

**Disciplinary Commission (“The Commission”)
On behalf of the Sussex County Football Association
In the matter of Stephen Johnson – Case ID: 10319509M**

Hearing Summary including Written Reasons

Disciplinary Commission Decision

Factual Background and Chronology

1. These are the Reasons for the decision of the Chairman.
2. The Commission member was Mr Stephen Daniels (Chairman)
3. The following is a summary of the principle submissions considered by the Chairman. It does not purport to contain reference to all the points considered, however the absence in these reasons of any particular point or submissions, should not imply that the Chairman did not take such point, or submission into consideration when the Chairman determined the matter. For all avoidance of doubt, the Chairman carefully considered all the evidence and materials furnished with regards to this case.
4. The charge in question arose in a game between Brighton Hove Albion Girls U16s v Milton Keynes Dons Set U16s Girls on 31st October 2020. Following the fixture a variety of reports were provided to the Sussex FA and details of this allegation were contained within these reports.
5. By letter dated 21st December 2020 Stephen Johnson FA Rule E4 - Discrimination on grounds of origin/colour/race/nationality/religion/sex/sexual Orientation/Disability
6. Stephen Johnson denied the charge.

The Relevant FA Rules

Rule E3(1) provides that:

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 dispute or uses any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

Rule E3(2) provides for:

“Improper conduct, aggravated by 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.”

Rule E3(3)(i) provides for:

- (i) “Where a participant commits an Aggravated Breach of Rule E3(1) for the first time a regulatory commission shall impose an immediate suspension of at least five matches on the participant. The Regulatory Commission may increase the suspension depending on any additional aggravating factors present.
- (ii) Rule E3(8) provides for:
- (iii) “A Regulatory Commission may impose a financial penalty, or any other sanction that it considers appropriate in respect of an aggravated breach of E3(1) whether or not it has imposed a suspension in respect of the same breach.
- (iv) Rule E3(9) provides for:
- (v) “A participant who commits an aggravated breach of Rule E3(1) will be subjected to an education programme, the details of which will be provided to the participant by the Association.”

The Evidence

7. The Chairman had before him the following items of evidence.

8.

Richard Valder-Davis Brighton & Hove Albion club official stated, “On 31/10/2020 at the BHAFC training ground in Lancing, West Sussex an assistant referee, Stephen Johnson, has behaved in an unwanted manner towards a young

female member of BHAFC staff in the presence young players. 'He (Stephen Johnson) approached and told me I was doing a good job and winked at me. As he got closer, he touched my bum with the flag and told me he will take over'. 'He also later on in the match – 5 mins later – asked me to take his keys as he had them still in his pocket. I replied that I couldn't take them due to COVID. 'He replied and said something sarcastic as well as 'oh shit'. 'His general behaviour made me and other staff members uncomfortable and the girls witnessed his behaviour and were in the vicinity of him swearing. His general demeanour wasn't professional.' The staff member involved has been supported and updated that this behaviour is unacceptable and will be challenged. The staff member has been consulted about the behaviour and possible outcomes. She is very clear that what occurred made her feel uncomfortable and she should not have been made to feel like this in her place of work. Due to it being reported and staff being encouraged to report such behaviour it is a matter the club would like this behaviour dealt with formally. Although not a concern in itself, the same male when asked to provide his temperature as part of COVID protocol at the training ground by a female member of staff, has placed his thumb in his mouth and made a 'popping sound' - intimating the temperature check would be conducted internally (which it was not).

Witness Statements

9. Leah Semain GK Coach who was running the line stated On Saturday 31st October 2020 I was running the line at the half way point on pitch 11. A male assistant referee I know as Stephen Johnson approached me and told me I was doing a good job and winked at me. As he got closer, he touched my bum with the flag and told me he will take over. He also later on in the match, – 5 mins later, asked me to take his keys as he had them still in his pocket. I replied that I could not take them due to COVID and backed away from the line next to Carly, Cassie and Toby. Perry Northeast offered to take them instead; he took his gloves off and then replaced them after taking the keys. Stephen Johnson replied to Perry and said something sarcastic as well as 'oh shit'. Stephens's general behaviour made me and other staff members uncomfortable. The girls witnessed his behaviour and were in the vicinity of him swearing. His general demeanour was professional.

