

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Surrey Football Association

CONSOLIDATED CORRESPONDENCE HEARINGS

of

Master JACK BEVERIDGE (Y) [Case ID: 11076264M]

Master KIAN MITCHELL (Y) [Case ID: 11076238M]

Master JAYDEN REID (Y) [Case ID: 11076441M]

all of Meadow Sports FC

also consolidated with

Master Toby Webb (Y) [Case ID: 11076453M]

Meadow Sports FC

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 27 November 2022, Meadow Sports FC (“Meadow Sports”, the “Club”) U15 Sports team played an away fixture against Guildford City Boys and Girls FC (“Guildford City B&G”, the “Club”) U15 Dynamos team - collectively the “match”.
2. On 04 December 2022, Surrey Football Association (“Surrey FA”) was contacted by the Secretary of Guildford City B&G with some screenshots of social media messages after the match and Surrey FA investigated the reported images.

The Charge

3. On 25 January 2023, Surrey FA charged Master Jack Beveridge, “Jack”, a 14-year-old Meadow Sports player:
 - 3.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language), contrary to FA Rule E3.1, (Charge 1) AND that this Improper Conduct was aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability, within the meaning of FA Rule E3.2 (Charge 2 and collectively with Charge 1, “Jack’s Aggravated Breach Charge”); and
 - 3.2. it was alleged that Jack 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 and/or Sexual Orientation. This refers to the comment(s)/message(s) posted by Jack in an Instagram group chat towards an opposition player of “*you retard*” and “*Ollie is a faggot*” or similar.
4. On 25 January 2023, Surrey FA charged Master Kian Mitchell, “Kian”, a 14-year-old Meadow Sports player:
 - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language), contrary to FA Rule E3.1, (Charge

- 1) AND that this Improper Conduct was aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability, within the meaning of FA Rule E3.2 (Charge 2 and collectively with Charge 1, "Kian's Aggravated Breach Charge"); and
- 4.2. it was alleged that Kian 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)/message(s) posted by Kian in an Instagram group chat towards an opposition player with an anti-LGBT community picture followed by "*look Ollie, I don't support you*" or similar.
5. On 25 January 2023, Surrey FA charged Master Jayden Reid, "Jayden", a 14-year-old Meadow Sports player:
 - 5.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language), contrary to FA Rule E3.1, (Charge 1) AND that this Improper Conduct was aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability, within the meaning of FA Rule E3.2 (Charge 2 and collectively with Charge 1, "Jayden's Aggravated Breach Charge"); and
 - 5.2. it was alleged that Jayden 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 and/or Faith. This refers to the comment (s)/message(s) posted by Jayden in an Instagram group chat towards an opposition player of "*Ollie are you gay*", "*let him have his time with the priest*" and "*give us a twirl in your church outfit*" or similar.
6. On 25 January 2023, Surrey FA charged Master Toby Webb, "Toby", a 15-year-old Meadow Sports player:

- 6.1. with misconduct for a breach of FA Rule E3 – Improper Conduct (including foul and abusive language), contrary to FA Rule E3.1, (“Toby’s Charge”) [this is a non-aggravated breach charge]; and
 - 6.2. it was alleged that Toby used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, This refers to the comment(s)/ message(s) posted by Toby in an Instagram group chat towards an opposition player of “*Ollie gets raped by Kian*” or similar.
7. The relevant section of FA Rule E3 states ¹:
- “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.”*
- E3.2 A breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability. [...]”*
8. Surrey FA included with the charge letters the evidence that they intended to rely on in these cases.
 9. Jack, Kian, Jayden and Toby were all required to respond to their respective charges by 08 February 2023.

The Reply

10. On 08 February 2023, the Club, on behalf of Jack, Kian, Jayden and Toby, responded online by accepting their respective charges and requested the cases to be dealt with in their absence at Correspondence Hearing.
11. As the offences were alleged to have been committed in the same match or there is common Association or defence evidence, the proceedings in these cases were consolidated – as per *Consolidation of Proceedings*, Regulation 13 of FA

¹ p. 141 of FA Handbook

Disciplinary Regulations – and for the hearings to be conducted together, and the charges to be determined at a joint hearing.

