

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Surrey & Middlesex FA

NON-PERSONAL HEARING

Of

Myles House

St Helier Youth FC

[Case ID: 11048671M]

CONSOLIDATED WITH

Vijay Kumar

CB Hounslow United Youth FC

[Case ID: 11047930M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 13 November 2022, CB Hounslow Tigers FC U16 (“Hounslow” the “Home Club”), played a Surrey Youth League fixture against St Helier Youth FC U16 (“St Helier” the “Away Club”) – collectively the “match”.
2. Following the fixture an allegation of discrimination by a St Helier Manager was made to the League via the Match Report card, this was passed on to Surrey FA. Following on a counter allegation was made regarding a second allegation of discrimination committed by a member of CB Hounslow Youth FC which was passed onto Middlesex FA.
3. Surrey & Middlesex Football Associations (“Surrey FA & Middlesex FA”) then investigated the reported incidents.

The Charges

4. On 14 December 2022, Surrey FA charged Mr Myles House:
 - 4.1. With misconduct for a breach of FA Rule E3 – Improper Conduct including foul and abusive language **Charge 1;**
 - 4.2. with a second charge for a breach of FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender reassignment, Sexual Orientation or Disability **Charge 2;**
 - 4.3. It is alleged that Myles House used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Disability of another participant. This refers to the comment(s) “*Wheelie off*” or similar.
 - 4.4. Surrey FA advised in the charge letter that the range of sanction was between 6-12 matches. 6 matches are the standard minimum; a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors. A participant found to have

committed an aggravated breach will be subject to an education programme.

4.5. The relevant section of FA Rule E3 states¹:

“E3.1 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.

4.6. Surrey FA cited the evidence that they intended to rely on in the case bundle.

5. In consolidation, on 12 December 2022, Middlesex FA charged Mr Vijay Kumar:

5.1. With misconduct for a breach of FA Rule E3 – Improper Conduct including foul and abusive language **Charge 1**;

5.2. with a second charge for a breach of FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender reassignment, Sexual Orientation or Disability **Charge 2**;

5.3. It is alleged that Vijay Kumar used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Sexual Orientation of another participant. This refers to the comment(s) *“faggot”* or similar.

5.4. Middlesex FA advised in the charge letter that the range of sanction was between 6-12 matches. 6 matches are the standard minimum; a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors. A participant found to have committed an aggravated breach will be subject to an education programme.

¹ p. 141 of FA Handbook

5.5. The relevant section of FA Rule E3 states²:

“E3.1 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.

5.6. Middlesex FA cited the evidence that they intended to rely on in the case bundle.

6. The responses were due as follows;

6.1. For case **11048671M**, Myles House was required to respond to his charges by 28 December 2022;

6.2. For case **11047930M**, Vijay Kumar was required to respond to his charges by 26 December 2022.

The Reply

7. The responses were as follows;

7.1. For case **11048671M** Mr Myles House, a response was received via WGS on 14 December 2022 denying both charges and requesting they be dealt with by correspondence;

7.2. For case **11047930M** Mr Vijay Kumar, no formal response has been received, therefore in line with FA Policy the case will be considered as a denial of both charges and will be dealt with by correspondence.

8. During the investigation, the evidence was submitted from:

8.1. Statements from Surrey Youth League;

8.2. Statements provided by St Helier Youth FC;

8.3. Statements provided by CB Hounslow United.

² p. 141 of FA Handbook

The Commission

9. The Football Association (“The FA”) appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing and Evidence

10. The case bundle was sent via e-mail to the appointed Chair 03 January 2023 to be completed within 3 working days.
11. I adjudicated this case on 04 January 2023 as a correspondence hearing.
12. The following is a summary of the principal submissions provided. 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 we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case. Where appropriate names have been redacted.
13. Below is a summary of the main points:
14. The initial allegation submitted with the Match Report card details the following;
 - 14.1. The statement begins confirming a formal letter will follow regarding the conduct of the St Helier manager who *“has been given me hassel, by the way of repeatedly bring into my face how good his team. I have faced disability discrimination off the players who would only be like this because of the conduct of their own manager”*. He asks if the League will be taking action and the author notes an apparent lack of support for *“anything to do with disability”*.
 - 14.2. They add Surrey may feel this is unfair but the author alleges *“how many times do I have to take this from players referring to my wheelchair, this will only be done by the players whose manager has not taught them the right attitude. The final straw was today when one of our players was pushed from behind, I went wheeling at over to see if our guy was ok, I also reminded everybody this was a*

