

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIR PERSON SITTING ALONE**

*Sitting on behalf of Surrey FA*

**CORRESPONDENCE HEARING**

*of*

**RICHMOND AND KEW YOUTH**

**[Case ID: 11137024M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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Warning: This document contains foul and abusive language.

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### **Introduction**

1. On Sunday 15<sup>th</sup> January 2023 Richmond & Kew Youth (“the Club”) played Hampton & Richmond Youth U18 in a Surrey Youth League fixture, collectively called “the match”.
2. Surrey FA received a report that after the match a group of players from Richmond & Kew made threatening comments, such as “*run away as fast as you can*”, “*don’t come back here*”, and/or “*see you in the car park*” or similar towards the Match Official.
3. Surrey FA investigated the reported incident.

### **The Charge**

4. Surrey FA charged Richmond & Kew Youth, as a Club, with:
  - i. Misconduct for a breach of FA Rule E20 – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.
  - ii. It is alleged that Richmond & Kew Youth (U18 Colts) failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion and

refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E20.1. This refers to the allegation that after the match a group of players from Richmond & Kew made threatening comments such as “run away as fast as you can”, “don’t come back here” and/or “see you in the car park” or similar towards the Match Official.

5. The relevant section of FA Rule E20 states:<sup>1</sup>

*“E20 Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servant, representatives, conduct themselves in an orderly fashion whilst attending any Match and do not:*

*E20.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;*

*E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability”.*

6. Surrey FA included with the charge letter the evidence that it intended to rely on in this case.
7. The Club was required to respond to its charge by 24<sup>th</sup> March 2023.

### **The Reply**

8. The Club reply was received on 27<sup>th</sup> March 2023. The Club accepted the charge and requested a “Correspondence” Hearing.

### **The Commission**

9. The Football Association (“The FA”) appointed me, Ian R. Stephenson, as a Chair Person Member of the Football Association National Serious Case Panel to this Discipline Commission as the Chair Person Sitting Alone to adjudicate in this case.<sup>2</sup>

### **The Hearing & Evidence**

10. I adjudicated this case on 3<sup>rd</sup> April 2023 as a Correspondence Hearing (“the Hearing”).

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<sup>1</sup> Paragraph 20 on page 146 of the FA Handbook 2022/2023

<sup>2</sup> Paragraph 119 on page 219 of the FA Handbook 2022/2023

11. I had received and read the bundle of documents prior to the Hearing.
12. 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 matter. For the avoidance of doubt, I have carefully considered all of the evidence and materials furnished with regard to this case.
13. The following evidence was provided in the case bundle:
14. An email from John Kane to David Miller, Surrey FA, date and time redacted. Mr Kane is the Richmond & Kew FC Secretary, and he reported the Referee incident to the Association on behalf of the Referee.
15. An email from William Greenstreet to Mr Kane, dated 15<sup>th</sup> January 2023 at 14:30 hrs. William Greenstreet was the Referee of the match. He stated and I quote the relevant text:

*[... ] “at the end of the game I detailed to the kew manager how unacceptable their actions had been at which point he detailed to me how poor my performance had been which would have been fine by me but he approached it in a very condescending and rude manner telling me I was clearly inexperienced and when I mentioned I had been a qualified ref for 7 years he told me I hadn’t learned anything from this as I went to get my flag back from the kew linesman I received more threats telling me ‘not to come back here’, that I should ‘run away as quick as I can’ and that they would confront me in the car park if they saw me”.*
16. A Social media screenshot chat conversation between “Will G (Ref)” and an unidentified account. Questions were asked of, and answered by, “Will G9 (Ref)” relating to consolidated cases which are not the subject of these Reasons.
17. A further email from William Greenstreet to Zack Hilliard-Winyard, Case Officer for Surrey FA, date and time redacted. William Greenstreet stated, and I quote the relevant text:

*[...] “After the game they were in a group team talk with the manager so it is hard to determine exactly which players made these comments, they only 2 players that I could tell were shouting these comments were players 31 and 18, I believe there were 2-3 others however it would be hard to say which with any certainty as I wouldn’t want to make accusations without knowing for sure which players were the ones making these threats”.*

18. An email from Mr Hilliard-Winyard to William Greenstreet requesting specific information about what threats were made and who was responsible for making them.

