

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIR PERSON SITTING ALONE**

*Sitting on behalf of Surrey FA*

**CORRESPONDENCE HEARING**

*of*

**ALFOLD**

**[Case ID: 11054776M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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Warning: This document contains foul and abusive language

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### **Introduction**

1. On Saturday 12<sup>th</sup> November 2022 Croygas Falcons Youth U14 played Alfold in a JPL U14 London Navy fixture, collectively called “the match”.
2. Surrey FA received a report that Alfold had failed to ensure that its spectators and/or its supporters, and anyone purporting to be its supporters, conducted themselves in an orderly fashion whilst attending the match.
3. Surrey FA investigated the reported incident.

### **The Charge**

4. On 6<sup>th</sup> January 2023 Surrey FA charged Alfold (“the Participant”) with;
  - i. Misconduct for a breach of FA Rule E21 – Failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion whilst attending any match.
  - ii. It is alleged that Alfold FC U14 JPL failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and

refrained from improper, offensive, violent, threatening, abusive indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21. It is further alleged that the words and/or behaviour made reference to Gender, contrary to FA Rule E21.4. This refers to the comment(s) “*it’s a boys game and what the fuck are you doing here you’re shit*” or similar.

5. The relevant section of FA Rule E21 states: <sup>1</sup>
  - i. *“E21 A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:*
  - ii. *E21.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative.*
  - iii. *E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation, or disability.*
6. Surrey FA included with the charge letter the evidence that it intended to rely on in this case.
7. Alfold FC were required to respond to their charge by 20<sup>th</sup> January 2023.

### **The Reply**

8. The Club responded to the charge on 7<sup>th</sup> January 2023. The club “*denied*” the charge and requested a Correspondence Hearing.

### **The Commission**

9. The Football Association (“The FA”) appointed me, Ian R. Stephenson, as a Chair Person Independent Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chair Person Sitting Alone to adjudicate in this case.

### **The Hearing & Evidence**

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<sup>1</sup> Page 146 of the FA Handbook 2022/2023

10. I adjudicated this case on 12th January 2023.
11. I had received and read the bundle of documents prior to the Hearing.
12. 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 the matter was determined. For the avoidance of doubt, the Commission have carefully considered all of the evidence and materials furnished with regard to this case.
13. The following evidence was provided in the case bundle in support of the charge:
14. A Referee Report from “Charlotte”, contained within a report from Mark Back (the parent of the referee). The reports stated and I quote:

*“Back Report:*

*The match was competitive but fair, with little incident for the first 3 quarters.*

*Incident 1 – yellow card*

*This was a normal matchday incident, where an Alford player (nr 8) collided with the Croygas keeper with “studs up” once the keeper had gathered the ball. I therefore showed the yellow card to player on the basis of an accidental but uncontrolled dangerous challenge.*

*Incident 2 – Verbal (sexist) abuse*

*During the fourth quarter I became aware of an Alford parent/supporter making comments about my refereeing. Whilst I always accept reasonable comments where people may have seen an incident differently, these comments were beyond that of normal touchline excitement.*

*The comments directed at me were:*

*‘This is a boy’s game, what the fuck are you doing here?’*

*‘You’re shit’*

*‘Fucks sake referee’*

*These comments were heard by several of the parents/supporters as well as players. A Croygas Parent/Supporter reported these comments to both the Croygas Manager and the Alford Manager at the end of the game and pointed out the person in question to the Alford Manager.*

*Impact statement:*

*Parent comment (Mark Back):*

*Unfortunately, I was not there for the last part of the game when the incident took place.*

*The Croygas Coach (Alan) was kind enough to contact me straight after the game and advised me that Charlotte had been visibly upset after the game due to the incident. He and his niece who was also pitch side consoled Charlotte.*

*Charlotte went on to referee a further game with no notable incident, but upon returning home remained visibly upset, and suggested to her Mum that she was considering not continuing to referee.*

*Fortunately, she refereed the next morning for Sutton United Girls and some of her confidence started to come back.*

*Charlotte is 16 and not easily upset, so for her to be visibly upset is unusual”.*

### **Evidence from Alfold**

15. A Witness Statement from Crystal Chase, dated 20 November 2022. Ms Chase was a spectator at the match, associated with Alfold U14. Ms Chase stated and I quote:

