had been called "cock-eye". Gail Winstone responded saying she had not heard any comments of that nature during the game.

Standard and Burden of Proof

27. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
28. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Findings and Decision

29. The Commission's first task was to determine whether the charges was found proven or not.
30. The Commission considered all the evidence before it and noted that:
 - (i) Mr Bowen's complaint referred to Debbie Wilson, Boca Seniors FC Secretary not Deborah Winstone. He stated that he had a conversation with Debbie Wilson after the match in which she

used discriminatory language regarding a player from Craven Arms and his son-in-law Ian Reeves, who has a disability.

- (ii) Deborah Winstone stated she only spoke with the Craven Arms manager, regarding a player being bitten by a dog. She identified the man she spoke to and who she described as the Craven Arms manager, by photographic evidence as Andrew Lockett.
- (iii) Mr Bowen asserted he was the manager on the day in question and described Mr Lockett as a Craven Arms Committee member
- (iv) Gail Winstone stated that she witnessed a conversation between Deborah Winstone and the Craven Arms manager after the match.
- (v) Gail Winstone stated she was approached by another man, who was abusive and aggressive in manner, who alleged his son-in-law, who played for Craven Arms, was called “cock-eye”.
- (vi) There was no statement from Mr Lockett.

31. The Commission found that Deborah Winstone was clear and consistent in her evidence that she only spoke to the Craven Arms Manager who she identified as Mr Andrew Lockett. Spectator Gail Winstone witnessed that conversation and described Mr Lockett as the Craven Arms manager. Although the Commission did not have the benefit of Mr Locketts evidence, they were satisfied it was Mr Lockett who had a conversation with Deborah Winstone and not Mr Bowen. The Commission accepted Gail Winstone’s evidence that she was spoken to by a male who described an incident involving his son-in-law. The Commission find that this can only be Mr Les Bowen. The Commission find Mr Bowen’s account is unclear and unreliable regarding his role on that day and the identity of the person he spoke with and who he alleged made the discriminatory remarks.

32. Based on the evidence and on the standard of proof required, the Commission found that it was not likely that Deborah Winstone made the comment and gestures as alleged.

33. The Commission were unanimous in finding all charges against Debbie Winstone not proven.

Signed

Mrs Loraine Ladlow

Mr Bradley Pritchard

Mr Anthony Rock

15 August 2018