game of football, as I made my way back, there manager whos name is miles said go away and wheelie off, that was the same tone of some of his players I will admit that I did react, you have never had any complaints about me at all since I started. I get the upmost respect from the FA who treat me with dignity and encourage my coaching journey”.

- 14.3. They also have further witnesses to the allegation and they further comment the 2-minute silence was not carried out and they note history between themselves and the alleged perpetrator including blocking their number. There is a further allegation of disrespect *“Everybody deserves to play football and no manager should be by telling anyone. they can play or not. After the game he said to 2 of my players they should find another club as they are being under played the fact that they are 14 and playing up would define playing them higher. I get respect from nearly all Surrey managers but this guy is disgraceful and should not be in football, I am alerting the disability organisations I have access to, also one of his players got a red card need I say more to that”.*
15. The case bundle then contains the statements from St Helier, the first, dated 22 November 2022 is from Mr House and adds the following details;
- 15.1. Mr House completely refutes the claims made and states *“This game it’s self I hardly spoke a word to the management of Hounslow, or there players. Parents from their team was huddled on our side on the line with their managers/ coaches. Creating a hostile atmosphere from the very start”.*
- 15.2. He continues with a counter allegation *“If anything there manager VJ had made comments in a abusive way towards me calling me a faggot, a nonce, and offered to fight me and wanted to fight me, he was very confrontational, angry throughout the game. My players, parents could hear/ see this behaviour. I hardly said a word the whole game and didn’t rise to this unacceptable behaviour. Again I strongly deny any wrongdoing in this game”.*
16. The next statement within the case bundle from a St Helier parent is undated, and adds the following details;

- 16.1. The author notes an uncomfortable atmosphere when they arrived and the opposition supporters stood opposite the respect barrier with the team management. From the start of the fixture *“the aggression from the other teams supporter's and management wasn't healthy actually it was intimidating (god knows how Myles and our boys felt over that side)”*.
- 16.2. There was an incident on the field of play when *“Some of the boys got into a to do on the pitch but my attention went to the other teams management he was aggressive towards Myles. When I spoke to Mason he said the other manager was calling Myles a faggot and nonce, which he thought was uncalled for and to be honest shouldn't be said at all let alone in front of kids”*.
17. The next statement, also from a parent and undated contains the following;
- 17.1. This also notes the positioning and behaviour of the opposition parents being very loud as were the Hounslow players. Of the manager for Hounslow *“was very abusive to Myles throughout the game my son witnessed him saying you are gay I will fight you now which Myles did not react at all to. There was also a bit of pushing by each player on the pitch when a number of their parents and their manager came onto the pitch causing abuse, which Myles still stayed in his area without coming onto the pitch or saying anything at all”*.
- 17.2. They allege 22 Hounslow players were there, some without kit which they believe *“was to intimidate our team, and I would say we're not registered players. I can honestly say I did not witness Miles saying or doing anything out of turn and will be willing to stand in front of the FA to confirm my statement”*.
18. The next statement from a parent, also undated adds the following comments;
- 18.1. The game started well and was *“tough but fair from both teams”*, they also reference the positioning of the Hounslow parents and were *“very vocal and were doing their best to fire their team up, for me they were pushing it a bit too far for what is acceptable for a Youth match. There managers were just as bad clearly putting pressure on the referee for every decision”*.