*“Aston (Alfold Goalie) picked up the ball because the line’s man had flagged for offside. He responded to the decision. The Ref ignored the decision and gave Croygas a free kick. Aston had seen the flag, as had the other players and spectators. This was frustrating for everyone playing and supporting Alfold.*

*Steve Truss, an Alfold Parent commented to the Ref to ‘use discretion’.*

*Another parent, also suggested ‘using common sense’.*

*There was no foul or abusive language directed at the Ref.*

*The game continued and Croygas scored as a result of the free kick. The Goalie for Croygas ran down the pitch shouting 'They are shit, let's get to double figures'. From this point the atmosphere of the game changed*

*A goal was scored by an Alfold player, but was disallowed for 'handball'. From my view, this was not correct and the player described the ball hitting his hip. Again, the decision caused frustration.*

*Steve Truss commented to the ref in response, asking 'Which one is your bother?'*

*A player from Croygas walked towards our players and called Steve Truss a 'bell end'.*

*There was no foul or abusive language used in response to this or towards the ref''.*

*Ms Chase described the person involved to be "Steve Truss" who she described as "short, grey hair and beard". She stated that he was an "Alfold Supporter".*

*At the time, Ms Chase stated that the incidents happened at the sideline of the pitch around the area of the Alfold parents and that she was standing with other Alfold parents who she named as "Kim Walton, Chritianne Miller, James McIntyre, Steve Truss, Darron Jelly, Paul Devlin, Dan Knight".*

*In the statement Ms Chase stated that she reported this incident(s) to the Alfold coaches and Parent Rep.*

16. A report from Stephen Trussell, embedded in an email sent by a redacted sender, to Phil Rendell, dated 20 November 2022 at 16:13 which stated and I quote:

*"With the score already 7-2, our goalkeeper believed that an offside had been given by the referee. He picked the ball up inside his box, and walked out to where he believed the free kick was to be taken. The referee 'correctly' awarded a free kick to Croygas. When she did the goalkeeper was obviously suprised and upset, as he believed play had stopped. I shouted to the ref that she didn't need to give a free-kick, and could employ some 'discretion' at what was a clear mistake by the goalkeeper. I asked her to use 'common sense'" and overturn her original decision, as there wasn't long left, and score was already heavily in favour of Croygas. Whilst I did shout 'at' the ref, my tone was pleading and polite- I was trying to protect the team from a heavy defeat, and the goalkeeper from feeling he'd let his team down.*

*I was not aggressive, never used foul or abusive language, and left the matter once play resumed.*

*I am an FA Level 1 coach with Crawley & Maidenbower Panthers for over 6yrs and have never had any complaints made against me by any ref or opposition club.*

*Regrettably, once the behaviour of the Croygas players had become offensive, and the game overly physical, I did shout out 'which one is your brother?' towards the ref.*

*It was genuinely meant to be 'funny,' however, I instantly regretted it, as I realised it called into question her integrity. Once again, it was not said aggressively, nor did I swear at any point.*

*Kind regards,  
Stephen Trussell”.*

17. A Witness Statement from Robert Chase dated 22 November 2022. Mr Chase was an Assistant Referee at the match and he stated and I quote the relevant text:

*“I had given an offside and the Alfold Goalie picked up the ball however the referee ignored the flag and gave Croygas a free kick. One of Alfold's parent Mr Stephen Truss made a comment to the referee to 'use discretion'. There was no foul or abusive language used.*

*The Croygas Goalie was bringing the game into disrepute by running down the pitch shouting the Alfold team was shit. I later heard Mr Trussell say are you sure brothers not playing to the referee. This was not said in a nasty way, more a comment.*

*I have been a referee for 49 years. I did consider that the referee was in any way abused and I heard no foul language. I did go and speak to referee after the game to tell her she had a good game. She was upset”.*

Mr Chase stated that he knew the parent spectator to be Mr Stephen Trussell although he did not know him personally.

