

**BEFORE AN INDEPENDENT DISCIPLINARY COMMISSION OF THE
FOOTBALL ASSOCIATION SITTING ON BEHALF OF THE
WORCESTERSHIRE COUNTY FOOTBALL ASSOCIATION**

**IN THE MATTER OF A NON-PERSONAL HEARING OF A MISCONDUCT
CHARGE AGAINST:**

BRIAN CAMPBELL

Participant Charged

**DECISION AND WRITTEN REASONS OF
THE DISCIPLINARY COMMISSION**

Introduction

1. This is the decision and written reasons of an independent Disciplinary Commission of the FA, comprising Joseph Bryan (Chair) sitting alone (the “**Commission**”), following a non-personal hearing.
2. These written reasons contain a summary of the main evidence before the Commission and are not intended to refer to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Commission did not take into account any such point, evidence or submission. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials provided in this matter.

The charge

3. By a Misconduct Charge Notification letter dated 29 August 2021 (the “**Charge Letter**”) issued by the Worcestershire County Football Association (“**Worcestershire FA**”), Brian Campbell (“**Mr Campbell**”) was charged with one

charge of violent conduct contrary to FA Rule E3.1, which is further alleged to constitute assault or physical contact or attempted physical contact against a match official, as defined in Regulations 96.2 and 96.3 of Section 3 of the On-Field Regulations part of the FA Disciplinary Regulations 2021/2022 (the “**Charge**”). The conduct alleged in the Charge Letter is that “*Brian Campbell walked up to me [the referee] and head butted me*” during a match between Arrow Valley FC v Mostyn Rangers FC on 29 August 2021.

4. The Charge Letter indicated that Worcestershire FA intended to rely on:
 - 4.1. report(s) and information supplied by the match official(s);
 - 4.2. statements from Arrow Valley FC;
 - 4.3. statement from Mostyn Rangers FC.
5. The Charge Letter also referred to the FA Sanction Guidelines and relevant FA Regulations in relation to any sanction. It noted that the mandatory minimum suspension for assault against a match official is five years. Mr Campbell was suspended from all football activity with immediate effect pending the hearing of this matter.
6. This matter has come before an independent Disciplinary Commission of the FA as this case is considered to be a serious case because the nature of the alleged misconduct.

Preliminary issue

7. There is a preliminary issue as to whether sufficient steps have been taken to bring these proceedings to Mr Campbell’s attention. This arises from the fact that, as is

standard procedure, the Charge Letter was sent to the player's club, Mostyn Rangers FC, with an instruction to the Club Secretary to make him aware of the Charge Letter; however, since the incident giving rise to the Charge, Mr Campbell has been banned from the club, who have had no further contact with him.

8. As a result, although the Charge Letter required a response from My Campbell by 5 September 2021, the only response received was from the club, which admitted the Charge. It is, however, for the Participant Charged, not the club, to enter a plea (as Worcestershire FA correctly made clear to the club in correspondence).
9. The Commission notes that Worcestershire FA has taken the following steps (among others) to serve the proceedings on Mr Campbell:
 - 9.1. 4 September 2021: the Charge Letter, case pack and a copy of the email notification were posted to Mr Campbell's home address by signed for first-class post. The delivery was confirmed as received and signed for on 6 September 2021. The Royal Mail delivery notification identifies the name of the person signing for the delivery as "*Campbell*".
 - 9.2. 8 September 2021: Worcestershire FA sent a text message to a mobile number provided by the club believed to be a possible contact number for Mr Campbell.
 - 9.3. 10 September 2021: a representative of Worcestershire FA called the mobile number provided and spoke to a person who identified himself as a Graham Rowe, who agreed to try to contact Mr Campbell by 12:00 noon that same day.
10. No further contact was received.

11. The applicable rule relating to service of documents in relation to proceedings before a Disciplinary Commission is set out at Regulation 20 of Section 1 of the General Provisions part of the FA Disciplinary Regulation 2021/2022, which provides (in full):

Service of documents

20. A document may be served by:

20.1 giving it to the person to whom it is addressed;

20.2 leaving it at, or sending it by first class post to, the last known address of the addressee or, in the case of an individual, the Club with which they are associated; or

20.3 sending it by e-mail or by fax to the last known email address or fax number of the addressee or, in the case of an individual, the Club with which they are associated.

