

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

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

**and**

**JAMES ROBINSON**

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**DECISION AND WRITTEN REASONS**

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**Background**

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 28 November 2022 following a charge brought by Surrey FA against James Robinson (Case ID: 10983822M) (“**JR**”).

**The Charge**

2. Surrey FA have charged JR with the following breach of the FA Rules:
  - 2.1 FA Rule E3 – Improper Conduct against a Match Official (including threatening and / or abusive language and behaviour).
  - 2.2 The particulars of the charge are that after being sent off, JR said to the referee ‘I was going to get smacked in a minute’ or similar.
  - 2.3 JR has accepted the charge.

**Preliminary Issue**

3. On review of the documentary evidence, the Chair noted that JR denied that the verbal exchange took place. Therefore, the Chair sought clarification from Surrey FA.
4. Surrey FA provided useful clarification that they have spoken to the club who have accepted the charge as the club could not get hold of JR and believe he is moving away. The club secretary spoke with Surrey FA and were advised to accept the charge. The club are accepting that the incident happened and will pay the fine if ordered.
5. The Chair noted that he has an overarching objective to achieve a just and fair result pursuant to the Disciplinary Regulations 2022/23. Therefore, based on JR’s evidence, the Chair considered that he had denied the charge and accordingly, the Chair determined that he would consider liability, in addition to sanction.

## The Evidence

6. This matter relates to a fixture between Worcester Park Reserves and Woodmansterne Hyde on 8 October 2022.

7. 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 the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.

8. The Chair has before him the following evidence:

8.1 Extraordinary Incident Report Form of Phillip Greenhead, the Match Official dated 8 October 2022. Mr Greenhead's evidence is reproduced herein:

*"During the second half while the ball was out of play. the Worcester park manager was shouting for my attention. I asked for the thrower to wait while I went to see what the WP manager wanted. As I was walking towards the benches the Worcester Park player, James Robinson, who had previously been shown a red card shouted that I "was going to get smacked in a minute". At this point the player was sitting in the dug out.*

*I asked the manager to control his player but he replied "I dont have to do anything, You have already sent him off. stop staring at me" I re-iterated that he needed to control the player and the game re-started with a throw on. [sic]"*

8.2 Witness Statement from JR dated 8 October 2022. JR's evidence is reproduced herein:

*"After I was sent off, I went straight to the dressing room, finding the door locked I returned to the dugout to get the key. Having retrieved the key I returned to the changing room and showered.*

*This took no more than two minutes, any comments I made in the dugout were to team mates, I had my back to the pitch, and I made no threatening comments towards the referee whatsoever."*

8.3 Witness Statement from Ryan Anderson dated 8 October 2022. Mr Anderson's evidence is reproduced herein:

*"After the sending off my attention was focused on the pitch and reorganising my team, The dugout was behind me as I was standing on the edge of the pitch and I heard nothing from the dugout, my concentration was on the pitch".*

8.4 Email correspondence with Phillip Greenhead dated 11 October 2022, which can be summarised as follows:

(a) With regard to the comment made by JR from the dugout, I am certain that it was aimed at me.

(b) I was quite near to him by the time the comment was made and he looked straight at me whilst very loudly saying 'he is going to get smacked in a minute'.

- (c) On reflection since the match, I have been thinking that I should have asked the player to leave the dugout and go to the dressing room. However, at the time I did not want to escalate things any further as the atmosphere was quite intimidating and I was concerned that I would possibly make the situation worse if I had further interaction with the player.
- (d) Comments like this are never nice and at the time, I was a little concerned that JR may follow up on his threat.

8.5 Email from Worcester Park Club Secretary, Kristina Jayne. Ms Jayne states that Worcester Park have lost contact with JR and are not in a position to add anything to JR statement in response to the referees.

### **Decision on Liability**

- 9. The Chair considered all of the evidence in determining whether the charge was proven on the balance of probabilities.
- 10. Put simply, this means is it more likely than not that JR made threatening comments to the Match Official.
- 11. Having considered all of the evidence, the Chair determined that the charge is **proven** on the balance of probabilities.
- 12. The reasons for the Chair reaching this decision are as follows:
  - 12.1 The Chair has considered the detailed evidence of the Match Official in this case. The Chair considers that the evidence is reliable, balanced and credible. The Match Official describes in clear detail the comment being made, the offending player and where the offending player was located at the time of the offending. The Chair also notes the Match Official's certainty that the comment was aimed at him and the short proximity between JR and the Match Official.
  - 12.2 The Chair referred to Paragraph 96.1 of the FA Disciplinary Regulations (FA Handbook 2022/23, p209) which provides further clarity as to the charge. It states:

*Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.*
  - 12.3 The Chair has considered the evidence of the Match Official to determine whether the conduct in question could constitute threatening behaviour. The Chair acknowledges that the Match Official describes the event to be intimidating and that he was concerned that JR would act on his threat to smack him. Therefore, the Chair considers that this does constitute threatening behaviour pursuant to the Regulations, as the Match Official in this case believed he was being threatened and the words used are capable of implying directly that the Match Official may be subject to any form of physical abuse.
  - 12.4 The Chair has also considered the evidence challenging the charge. It consists of JR's statement who states that any comments made whilst he was in the dugouts were to his teammates and he did not threaten the Match Official. However, the Chair does not consider this evidence to be particularly reliable or credible as it does not contextualise what was said

and when, and amounts to a bare denial of the threatening behaviour. The Chair prefers the evidence of the Match Official which is clear and reliable.

### **Decision on Sanction**

13. As the Chair found the charge proven, the Chair considered the appropriate sanction to impose.
14. The Chair referred to FA Rules and the Disciplinary Sanctions Guidelines issued by the FA. For this offence, the sanction range is a suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering mitigating or aggravating factors is 112 days. In addition to the football based suspension, this offence carries a fine of up to £100 with a mandatory minimum of £50 and a compulsory FA education course.
15. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present.
16. The Chair consulted JR's previous disciplinary history and noted that prior to this incident, JR had a clean disciplinary record.
17. In accordance with the FA Sanctions Guidelines, the Chair considered the entry point of a 112 day suspension before considering mitigation or aggravating factors, which would necessitate an upward or downward adjustment to the sanction.
18. In this case, the Chair considered that the clean disciplinary history was a mitigating factor along with the cooperation with the FA's investigation.
19. Accordingly, JR is sanctioned as follows:
  - (a) A 84-day suspension from football and all football related activities;
  - (b) A fine of £50;
  - (c) A mandatory education course to be undertaken online before the suspension has been served, the details of which shall be provided by the FA.
  - (d) 6 penalty points.
20. 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  
28 November 2022