

# THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

**SUSSEX FA**

**and**

**JACK HICKMAN**

**Case number: 10561329M**

## **DECISION AND WRITTEN REASONS**

### **1. INTRODUCTION**

- 1.1 These are the full written reasons for the decision of The Football Association Disciplinary Commission on the charges brought by Sussex FA against Jake Hickman.
- 1.2 I have been appointed from the Association's National Serious Cases Panel to determine the matter alone, and on paper.

### **2. THE CHARGE**

- 2.1 By Notice dated 29 October 2021, Mr Hickman was charged with two breaches of Rule E3.1 of the Rules of the Association, one of which was alleged to be an Aggravated Breach within the meaning set out in Rule E3.2.
- 2.2 Rule E3 provides:

*“GENERAL BEHAVIOUR*

*E3            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.”*

- 2.3 More particularly, the Charges alleged that playing for Arundel FC during a fixture played on 25 September 2021 against Shaftesbury Town First, Mr Hickman called the Referee a “Spanish cunt”.
- 2.4 In correspondence, Mr Hickman accepted the Charges, and elected for a non-personal hearing regarding sanction. He did not file any additional evidence or statements in mitigation.

### **3. EVIDENCE**

- 3.1 Although the Charges have been accepted, I will note the evidence briefly as this is relevant to sanction. I was provided with the following evidence in support of the Charge:
- 3.1.1 an Extraordinary Incident Report Form from the Referee, Mr Robert Walczak. He stated that in the 58<sup>th</sup> minute his Assistant reported to him that the Arundel goalkeeper, Mr Hickman, had called to him “sort this ref out or I will do it.” The referee did not hear this himself, but the Assistant felt the need to report it to him. Subsequently, after the award of a free kick against Arundel, the Assistant reported that Mr Hickman shouted “you fucking spanish cunt” [sic]. Again, the Referee did not hear this but drew on the report of his Assistant. The Referee then called the Arundel captain and Mr Hickman to him, and the comment was not denied. Mr Hickman was then dismissed from the field.
- 3.1.2 An Extraordinary Incident Report Form from the Assistant Referee, Mr Joshua Langley-Fineing. He said that Mr Hickman had shouted to him “Will you sort the ref out, otherwise I will do it myself.” Then at the next

stoppage, Mr Hickman called the Referee “Spanish Cunt”. The Assistant reported this to the Referee.

3.2 In response to the Charges, Mr Hickman accepted them by correspondence but filed no further materials by way of defence or mitigation.

#### **4. DETERMINATION**

4.1 The summary of the evidence set out above is intended to identify the most significant elements of the materials put before me and does not purport to be a complete reproduction of the evidence I have reviewed, I considered every piece of evidence carefully.

4.2 Although the precise wording reported by the Referee and his Assistant differs slightly, here is no dispute that Mr Hickman called the Referee a “Spanish cunt”.

4.3 The comment was racially offensive in nature, containing a reference to nationality, and therefore the breach to be sanctioned is an aggravated breach within the meaning of rule E3.2.

4.4 The current guidance laid down by the Association in its standard sanctions and guidelines is a range of 6-12 matches, with six being the standard minimum. This is subject to being increased where aggravating factors are present.

4.5 After reviewing the evidence provided with the charge, I requested Mr Hickman’s disciplinary record from the Association. This is almost entirely clear (other than the present matter), with only a handful of cautions.

4.6 I also note that this was a single offensive term used, and that Mr Hickman accepted the Charges. His clean disciplinary record is also a mitigating factor.

4.7 Overall, I consider the appropriate sanction to impose is the recommended minimum of a six-match suspension. For an aggravated breach of rule E3.2, the recommended sanctions also include a fine of £75, and a requirement to attend an education course. Therefore, I also impose these requirements on Mr Hickman.

#### **5. CONCLUSION**

5.1 Mr Hickman is sanctioned with suspension of six matches. He must also pay a fine of £75 and attend an online FA Equality Course in accordance with the Association’s

Disciplinary Regulations. If the Equality Course is not completed by the time his match-based suspension is served, then he will remain suspended from all football-related activity until he has done so.

- 5.2 The penalties stated above are to take account of any suspension already served or fine already paid arising out of the same incident and the dismissal from the field that followed.
- 5.3 Arundel FC is to have six penalty points added to its record.
- 5.4 Any party may appeal against this Decision in accordance with FA Regulations.

**Ian McKim**

**3 December 2021**