

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

Sitting on behalf of Surrey FA

VERBAL PLEA HEARING

of

RHYS FLITTON

[Case ID: 11091775M]

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains foul and abusive language

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Introduction

1. On 9th January 2023 Rhys Flitton played in a 6-a-side Football Mundial fixture played at Oxted School in Surrey. Football Mundial is a 6-a-side League which is affiliated to the Football Association.
2. Surrey FA received a report of Improper Conduct against a Match Official following the match.
3. Surrey FA investigated the reported incident.

The Charge

4. On 3rd February 2023 Surrey charged Rhys Flitton, (“*the Participant*”), with;
 - i. Charge 1- Misconduct for a breach of FA Rule E3 – Improper Conduct for a breach of FA Rule E3 – Improper Conduct – Assault or attempted Assault against a Match Official.

- ii. Alternate Charge 1 – FA Rule E3 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
5. It is alleged that Mr Flitton used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault or attempted Assault against a Match Official as defined in the FA Regulations.¹ This refers to the allegation that Mr Rhys Flitton has allegedly punched Mr Heaton (the Match Official) twice, causing severe damage to Mr Heaton and causing Mr Heaton to be admitted to hospital or similar.
6. The relevant section of FA Rule E3.1 states:

*“E3.1 A participant shall at all times act in the best interests 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

The relevant section of FA Rule 96.3 states:

*“96.3 Assault or attempted Assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury), examples include , but are not limited to, causing and/or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking , or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official.”*³

7. Surrey FA included with the charge letter the evidence that it intended to rely on in this case.
8. Mr Flitton was required to respond to his charge by 10th February 2023.

The Reply

9. Mr Flitton responded on 16th February 2023. The charge was accepted and a Verbal Plea Hearing was requested.

¹ Paragraph 96.3 Page 215 of the FA Handbook 2022/2023

² Page 141 of the FA Handbook 2022/2023

³ Page 215 of the FA Handbook 2022/2023

The Commission

10. The Football Association (“The FA”) appointed the following members of the FA National Serious Cases Panel to this Independent Discipline Commission to adjudicate in this case:

Mr Ian Stephenson (Chair)

Mr Graham Fairweather

Ms Raffella Coverdale

Mrs Debbie Sowton (a Member of the FA National Secretary Panel and from Hampshire FA) acted as Secretary to the Hearing.

The Hearing & Evidence

11. The Commission adjudicated this case at 6.30pm on Tuesday 28th February 2023 as a Verbal Plea Hearing. It was conducted “*virtually*” via Microsoft Teams.
12. The Commission had received and read the bundle of documents prior to the Hearing.
13. 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.
14. The Verbal Plea Hearing was attended by: Rhys Flitton, the Participant, only.
15. The following evidence was provided in the case bundle:
16. An investigation report submitted by David Miller, dated 23rd January 2023. Mr Miller is a Discipline Case Officer at Surrey FA.
17. Mr Miller’s report stated that an incident, relating to the alleged Assault on a Referee by Rhys Flitton, a player, had occurred at Oxted School as part of local 6-a-side Football League (Football Mundial) which is affiliated to the FA.

18. Mr Miller stated that Mr Flitton had allegedly punched Adrian Heaton, the Match Official, twice at the end of a game. As a consequence, Mr Heaton had received a minor fracture to his jaw causing the Match Official to be admitted to hospital.

19. A Witness Statement from Adrian Heaton, dated 13th January 2023. Mr Heaton was the Match Official in the 6-a-side match that was played between Dad's Army and Dabs Dons on 9th January 2023. Mr Heaton stated, and we quote:

“At 7.30 pm the 6 a side match between Dabs Dons and Dads Army kicked off.

From 2 or 3 minutes into the game I heard a few comments particularly from Rhys Flitton, not all directed at me, but as the game continued and his side fell behind they became more frequent from the named player and more so in my direction. I gave a free kick against him and he said ‘you’re having a laugh’ and then ‘well done ref you got one right’ for a free kick in his favour.

Nothing at this point was too aggressive but he was obviously trying to chip away at me and undermine my decision making.

I quietly reminded the opposition not to make subs with the ball in play, and Rhys questioned what I was doing. I had to stop the game to explain the rules as he said ‘I am confused’. Clearly trying to make me look stupid by delaying the game.

