

**FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

**SUSSEX FA**

**and**

**BILLY SARGENT - Case number: 10068298M**

**DECISION AND WRITTEN REASONS**

**1. INTRODUCTION**

1.1 These are the full written reasons for the decision of The Football Association Disciplinary Commission on charges brought by Sussex FA against Billy Sargent.

1.2 I have been appointed by The FA from its National Discipline Panel to determine the matter alone, and on paper.

**2. RELEVANT DISCIPLINARY RULES**

2.1 Charges were brought under Rule E3 of The Rules of The Football Association.

2.2 Rule E3 provides:

*“GENERAL BEHAVIOUR*

3 (1) *A Participant shall at all times act in the best interests 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.*

**3. THE CHARGE**

3.1 By a Notification dated 13 December 2019 Mr Sargent was charged with two alternative breaches of Rule E3 of the Rules of the Association, arising out of a match between Worthing Town Reserves and Lancing United Reserves on 30 November 2019. The first Charge alleged that Mr Sargent conducted himself improperly by Assaulting a Match Official; in the event that Charge 1 is not proven, a second Charge alleged in the alternative that Mr Sargent conducted himself improperly towards a Match Official via physical contact and threatening and/or abusive language/behaviour.

3.2 More particularly, the Charges alleged that during the match Mr Sargent locked the Referee between his arms, and/or attempted to headbutt the Referee, and/or threw the Referee to the ground in an aggressive/violent manner.

3.3 Mr Sargent initially responded to the investigation from the County FA in a handwritten letter attached to an email dated 2 December 2019. He formally responded to the Charges on 17 December 2019, pleading not guilty to Charge 1 (Assault on a Match Official) but pleading guilty to Charge 2. He also requested that the case be dealt with in his absence.

**4. EVIDENCE**

4.1 Given Mr Sargent’s pleas to the respective Charges, the central issue is whether the evidence brought forward by the County demonstrates that Mr Sargent committed an “Assault” on the Referee, something more serious than the “physical contact” admitted by Mr Sargent as part of Charge 2.

- 4.2 The burden of proof on this matter lies with the County FA bringing the Charges. The applicable standard of proof is that of the balance of probabilities – that is, an event is considered to have happened if, on the evidence before me, I conclude that it is more likely than not that it happened.
- 4.3 I will set out the most significant elements of the evidence served in support of and in response to the Charge. I reviewed all of the evidence thoroughly, and the absence of any reference to any particular part of it should not be taken to mean that I have not considered it.
- 4.4 I have been provided with:
- 4.4.1 A League Match Return Card from the Referee, Calogero Rizzo;
  - 4.4.2 A further email thread with the Referee, expanding upon certain details from his report;
  - 4.4.3 An email from Mr Paul Woodley, secretary of Worthing Town;
  - 4.4.4 The initial handwritten statement from Mr Sargent referred to above;
  - 4.4.5 Following the Charge Notification, a further response from Mr Woodley, attaching a further response from Mr Sargent.
- 4.5 I note that the County FA requested statements from Lancing United but none appears in the papers sent to me.
- 4.6 The Referee reported that after sin-binning another player, Mr Sargent “suddenly came up to me quickly and locked me between his arms. He held me very tightly, exercising a very [strong] pressure and looking at me angrily, he moved his head backwards, in that moment I realized that he was going to hit my face with his forehead and somehow I managed to put my only free arm between my face and his head. At that point some other players had reached us, and Billy Sargeant [sic] threw me, with extreme violence, on the ground. I hit the ground with my right side, from the shoulder to the leg.”

- 4.7 The Referee went on to describe how Mr Sargent's teams mates took him away while the Home Team players stayed with the Referee; he got back up, in pain, but after some discussion decided to complete the game as long as Mr Sargent had left the ground.
- 4.8 In a further email, the Referee repeated the contents of his initial report, and added that since the incident that back and hindquarter pain had almost gone, though his right shoulder was still sore. He said that he would decide whether he needed medical assistance in another couple of days, and said he would report the matter to the police the next day.
- 4.9 The Referee sent a further email on 8 December 2019, having been to see his GP. He said he felt quite unwell, and that the GP had advised he had suffered tendon or ligament damage to his shoulder, and possibly a bruised rib. She also suggested physiotherapy and possible counselling to help manage the consequences.
- 4.10 On 2 December 201 Mr Woodley emailed the County saying that he had taken a statement from Mr Sargent, who is said to have understood the severity of his actions, and was regretful. He says that there was no attempt to headbutt the Referee
- 4.11 This email was accompanied by a handwritten statement from Mr Sargent. He describes being dissatisfied with certain of the Referee's decisions, leading to a confrontation with him. He said that the Referee "got into" his face, shouting at him aggressively and in Italian. Mr Sargent said that he called the situation "an absolute joke", leading to the Referee sin-binning him. Mr Sargent said that he was "fuming that [he] was getting treated that way... then for some reason wrapped [his] arms around the ref and squeezed him." He then says that the Referee "fell to the floor making loads of ridiculous noises rolling around." Mr Sargent went on to say that this was out of character; and describes the aftermath of the incident.

