

# NATIONAL SERIOUS CASE PANEL

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Commission on Behalf of Surrey Football Association

Personal Hearing of

Russell Cheesman (60731168)

Case ID: 11250216 M

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## THE FINDINGS OF THE COMMISSION

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### INTRODUCTION:

1. This is a hearing summary and includes written reasons for the decision of the disciplinary commission (the commission) which sat on the evening of Thursday 25 May 2023. The hearing was conducted virtually.
2. The Football Association (the FA) appointed the following commission members – Bill Stoneham (chair), Dr Sarah Digby and Vince Williams. All independent members of the FA's National Serious Cases Panel. Annie Couchman of Hampshire FA was appointed by the FA as commission secretary.
3. The following is a written record of the main points considered by the commission. It is a summary of the main evidence presented and is not intended to refer to all the points made in the evidence presented. The absence in these reasons of any particular point, or piece of evidence, should not imply that the commission did not consider any such point or evidence. For the avoidance of doubt, the commission carefully considered all the evidence that was submitted.

### THE CHARGE:

4. The charge in question arose following a post on social media made by Russell Cheesman. Mr Cheesman was charged as follows by the Surrey FA. **Charge 1: FA Rule E3** – improper conduct (including foul and abusive language).

**Charge 2 – FA Rule E3.2** – Improper conduct aggravated by a person's ethnic origin, colour, race, nationality, faith, gender, gender reassignment, sexual orientation, or disability. It is alleged that Russell Cheesman 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. This refers to the comment(s) 'bender', or similar.

5. Surrey Football Association issued a charge letter dated 3 May 2023.
6. On 15 May 2023, Surrey FA received a response from Mr Cheesman in which he accepted the charge but stating that he wished to present a verbal plea.

### **EVIDENCE:**

7. The evidence provided by Surrey FA centred on various social media postings including an undated posting, including a photograph, in Mr Cheesman's name which said: 'Only memories in this is B—W---- listening to D---- G-----. Memories, the bender. Poor girl not one of them spoke to her'.
8. Before commencing his verbal plea, Mr Cheesman outlined his involvement in football. He is both the league and fixtures secretary for the Croydon Municipal Sunday Football League and a club secretary and manager for a Sunday league club.
9. In his submission, Mr Cheesman stressed that the 'tweet' was from his personal account, which he viewed as being a 'private', as opposed to a 'public', account. He admitted using the word 'bender' but claimed that when he compiled the 'tweet' his understanding of the word 'bender' was that it was associated with a drinking culture and referred to a person who had been on a drinking binge. At the time he was unaware of the homophobic connotations that might be associated with the word. He acknowledged that he now accepted that the word 'bender' might be used in both senses, and his 'tweet' might be viewed by some parties as insensitive and insulting.
10. He stated that he regretted what had happened and he had learnt to be far more circumspect when using social media in the future, but he did not offer an unequivocal apology.
11. The panel considered Mr Cheesman's comments and were not entirely convinced by his submission that he was not aware of the various interpretations of the word 'bender'.

12. The commission considered Mr Cheesman's considerable contribution to football, especially grassroots Sunday football, which stretched for over ten seasons. They also noted that apart from one disciplinary breach earlier this season, for an unconnected offence, he had a clean disciplinary record.

### **DETERMINATION:**

13. The FA's Standard Sanctions and Guidelines for Aggravated Breaches states that the sanctioning range is 6-12 matches. Six matches is the standard minimum. A commission may impose a suspension in excess of twelve matches where there are significant aggravating factors. A participant found to have committed an aggravated breach will be subject to an education programme.
14. For charges relating to an offence made in writing only or via a communication device (including social media), the commission will not be bound by the six-match minimum but can only go below if specific exceptions apply. The minimum in these cases will be a three-match suspension.

### **OUTCOME:**

15. The commission could not find any mitigating or aggravating factors that served to decrease or increase the standard minimum punishment. Nor could they find any 'specific exceptions' that might apply because this offence had been made in writing.

### **SANCTION:**

16. The decision of the commission is that **Russell Cheesman is:**
- I. Suspended from all football activity for six matches;**
  - II. required to complete an on-line education programme before the time-based suspension is served. Failure to comply with this order will result in a sine-die suspension being issued against Russell Cheesman until he has fulfilled this order in its entirety.**
17. The commission thanked Mr Cheesman for the manner in which he presented his case.
18. 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.

Signed:

Bill Stoneham (chair)

Dr Sarah Rigby

Vince Williams

26 May 2023