12. The relevant section of Regulation 13 of the Disciplinary Regulations states²:

“Where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same Match or where there is common evidence of The Association or the defence) and where appropriate for the timely and efficient disposal of the proceedings, The Association and/or the relevant panel shall have the power to consolidate proceedings so that they are conducted together and the Charges may be determined at a joint hearing. In respect of such matters:

13.1 evidence adduced by or on behalf of a Participant shall be capable of constituting evidence against another Participant (the relevant panel shall give appropriate weight to such evidence); ...”

The Commission

13. The Football Association (“The FA”) appointed me, Thura KT Win, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate this case.

The Hearing & Evidence

14. I adjudicated these cases on 10 February 2023 as Correspondence Hearing (the “Hearing”).
15. I had received and read the bundle of documents prior to the Hearing.
16. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the

² p. 170 of FA Handbook

matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to this case.

17. Whilst all charges were considered together under the *Consolidation of Proceedings*³, these Written Reasons, under the auspices of the National Serious Case Panel, are only for, and in relation to, Jack's⁴, Kian's⁵ and Jayden's⁶ charges.
18. Ms Nikki Simmonds, the Secretary of Guildford City B&G, sent an EMail to Surrey FA, on 04 December 2022 at 12:46, in which she stated (I quote):

"I wondered if you could give me some advice on these messages, they came from an opposition player after the match on Sunday.

Is it just boys being boys, I find it highly offensive, just wondered what you thought I should do with it.

It came from the mum of our player to the manager."

19. A number of screenshots were included with the EMail which showed various comments and Surrey FA summarised the messages in relation to the charges as:

19.1. Jack:

19.1.1. *"Olly gets bummed by a priest"*;

19.1.2. *"You retard"*;

19.1.3. *"You are shit in goal, god needs to bless you"*;

19.1.4. *"Ollie is a faggot"*; and

19.1.5. *"Send this to your Mum Ollie"*.

19.2. Kian:

19.2.1. sent an ANTI LGBT picture into the chat and proceeds to comment
"look Olly I don't support you".

19.3. Jayden:

19.3.1. *"Give us a twirl in your church outfit"*;

19.3.2. *"Let him have his time with the priest he will reply soon"*; and

³ paras 11 and 12

⁴ para 3

⁵ para 4

⁶ para 5

19.3.3. "Ollie are you gay".

20. In an EMail trail, between 06 December 2022 and 20 January 2023, between Surrey FA and Meadows Sports, Mr Matthew Hennessy-Gibbs, Meadow Sports Discipline Officer, claimed that there were alleged threatening comments, such as the Meadow Sports players would be stabbed if they come to Guildford – taking the meaning from a Slang dictionary on certain phrase – and other more suggestive words, from Guildford City B&C players which caused the Meadow Sports players to respond as alleged.
21. Surrey FA advised Mr Hennessy-Gibbs on 10 January 2023 that the statements and a screenshot provided by Meadow Sports were insufficient to warrant a potential charge(s) being raised against Guildford City B&G. In his subsequent response, Mr Hennessy-Gibbs stated that "*... we have tried to obtain further screenshots to support this without success. WhatsApp communications are very difficult to trace and indeed the users in question from our club immediately left the chat when they felt threatened. (Further evidence we say of the importance of context and upon realising that when a threat of physical harm had been made to leave the group asap). Most did not save the chat or have new phones where the chat was not saved over...*"
22. Mr Hennessy-Gibbs added in his EMail, on 17 January 2023 at 14:56, that (I quote the relevant text):

*"It remains the boys' position that they did not start these messages...
The boys have responded in an ill-judged way and should not have done so. We are speaking with the parents and the boys, we are also drafting a social media usage policy which we are tying to the Club's disciplinary procedure and the FA's Code of Conduct. Our safeguarding officer has been in contact with the FA to ascertain what guidance it has on social media to further bolster our efforts in making sure this very important message is not only communicated but where possible has appropriate teeth to ensure these types of communications do not take place..."*
23. On 21 December 2022, Mr Hennessy-Gibbs forwarded the following undated statements from the Meadows Sports players.
24. Jack stated in his undated statement that (I quote the relevant text):

“The words that I used on messenger were not acceptable and I know that they should not be used. But the words were because of a lot of winding up by one individual Max from the Guildford team to me and my teammates. Guildford City have a few players who have been threatening me by saying stuff like ‘watch out when you come to Guildford’ and ‘don’t forget I know where you live’

When they say these threatening words it scares me to think that they would come to my house and harm me in any way. I didn’t mean any offence in the words I used it was only in a way of defence against these boys who threaten me and threaten to hurt me on a weekly occurrence. I know the words I used were wrong but it was banter that went too far. I know now not to go on these chats and use these type of words in the future.