- 18.2. Near the end of the second half there was an incident with pushing between two players which *“seemed to ignite the Hounslow managers and parents and there was some verbal attacks aimed at Myles our manager. Myles spent the next few minutes trying to calm the situation down while under lots of pressure for the other teams camp”*. Aside from this they note a fixture *“played in good spirits even though the Hounslow support we’re trying to instigate something more serious”*.
19. The next St Helier statement notes the following of the fixture;
- 19.1. The author was at the fixture and also notes the positioning of the Hounslow parents around the dugout for their team *“which I'm sure was very intimidating for myles and our subs. there was a couple of incidents that got quite heated and pitch invaded. we never got involved but myles got a fair bit of abuse”*.
20. The following statement notes they were not in ear shot so not able to state what was said, of the fixture they add;
- 20.1. As previously the positioning of the Hounslow support is noted and *“it seemed a little us and them from the start”*. Their parents were behind a respect barrier throughout and from there *“I don’t remember Myles being anything other than Myles usual behaviour. I didn’t witness any aggression from him at all. There was a small fracas on the pitch between some of the boys, again that happens at this age and the Ref with some verbal intervoention dealt with it as best he could. I could see a lot arm waving and pointing by the Hounslow manager on their side but couldn’t hear what was being said”*.
- 20.2. They also note a previous fixture and *“that manager was extremely negative to his players then so would not be surprised if things got out of hand over there on this occasion”*. In concluding the statement they add *“the one thing Myles isn’t is discriminatory in any way. In the many years I have known him he has always been inclusive and passionate about this team. He’s never singled out anyone for race, disability or anything else. So find this accusation very difficult to believe”*.

21. There is another parents' statement included, they note the following;
 - 21.1. Their son plays for St Helier and they have been made aware of "*some false allegations made against his manager.*". They state Mr House, during the fixture "*was actually very quiet, he told the boys to just play their game and he let them get on with it, we were winning and he had no reason to intervene.*".
 - 21.2. They witnessed the incident with the plyers pushing "*the other teams parents were standing next to there manager they were not behind the respect barrier on the other side of the pitch like we are told all parents must be the manager that was in the wheelchair called Myles a faggot and was swearing and quite aggressive even offering him a fight to which Myles kept his calm and walked away. this was heard by numerous people including my son and other players.*".
22. The final St Helier statement from the club linesman, adds the following information;
 - 22.1. The author also comments on the positioning of the Hounslow parents on the manager's touch line "*they didn't seem very hostile from the start but as the game went on and St Helier were winning it felt like tensions were boiling over.*".
 - 22.2. In the second half he was on the manager's side and notes "*our manager Myles was very quiet the whole game whilst second half the Hounslow manager was getting more aggressive as the game went on. There was a confrontation on the pitch between 2 players, then the Hounslow manager called Myles a faggot, was swearing at him and offering to fight him which Myles didn't react to.*" The final minutes were calm and ended with no trouble.
23. The statements from Hounslow begin with one from a Club Official who adds the following;
 - 23.1. They were in attendance and were disgusted by the attitude of St Helier who went into the club house and "*open every door without asking anyone where they go.*". The referee got there dead on kick off, they asked him to

do the 2 minutes silence but allege *"this coach said no as we need to kick off straight away"*.

- 23.2. There is reference the same individual complained that their linesman was a player and *"started calling me a cheat, we should not have a player doing this as he always has a linesman"*. He also alleges the coach told his players they should play for another team and of contacting the club by e-mail *"saying do you want to play us as we beat you last time"*. He concludes stating *"now disability discrimination is shocking and something needs to be done to this team"*.
- 23.3. There is further information within the case bundle from the author with more detail on the allegations *"For him to approach and tell our players they should not play in the Vjs team and should try and play for his is unprofessional"*. There are also allegations of illegal approaches to players. Of the emails sent to Mr Kumar regarding playing the fixture he adds *"do you want to play us as we beat you last time and do you want your boys humiliated again is not acceptable and as my role in football I will take this further"*.
- 23.4. Of the alleged discrimination he furthers states *"Disability discrimination towards Vj is shocking and something needs to be done to this team, what kind of message is being sent out when we show such disrespectful behaviour to a fellow coach"*. He continues noting people do not know what Mr Kumar has had to go through in his life on a daily basis *"his commitment to his teams is second to none. He suffered torment from this manager for a long time and never brought it to our attention as he thought no one would be too bothered as it's football"*.
- 23.5. He has seen the e-mails and texts going back years from Mr House to Mr Kumar and asks *"Who does this man think he is by tormenting vj like this, would he do the same to a physically able-bodied person, I think he would not"*. Of Mr Kumar he adds *"Vj is a very highly respected person in our club by all the players in every team from 5 yrs to the 1st team and the community, now that*

he has told me & chairman of CB Hounslow that he will be quitting, this is not acceptable”.

