

National Serious Case Panel

Case ID:

11503542M

Disciplinary Commission

Correspondence Hearing - Chair Sitting Alone

Surrey Football Association

County FA

v

Joe Payne

Participant

The Decision and Written Reasons of The Commission

Disclaimer:

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials in this matter.

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Introduction

1. On the 19th November 2023, there was a football match (the “match” or “game”) between *Wandgas Seniors First* (“Wandgas”) and *Downside 1st* (“Downside”). Joe Payne was playing for Wandgas and this makes him a “participant” for the purpose of this case.
2. The referee’s (unamended) report states:

“Having already received two yellow cards for dissent and a further red card for abusive language in the game, home player Joe PAYNE re-entered the pitch to dispute a decision awarded against Wandgas. I saw him striding towards me with clenched fists and his face was contorted, repeatedly shouting "I'M GOING TO FUCKING PUNCH YOU IN THE FACE". Such was his aggression and demeanour I fully believed I was about to be assaulted by PAYNE and I mentally prepared to defend myself from being assaulted. When he was about 3 metres from me players from his own team intervened and restrained him and escorted him from the pitch whilst still shouting abuse at me.”

3. This was investigated by the County FA and statements were obtained to establish what took place. On the 4th December 2023 the County FA communicated to the participant that they had made a decision to charge on the evidence below.
4. The County FA are subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

The Commission

5. The County FA prepared the bundle for these matters and the National Serious Case Panel (“NSCP”) officially appointed me as the “commission” to adjudicate on this case alone as a Chair member.

6. For the purpose of fairness, I am independent to the parties referred to in this case and I did not have a conflict of interest to declare. My decision is based only on the evidence I have been sent and this is outlined below.

The Charge(s)

7. The County FA laid the following charges (detailed within The FA Handbook¹):

Charge 1

7.1. FA Rule E3 – Improper conduct against a match official (including threatening and/or abusive language/behaviour).

The Reply

8. The participant responded by accepting the charge and I was instructed to conduct this case by way of correspondence papers only.

The Hearing and Evidence

9. Below is a list of documents and/or witnesses in the bundle, that I was provided to consider.

10. County FA's evidence in support of the charge(s):

- 10.1. James Goodall, referee;
- 10.2. County FA correspondence with referee;
- 10.3. Kyle Chapman.

11. Participant's evidence:

- 11.1. Joe Payne;
- 11.2. Clive Nicholas.

¹ <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

Standard of Proof

12. As directed by The FA, the appropriate standard of proof in such cases is that of the civil standard. This means that the commission must be satisfied on the balance of probabilities that, as per the evidence presented before it, it was more likely than not that the events occurred as they have been charged.

The Decision

13. I was not required to decide on whether the case was proven as it was already accepted. For the avoidance of doubt making the comment “I’m going to fucking punch you in the face” (while striding with a clenched fist and having to be restrained) is abusive and threatening as it was conduct that would cause the match official to feel threatened. The fact that he may be subject to physical abuse at a later stage, whether realistic or not, is still sufficient to amount to a threat.

Disciplinary Record

14. After making my decision for the participant, I was then provided with a copy of their previous record for the last 5 years.

15. There are no other misconducts save for this offence. Although there are some card offences, credit will be afforded towards sanction.

Aggravating and Mitigating Factors

16. Aggravating factors as per the FA Handbook, sanction guidelines and other observations:

16.1. Phases – engaged in misconduct after being sent off.

17. Mitigating factors as per the FA Handbook, sanction guidelines and other observations:

17.1. Guilty plea;

17.2. Previous offence history;

17.3. Mr Nicholas says Mr Payne was apologetic and regretted his actions.

Sanction

18. The FA Handbook and County FA Disciplinary Sanction Guidelines set out the scope and range of sanctions that are available. The applicable season is 2023/24.

19. After taking everything into account, I considered the mitigating factors to carry greater weight, and therefore I reduced the recommended entry point. The sanction that will be imposed is the following:

19.1. To serve an immediate suspension of 105 days from all football and footballing activity, from the date of notification of this decision;

19.2. To complete an FA online education programme before the end of the above sanction, or within 28 days of the Disciplinary Commission's decision, whichever is the later. Otherwise, the participant will be suspended until such a date that the programme has been successfully completed. Programme details will be provided;

19.3. Fined the sum of £50;

19.4. 7 penalty points.

20. These decisions are subject to the right of appeal under the relevant FA Rules and Regulations.

Alban Brahimi, Chair

27th December 2023