

**IN THE MATTER OF
SUSSEX FOOTBALL ASSOCIATION**

-v-

**DYLAN HAMBLING-VINE
(CASE REFERENCE 10336367M)**

**WRITTEN REASONS - DISCIPLINARY COMMISSION
MONDAY 25th JANUARY 2021**

Warning – This document contains offensive and/or discriminatory language.

INTRODUCTION

1. These are written reasons for the findings of a Disciplinary Commission (the Commission), held on behalf of Sussex FA (SFA) on Monday 25th January 2021. The Commission considered charges against Dylan Hambling-Vine (DHV), a registered player with Eastbourne Wanderers (EW). The charges arose following a game between EW Firsts and Hassocks Fatboys Reserves in the Ed Shurer Junior Cup on Sunday 20th December 2020.

PARTIES

2. The appointed stand alone Commission Member, a member of the National County FA's Serious Case Panel, was Anthony Rock.

MISCONDUCT CHARGE NOTIFICATION

3. By SFA Misconduct Charge Notification dated 14th January 2021, the following charges were raised:
 - a. Charge 1 - FA Rule E3 - Improper Conduct (including foul and abusive language).
 - b. Charge 2 - FA Rule E3(2) - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

FA RULE E3

4. The relevant sections of FA Rule E3 (The FA Handbook Season 2020-2021, Chapter 10, Part E, Paragraphs E3.1 and E3.2) state:

E3.1: 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.

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.

CHARGES

5. Detail of the charges against DHV are that during the game on 20th December 2020 he is alleged to have used foul and abusive language towards an opposition player. It is further alleged that the language used was aggravated by reference to sexual orientation. Specifically, he called the opposition player a “poofter”.

PLEA

6. In a response (date not specified) via the FA’s Whole Game System, DHV pleaded guilty to the charges and requested that his case be dealt with by correspondence.

WRITTEN EVIDENCE

7. The written evidence consisted of:
 - a. FA Extraordinary Incident Report Form dated 20th December 2020, submitted to SFA by the Referee, Tom Broadfoot.
 - b. E-mail exchange dated 29th December 2020 between the Referee and Sienna Howell (SFA). Confirming that the comment made by DVH included the word, “poofter”.
 - c. Witness Statement Form dated 4th January 2021, submitted to SFA by Harry Cook (Club Secretary, EW).
 - d. Witness Statement Form dated 4th January 2021, submitted to SFA by Charlie Luffman (Club Chairman, EW).
 - e. Undated statement from Harry Cook, requesting leniency for DHV.
 - f. SFA Misconduct Charge Notification (DHV) dated 14th January 2021.

FINDINGS

8. The burden of proof is on the County FA meaning it is for SFA to prove the case to the appropriate standard. The applicable standard of proof in these cases is the civil standard of the balance of probability, sometimes referred to as the 51% test. The balance of probability standard means that the Commission has to be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.
9. Given DHV’s guilty plea the issue for the Commission was not to deliberate on matters of fact/probability, but to determine the sanction to be imposed. The Commission noted the circumstances regarding this case and the plea for leniency submitted by Harry Cook (paragraph 7e above).

PREVIOUS MISCONDUCT

10. The Commission was informed of DHV's disciplinary record for the past 6 seasons, including the current season, noting that he has no other proven cases of misconduct.

FA GUIDELINES

11. The Commission noted the FA Guidelines/Regulations for the 2020/2021 Season in regard to the entry point/standard minimum sanction for an aggravated misconduct first offence (FA Handbook, Chapter 11, Part A General Provisions, Appendix 1): 6 match suspension and subject to an education programme. The Commission also noted that they may impose any one or more of the other penalties as provided by paragraph 40 of Part A to Chapter 11.

SANCTION

12. Taking into account the circumstances in this case, the FA Regulations and Guidelines, nature of the offence, his misconduct record, guilty plea and plea for leniency, the Commission concluded that the following sanction is to be imposed:

DHV: to be suspended for 4 matches and fined £25. He is also required to complete an on-line FA Equality Education Course within 4 months, the details of which are to be notified by SFA, failing which he shall be suspended from all footballing activity until completion of said course. His Club, EW, are to incur 6 disciplinary penalty points.

Comment: The Commission noted that for the related sending off offence (use of offensive, insulting or abusive language), DHV received the standard sanction of a 2 match ban and fine of £25 (plus an admin fee of £15). The Commission took this into account when determining the additional sanction to be imposed for his use of aggravated language.

13. In accordance with FA Regulations there is a right of appeal against the decisions.

Anthony Rock (Chair)

Monday 25th January 2021