19. A Statement from James Greenstreet, dated and recipient details redacted. James Greenstreet is the father of William Greenstreet. James Greenstreet stated, and I quote:

*“My son has just returned from refereeing the under 18s at Richmond. I have never seen him so angry.*

*He is 21, has played football for many years and refereed since he was 14. He says that he has never been so abused in all these years. He was threatened with physical violence and subjected to foul mouthed abuse throughout by the Richmond and Kew team. This is of course wholly unacceptable and I am ashamed to be associated with this club (my 2 other sons play for the under 16).*

*I am told that the manager and assistant manager instead of dealing with the abuse, actually added to it. At least one player squared up to him during the match and a number of them said they would find him after the game. All of this is of course totally unacceptable at any level or in any walk of life.*

*I presume the club has a process for dealing with this and I would like to know what it is. This cannot be allowed to happen, and the immediate implication is that he will not referee at the club again.*

*From what I am hearing, the level of abuse and threat could be considered criminal and the culprits should be aware that there may very well be repercussions that go beyond the club*

*Just to be clear, I take this extremely seriously and want to see proactive steps from the club ”.*

20. An email from Dan Pidduck to Mr Kane, dated and time redacted. Mr Pidduck is the Assistant Manager of Richmond & Kew Youth. His evidence relates to incidents that occurred during the match on the field of play which are not the subject of this charge.

21. An email from Mr Kane to Mr Pidduck, dated 26<sup>th</sup> January 2023 at 08:37am requesting information from the Club’s Committee about events that happened during the match. The email does not relate to the incident(s) which are the subject of this charge.

22. An FA Witness Statement form submitted to the Association by Peter Fletcher, dated 28<sup>th</sup> January 2023. Mr Fletcher is a Club Official of Richmond & Kew Youth. Mr Fletcher provided evidence of events that occurred during the game and stated that *“At the end of the game, I shook hands with the referee, confirming the result and had an exchange of views with him regarding what had gone on…….”*
23. Mr Fletcher stated that he was not aware of any further incidents after the game.
24. An email from Ants Dixon, recipient and date details redacted. Mr Dixon was a Club Assistant Referee at the match. Mr Dixon reported that he handed the flag back to the referee at the end of the match and that he did not hear any threats made to the referee.
25. Alex Young provided a Pitch Marshall feedback form to the Association. Mr Young stated that he did not see any evidence of any threats being made towards the referee by players at the end of the match.
26. An email from Louise Mercer, recipient and date details redacted. Ms Mercer was at the match. She stated that *“it was an uncomfortable watch”* and she left. She stated that *“Emotions were running high”*. Ms Mercer was not present when the match ended and her evidence does not relate to the matter subject of the charge.
27. An email from Mr Kane to Ms Mercer, dated 24<sup>th</sup> January 2023 at 09:05am requesting that she obtain evidence, if possible, from the Assistant Referee at the match.
28. An email from Helen Fletcher to John Kane, dated 24<sup>th</sup> January 2023 at 09:53am. Ms Fletcher was critical of the behaviour of the Referee, alleging that he had behaved aggressively towards the players.
29. An email from Julian Jones, recipient unknown, dated 26<sup>th</sup> January 2023 at 09:55am. Julian Jones was a spectator at the match and is unable to say whether any comments were directed to the referee whilst the players were walking off the pitch.
30. An email from Mr Kane to Mr Jones, dated 26<sup>th</sup> January 2023 at 08:49am. The email was requesting information about another matter that was unconnected with the charge.
31. An email Statement from Charlie Ansell. The recipient details and date details were redacted. Charlie Ansell was a player of Richmond and Kew Youth in the match. His evidence related to incidents in the match which are unconnected with this charge.

