

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION
CHAIR ALONE NON – PERSONAL HEARING**

**SURREY FA
(on behalf of the Football Association)**

and

KM

DECISION AND WRITTEN REASONS

Overview

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 10 March 2023 following charges brought by Surrey FA against KM (Case ID: 11151429M) (“**KM**”).
2. KM’s name has been anonymised as he is a minor.

The Charges

3. KM has been charged by Surrey FA with a breach of:
 - (a) FA Rule 3.1 – Improper Conduct (including foul and abusive language) and
 - (b) FA Rule 3.2 - Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.(collectively, the “**Charges**”).
4. The particulars of the Charges are that KM used the word ‘fucking faggot’, which is a comment aggravated by sexual orientation.
5. KM has accepted the Charges.

The Evidence

6. This matter relates to a fixture between Meadow Sports U15 and Milford Pumas U15 Harriers, which took place on 15 January 2023.
7. The relevant factual background herein is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Chair did not take such point, or submission, into

consideration when he determined the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.

8. The Chair has before him the following evidence:
 - 8.1 WGS Screenshot of Referee Report: *“Homophobic abuse, called me a “f*cking f*ggot. Hopefully appropriate action will be taken.”*
 - 8.2 Witness Statement of KM dated 17 February 2023. KM’s evidence states as follows:

“I thought throughout the game we wasn’t getting any fouls giving our way and then towards the end I got frustrated as he gave them another free-kick and I called the ref a faggot” [sic]
 - 8.3 Witness Statement of SK dated 12 February 2023. SK’s evidence is as follows:

“Standing in the dugout, I saw Kian get tripped and not awarded a free kick, he then got up tried to win the ball back and gave away a free kick. I could see some talking but could not hear what was said, then the referee showed the red card and Kian walked off in tears and sat in silence not wanting to talk.
 - 8.4 Email from Brian McCornville, Meadow Sports Secretary who states as follows:
 - (a) Parent confirms that a ‘guilty’ plea has been entered.
 - (b) Whilst there is no defence for the term used, we hope the FA take careful consideration into the fact that he has already been punished and served a ban with a fine for this offence.

Decision on Sanction

9. As KM has admitted the Charges, the Chair considered the appropriate sanction to impose.
10. In accordance with Appendix 1 of the FA Disciplinary Regulations 2022/23, an aggravated breach will result in an immediate suspension from football of between 6 matches and 12 matches. A mandatory education programme is to be imposed with any ancillary sanction such as a fine at the discretion of a Regulatory Commission.
11. Appendix 1 provides some further clarity on the treatment of young persons who commit aggravated breaches. It states that:

“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.”
12. It is at the Chair’s discretion to vary a sanction where there are aggravating or mitigating factors present for the participants.
13. The Chair consulted KM’s previous disciplinary history and noted that prior to this incident, there was one previous incident of aggravated misconduct arising in the same season. Accordingly, the Chair considered that this was a second qualifying misconduct case and referred to the FA Disciplinary Regulations 2022/23 which stipulates that:

“Second or further offences will be treated with the upmost seriousness. [...] Where a Player is aged 12-15 (inclusive) and commits a second or further Aggravated Breach, in determining the suspension to be imposed, a Regulatory Commission shall use as an entry point, an immediate suspension of 11 matches. The Regulatory Commission may depart from the entry point where aggravating or mitigating factors are present but, in any case, must impose an immediate suspension of no fewer than 7 matches.”

14. The Chair considered that in this case, there were a number of mitigating factors, including the acceptance of the Charge, KM’s participation in the FA’s investigation and his remorse for his actions. This has to be balanced against the aggravating feature of the disciplinary history.
15. The Chair also noted that for the previous misconduct offence, KM had been sanctioned to a 3 match immediate suspension and a further 3 matches to be suspended until 31 May 2023, which will be invoked for a further proven Aggravated Breach.
16. Accordingly, the Chair imposed the following sanction:
 - (a) An eleven (11) match suspension comprising of an eight (8) match suspension for this misconduct and the additional three (3) matches arising from the previous case of misconduct.
 - (b) An education programme to be undertaken virtually by the conclusion of the suspension period.
 - (c) 5 penalty points.
17. 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.

Elliott Kenton
National Serious Case Panel Chair
11 March 2023