I’ve included an example of the threats below [Jack included a screenshot]”

25. Kian stated in his undated statement that (I quote the relevant text):

“After the game, we got told that Jack was messaging with one of their players Max. Jack then sent a message onto our Meadows group chat saying that Guildford boys were starting on him.

We all then asked to be added to the group chat, after we were added I put some banter about the keeper and I realise this was not good. I just got caught up in the chat and was trying to back Jack but I know it does not look good. I should not have said the things and I apologise.

The keeper added some of their players and then Max from Guildford threatened to beat up and to stab Jack after that happened, me, Toby, Jayden, Jack, Liam J, Liam K. We all left the group chat and just left it at that.

We were all just literally backing Jack and trying to sort it out until the knife threat came into the situation and we left it at that. Again I am sorry for the words and posts I made.”

26. Jayden stated in his undated statement that (I quote the relevant text):

“Ollie from Guildford football team made an Instagram story which began chat with Jack. Jack made the Meadow boys aware of what was going on. During the chat Ollie was saying that we (Meadows) won the football game by luck and Kian’s free kick was lucky. Jack was messaged separately where he was threatened by a boy called max from Guildford. The same boy punched me in the back during the end of the game. The initial

chat was banter which got worse and me and many of the other boys left the chat.

Max had threatened Jack by saying he would go to Jack's house, or if he was seen in Guildford he would be stabbed or beat up. I realise now that I shouldn't be using the words I did on the chat. It felt like we were sticking up for Jack but can see we shouldn't have done it and I'm sorry. [Jayden also included the same screenshot as Jack did]"

27. Toby stated in his undated statement that (I quote the relevant text):

"The Guildford players were saying things on Instagram about the Meadow team. I got added to a group and we were all chatting having banter. When I said Kian raped him on the chat I meant it that Kian had scored a great goal against him. This is slang we sometimes use. I realise I shouldn't use this language and it looks bad. I won't be taking part in any more of these chats and am sorry for any offence or upset."

28. Mr Hennessy-Gibbs stated in his statement, dated 21 December 2022, that (I quote the relevant text):

"I am Meadows disciplinary officer and I have to say that I was most concerned to read the group chat comments which fall way below the standard that we expect from our players, well in fact anyone. I am most grateful to the FA for the short extension of time afforded to enable us to file statements. These are being sent today.

I should say however that Meadow's investigation is ongoing and I was due to convene a meeting with the relevant players and their parents last Thursday but due to my poor health that was not possible. That meeting is yet to take place but will do in the early new year.

I am very concerned about the words used and the general tone adopted by not only the meadows players but also Guildford. I am trying to obtain a full transcript of the messages that were exchanged and not just the screen shots supplied to put them all in context. I do not in any way excuse the use of the words used they are grim!

As I understand the position the original chat originated from a Guildford player. I do not take any view on that, and this could have all began in good spirit and innocently. However, it is my understanding that threats of violence were made against a meadows player. I understand that this is apparently not the first time apparently and I am keen to discuss this with that player and his parents.

The other meadows players were added to the group and in a misconceived and ill-judged attempt to 'back up' their mate banter soon turned to offensive and unacceptable language for which as a club we also wish to whole heartedly apologise. These ill-advised insults stopped as soon as Meadows were again threatened with violence and the meadows players left the group chat.

The FA has helpfully provided screen shots of some of that chat, but it is important that all of that chat is located. I do not know for example what was said immediately before the exchanges disclosed. On any view the words used should never have been used and I and my committee members, as well as the coach of the meadows U15 team, find them offensive and rude.

The players involved have all apologised to the coach and accept that their behaviour was totally wrong and wholly inappropriate.