As his team fell 2-0 behind he got more animated but nothing really bad and eventually took himself off in the 2nd half. He came back on with 2 minutes left and I blew the final whistle at 7.59 and 40 secs.

At the final whistle players from both sides shook my hand and said thanks. But not Rhys Flitton. He came over and said ‘you only played 8 minutes in the 2nd half’. I said this was nonsense and that there had been 27 minutes of football and there was a little lost time because neither team were ready to kick off and had a minute or so for half time. He repeated that I played 8 minutes, I said this was nonsense and showed him my stop watch.

‘I am paying good money to play half an hour and you play 8 minutes 2nd half’. I repeated what I had said and said ‘don’t blame the defeat on my stop watch’. He continued to follow me whilst I picked up bibs from the pitch and got ready for the next game.

‘You’re a helmet’ he said over and over again. I told him to go away but he was following me. ‘You’re a helmet’ he kept repeating. I repeated ‘go away’.

Eventually we faced up to each other very close. All the other players had left the pitch at this point. He then punched me from the side underneath the jaw knocking me to the floor. I got up and he punched me again to the side of the face. I got to my feet again by which time he was walking away and was still saying 'fuck off', 'you're a helmet'. Only then did the pain kick in and I realised the extent of my injuries".

20. An email exchange between Mr Heaton and Mr Miller. Mr Heaton stated that he had been put on a liquid diet for 6 weeks due to the injuries that he had sustained.

21. Colour photographs showing facial injuries of a male person.

22. Medical paperwork relating to injuries sustained and the need to refrain from work for a period of 6 weeks.

23. A Witness Statement from Alex Openshaw, dated 30th January 2023. Mr Openshaw was with another team who were due to play in the next game after the completion of the game in which Mr Flitton had been involved in. Mr Openshaw stated and we quote:

"The game had ended, and my team had moved onto the pitch by one of the goals to quickly warm up before we started our game.

I looked at the middle of the pitch where I could see the referee and a player in a heated discussion. The player had short hair, and a stocky build. I could not hear everything of what they were saying, but the player called the referee a 'helmet' at one point.

They began to square up to each other and were very close, the referee pushed the player in the chest and then the player punched the referee, who subsequently fell to the ground.

Eventually, players from either end of the pitch came to separate them and the player was escorted away from the referee".

24. Email correspondence between Mr Flitton and Surrey FA.

25. An undated Statement from Rhys Flitton, the Participant, which stated and we quote:

"I arrived at Oxted School Astro Turf at roughly 7:25 to play a 6 aside game for 'Dabs Dons'. Once the game before us had finished we went onto the pitch to get ready for our game and I noticed Adrian didn't have his Lingfield coat on that he always wears whenever I've seen him,

and as it was so cold I said to him 'You must be freezing ref' to which he replied 'things got a bit heated in the last game so it had to come off' and that was that. He then blew the whistle and we began our match. As the game went on he was giving a lot of decisions against us (not saying he was being biased towards the other team) and on a couple of the occasions I thought they were a bit harsh so questioned a couple of them by saying 'Never a free kick ref' or 'How have you given that'. After he had given about 3/4 against us I jokingly said to him 'you can't get any worse than you was last year surely, Ref' to which he jokingly replied 'I'm getting old mate it's always going to happen' to which we then both laughed and carried on the game. I made that joke because in previous games we've both joked about swapping roles because we said how bad each other was at what we were doing (my playing abilities and his reffing abilities). Anyway, the game continued and there was no tensions between anyone until at half time after Adrian had blown his whistle I decided to take myself off and was curious as to how long each half was so I know how long to leave it until I came back on. So I went up to Adrian and asked how long the half's were to which he snapped at me saying how he played a full half to which I replied telling him I wasn't questioning whether or not he had played the full half but was just curious as to know when to bring myself back on, to which he replied 'oh sorry, they're 12/13 minutes'. So after standing on the side for 5/6 minutes I brought myself back on and then after a couple of minutes of being back on the pitch Adrian blew the whistle for the end of the game. Everyone said good game and shook hands after the game and I went up to Adrian to this time actually question how long he played the second half. In a calm manner I said to him 'Ref that wasn't the 12/13 minutes you said it would be' to which he replied by saying 'yes it was' and lifted his stopwatch, which I couldn't make out whatever the numbers were. I then expressed how it felt much much shorter than 12/13 minutes to which he snapped at me again and said 'you're a fucking idiot' to which i replied to him by saying 'Ref I'm not here to have an argument with you, I'm just talking player to ref in a calm manner about how I feel' to which he responded saying how he's reffed a higher level than I'll ever play (not sure what relevance that has to anything). He then started walking onto the pitch, to pick up bibs or the ball (not sure which one) and I half followed him just saying about how we're paying money to come and play here on a Monday night so we want what we're paying for and that he's getting paid to ref us. He then snapped at me again saying 'oh fuck off you fucking idiot' to which I responded by saying 'oh you're just a helmet' to which he then pointed his finger to the side of the pitch and shouted at me saying 'FUCK OFF' to which I then responded again by saying 'I am fucking off, but you're still a helmet' to which he then charged towards me in an extremely aggressive manner putting his head against mine and then raised his hands onto me which I then reacted to by hitting him in self defence. He went over onto the floor to my left and I just stood there exactly where I was at the time of the strike and didn't move, he then got up and charged towards me again in a very aggressive manner, more aggressive than the first