12. The Commission is satisfied that this provision has been complied with and the necessary documents (identified at Regulation 31 of Section 2 of the General Provisions part of the FA Disciplinary Regulation 2021/2022) have been validly served on Mr Campbell. In particular, the documents were sent by first class post to his last known address. As the service rules imply, it is not necessary for the addressee to actually be confirmed to have received the served documents, but if that were necessary the Commission would conclude, on balance, that Mr Campbell has in fact received the documents since they were signed for by a Campbell at his home address.
13. Accordingly, Mr Campbell having not responded to validly served proceedings, he is treated as having pleaded not guilty.

Liability

14. Taking into account the written evidence of the referee, Jarrod Sellers, and the written evidence of five other eyewitnesses, the Commission finds as a fact that Mr Campbell headbutted Mr Sellers as alleged.
15. The Commission also accepts Mr Sellers' evidence that this caused him physical injury, described as a "*slight lump on my forehead*". This is supported by the evidence of a spectator, Jack Grinnell, who testified that the headbutt "*left mark on ref*". Although the photographs submitted by Mr Sellers do not show any obvious injury (at most they appear to show one or two red marks), the Commission finds that these photographs were taken two days after the incident, by which time the lump was likely to have receded. The Commission finds that the injury was not a "*serious*" injury as defined by the relevant regulations.
16. Regulation 96.3 of Section 3 of the On-Field Regulations part of the FA Disciplinary Regulation 2021/2022 defines assault on a match official as:

Assault or attempted assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury), examples include, but are not limited to, causing and/or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official.

17. Plainly, this offence is established. Mr Campbell acted in a manner which caused injury to the match official and the act of headbutting falls within one of the expressly listed examples ("*butting*").
18. Accordingly, it follows that the Charge of assault against a match official is proven. It is not necessary to consider the lesser, alternative offences charges.

Sanction

19. The Commission reminded itself that the paramount object of the proceedings is to be just and fair to all parties.
20. The relevant sanctions are set out in Regulation 101 of Section 3 of the On-Field Regulations part of the FA Disciplinary Regulation 2021/2022. It also considered the available penalties listed at Regulation 40 of Section 2 of the General Provisions part of the FA Disciplinary Regulation 2021/2022.
21. It is mandatory for the Commission to impose a suspension with the specified range, which in the case of assault is an immediate suspension from all football activity for 5-10 years, taking into account any aggravating and mitigating factors. The lowest end of the range operates as the standard minimum sanction.
22. No mitigation was advanced by Mr Campbell. The Commission considered Mr Campbell's previous disciplinary record dating back to 2017/2018. The record shows that this is Mr Campbell's first misconduct offence, although he has committed one previous act of violent conduct (2018) resulting in a three-match suspension. No other mitigating factors were obvious from the documents available.
23. Against this are the following aggravating factors:
 - 23.1. The assault committed can fairly be described as violent with a significant degree of force. The Commission accepts Mr Sellers' evidence that it was "*forceful and deliberate*".
 - 23.2. The offence was totally unprovoked.

- 23.3. It immediately followed a previous phase of violence against the opposing player, whom Mr Campbell had elbowed and punched in the back of the head.
- 23.4. Mr Campbell has shown no remorse or acceptance of the seriousness of his misconduct.
- 23.5. Mr Campbell failed to cooperate with the investigation (as the Commission has found that he received notice of the proceedings).
- 23.6. The offence was carried out in public.
- 23.7. Not only did the assault personally affect the referee, but the reaction of players and staff on both sides at the time demonstrates that they believed the incident to be very serious.
24. In the circumstances, the Commission concludes that a suspension in the middle of the range is appropriate. Mr Campbell is suspended from all football activity for 7.5 years. He is fined £100.
25. Further, it is a mandatory consequence of such misconduct that Mr Campbell shall complete an education programme before the time-based suspension is served.
26. Finally, the Commission notes with considerable approval the club's zero-tolerance approach to such behaviour and commends the club's actions in apologising personally to the referee and the opposition; however, this information cannot be taken into account as mitigation for Mr Campbell's actions for which he alone is responsible.

Outcome

27. For all these reasons:

27.1. The Charge is proven.

27.2. The Commission imposes the following sanctions on Mr Campbell:

- (a) A 7.5-year suspension from all football activity.
- (b) A requirement for Mr Campbell to undertake the face to face education programme before the completion of his suspension. If he fails to do so within that timescale, he is to be suspended from all football activity until such time as he has complied with this order. Details of the course will be provided to him.
- (c) A fine of £100.
- (d) A reprimand and formal warning as to his future conduct.

28. Mr Campbell has the right to appeal this decision in accordance with the relevant provisions of the FA Disciplinary Regulations 2021-2022.

JOSEPH BRYAN (Chair)

15 September 2021