18. A Witness Statement from Stephen Trussell dated 22 November 2022. Mr Trussell was a spectator at the match associated with Alfold U14. He stated and I quote:

*“With the score already 7-2, our goalkeeper believed that an offside had been given by the referee. He picked the ball up inside his box, and walked out to where he believed the free kick was to be taken. The referee ‘correctly’ awarded a free kick to Croygas. When she did the goalkeeper was obviously suprised and upset, as he believed play had stopped. I shouted to the ref that she didn’t need to give a free-kick, and could employ some ‘discretion’ at what was a clear mistake by the goalkeeper. I asked her to use ‘common sense’” and overturn her original decision, as there wasn’t long left, and score was already heavily in favour of Croygas. Whilst I did shout ‘at’ the ref, my tone was pleading and polite- I was trying to protect the team from a heavy defeat, and the goalkeeper from feeling he’d let his team down. I was not aggressive, never used foul or abusive language, and left the matter once play resumed.*

*I am an FA Level 1 coach with Crawley & Maidenbower Panthers for over 6yrs and have never had any complaints made against me by any ref or opposition club.*

*Regrettably, once the behaviour of the Croygas players had become offensive, and the game overly physical, I did shout out ‘which one is your brother?’ towards the ref.*

*It was genuinely meant to be ‘funny,’ however, I instantly regretted it, as I realised it called into question her integrity. Once again, it was not said aggressively, nor did I swear at any point”.*

19. A Witness Statement from James McEntyre dated 21 November 2022. Mr McEntyre was a spectator at the match associated with Alfold U14. He stated and I quote:

*“I can confirm that I was standing near Stephen Trussell (parent of Alfie Trussell – Alfold Player), and I heard him say ‘use your common sense’ at a decision where a free kick was awarded against Alfold. This was directed at the referee – not done aggressively nor was any abusive language used.*

*At the time, Alfold we’re losing around 7-2 and the attitude of some of the Croygas Falcon players, especially their goalkeeper, was unacceptable.*

*I heard the Croygas Falcons goalkeeper shout a number of times ‘come on, they are shit, let’s make it double figures’.*

*It was after this the comment was made, and upon the decision to award a free kick, from a distance and not aggressively, Stephen Trussell shouted for the ref to ‘use common sense’*



*meaning in the spirit of a the game, rather than punishing a team who were being verbally criticised by a 14 year using language and tone that was clearly not in the spirit of the game and fair play. [ ]*

*In summary, I did not hear any abusive comments towards the referee. I heard the comment of ‘use your common sense’ which was not said in anger or with venom and was certainly not confrontational. Rather it was reflective of a period of the game where the spirit of the game and fair play was clearly brought into question”.*

20. That concluded all of the evidence in this case.

### **Standard of Proof**

21. The applicable standard of proof required for this case is the civil standard of 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.

### **The Findings & Decision**

22. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon Surrey FA.

23. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission. The Commission has to assess the credibility of the witness when deciding whether their evidence may or may not be relied upon.

24. Where there are discrepancies between witnesses, it is for the Commission to accept which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness’s own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and which to reject, the Commission then has to decide if, on the balance of probability, the alleged breach of the FA Rules is established.<sup>2</sup>

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<sup>2</sup> Paragraph 4

25. It should be noted that where direct speech is quoted in a witness statement, it has been recorded exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typo errors.

In summary:

26. It was alleged that Alfold U14 failed to ensure spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion at their match against Croygas Falcons Youth U14 in a fixture played on Saturday 12th November 2022.

27. It was alleged that a spectator of Alfold U14 said *“It’s a boys game and what the fuck are you doing here you’re shit”* or similar.

28. Alfold denied the charge.

29. The matter was reported to the Surrey FA by Mark Back. Mr Back is the father of the young referee, Charlotte Back. Charlotte is 16 years old and Mr Back reported the matter on her behalf due to her age.

30. Charlotte Back described the incident in her part of Mr Back’s report as *“Verbal (sexist) abuse*. Ms Back alleged that the incident occurred in the fourth quarter of the match after she became aware of a parent/supporter making comments about her refereeing. Ms Back stated that the comments were directed at her by the parent/spectator and included the comments; *“This is a boys game, what the fuck are you doing here”*, *“You’re shit”*, *“Fucks sake referee”*.