time and I hit him with another strike to his head, again in self defence. He then went onto the floor to my right and then players checked on him and took me over to the dugouts. At no point during the confrontation did I step towards him in an aggressive manner at all, it was him coming towards me each time. When we was at the dugouts I then expressed to my team how that got way too out of hand for absolutely no reason (the way Adrian was behaving that is). He then came back over to me again shouting at me 'you will never play football down here again' to which I then left the pitch and went home. Upon arriving home one of the players from the team playing after us messaged me saying how Adrian had admitted to him that it was himself that started it by pushing his head onto mine, if needed I can provide a screenshot of that message. With Adrian's experience and the level of games he's refereed (if what he is saying is true) he should be able to deal with a simple situation of a player calmly questioning his timekeeping for the game without getting aggressive towards the player. I have never in my 18 years of playing football experienced anything anywhere near to what I experienced with Adrian".

26. An undated Statement from Jimmy McNamara. Mr McNamara was a player in the match. He stated and we quote:

"The match finished and we shook hands and left the pitch. I went to my bag for a drink and when I turned around Adrian was moving towards Rhys with his fists raised while Reece walked backwards away from him. I ran over to get in the middle of them; I heard Rhys tell Adrian to stop coming towards him. Adrian was wobbly on his feet so I stood with him and Reece walked away. I walked with Adrian closer to where Rhys was and Rhys said they should shake hands and be done with it. Adrian refused and said that Rhys had hit him. Rhys said that before he hit him Adrian had shoved him and then butted his forehead against his. Adrian replied that he had done it because Rhys questioned his timekeeping".

27. An undated Statement from Kieran Dabin. Mr Dabin was a player in the match. He stated and we quote:

"I was present for the incident when Rhys acted in self defence against the referee of which he is being unlawfully charged of GBH. It was a Monday evening and we was at Oxted school playing football in a 6 a side league that we take part in. It's my team that Rhys plays for. We played the game in which the referee was very biased and one sided and gave everything to the other team, he also cut the game short. Rhys approached the referee to ask about the decisions he gave and why he cut the game short. This in turn caused tensions to heat up and shortly after rhys and the referee started arguing, the referee then proceeded to push his head in to rhys and what almost looked like he attempted to headbutt him. This is when rhys retaliated and punched

him. The ref fell but when he got up he went at rhys again so rhys again acted in self defence to protect himself. This is when I ran over and just put my arm around rhys and walked him away.

This is everything that I saw and heard with my eyes”.

28. An undated Statement from Daniel Hoult. Mr Hoult was watching the game. He stated and we quote:

“I was watching the game that involved the incident that happened on Oxted school astro. At first I thought that Rhys and referee were having banter between them as they was saying stuff to each other thought out the game. Then Rhys came off as a sub for couple of minutes before going back on, the game continued and words got heated at the end of the game, when Rhys asked him how come he cut the game short, they then had more words at each other. The referee then came up to Rhys all angry and heated, and he (ref) puts he’s head towards Rhys in not a friendly manner (not a Headbutt) then goes to push Rhys. Rhys then reacts and punches the referee who falls on the floor, who then proceeds to get up and go back at Rhys in threatening manner again so Rhys punches him again. Then people are in between them so nothing else can happen. The ref proceeds on come over to Rhys and tell him he will never play down Oxted 6 aside ever again. Then both parties go there separate ways”

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

Standard of Proof

30. 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

31. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon Surrey FA.
32. 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.