During my initial investigations into this matter, it has been my misfortune to be educated in certain modern slang some of which has been utilised in the chat in question. Regrettably the word rape or raped is often used to say that a person, an opposing player in this case, was out played or out skilled essentially dominated on the pitch. This is explained in the witness statement of Toby Webb. In the urban dictionary the second definition of raped is '(2) (slang) conquered in a game or contest by a large margin.' Similarly, I understand that the reference to 'Long' is a reference to a knife and it was this reference that one of the meadows players should not come to Guildford or essentially, he would be stabbed which led to the chat being exited by the meadow's players. It is a dark day indeed that I am having to look up such terminology and that it is apparently widely known and used by the younger generation. I find it abhorrent and deeply troubling.

In summary I will be investigating this further, meeting all relevant players and parents with their coach and will be recommending further discipline against the players involved. I on behalf of the club I wish to offer my and the clubs' apologies to the Guildford player and his parents. We will not tolerate this behaviour on any level."

29. Mr Graeme Beveridge, Jack's father, stated in his undated statement that (I quote the relevant text):

"... The content of the messages that Jack sent is clearly unacceptable and he of course

deserves to be punished in a measured manner.

What however is very clear from the investigation is that Jack is both 14 (a minor) and that he had been threatened with serious harm in the lead up to these messages...

There is no excuse whatsoever for the words used, however the significant level of threat made towards Jack is undoubtedly a significant contributory factor in the overall matter.

It should also be noted that the witness statement provided in the investigation by Meadow Sports was not the witness statement that Jack submitted...

Given the contributory factors, I would suggest a shorter ban and a programme of education would more likely result in the behavioural change which is surely what we all hope for."

30. After Jack's father's statement, the following statement from Jack was received by Surrey FA (I quote):

"The words that I used on messenger were not good and I know that they should not be used. But the words were because of a lot of winding up of the individual to me and my teammates. Guildford City have a few players who threaten me by saying stuff like 'watch out when you come to Guildford' and 'don't forget I know where you live.' When they say these threatening words, it scares me to think that they would come to my house and harm me in any way. I didn't mean any offence in the words I used only in a way of defence against these boys who threaten me and threaten to hurt me on a weekly occurrence. I know these words were wrong but it was banter that went too far as a way of self-defence only."

31. The above last statement from Jack is not too dissimilar to the statement already received from Jack previously⁷, but it was to be replaced with this last statement.
32. That concluded relevant evidence in these cases.

Standard of Proof

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

⁷ para 24

happened.

The Findings & Decision

34. Jack, Kian and Jayden had all admitted using the alleged comments and accepted their respective charges⁸ for which *credit for guilty plea* would be given.
35. For the record, I found the comments used by Jack, Kian and Jayden to be abusive, insulting and improper, contrary to FA Rule E3.1, and these comments included references to a person's sexual orientation and disability (but not faith), within the meaning of FA Rule E3.2, as stated by Surrey FA in their respective charges⁹. Therefore, I found that the respective charges for Jack, Kian and Jayden were proven, and that they had corrected accepted their respective charges.
36. Jack made comments containing two references of protected characteristics: a person's sexual orientation as well as a person's disability¹⁰; whilst Kian and Jayden each had made comments containing one reference: a person's sexual orientation¹¹.
37. It was stated by Mr Hennessy-Gibbs that "*threats of violence were made against a meadows player*"¹² and Jack had also said in his last statement that "*a lot of winding up of the individual to me and my teammates. Guildford City have a few players who threaten me*"¹³. However, only one screenshot evidence was submitted in defence / response to the charges suggesting the threat made, which was from a user called "M" (this could be Max from Guildford City B&G, as per Kian's evidence "*Max from Guildford threatened to beat up and to stab Jack*"¹⁴ and from Jayden's evidence "*Max had threatened Jack*"¹⁵).
38. It is also not known when this alleged threatening message took place – there was no chronological order or continuous sequence of messages or timings – and how this related to messages from Jack, Kian and Jayden (as well as Toby) that were in their charges, which were all towards Ollie and not towards "M" or Max.

⁸ para 10

⁹ paras 3, 4 and 5

¹⁰ para 3

¹¹ paras 4 and 5

¹² para 28

¹³ para 30

¹⁴ para 25

¹⁵ para 26

39. From the statements received in response to the charges, the sequence of events on this particular occasion would appear to be:

39.1. Kian stated that: *“After the game, we got told that Jack was messaging with one of their players Max. Jack then sent a message onto our Meadows group chat saying that Guildford boys were starting on him.*

We all then asked to be added to the group chat, after we were added I put some banter about the keeper and I realise this was not good. I just got caught up in the chat and was trying to back Jack but I know it does not look good. I should not have said the things and I apologise.