4.12 After the Notification, Mr Woodley sent a further email attaching a further statement from Mr Sargent. He disputes the Referee's account, essentially saying that it was the Referee who approached him aggressively. He concedes that he locked his arms around the Referee, but reiterates that there was no headbutt, and that there was no force involved as he released the Referee from his grip, saying there was no reason for the Referee to fall. The statement is apologetic, although repeats that Mr Sargent felt intimidated and felt he had to stand his ground.

## **5. DETERMINATION**

5.1 The key factor in this matter is whether Mr Sargent's actions move beyond the level of "physical contact" contemplated by Charge 2 and constitute an "assault" as contemplated by Charge 1. In purely legal terms an "assault" can be committed without physical contact at all – however, the Rules of the Association and the Disciplinary Regulations are not to be interpreted in an overly technical, legalistic manner. In practical terms I must assess whether the actions of Mr Sargent are sufficiently more serious than mere "physical contact" such that it is appropriate to describe them as an "assault" as that term would be generally understood.

5.2 There are various factual matters in dispute between the Referee and Mr Sargent, the only two material witnesses. In particular, there is a dispute as to whether Mr Sargent intended or attempted to headbutt the Referee; and there is a dispute as to whether Mr Sargent threw the Referee to the floor (as opposed to him simply falling over once released from Mr Sargent's grip).

5.3 On the first matter, I am not convinced that there was any intention to headbutt the Referee. Put bluntly, if Mr Sargent had intended to headbutt the Referee, there was very little to stop him from actually doing so.

5.4 As to the second matter, it is just about plausible that the Referee could have stumbled in a completely unforeseeable manner after Mr Sargent released him. However, I bear in mind that the Referee does appear to have hit the ground

with some force – I do not have detailed medical evidence of his injuries (and I note that Mr Sargent disputes that the injuries that the Referee describes) but I take at face value the Referee’s statement that he was in pain for several days, requiring medical attention and prescribed painkillers. I also note that Mr Sargent admits that at this stage he was still "fuming" and did not calm down until leaving the pitch.

5.5 In my view it is more likely than not that Mr Sargent did push or shove the Referee away from him when he released him, thereby causing the Referee to hit the ground with greater force than if he had just tripped or stumbled. This caused injuries to the Referee that reasonably required medical attention.

5.6 This being the case, it is also my view that this level of contact does constitute an assault as that term would generally be understood, and is significantly more than mere “physical contact”. This is sufficient to elevate the level of culpability beyond that contemplated by Charge 2 alone, and results in Charge 1 being proven.

## **6. SANCTION**

6.1 Having made the above determination, I obtained Mr Sargent’s disciplinary record since the 2014-2015 season. It shows no prior cases of misconduct, with a relatively low number of cautions and two dismissals in that time.

6.2 As noted in the Notification, the applicable sanction for an offence of Assault on a Match Official is a ban of a minimum of five years for a low end offence; seven years for a mid-level offence; and 10 years for a high-end offence.

6.3 In the present case there is no doubt that the Referee suffered injury and felt traumatised. I also note that Mr Sargent was apologetic, and that the incident was out of character, as reflected by his relatively clean disciplinary history. He pleaded guilty to Charge 2, showing some ability to accept the consequences of his actions, although his repeated claims that he felt provoked and intimidated by the Referee come across as seeking to justify his reaction.

6.4 Overall, in my view the offence itself was at the lower end of the scale; and taking account of Mr Sargent's apology and clear disciplinary record the appropriate ban is one of five years' duration.

**7. CONCLUSION**

7.1 The first Charge of a breach of Rule E3(1), which had been denied, is Proven. Charge 2 had already been accepted, but this does not affect the position.

7.2 Mr Sargent must serve a suspension of five years. He has been suspended sine die since 13 December 2019 – the suspension imposed by this decision is deemed to commence on that date.

7.3 Worthing Town is to have ten disciplinary points added to its record.

7.4 Any party may appeal against this Decision in accordance with FA Regulations.

**Ian McKim**  
**27 December 2019**