33. 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.⁴

34. 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:

35. It was alleged that Rhys Flitton used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that this constitutes Assault or attempted Assault against a Match Official as defined in the Regulations.⁵

36. Mr Flitton accepted the charge.

37. Adrian Heaton was the Match Official. Mr Heaton stated that he was the Referee for the 6-a-side Football Mundial League fixture played between Dads Army and Dabs Dons at Oxted School on 9th January 2023.

38. Mr Heaton stated that Rhys Flitton was a player in the match and that Mr Flitton started making comments in the match which he felt were made to undermine him.

39. Mr Heaton stated that Mr Flitton went off the pitch when his team fell 2-0 behind in the match and then returned to the pitch shortly before the end of the match. At the end of the match, when players were shaking hands, Mr Heaton stated that Mr Flitton challenged him over the amount of time that had been played in the second half of the match. Mr Flitton was alleging that Mr Heaton played shorter time than was scheduled and a disagreement over the time culminated in Mr Flitton calling the Referee "*a helmet*" according to Mr Heaton.

⁴ Paragraph 4

⁵ Page 215 of the FA Handbook 2022/2023

40. Mr Heaton stated that Mr Flitton followed him round the pitch and then he stated that “eventually we faced up to each other very close”. Mr Heaton then stated that Mr Flitton “*punched him from the side underneath the jaw knocking him to the floor*”.
41. The Commission noted that Mr Heaton did not offer a description of how they “*faced up to each other very close*”?
42. Mr Heaton stated that having been knocked to the floor he got to his feet again only to be knocked to the floor again by Mr Flitton by way of another punch to the side of his face. Mr Heaton concluded his evidence by stating that when he got to his feet again Mr Flitton was walking away saying “fuck off, you’re a helmet”. It was at this stage that Mr Heaton realised the state of his injuries and felt the pain from the injuries that he had sustained.
43. Mr Heaton reported the matter to the Police that evening and as part of the Police investigation Mr Flitton was arrested. The outcome of the Police investigation was not known to the Commission when it considered this case.
44. Photographs of the facial injuries sustained from this incident, and relevant medical evidence, was provided to the Commission following the investigation carried out by Surrey FA.
45. The Commission noted from the medical evidence provided in the case pack that Mr Heaton suffered a minor fracture to his jaw. He was also placed on a liquid diet for 6 weeks and was unable to work on medical advice for 6 weeks.
46. There was no CCTV footage made available to the Surrey FA investigation following the Police investigation. Accordingly, there was no CCTV footage available to the Commission.
47. Alex Openshaw was a player of a team who were due to commence their fixture after the game between Dads Army and Dabs Dons had finished. Mr Openshaw was watching the conclusion of this match before his own game could commence.
48. Mr Openshaw can be described as a “*neutral*” witness in this matter as he is not associated with either team and did not know the Participant before this incident. Mr Openshaw stated that he could see the Referee and the player involved in a “*heated discussion*”. Mr Openshaw could not hear the words of discussion but did hear Mr Flitton call the Referee “*a helmet*” at one stage.