24. There is an e-mail from Mr Kumar to the County FA dated 02 December 2022, noting the charges raised are for this instance only even though several allegations have been made, he notes he understands but will be looking for further advice as to how to go forward and get the support he needs.
25. In response to the counter allegation made against him Mr Kumar submits the following;
 - 25.1. Mr Kumar begins *“Excuse me, I have heard it all now there are no depths known to this man of how low he can go, soon as you made aware it was obvious that he would stoop so low, I do not need to defend myself against such a character like him. If you want character references on conduct from our fellow coaches, you will see that he is known as a troublemaker, he tells his kids to be as obnoxious as himself, which is not safeguarding”.*
 - 25.2. He cites a further allegation another coach complained about Mr House and the league did not do anything when he was *“the parents of the opposition direct behind the back of their coach. As I have said previously I can send you the correspondence on this man and all the messages he sent me to intimidate me and then ask for a friendly and how I had to block him from my phone. Many complaints have gone into the league and nothing is done”.*
 - 25.3. He requests other coaches are contacted to show what Mr House is like and to also contact Hounslow from *“U7s to U17s”* regarding his own conduct. Mr Kumar is *“a large Indian in a wheelchair and an advocate for the LGBT+ community if you would like statements I will give you the details, they are part of a charity trust, I started 2 years ago to eradicate such things. feel to call me and discuss matters further”.*
26. The final item in the case bundle is a response from Mr House to the charges against him, this contains the following;

- 26.1. Mr House begins noting he is *“deeply hurt, saddened by a clear attempt by a few at decimating my character and am shocked at some of the lies and the way in which I’m being portrayed”*. He is a father to a young daughter who has taken an interest in football and *“I massively support diversity and inclusiveness in football as well as in my 5-6 years at St Helier having a very diverse set of players, we clearly promote diversity in this team and this club so comments trying to raise this is as an issue of discrimination or ignorance towards diversity and inclusiveness is very hurtful and damaging to me and my club”*.
- 26.2. He does admit to previous issues from a match 5 years previous which *“created a issue but had nothing to do with disability”*. He also admits to the pre-match contact via e-mail asking if it was for the best which *“on reflection disrespectful, but this was more about stopping possibly a game that could have knocked confidence, we never enter surrey cup for same reason but I shouldn’t have emailed them regarding this that’s my mistake”*.
- 26.3. He refutes further allegations and does not know why the 2 mins silence did not take place *“I don’t know, game started fast when eventually hounslow and all their players/ parents came over”*. He also admits they used the clubhouse which he notes they did so as they were there early and on the clubhouse it *“says available to use so we used it, so confused as the attempt to over dramatise our use of this facility’s”*.
- 26.4. He references the statements from St Helier parents that note he was *“quiet as a mouse”*. He did raise an issue with the player being a linesman *“as this shouldn’t happen it has not happen in my 5 years and never seen another team give a lines man flag to a player it’s not fair for that child to have that responsibility”*.
- 26.5. He notes the game was *“filled with, anger, aggression, very bad language, and a atmosphere was created by Hounslow my lads are u16s so wasn’t gonna respond to this by dancing and blowing kisses”*. He continues adding *“I was subjected to threats of fights, and subjected to homophobic slurs which causes massive*

offence as I have a sibling who is a part of the LGBTQ community. My players/parents saw how I was bullied and treated this day as well as how they were trying to be roughed up and were affected by this and I still didn't say a word".

- 26.6. He is not the same person he was 5 years ago and openly admits *"made some mistakes but this is not a person I am now and that's because of support and growth I will 100 percent work with anyone needed to support in this case"*. He concludes feeling his club get a bad reputation and *"feel it's easy to throw dirt at this club we are a club so much so parents are feeling need to record incidents because we are being treated as a club really bad, our club is about respect and equal opportunity so I hope the outcome of this is correct"*.
27. That concluded the relevant evidence in the case.