31. Mr Back was not in attendance at the match but provided an impact statement in relation to his daughter, Charlotte. Mr Back stated that he was contacted straight after the game by the Croygas coach, who he named only as *“Alan”*. Mr Back stated that *“Alan”* had told him that Charlotte had been *“visibly upset”* after the game due to the incident. Alan had also told Mr Back that he (Alan) and his niece (Alan’s niece) had both consoled Charlotte after the game. Mr Back stated that *“Charlotte is 16 and not easily upset, so for her to be visibly upset is unusual”*.

32. Crystal Chase was a spectator at the match, and was supporting Alfold. She provided a Witness Statement in which she stated that Steve Truss, an Alfold parent, commented to the ref to *“use discretion”*. Ms Chase also stated that *“Another parent, also suggested ‘using common sense’*.

Later in the game Ms Chase stated that *“the goalie for Croygas ran down the pitch shouting ‘they are shit, let’s get to double figures’”*.

33. Ms Chase described that a goal was scored by an Alfold player which was subsequently disallowed by the referee. Ms Chase then stated that Steve Truss commented to the ref in response, asking *“Which one is your brother?”* She stated that there was no foul or abusive language used towards the referee.
34. Stephen Trussell was a parent/spectator at the match and was supporting Alfold. In his statement he described an on-field incident, stating that following this incident he shouted at the referee that she *“didn’t need to give a free kick, and could employ some common ‘discretion’ at what was a pure mistake by the goalkeeper”*. Mr Trussell further asked the referee to use *“common sense”* and *“overturn her original decision as there wasn’t long left…….]”*.
35. Mr Trussell admitted that *“whilst I did shout ‘at’ the ref, my tone was pleading and polite”* as he was *“trying to protect his team from a heavy defeat”*. He stated that he was not aggressive, never used foul or abusive language, and that he left the matter once play resumed.
36. Mr Trussell included in his statement that he is an *“FA Level 1 coach with Crawley & Maidenbower Panthers”*, a position that he has held for over 6 years. He stated that *“Regrettably, once the behaviour of the Croygas players had become offensive, and the game overly physical, I did shout out ‘which one is your brother?’ towards the ref’. It was genuinely meant to be ‘funny’, however, I instantly regretted it, as I realised it called into question her integrity. Once again, it was not said aggressively, nor did I swear at any point”*.
37. Robert Chase was the Assistant Referee at the match and was associated with Alfold. He stated that Stephen Trussell, a parent spectator that he knew, but did not know personally, made a comment to the referee to *“use discretion”*, without using foul or abusive language. Mr Chase described the goalkeeper of Croygas as *“running down the pitch shouting the Alfold team were ‘shit’*. Mr Chase later heard Mr Trussell say to the referee *“Are you sure your brothers not playing”?* Mr Chase recorded the fact that he had been a referee for 49 years and stated *“I did consider that the referee was in any abused and I heard no foul language”*. Mr Chase spoke to the referee after the game to tell her that she had a good game and noted at that time that she was upset.
38. James McEntyre was a spectator at the match and was supporting Alfold. Mr McEntyre confirmed that he was standing near to Stephen Trussell and that Mr Trussell was the parent of

Alfie Trussell (an Alfold player). Mr McEntyre reported that he heard Mr Trussell say “*use your common sense*” following a decision where a free kick was awarded against Alfold. This comment was directed at the referee but not done aggressively and no abusive language was used. Mr McEntyre alleged that the attitude of some of the Croygas players changed, especially the goalkeeper, who Mr McEntyre alleged shouted “*come on they are shit, let’s make it double figures*”, the goalkeeper shouting this on a number of occasions.

39. In determining liability in this case there is clear evidence that Mr Trussell, a parent/spectator of Alfold did, upon his own admission, shout certain remarks towards the referee following incidents that occurred within the game. One such remark, namely “*Which one is your brother*”? at a time when the game had got “*overly physical*” as described by Mr Trussell, and regarded by him to be meant as “*funny*” is not a position shared by the Commission when taken into context the age of the players and the age of the young referee.
40. Mr Trussell, again upon his own admission, made other remarks towards the referee, which the Commission views to be challenging the referee’s authority in the context in which they were used. The Commission noted that Mr Trussell is an FA Level 1 Coach and the Commission would expect such a person to act in a manner that shows a good positive image and not to behave in this manner in front of such a young audience.
41. There is no other evidence provided alleging any other persons responsible for shouting towards the referee so the Commission has to determine this case by assessing the evidence provided by the referee and her father, against the evidence provided by the remaining witnesses.
42. It is clear from the evidence that comments were being shouted by Mr Trussell. The Commission determined that Mr Trussell’s behaviour, in shouting the comments towards the referee in the circumstances that he did, and recognising that he is also an FA Level 1 Coach, amounts to improper behaviour. Mr Trussell was, at the time, a parent/spectator of Alfold and was at the match supporting the Alfold team.
43. It is in dispute however, exactly what was shouted relating to the allegation “*It’s a boys game and what the fuck are you doing here you’re shit*”, and consequently who shouted it if it was not Mr Trussell. The allegation made by the referee is clear, however there is no corroborative evidence presented by any of the witnesses as to this element of the comment. The witnesses