49. Mr Openshaw stated that both the Referee and the player “began to square up to each other” and were very close. He then saw the Referee “*push the player in the chest and then the player punched the Referee, who subsequently fell to the ground*”.
50. Mr Openshaw then saw other players separate the Referee and the player, the player being escorted away. Mr Openshaw provided his details as a witness and was subsequently spoken to as a witness by the Police during the Police investigation.
51. Mr Flitton provided a Witness Statement to the Association as part of the Surrey FA investigation. Mr Flitton stated that he shared some joking comments with Mr Heaton during the match.
52. When the match had finished Mr Heaton was collecting bibs from the pitch when Mr Flitton approached him to question the actual time played in the second half of the match. An argument on the subject occurred and Mr Flitton stated that Mr Heaton “*snapped*” and started calling Mr Flitton “*a fucking idiot*” repeatedly.
53. The situation quickly escalated and Mr Flitton alleged that Mr Heaton charged at him in an extremely aggressive manner, putting his head against his and raising his hands onto his chest. At this point Mr Flitton stated that he punched Mr Heaton in an act of self-defence. The punch caused Mr Heaton to fall to the floor. Mr Flitton stated that he himself did not move, he stood still.
54. Mr Flitton stated that Mr Heaton aggressively charged at him again, this time more aggressively than he had done on the first occasion. He stated that he hit Mr Heaton again, to the head, again in an act of self-defence.
55. Mr Flitton stated that other players then separated him from the Referee. He stated that at no point did he move forward towards the Referee, on both occasions it was the Referee who had come towards him, and that both of his punches were acts of self-defence.
56. Jimmy McNamara was a player in the match. He provided a Statement in which he stated that at the end of the match he went to his bag for a drink and when he turned round he saw Mr Heaton moving towards Mr Flitton “*with his fists raised whilst Reece was walking backwards away from him*”. Mr McNamara ran over to get in between both of them and he heard Mr Flitton telling Mr Heaton to stop coming towards him.

57. Mr McNamara described Mr Heaton as being “*wobbly on his feet*” so he walked with him. Mr McNamara stated that Mr Flitton offered to shake hands with Mr Heaton but Mr Heaton refused, stating that Mr Flitton had hit him. Mr McNamara also stated that before he had hit Mr Heaton, Mr Heaton “*had shoved him and butted his forehead against his*”.
58. Mr McNamara concluded his evidence by stating that Mr Heaton had replied “*that he had done it because Rhys questioned his timekeeping*”.
59. Kieran Dabin provided a Statement to Surrey FA. Mr Dabin played in the match for the same team that Mr Flitton plays for. Mr Dabin stated that during the match the Referee had made some decisions that were biased and that he had “*cut the game short*” on time.
60. Mr Dabin stated that Mr Flitton questioned the Referee about some of the decisions and about the short time played, this caused “*tensions to heat up*” and led to an argument starting between Mr Flitton and Mr Heaton.
61. Mr Dabin stated that “*the Referee then proceeded to push his head into Rhys and what almost looked like he attempted to headbutt him*”. Mr McNamara then described Mr Flitton retaliating by punching Mr Heaton, this caused Mr Heaton to fall but as he got up Mr Heaton “*went at Rhys again so Rhys again acted in self-defence to protect himself*”.
62. Mr Dabin then walked Mr Flitton away from the incident.
63. Daniel Hoult made a Statement to Surrey FA. Mr Hoult stated that he was present and was watching the match. He described Mr Flitton and Mr Heaton having “*banter*” during the match.
64. Mr Hoult stated that at the end of the match Mr Flitton questioned Mr Heaton about why the match had been cut short, this resulted in both Mr Flitton and Mr Heaton having further words with each other.
65. Mr Hoult stated that “*the referee then came up to Rhys all angry and heated, and he (ref) puts his head towards Rhys in not a friendly manner (not a headbutt) then goes to push Rhys. Rhys then reacts and punches the referee who falls to the floor, who then proceeds to get up and go back at Rhys in threatening manner again so Rhys punches him again*”.

66. Mr Hoult then stated that other people got in between Mr Flitton and Mr Heaton and both parties then went their separate ways.
67. Mr Flitton had accepted the charge so the Commission were not required to determine liability in this case. The FA Rule E3.1 charge of Improper Conduct – Assault or attempted Assault against a Match Official is PROVEN.
68. The alternate charge of E3.1 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour) was not considered by the Commission.

Previous Disciplinary Record

69. The Commission sought Rhys Flitton's offence history during the previous five-year period and noted that there were no previous Misconduct findings recorded against Mr Flitton during this period of time.

The Verbal Plea Hearing

70. The Commission heard from Rhys Flitton. He told the Commission that the incident happened because the Referee was the aggressor.
71. Mr Flitton said that the Referee started shouting at him, shouting things such as '*fuck off you fucking idiot*' something that the Referee said to him multiple times. and that the Referee was "*aggressive*" in his manner. Despite Mr Flitton telling the Referee to stop shouting, the Referee continued to do so.
72. Mr Flitton claimed that the Referee was '*arrogant*' boasting that he had refereed at a high level.
73. Mr Flitton told the Commission that in response to what the Referee had said to him he himself had called the Referee "*a helmet*" numerous times and that this was "*during an exchange of words*".
74. Mr Flitton stated that it was the Referee who first made contact between them. He alleged that the Referee "*confronted him*" and "*put his head into him, lifting his hands into his chest*". At

this stage, and in an act of self-defence, he punched the Referee once in the face, causing the Referee to fall to the floor.