32. An email from Mr Kane to Sassie Ansell, dated 26<sup>th</sup> January 2023 at 08:46am requesting information relating to “Charlie”.
33. An email Statement from Sassie Ansell, date redacted. Ms Ansell is the parent of Charlie Ansell, a player in the match. Ms Ansell stated that she was present at the match but indicated that whilst she was happy to meet to discuss allegations, she “*did not have time or patients right now to compose an email about this nonsense*”.
34. A further email from Mr Kane to Mr Hilliard-Winyard dated 24<sup>th</sup> January 2023 at 07:21am. The email provided an investigation update on matters unconnected with this charge.
35. An email from Mr Hilliard-Winyard to Richmond & Kew Youth requesting identification and statements from potential witnesses to allegations of misconduct in the match.
36. A Statement by email from Tony Milstead, date redacted. Mr Milstead is the Manager of Hampton & Richmond U18’s. He stated, and I quote:
- “Unfortunately both the players and the management were extremely rude to the referee. Using bad language, shouting at the Referee over every decision that they disagreed with. Players were very aggressive and confrontational, even getting in his face in an unsavoury manner which was very disturbing.*
- Players were cautioned then booked then sent off.*
- I felt he was extremely restrained and under extreme provocation and handle very difficult pressure from both the players and the management of RKFC U18’S with professionalism.*
- Sorry to say but I felt he did a good job and the way he was treated was disgraceful.*
- We all have our opinions when we are not happy with what we believe is an incorrect decision but to behave the way they did was completely unprofessional and out of order”.*
37. A Witness Statement from Johanna Pursey, dated 1<sup>st</sup> February 2023. Ms Pursey was a spectator at the match. Ms Pursey provided evidence relating to cases unconnected with the charge in this case.
38. Various email trails without evidence relevant to the charge.

39. A snapshot from video footage relating to an incident unconnected to the charge in this case.
40. That concludes all of the evidence that was provided to the Commission.

### **Standard of Proof**

41. 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 happened.

### **The Findings & Decision**

42. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon Surrey FA.
43. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, that is whether the witness is attempting to tell the truth, and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.
44. 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.<sup>3</sup>
45. It should be noted that where direct speech is quoted in a witness statement, I have recorded it 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.
46. In summary:
  - i. It is alleged that Richmond & Kew Youth failed to ensure that directors, players, employees, servants, representatives conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words

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<sup>3</sup> Paragraph 4



and/or behaviour contrary to FA Rule E20. This refers to the allegation that after the match a group of players from Richmond & Kew Youth made threatening comments such as “*run away as fast as you can*”, “*don’t come back here*”, and/or “*see you in the car park*” or similar towards the Match Official.

47. The Club accepted the charge.

48. He received threats telling him “*not to come back here*”, and that he should “*run away as quick as he could*” and that they would “*confront me in the car park if they saw me*”.

49. William Greenstreet was the Match Official. Mr Greenstreet reported that as he went to collect his flags from the Assistants’ at the end of the game, he received threats telling him “*not to come back here*”, and that he should “*run away as quick as he could*”, “*and that they would confront me in the car park if they saw me*”.

50. Mr Greenstreet stated that these comments were made from within a group of players from the Richmond & Kew Youth team who were in a group team talk along with the team Manager. Mr Greenstreet was able to identify two of the players involved by shirt number and stated that there were 2-3 others from the team that were involved but he could not identify with certainty which players were making the actual threats.

51. James Greenstreet is the parent of William Greenstreet. He was not present at the match. He described his son as being “*so angry*” when he returned home following the match.

52. Dan Pidduck is the Manager of Richmond & Kew Youth. Mr Pidduck was present at the match. He provided an account in relation to matters that are consolidated matters in this case and which are unconnected with the charge for the Club.

53. Peter Fletcher is a Club Official of Richmond & Kew Youth and was present at the match. He stated that he shook hands with the Referee at the end of the match, confirmed the result with the Referee and had “*an exchange of words with him regarding what had gone on*”. Mr Fletcher told the Referee that he was not happy with the Referee’s performance but stated that the conversation was normal with no animosity. No shouting, or abuse from either side. He was not aware of and further incidents after the game.