10. Carley Farrell coach stated, Whilst at the u16s RTC game on 31st October 2020 I was asked to get the linesman from the dome and take to pitch 11. At approximately 3.04pm Leah told me that the linesman had touched her bottom with the flag in front of the girls in the dugout. This was told to Perry, Cassie, Toby, Scott & I. I did not see the linesman do this. Not long after this the same linesman tried to give Leah his keys and she looked flustered and uncomfortable and advised she couldn't take them due to Covid, Perry Northeast took the keys instead. Later in the game the same linesman in response to something shouted and used the word "Shit". Both Toby Wood and I heard this and I suspect due to how close they were, the girls heard too. At approximately 3.26pm he brushed/barged himself past players who were warning warming up on the side-line. This was noticed by staff and although they were close to the line was unnecessary He generally made me and my colleagues feel uncomfortable.

11. Cassie Whittell stated, On Saturday 31st October 2010 the assistant referee assigned to the U16 match didn't show, so we asked the referee on the U14 match to give up one of their Assistant Referee's to cover the U16s match. Which he did and so we had Stephen Johnson as Assistant Referee for the U16s. He is a Sussex FA appointed AR. When he came over to take over the line duties for the U16s, the match had kicked off with Leah Samain, our goalkeeping coach, running the line for the start of the match. Leah told me the following: When Stephen Johnson joined the match, she said to him 'do you want

to jump straight in?' and he said 'yes' – as he took the place on the line, he used his linesperson's flag to 'tap' Leah on the bottom. I did not see him do this. Leah was quite shocked at this, and it was done in front of the U16 subs sat on the bench on pitch 11 at the training ground, who we believe saw what happened. We didn't say anything to him as the time as the match was in full flow and also not to heighten the situation. In addition, as he was on the line, he swore saying something was 'shit'. We think the girls sat on the bench and a couple on the pitch heard him say this. As a side point and, although not a direct concern in itself, the Stephen Johnson when asked to provide his temperature as part of COVID protocol at the training ground by a me placed his thumb in his mouth and made a 'popping sound' - intimating the temperature check would be conducted internally (which is was not).

12. Toby Wood stated, On the 31st October 2020 I was at the training ground in Lancing working with the Under 16 squad who had a fixture on Pitch 11. At the start of the game I know that our goal keeping Coach Leah Semain had been running the line whilst we waited for an official to arrive. After the game had kicked off I heard Leah say to Cassey Whitell that the official had touched her bum. I am unsure but I think the under 16 players in the dugout may have seen this as I could hear them discussing it between them. As the game went on I also heard the same official say the word 'Shit' in front of the bench of players. I am unsure of the context. During the game I sent the players not on the pitch to warm up down the line just along from the dugout. I noticed that the linesman as he was running the line passed them making contact with the girls as he ran. He put his arm around every player as he went passed. I thought this was unusual as he could have easily ran around them, there was no need to make contact with them.

12. Richard Valder-Davis – Senior Safeguarding Lead at BHAFC stated. On 11th November 2020 Overview of the CCTV footage from Pitch 11 on Saturday 31st October 2020 at apex 1500-1530hrs The CCTV camera points in the direction of the touch line where the alleged incident had taken place. The camera is located above the dugout/seated area and is apex 5 metres above the ground looking north. The footage initially shows Leah Semain running the line on Pitch 11. At 1504hrs the assistant referee known to be Stephen Johnson is seen walking onto Pitch 11 from the top of the screen. Unfortunately the CCTV has a short time lapse which means the point when Stephen Johnson takes over the role as lines person, the time when it is reported that Stephen Johnson touched Leah Semain bottom with the flag, is not captured. There is footage of Stephen Johnson trying to hand his keys to Leah Semain. Stephen Johnson clearly realises he has something in his pocket, presumed to be keys. He is then seen reaching in his pocket and trying to hand these to Leah Semain. Leah Semain does not take the keys but in the same motion another member of staff reaches out and takes the keys. This interaction itself does not appear to be anything more than described. The footage goes on to show a group of three players jog along the touch line to warm up. The players are standing on the line, exactly where the linesperson, Stephen Johnson, needs to run to carry out his role. The footage captures Stephen Johnson running up the line and reaching the group of players. As he reaches them he has no option but to keep off of the pitch and run around them. As he runs past the players he is seen to touch them with his right arm. It appears that the contact he makes is the motion of him running passed whilst trying not to knock them over. As he makes the contact his concentration in is focused on the pitch and his role. There is nothing on the CCTV to suggest the contact he made with the players was anything more than him trying to manoeuvre past the players blocking his path.