75. Mr Flitton stated that he stood still, and did not move forward. At this point the Referee picked himself up and ran towards Mr Flitton again “*as if to have a fight*”. On this occasion the Referee was more aggressive than before, and Mr Flitton stood still, not moving at all. As the Referee charged towards Mr Flitton, Mr Flitton punched the Referee once more in the head, again acting in self-defence he stated.
76. Mr Flitton described that by now there were players rushing over, and he himself walked away from the situation having not acted aggressively at any stage during the incidents.
77. Mr Flitton asked the Commission to take into account that football is his life, and that he has a good disciplinary record. He accepted that he will face a long suspension from the game, but concluded by saying that he regretted what had happened but “*what is done is done*”.

Mitigation

78. From the evidence available there appeared to be clear provocation aimed at Mr Flitton from the Referee in this case.
79. The Referee himself stated that he and the Participant “*eventually faced up to each other very close*”. Independent evidence describes the Referee as confronting the Participant. The remaining evidence does not identify the Participant as being the aggressor in this case.
80. None of the evidence alleged that Mr Flitton advanced forward to assault Mr Heaton. The Commission concluded that Mr Flitton appeared to be in control of his actions at the time he sought to defend himself against the actions of the Referee.
81. The Commission noted that the charge was accepted and the Participant clearly showed remorse when he addressed the Commission to enter a verbal plea.

The Sanction

82. The Commission noted that the Sanction Guideline for Offences against Match Officials is as follows;

- i. 101.7.1 *“Immediate suspension from all football activity for a period of between 5 years and 10 years, subject to the following:”*⁶
 - ii. 101.7.2 *“where the Participant is aged 14 or under, the standard minimum suspension shall be 2 years; and*
 - iii. 101.7.3 *“where any assault causes serious injury to the Match Official, the standard minimum shall be 10 years.*
 - iv. 101.8 *“An order that the Participant completes an education programme before the time-based suspension is served”.*⁷
83. *“Regulatory Commissions shall still be entitled to take all aggravating and mitigating factors into account when determining sanction”.*⁸
84. In determining the appropriate sanction to impose, the Commission considered that the submission of a *“Guilty Plea”*, and the Participant’s clean record, were mitigating factors where credit would be allowed. It was noted that Mr Flitton is a relatively young man who realises that whatever sanction is imposed in this case will have a significantly negative effect on his lifestyle.
85. Credit would be allowed for the mitigating factors identified by the Commission.
86. The Commission considered that there were aggravating factors which could not be overlooked, namely that there was a considerable age difference between Mr Flitton and Mr Heaton. The Commission sought the age of both Mr Flitton and Mr Heaton from the Hearing Secretary prior to determining the appropriate sanction.
87. The Commission considered the extent of the injuries suffered by Mr Heaton in this case and determined that whilst they were not insignificant, mercifully they did not place the assault in the category defined as *“serious injuries”*⁹. The appropriate sanction range for the Commission was determined to be the standard sanction range as defined at paragraph 82.i.

⁶ Page 216 of the FA Handbook 2022/2023

⁷ Page 216 of the FA Handbook 2022/2023

⁸ Page 178 of the FA Handbook 2022/2023

⁹ Page 216 of the FA Handbook 2022/2023 and paragraph 82.i

88. After careful consideration of the mitigating factors, and the aggravating factors, the Commission considered that the appropriate sanction to be imposed was:

- i. Mr Flitton shall serve a suspension from all football activities for a period of 1825 days (5 years) with effect from 3rd February 2023.
- ii. Mr Flitton MUST attend an education programme. This MUST be undertaken before the time-based suspension is served and the programme MUST be a face-to-face programme.
- iii. 10 Club Disciplinary points to be recorded.
- iv. The sanction is formally imposed.

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

Signed: Mr Ian R. Stephenson (Chair)

Mr Graham Fairweather

Ms Raffella Coverdale

1st March 2023.