Standard of Proof

28. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

29. For case **11048671M** against Mr House, the Commission considered the evidence in the case bundle relating to the offence. The allegation from Mr Kumar is clear of use of the term *"wheelie off"* and that it was said to him, when he entered the field of play to check on a player. The strong nature of the wording shows the affect this has had on Mr Kumar, and he does admit to a reaction.
30. Whilst there is a comment of witnesses there is nothing in the case bundle to confirm these were said, the additional supporting statements from Hounslow do not mention personally hearing the comment alleged or even the words to have been used, this does however show the issue had been discussed and the Hounslow club Official made aware of the allegation. There is nothing from the Match Official to confirm if this was reported to them at the time of the offence,

however as this was reported within a short period of time with the Match Report card it does add credibility.

31. Mr House refutes any use of such language towards Mr Kumar and the statements provided by St Helier note he was quiet all game however by their own admission all aside from one of the authors would have been on the opposite side of the field of play. The one from the linesman does not make any reference to any comments from Mr House.
32. As is usual in these case **Charge 1** needs to be considered first, the Commission believe, on the balance of probability the words were used as alleged and, in the context used would be considered abusive and have found the Charge **Proven**. For **Charge 2**, the aggravated aspect, the comment is a direct reference to the use of a wheelchair by Mr Kumar and does meet the threshold for an aggravated breach on the grounds of disability and therefore **Charge 2** is also found **Proven**.
33. For case **11047930M** against Mr Kumar, as no response has been received the Commission considered these charges a denial by correspondence. The allegation raised by Mr House is of the use of the term "*faggot*" alongside threats of violence. Whilst the statements from St Helier reference this allegation including an allegation a player reported it to their parent, only one was close enough to have heard the alleged comments themselves and this supports the words as allegedly used by Mr Kumar and confirming they were swearing and also aggressive.
34. Mr Kumar refutes the allegations but does admit to "*reacting*" to the comments from Mr House regarding his disability. It is the belief of the Commission, on the balance of probability, the words alleged were used by Mr Kumar. These meet the threshold for **Charge 1** as they would be considered abusive and have found this charge as **Proven**. The term "*faggot*" is a derogatory, homophobic term used against members of the LGBT+ community and meets the threshold for an aggravated breach, therefore **Charge 2** is also found **Proven**.

Previous Disciplinary Record

35. The five-year offence history of Mr Myles House is exemplary and contains no previous offences outside of this fixture.
36. The five-year offence history of Mr Vijay Kumar contains one other E3 charge;
 - 36.1. 22 April 2018 E3 (Improper conduct not including threatening and/or abusive language/behaviour) sanction £10.

Mitigation

37. Nothing further has been received from either participant charged that can be considered in mitigation.

The Sanctions

38. For case **11048671M** Myles House, the sanction range for this offence is as follows;
 - 38.1. As suspension of 6-12 matches;
 - 38.2. A monetary fine;
 - 38.3. Mandatory education.
39. After taking into consideration the exemplary offence history and aggravating factors of use of discriminatory language in a position of authority in a youth team, Mr House is:
 - 39.1. to serve a suspension from all football and football activities for a period of 6 matches to include a ground/venue ban;
 - 39.2. fined a sum of £75;
 - 39.3. to satisfactorily complete an online mandatory education programme before the suspension is served, or Mr House be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to Mr House.
40. For case **11047930M** Vijay Kumar, the sanction range for this offence is as follows;

- 40.1. As suspension of 6-12 matches;
 - 40.2. A monetary fine;
 - 40.3. Mandatory education.
41. After taking into consideration the previous offence history and aggravating factors of use of a homophobic slur, acting in an aggressive manner whilst in a position of authority for a youth team, Mr Kumar is:
- 41.1. to serve a suspension from all football and football activities for a period of 7 matches to include a ground/venue ban;
 - 41.2. fined a sum of £80;
 - 41.3. to satisfactorily complete an online mandatory education programme before the suspension is served, or Mr Kumar be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to Mr Kumar.
42. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
43. Signed...

Steve Francis (Commission Chair)

04 January 2023