54. Ants Dixon was a volunteer Assistant Referee for Richmond & Kew Youth in the match. He stated that he did not hear any threats made when he returned the flag to the Referee at the end of the match.

55. Alex Young was present at the match. He was standing near the Managers/Players pit. He did not see or hear anything relating to threats being made towards the Referee.
56. Louise Mercer was a parent/spectator and was present at the match. Ms Mercer attended the match but left before it had finished and was therefore not present at the time of the alleged events.
57. Helen Fletcher was a parent/spectator and was present at the match. Ms Fletcher did not provide any evidence relating to the alleged incident at the end of the match. Essentially her evidence related to incidents that occurred during the match and allegations that she made against the Referee.
58. A Statement from Julian Jones. Mr Jones was a spectator at the match and he stated that at the end of the match the players made their way over to the dugout. He stated that Peter Fletcher then joined the players for his post-match comments before the players dispersed. Mr Jones further stated that he *“couldn’t say whether any comments were directed to the referee while the players were walking off the pitch, he only has Adams word on that”*.
59. Charlie Ansell was a player for Richmond & Kew Youth in the match. Charlie Ansell stated that the two accusations were false and he did not provide any evidence of fact to the alleged incident after the match.
60. Sassie Ansell is the parent of Charlie Ansell. She did not provide any evidence relating to the incident subject of this charge.
61. Tony Milstead is the Manager of Hampton & Richmond U18. Mr Milstead was present at the match and he provided a positive opinion on the performance of the Referee, and an overall negative opinion on the way in which the Referee was treated during the match by players and Management of Richmond & Kew Youth.
62. Johanna Pursey was a spectator at the match supporting Hampton & Richmond U18. She referred to an incident that occurred during the match which is not the subject of the charge in this case.
63. Essentially the Commission relied upon the evidence provided by the Referee, the facts of which were detailed in the charge that was accepted by the Club when it responded to its charge.

64. Comments such as “*run away as fast as you can*”, “*don’t come back here*”, and/or “*see you in the car park*” or similar when said by players to a Referee are improper, abusive and threatening.
65. After careful consideration of all of the evidence available in this matter, and noting that the club had accepted the charge, the Commission were not required to determine liability in this case, the E20 is PROVEN.

### **Previous Disciplinary Record**

66. After finding the charge proven the Commission examined the Club’s offence history for the last five years.
67. The Commission noted that Richmond & Kew had 35 teams. The Club had no previous history of Misconduct relating to FA Rule E20 recorded against it during the previous five years.

### **Mitigation**

68. The charge was accepted and credit will be awarded for early “*Guilty Plea*”.
69. The Club conducted an investigation into the conduct of its players and Management and it was the Club that actually reported its own players in support of the Referee. Credit will be allowed for the positive action that the Club has taken in this matter.
70. The clean record of the team, together with the collective Club record relating to E20 Breach of FA Regulations, is exemplary and credit will be allowed for this.

### **The Sanction**

71. The Commission noted that this fixture involved a team playing at youth level and the FA Sanction Guideline for the E20 breach of Rule for clubs playing at Youth level is a fine ranging between £0 and £200.00.
- i. The conduct used is aggravated due to it the fact that multiple threats were made, it was not an isolated comment.

72. After taking into consideration all circumstances in this case, and noting that this case contained threats towards a Referee, the Commission decided that this case should be considered in the “*Mid*” category, and that the entry point for sanction would be £75.00. The Commission allowed £40.00 credit for Guilty Plea and a clean record, and a further £20.00 for the positive action that they took in investigating and reporting the matter to the Association. The Commission determined that £20.00 was appropriate for the aggravating factor identified in this case. Consequently, the appropriate sanction is:
73. Richmond & Kew Youth are fined £35.00 (Thirty-Five pounds).
74. Richmond & Kew Youth are warned as to their future conduct.
75. The sanction is formally imposed.
76. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: *Ian R. Stephenson*

FA National Serious Case Panel Chair

3rd April 2023.