*The keeper added some of their players and then Max from Guildford threatened to beat up and to stab Jack after that happened, me, Toby, Jayden, Jack, Liam J, Liam K. We all left the group chat and just left it at that.”*¹⁶;

39.2. Jayden stated that: *“Ollie from Guildford football team made an Instagram story which began chat with Jack. Jack made the Meadow boys aware of what was going on. During the chat Ollie was saying that we (Meadows) won the football game by luck and Kian’s free kick was lucky. Jack was messaged separately where he was threatened by a boy called max from Guildford... The initial chat was banter which got worse and me and many of the other boys left the chat”*¹⁷; and

39.3. Toby stated that: *“The Guildford players were saying things on Instagram about the Meadow team. I got added to a group and we were all chatting having banter”*¹⁸.

40. Based on this evidence before me and on the standard of proof required, being the balance of probability, I found it was more likely than not that the *“banter”* with / about Ollie took place first and then, either subsequently or separately, the threat towards Jack was allegedly made by Max from Guildford City B&G.

41. I found it was more likely than not that these alleged comments by Jack, Kian and Jayden (and Toby) were made during the *“banter”*, prior to any threatening words were made to Jack, as they all left the group chat after the threat.

¹⁶ para 25

¹⁷ para 26

¹⁸ para 27

42. Whilst Jack had stated that *“I didn’t mean any offence in the words I used only in a way of defence against these boys who threaten me and threaten to hurt me on a weekly occurrence. I know these words were wrong but it was banter that went too far as a way of self-defence only.”*¹⁹, as the finding made above, I was not persuaded that the comments were in response to the threatening words towards Jack.

43. Furthermore, Jack’s comments in context on the two alleged comments in the screenshots²⁰ evidence did not suggest as responding in *self-defence* to a threat:

[Jayden added Ollie]

Jack: *“Ollie | You are shit in goal | God needs to bless you”*

Jayden: *“jack | let him have his time w the priest | he will reply soon”*

Jack: *“He’s getting ducked by the priest | You retard”*

[...]

Toby: *“But we wanna know ollie not u jack”*

Jack: *“Ik | Ollie is a faggot nah nah nah nah | Bummed by the priest | Bummed by the priest | Olly he gets bummed by a priest”*

Jayden: *“ollie”*

Kian: *“Wait wait | Wait | Ollie”*

Toby: *“He also gets raped by kian”*

Jayden: *“give us a twirl with ur church outfit”*

[...]

44. This further persuaded me that the comments in the charges against Jack, Kian and Jayden (and Toby) were not in response to a threat.

45. I had noted that Surrey FA had considered the evidence provided by Meadow Sports on the alleged threat and decided that it was insufficient to warrant a potential charge(s) being raised against Guildford City B&G²¹. This was a matter for Surrey FA and they had made their decision.

¹⁹ para 30

²⁰ para 19

²¹ para 21

46. From the screenshots evidence²², I found Jack, Kian, and Jayden (and Toby) were all making many comments about / towards Ollie, who as an U15 player would also be a minor, to be a group action and an aggravating factor. And, Jack's second discriminatory comment also to be the aggravating factor in his own case.
47. However, I would consider degrees of mitigation for: young age of Jack, Kian and Jayden, being 14-year-olds; apologies / sorry from Kian and Jayden (and Toby) – but Jack had not said sorry or apologised; and they all subsequently recognising they should not have used such comments.

Previous Disciplinary Record

48. As all players had accepted their respective charges and after considering the degree of culpability and seriousness above, I sought their previous disciplinary records. Jack has one caution, Kian has one standard dismissal, Jayden has no cautions or dismissals, but none of these players have previous misconduct record in the past five seasons.

Mitigation

49. There were no specific mitigations offered and I had dismissed these comments were in response to a threat²³.
50. However, as previously stated, early admission by Jack, Kian and Jayden, and accepting their respective charges²⁴; at a young age of 14-year-olds, apologies from Kian and Jayden (and Toby), and they all subsequently recognising that they should not have used such comments²⁵; and their previous good disciplinary records²⁶ would all serve as varying degrees of mitigation.

