

Disciplinary Commission (“The Commission”)

On behalf of Surrey F.A.

In the matter of Jay Hawkins (65687705)

(Case number 10045931M)

Hearing Summary including Written Reasons

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission (The Commission) which sat on the 21st January 2020 on the above matter, linked with other cases. (10045896-M) (10045859-M) (10045887-M)
2. The FA had appointed Mr. R. Purkiss (Chair) Mark Freedman and Naila Hadid. (All member of the National Anti-Discrimination Panel)
3. Ollie Powell from Sussex FA Had been appointed by the FA as Commission Secretary.
4. The following is a record of the salient points which the Commission considered and is not intended to be, and should not be taken to be, a verbatim record of the hearing.
5. Following a game between Battersea Ironside FC and Epsom and Ewell colts FC played on 02/11/2019 in the Surrey FA Saturday Junior County Cup.

Jay Hawkins 65687705

Charge 1: FA Rule E3- Improper Conduct (including foul and abusive language)

(THE DETAILS OUTLINED BY THE COUNTY FA. It is alleged that Jay Hawkins of Epsom and Ewell Colts EECFC-Adults call a Battersea Ironside Reserves player a “Black Cunt”

Charge 2: FA Rule E3(2)- Improper conduct- aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or disability.

5. The player pleaded not guilty to both charges and requested a personal hearing.

- 1 . The Commission had before them
- 2 . Investigation report from Surrey FA
- 3 . The Charge sheets
4. Report from Matthew Westlake. (Referee)
5. Witness statement from Jay Hawkins (Player Epsom & Ewell)
6. Witness statement from Shane Francis (Player Battersea)
7. Witness statement from Duncan Kent Smith (manager Battersea)
8. witness statement from Mick Peddle (Chairman Battersea)
9. witness statement from Ryan Bell (Player Epsom& Ewell)
10. Witness statement from Paul Malyon (Director Epsom & Ewell)
- 11 Witness statement from Matthew Edwards (Manager Epsom & Ewell)

7 The referees report stated that;

“ In the 34th minute, following a break upfield resulting in Epsom and Ewell hitting the post, my attention was drawn to a scuffle taking place way back in the opposite penalty area (Epsom and Ewell defence) where I saw a player going off holding his nose (which I later discovered had been broken by an opponent, allegedly the number 14 of Battersea and Ironsides and there was blood all over his shirt number 5 shirt.(photograph attached) The vast majority of players from both teams, along with substitutes, some spectators and management from both sides were then involved in a melee with pushing and shoving from both sides and loud exchanges. When I saw

the state of the Epsom and Ewell number 5 and the amount of people involved and taking into account the heightened emotional state of many of those still involved with physical altercation, I took the decision to abandon the game immediately.”

He further stated that “Several of the Epsom and Ewell players were very upset and described their player as having been punched very forcefully but as he was in the opposite penalty area, he had not witnessed any of the incident. He Took the view that He no longer trusted the players to conduct themselves responsibly and that there was a high chance of further incidents should he continue the match and therefor abandoned the game.”

- 8. The Statement from Jay Hawkins said “ I genuinely can’t remember what the argument was about, I was just winding them up not just him, the whole team as a laugh as most people do to get in their heads and then that guy took it too personal and got pissed off about it, I then said “or what mate” Then he punched me in the face breaking my nose.”**

- 9. Shane Francis Stated that ; “During our game against Epsom and Ewell Colts I was tackled by player number 5, although this was a hard challenge which I receive every week as a striker he must have been pumped up because he bounced me when he got up I thought nothing of that, it wasn’t that bad I just said “calm down fella” He then called me a cunt for the FIRST TIME my response to this was “ok cool” I could see he was just trying to wind me up. I then moved away from the player he called me a cunt for the 2nd time, on this occasion I ignored him. I then ran back to my position on the pitch and then player No 5 ran right up to my left shoulder and then said “ACTUALLY YOU’RE A BLACK CUNT” at this stage I turned around with the intention of getting him out of my personal space so with my open hands I pushed him away I must have misjudged the push because one of my hands pushed him in his face with an open hand it wasn’t my intention for my hand to make contact with his face. I have to endure “wind up tactics” every week being a striker and defenders trying to put me off my own game which I find acceptable and tolerate. What I do find unacceptable and will not tolerate is racist behaviour especially when children are watching. Had this RACIST behaviour not have occurred this melee**

would NOT have happened in what was a very competitive and well matched up game.

10. The commission sat to hear the above case together with

An E3 charge Against the Battersea and Ironsides player

An E20 charge against Battersea and Ironsides.

An E20 charge against Epsom & Ewell.

Neither of the players turned up at the hearing and Battersea and Ironsides had accepted the E20 charge and pleaded guilty by correspondence.

The Commission therefore dealt with the two E 3 charges as Non-Personal on the evidence before it and only Epsom & Ewell gave verbal evidence to the E20 charge. We were informed that Battersea and Ironsides had turned up asking to give evidence for their player, but as he was not there this was denied.

11. The Commission considered in depth the statement from Shane Francis and the admission by Jay Hawkins that he was **“just winding them up, to get in their heads. Also, that “the guy (Shane Francis) took it too personal and got pissed off about it”**

12. He did not offer, in his statement, any further explanation as to what he may have said and indeed did not address the specific charge at all or, any alternative words for the Commission to consider.

13. The Commission were mindful that the subsequent actions culminated in the game being abandoned and that a personal comment must have been made by Mr Hawkins to ignite such a response.

14. None of the other witness statements referred to hearing any of the alleged comments and could add no weight to the specific charge.

15. The foregoing 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 determining the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished about this case

16. In respect of all the matters the burden of proof is on the County. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not to have happened

17. The Commission were satisfied, from the report of the referee, and the detailed statement from Shane Francis, that the comments were more likely than not to have been made. There is consistency in what was said together with the context in which they were said, that made it an aggravated breach in terms of race.

18. The Commission found both Charges “as notified” were proven

19. Taking advice on the sanction level, after reviewing his record, the commission determined that. **Jay Hawkins**

will be suspended for 6 matches, fined £75 pounds and will complete an FA online course within 4 months (the details of which are to be notified by Surrey FA) failing which he shall be suspended from all footballing activity until completion of said course. club will incur 9 disciplinary penalty points.

20. There is a right of appeal under FA regulations

R. Purkiss MBE (Chairman)

Mark Freedman.

Naila Hadid

22nd January 2020