13. Stephen Johnson the player charged with the offence stated, I was appointed as an Assistant referee for the U14's fixture v MK Dons which was played on 31/10 in the Dome. We had been playing for approximately 20 minutes when a member of the Brighton U16's coaching staff entered the Dome. She spoke to the U14's coach and they called to the Referee asking him to halt the game. It was explained to the referee that one of the appointed match officials for the U16 League game had not arrived and that, to avoid an FA penalty, they required one of the U14 officials to relocate to the U16 match on pitch 11. The U14's referee asked me to transfer and I left with the member of the Brighton coaching staff for pitch 11 at which stage she informed me of the reason for the change. On arrival at pitch 11 the game was underway and I was invited to take over from the person who had been acting as Assistant as the game was in play I took over using my own flag (as per

COVID requirements) I am not aware that, at any stage my flag came into contact with any member of the Brighton staff as I moved into position my concentration was on play. Similarly I did not have any need or opportunity to “move through the players” and I strenuously deny the use of foul language. At the first break in play I notified the Referee of my arrival and he confirmed that, due to MK Dons late arrival, only 7 minutes had been played. At half time and full time I joined my colleagues. I deny both “winking” and “touching her bum” if I was facing her and could be observed winking it would have required me to reach round her body with the flag to make contact, despite the fact that there were 5 other members of BHA staff present no other staff member saw this happen in their accounts they are repeating something they have been told. All the other alleged “incidents” (passing of keys, alleged arms around each player) were captured on video Richard attributes this missing event to “time lapse” – which obviously was not the case for the other events. Cassie Whittell makes a side point regarding an alleged “incident” during pre-match temperature checks – again I deny this incident took place as no facilities are available at the RTC due to COVID I would have just used hand sanitiser (at the request of the Steward on entry) and was carrying a flag and boot bag how or why would I put a finger in my mouth as a senior manager Cassie had the opportunity to challenge such action at the time this did not happen indeed I received the attached emails from her following the 2 other RTC games at which I officiated in Oct which, from my perspective, do not indicate that she had any outstanding “issue” with my conduct Toby Wood as normal the touchline at BHA on 31/10 resembled “Piccadilly Circus” with at least 5 adult members of staff and numerous substitutes standing adjacent to the dugout and touchline as Richard Valder-Davies observes in his second submission reviewing the CCTV coverage the players were obstructing my passage up the line and I did not put his arm around every player as he passed and my concentration was solely on the pitch and my role, in line with COVID rules there was no interaction with the players.

13. As part of its deliberations the Chairman reminded itself of the standard of proof which is required. The Chairman felt that the witness statements from Leah Semain was very precise and clear on what she stated happened to her whilst running the line, and that of Carly Farrell who stated that she heard him swear and generally made them all feel very uncomfortable, Also Cassie Whittell also heard him swear, also that of Toby Wood who stated that During the game I sent the players not on the pitch to warm up down the line just along from the dugout. I noticed that the linesman as he was running the line passed them making contact with the girls as he ran. He put his arm around every player as he went passed. I thought this was unusual as he could have easily run around them; there was no need to make contact with them. With regards to the CCTV evidence the Chairman was not provided any evidence to view the CCTV. Also in Richard Valder-Davis’s statement where he stated unfortunately the CCTV has a short time lapse which means the point when Stephen Johnson takes over the role as lines person, the time when it is reported that Stephen Johnson touched Leah Semain bottom with the flag, is not captured.

14. The decision of the Chairman was to find the charge of FA Rule E4-Discrimination on the grounds of origin/colour/race/nationality/disability/gender proven on the balance of probability.

15. The Chairman gave the mandatory minimum sanction as in FA Regulations.

16. SANCTION

- a. Six (6) match suspension
- b. £ 75;00 fine
- c. An on line education course, to be completed within 4 months

This decision may be appealed in accordance with the provisions in The FA Handbook.

22nd January 2020

Mr. Stephen Daniels. Chairman