Football Association Regulatory Commission (the 'Commission')

in the matter of Mr John Cummings ('JC')

Regulatory Commission Reasons for Decision

1. These are the written reasons for a decision of the Regulatory Commission which sat on 15th October 2014.

2. The Commission members were Mr S Ripley (Chairman), Mr D Pleat and Mr A Hardy.

3. Mr M Ives of the FA Disciplinary Department acted as Secretary to the Regulatory Commission.

BACKGROUND

4. Lucy May ('LM') is the Referees Development Officer for the Northumberland County Football Association ('NCFA,).

5. John Cummings ('JC') is the Vice President and a Council member of the Northumberland County Football Association and also Secretary of the North East Sunday League.

6. An allegation was made by LM against JC which related to a conversation they had at a Cup Final Officials Workshop on Monday 17 March 2014.

7. LC alleged that during a break in the above mentioned Workshop she *"approached the table where the members of the Referees Committee were sat*" and stated to JC (who had stood up and was possibly going to the bar) that she *"was interested in refereeing in the North-East Sunday League next season"* to which JC laughed and then replied *"It's nothing against you personally but all the time I'm alive, a woman will never referee on my league"*. When asked by LC *"why?"* it is alleged that JC explained, before walking away, that the reason was *"because you would not be able to handle it. A woman's place is in the kitchen and not on a football field".*

8. According to LM the above words were spoken *"without any kind of humour in his voice and* [that he] *appeared to be completely serious"*

9. Following an FA investigation into the allegation, JC was charged by the FA with misconduct for a breach of FA Rule E3 (1) in that he used abusive and/or insulting words towards LM and that the breach of FA Rule E3 (1) was an 'Aggravated Breach' as defined in FA Rule E3(2) as it included a reference to gender.

10. JC responded to the Charge letter of the FA on 30 September 2014 stating that he denied the charges and that he did not request a personal hearing and that he understood that the charges would be dealt with at a paper hearing.

11. Thus, the Commission was presented with the following written evidence for its consideration.

EVIDENCE

- Witness Statement of Lucy May dated 23 April 2014
- Witness Statement of David Martin dated 8 July 2014
- Witness Statement of Alan Wright dated 16 July 2014
- Witness Statement of Jim Drysdale dated 20 September 2014
- Interview Transcript of John Cummings interview with The FA dated 17 July 2014

12. The Commission noted that LM claimed in her statement to have heard JC make disparaging remarks previously stating that she had *"heard him say things like, "I can't believe you're using one of my referees on a women's game, it's not even real football.""*

13. In his statement David Martin (Member of the NCFA Referees Committee) stated that there was a conversation between LM and JC and that he was about 10-15 yards away. The Commission noted that although David Martin did not hear any comments made by JC he recalled that there had been a reaction to something he believed JC to have said. He states that "*The thing that got my attention was that the fact it seemed to go quiet around us with people stopping their conversations. I then noticed that LM looked wide-eyed and seemed a bit shocked. The look on her face seemed to me to be one that was saying "That's not right" or "You can't say that". It was a look of surprise and everyone around had gone quiet."*

14. The Commission noted that in his statement Alan Wright (President of the NCFA) states that he *"remembered that LM came over to the area that we were at some point"* and that *"despite not hearing any inappropriate comments at this event, there have been occasions in the past when I have had the need to speak with JC on a professional basis for comments he has made or language he has used".* Alan Wright also stated that he had previously heard JC say words to the effect of *"There's to be no female referee in my league".*

15. Jim Drysdale is the Vice-Chairman of the NCFA Referees Committee. Of note in his statement was the fact that he recalled LM *"being in the vicinity of JC at one point"* and that he has previously heard JC *"make what I would describe as tongue-in-cheek comments about not having female referees in his league".*

16. The Commission felt that the FA interview with JC was particularly idiosyncratic and revealing as to his general attitudes and in particular his attitude towards women in football. The Commission found many of his comments within the interview highly indicative as to the likelihood that he had made the comments alleged in this instance. For example, JC states *"When I speak my mind, I speak my mind. I don't care what anybody says…"*