The Sanction

51. The *Penalties and Orders on Aggravated Breaches (Rule E3.2)*²⁷ states that:

“47 Where an Aggravated Breach is found proven, a Regulatory Commission shall

²² para 19

²³ paras 42 and 44

²⁴ paras 10 and 34

²⁵ para 47

²⁶ para 48

²⁷ p. 175 of FA Handbook

apply The Association's sanction guidelines for Aggravated Breaches set out at Appendix 1 to Part A: Section One: General Provisions."

52. *Sanction Range under Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches for Players, Managers and Technical Area Occupants*²⁸ states that (I quote the relevant text):

"A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches ('Sanction Range') [for first offence].

A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.

The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the 'Standard Minimum').

Where a Player is aged 12-15 (inclusive) a Regulatory Commission may suspend any number of Matches on terms and for such period as it considers appropriate provided that a suspension of no less than one Match is served. [...]"

53. The Regulation permits *Exceptions to the Standard Minimum*²⁹ sanction under certain circumstances, and it states (I quote):

"A Regulatory Commission may only consider imposing a suspension below the Standard Minimum where the following specific (and exhaustive) circumstances arise such that the Regulatory Commission determines that the Standard Minimum would be excessive:

*Where the offence was committed in writing only or via the use of any communication device **and:***

- Where the Regulatory Commission is satisfied that there was no genuine intent on the part of the Participant Charged to be discriminatory or offensive in any way and could not reasonably have known that any such offence would be caused; or*

²⁸ p. 177 of FA Handbook

²⁹ p. 177 of FA Handbook

- *The age of the Participant at time of the offence (e.g. where the Participant was a minor at the time the offence was committed); or*
- *The age of the offence (e.g. a social media post made a considerable time ago).*

For the avoidance of doubt, the existence of the circumstances above will not necessarily result in a departure from the Standard Minimum. A Regulatory Commission must be satisfied that the unique circumstances and facts of a particular case are of such significance that a departure from the Standard Minimum is justified to avoid an unjust outcome for the Participant Charged. In reaching a decision, the Regulatory Commission must also consider whether or not it is in the best interests of the game in tackling all forms of discrimination to depart from the Standard Minimum. In any event, a Regulatory Commission shall impose a suspension of no less than 3 Matches.

Where a Player is aged 12-15 (inclusive) a Regulatory Commission may suspend any number of Matches on terms and for such period as it considers appropriate provided that a suspension of no less than one Match is served."

54. *Education*³⁰ in *Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches* states that (I quote the relevant text):

"Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association."

55. *Other Penalties*³¹ in *Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches* states that (I quote the relevant text):

"A Regulatory Commission may impose any one or more of the other penalties as provided by paragraph 41 of Part A to the Disciplinary Regulations."

56. I had noted that these comments were made *in writing only or via the use of communication device*, which is where *Exception to the Standard Minimum*³² sanctions could apply but, from the evidence and circumstances of these cases, I was not satisfied that *"there was no genuine intent on the part of Participants Charged to be discriminatory or offensive in any way and could not reasonably have known that*

³⁰ p. 178 of FA Handbook

³¹ p. 178 of FA Handbook

³² para 53

any such offence would be caused” ³³.

57. Whilst the young ages of the *Participants Charged* in these aggravated breaches would meet the criteria for considering the *Exception to the Standard Minimum* sanctions, I was not satisfied that “*the unique circumstances and facts of a particular case are of such significance that a departure from the Standard Minimum is justified to avoid an unjust outcome for the Participant Charged*” ³⁴. I had considered, as required for the *Exception*, “*whether or not it is in the best interests of the game in tackling all forms of discrimination to depart from the Standard Minimum*” ³⁵.
58. And, I did not find the *facts of these cases to be of any such significance or justified to avoid unjust outcomes, and not in the best interests of the game in tackling all forms of discrimination to depart from the Standard Minimum*.
59. With this Aggravated Breach charge being first such offence for Jack, Kian and Jayden, the starting point of sanction for their offences would be at the lowest end, being the *Standard Minimum*, of the *Sanction Range* which, is an immediate suspension of six matches³⁶, a mandatory education programme³⁷ and a fine³⁸.
60. Being part of a group action by Jack, Kian and Jayden was found to be the aggravating factor and the second discriminatory comment by Jack was a further aggravating factor in Jack’s own case³⁹, these aggravating factors would increase the sanction from the starting point with varying degrees.
61. With all three players promptly accepting their charges⁴⁰, their previous good disciplinary record⁴¹, and mitigation found⁴² in their respective cases would help reduce the sanction.
62. In Kian’s and Jayden’s cases, if they are 16-year-old and above, I found it would be appropriate and proportionate for the sanction to be an immediate suspension of six matches, which I cannot go below.
63. In Jack’s case, due to the additional aggravating factor of second discriminatory

