

## DISCIPLINARY COMMISSION

*Sitting on behalf of the SUSSEX County Football Association*

---

IN THE MATTER OF A “Teams” correspondence hearing regarding  
The case is against Mr Joey Spivey-Cambridge of Barns Green in the match between Ewhurst vs.  
Barns Green on Sunday 24th October 2020  
in the West Sussex [ Saturday] Football league

---

### DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

#### **BACKGROUND & HEARING**

1. The Disciplinary Commission convened via “Microsoft teams” on Friday 20 November at 10am by way of a correspondence case. The Commission adjudicated in respect of charges brought by the Sussex County FA against Joey Spivey-Cambridge of Barns Green FC

#### **THE COMMISSION**

2. The members appointed by Sussex County FA to the Commission were: -
  - Roy Cheshire                      Sussex CFA - Chair
  - Gary Manville-Dickens Sussex CFA -Member
  - Matt Noonan                      Sussex CFA - Independent member
  - Dan Bartlett                      Sussex CFA) assisted the Commission as Secretary.

*The bodies subject to the General Provisions are not courts of law and are disciplinary, rather than arbitral, bodies. In the interests of achieving a just and fair result, procedural and technical considerations must take second place to the paramount object of being just and fair to all parties.*

**THE CHARGE(S):-** The charge considered by the members for Sussex County FA are

3. **Improper Conduct - Assault by participant on participant.** An alternative was a consideration, but it was confirmed Mr Spivey Cambridge had pleaded guilty to the first charge and therefore this was to charge to be decided against.
4. All reports were carefully considered as there was a physical injury, as seen in the two photographs provided, to the other player, and following sight of the players’ record. It was unanimously agreed that the appropriate charge be **Improper Conduct - Assault by participant on participant**

#### **THE REPLY**

5. Joey Spivey-Cambridge entered a plea of Guilty to the charges

#### **6. THE RULES**

**The Rules E3:** The FA handbook 2020/21 state the following:

*“ 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, of a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.*

#### **THE BURDEN AND STANDARD OF PROOF**

7. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not. Therefore, if the evidence is such that the

Commission can say 'we find it more probable than not' the burden is discharged, but if the probabilities are equal it is not.

### **THE EVIDENCE**

8. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished regarding each case.
9. The documents presented prior to the Commission comprised of:
  - i. Email from Nick O'Sullivan (Ewhurst Club Secretary). dated 28.10.20
  - ii. Further email from Nick O'Sullivan with Photos of injury. dated 28.10.20
  - iii. Incident Report Form from Surrey Police. dated 26.10.20
  - iv. Emails from Ian Stocker (Referee). dated 4.11.20
  - v. Interim Suspension Order not Dated
  - vi. The response form, entering plea of guilty, from Mr Joey Spivey-Cambridge.
10. The commission considered all the written evidence

### **FINDINGS**

11. The Commission studied and discussed the evidence very carefully, being conscious of the serious nature of the offence.
12. The referees report was correct in the view of the appellant regarding the incident
13. The Members reflected on the view of the Ewhurst secretary regarding the hospitalisation and the photos clearly show the injury to the player, caused by Mr Spivey Cambridge .
14. The statement also confirmed that Mr Linnott wished to take the matter further as injury had occurred.
15. The Commission noted that although a ball was projected toward him, we could not test the validity, direction, distance, or force used, but the panel felt that the response was not justified.
16. The sequence of events was accepted by the appellant and he has apologised for his actions
17. The Commission then considered Mr Spivey Cambridge response for which he openly admitted that he did headbutt the player out of malice.
18. In summary, Mr Spivey Cambridge admitted the charge, therefore liability was not considered by the Commission

### **PREVIOUS DISCIPLINARY RECORD.**

19. The Secretary confirmed: - The participant had a particularly good record and that was considered along with his apology.

### **SANCTION**

20. The members after carefully considered all the relevant information reflected that the hospitalisation and serious and dangerous injury close to the eye, which could not be dismissed was not what should be accepted or seen at any level of football.
21. Based on all the written statements, we unanimously agreed that the appropriate sanction in should fall into the medium to high category.
22. The members again agreed that due to the record this would be mitigated to the middle category in accordance with FA Rules and the Sanction Guidelines issued by the FA.

- i. *Fined £150 and suspended from*
- ii. *all football for 2 years and*
- iii. *the club allotted 8 club penalty points due to the serious nature of the offence.*

The start date of the suspension, this will be back dated to the time of the Interim Suspension Order.

### **APPEAL**

23. This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Member Roy Cheshire(Chairman)

Member Gary Manville-Dickens

Member Matt Noonan