state that the Croygas goalkeeper shouted the word “*shit*” on numerous occasions, but this was not directed at the referee according to the witnesses.

44. The Commission does not seek to challenge the integrity of the evidence provided by the referee. The referee reported what she heard and the Commission has no reason to dispute that the comment was what she heard, or believed she had heard. There is no supporting evidence however as to who said the remark and whether the person responsible was supporting Alfold. The Commission appreciated that the comments were made at a time when the level of challenge in managing the game was increasing due to incidents that occurred on the pitch. The Commission cannot therefore establish whether the exact comment was made by anyone other than Mr Trussell, and the evidence relating to Mr Trussell does not persuade the Commission to be satisfied that he said anything other than what he has admitted saying. The Commission considers the behaviour of Mr Trussell, and the comments that he shouted towards a young referee, to be improper in their own right.

45. After careful consideration of all of the evidence in this case the Commission determined that on the balance of probability it was more likely than not that Alfold did fail to ensure that its supporters or followers did conduct themselves in an orderly manner when attending the match and found the E21 charge PROVEN.

46. The Commission found that on the balance of probability it was less likely than not that the aggravated element, namely the reference to Gender, was said as alleged and therefore found the E21.4 element of the charge NOT PROVEN.

#### **Previous Disciplinary Record**

47. After finding the charge proven the Commission sought the Club’s offence history during the previous five-year period. The Commission noted that the club has twenty-four teams. There was one previous breach of FA Rule E20 recorded against the Club as follows:

21/07/2018 where a £100.00 fine was imposed.

#### **Mitigation**

48. The charge was denied and no formal mitigation was provided by the Club. Multiple statements submitted from the Club's supporters all confirmed that there was no use of foul or abusive language used against the referee.

### **The Sanction**

49. The Commission reminded itself that the sanction Guideline for the E21 breach of Rule for Youth teams is a fine ranging between £0 and £200.00.
50. In determining the appropriate sanction, the Commission noted that the Club had denied the charge and therefore the Commission was unable to award credit for "*guilty plea*". The Commission noted that the Club has a good disciplinary record over the past five years, particularly appreciating that the Club has twenty-four teams. However, the previous breach of FA Rule E20 recorded on 21/07/2018 cannot be overlooked as a breach of FA Rule E20 is also a Club charge relating to the Club's responsibility to ensure orderly behaviour from persons associated with their Club at any match.
51. The Commission did identify aggravating factors in this case, namely:
- i. The comments made by the parent/spectator were made to a young referee, aged 16 years old.
  - ii. The referee was clearly upset as a result and what had happened, and the fact that she was visibly upset was witnessed and reported at the end of the match.
  - iii. The players in this match were playing for an under 14 team. Clearly the players are children and for them to witness behaviour such as this from an adult parent/spectator is likely to have a negative effect on them.
  - iv. Comments, as admitted by the spectator are likely to have, and indeed appear to have had, a negative effect on the young referee. The referee told her mother that she was considering not continuing to referee as a result of this experience according to the impact statement provided by the referee's father.
  - v. This behaviour was from an adult who stated that he is an FA Level 1 Coach with 6 years' experience.
52. After taking into account all of the evidence the Commission decided that this case should be considered in the "*Medium*" category, and that the appropriate sanction is:

- i. Alfold are fined £60.00 (Sixty pounds).
- ii. The Club is formally warned as to its future conduct.
- iii. The sanction is formally imposed.

53. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: Mr Ian R. Stephenson

FA National Serious Case Panel Chair

12th January 2023.