17. Initially JC denied speaking to LM at all, he stated *"At no time did Lucy speak to me during that seminar".* This contradicted evidence from other witnesses who stated that a conversation between LM and JC had occurred. Later in the interview JC changed his position seemingly admitting that a conversation had taken place, he stated *"I'm not saying I didn't say anything at the referees meeting, don't get me wrong"* and *"If anything was said it was normal standard joke what Lucy's been used to…"*

18. Further into the interview JC finally admitted that a conversation had definitely taken place and it had been about LM refereeing in 'his' league. When asked in interview by The FA *"John, do you remember saying any joke along the lines of what she's alleging here",* JC responded "Yes" and he then elaborated upon this by stating *"She said, "I'll referee". I said, "No, you'll never get in my league because as I says (sic) you're not good enough, you're in the football league, no you're not good enough", which I said"*

19. Later again in the interview, when pressed with regard to the specific words that LM had alleged were used, JC changed his position again, he replied *"I probably could have said that because it is a standing joke."* More worryingly he then expanded upon this by stating *"It's a standing joke with me, I mean a woman's place is in the home and everything so what difference does it make saying it in front of all her colleagues? She should obviously realise it's a joke."*

20. When the interviewer pointed out *"It seems that she perhaps didn't realise that it was a joke"* JC responded *"Fair comment but that's not my problem, that's her problem, that."*

21. JC recounted how he had previously spoken to the wife of his friend who was a referee. He stated that he *"stood up in front of everybody"* and said to her *"You're place is in the home, go and get your husband's tea after a hard day here."*

22. Throughout the interview JC attempted to justify the comments made to LM by stating that on the one hand his words were spoken *"in jest"* and on the other hand he feared for the safety of female referees due to the violent nature of certain people who participate in the Northumberland League.

23. Amongst other revealing remarks within the interview were the following: *"Knowing me I could have said it, I say loads of things in jest"* and *"It's a standing joke. A woman's place is in the home. My wife never gets out, her place is in the home. We've been married 56 years and if anybody would want to leave me, she would. 56 years, she's put up with me and I keep telling [her] your place is in the home. I'm joking. She knows full well."*

24. Given the above and having carefully considered all the evidence put before them, the Commission members were unanimous in their belief that, on the balance of probability, the conversation between LM and JC had taken place as described by LM and that JC had used the words as described by LM.

25. Having established that the alleged words were, on the balance of probability, used by JC, the Commission considered whether or not those words, objectively assessed, were insulting so as to breach FA Rule E3(1) and whether or not they contained a reference to gender so as to make it an aggravated breach and therefore a breach of FA Rule E3(2).

26. Again, the Commission members were unanimous in that they all deemed the words used by JC to have been insulting and that those words also clearly contained a reference to gender.

27. The Commission did not accept JC's argument that LM should have got the joke or that LM taking exception to a sexist remark said 'in jest' was "…her problem". Furthermore, the Commission notes that it is not for individuals to decide on the basis of gender whether or not a person is suitable to referee in a particular league or whether that person, male or female, can 'handle it'.

28. As such, the Commission found that both charges brought by the FA were made out and found proven. The Commission then moved to consider the issue of sanction.

29. The Commission noted that although JC holds a prominent position at the Northumberland County FA he derives no income from that position. As such, the Commission felt that an appropriate sanction in the circumstances would be to impose a term based suspension from all football activity alongside a limited fine and that JC must also attend an obligatory educational programme (to be provided by the FA and completed before the expiry of the suspension).

30.The Commission also had regard for his previous clean record.

31. Taking all into consideration, the Commission decided that JC must:

- serve an immediate suspension from all football and football activity for a period of 4 months;
- pay a fine of £250.00;
- attend an FA Educational Programme and;
- that the above mentioned FA Educational Programme must be completed before the last day of the 4 month suspension in order to be permitted back into football.

Stuart Ripley
Regulatory Commission Chairman 17 October 2014