³³ para 53

³⁴ para 53

³⁵ para 53

³⁶ para 52

³⁷ para 54

³⁸ para 55

³⁹ para 46

⁴⁰ paras 10, 34 and 50

⁴¹ para 48

⁴² paras 47 and 50

comment and expressing no apology or sorry for his comments in mitigation (which Kian and Jayden did in their respective cases), and if Jack is a 16-year-old and above, I found it would be appropriate and proportionate for the sanction in totality to be an immediate suspension of eight matches.

64. However, as Jack, Kian and Jayden are all 14-year-olds, the Commission “*may suspend any number of Matches on terms and for such period as it considers appropriate provided that a suspension of no less than one Match is served*”⁴³.

65. In considering all circumstances in these cases, I considered it appropriate to suspend three matches in each case. Therefore, I decided that:

65.1. Kian and Jayden are to serve an immediate three-match ground ban suspension, with a further three matches being suspended until the end of the season; and

65.2. Jack is to serve an immediate five-match ground ban suspension, with a further three matches being suspended until the end of the season.

66. In addition to a mandatory education programme, a fine may also be imposed.

67. However, with reference to the financial penalty, *paragraph 120 in Disciplinary Proceedings Before Disciplinary Commissions*⁴⁴ states that:

“120. Financial penalties for Misconduct must not be imposed on any Player in Youth Football. Where a punishment or Disciplinary Commission decision applicable to a Player in Youth Football includes any financial sanction, the Player’s Club shall pay the sum imposed.”

68. As Jack, Kian and Jayden are all *Players in Youth Football*, financial penalty must not be imposed, but should there be any mandatory fines then it would fall on the Club to pay.

69. With there being no mandatory financial penalty for these offences, I decided not to impose fines on these cases.

Sanctions for Jack

⁴³ para 52

⁴⁴ p. 219 of FA Handbook

70. After taking into consideration all circumstances in his case, Jack is:
- 70.1. to serve an immediate ground ban suspension from all football until Meadow Sports U15 team completes 5 (five) matches in approved competitions;
 - 70.2. 3 (three) further matches are to be suspended until 31 May 2023, which will be invoked for further proven Aggravated Breach misconduct by Jack during this period;
 - 70.3. to satisfactorily complete an online mandatory education programme before this four-match suspension is served, or Jack be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to Jack; and
 - 70.4. 8 (eight) Club Disciplinary Points to be recorded, as Jack is a *Player*.

Sanctions for Kian

71. After taking into consideration all circumstances in his case, Kian is:
- 71.1. to serve an immediate ground ban suspension from all football until Meadow Sports U15 team completes 3 (three) matches in approved competitions;
 - 71.2. 3 (three) further matches are to be suspended until 31 May 2023, which will be invoked for further proven Aggravated Breach misconduct by Kian during this period;
 - 71.3. to satisfactorily complete an online mandatory education programme before this three-match suspension is served, or Kian be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to Kian; and
 - 71.4. 6 (six) Club Disciplinary Points to be recorded, as Kian is a *Player*.

Sanctions for Jayden

72. After taking into consideration all circumstances in his case, Jayden is:

- 72.1. to serve an immediate ground ban suspension from all football until Meadow Sports U15 team completes 3 (three) matches in approved competitions;
- 72.2. 3 (three) further matches are to be suspended until 31 May 2023, which will be invoked for further proven Aggravated Breach misconduct by Jayden during this period;
- 72.3. to satisfactorily complete an online mandatory education programme before this three-match suspension is served, or Jayden be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to Jayden; and
- 72.4. 6 (six) Club Disciplinary Points to be recorded, as Jayden is a *Player*.
73. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Thura KT Win JP LLM MCI Arb (Commission Chair)

17 February 2023