

**In the matter of a Regulatory Commission of The Football
Association**

Between:

The Football Association

The FA

and

Mr Darren Edmondson

The Participant

Regulatory Commission Reasons for Decision

Introduction: The disciplinary charge

1. The Participant Mr Darren Edmondson has been charged with misconduct for a breach of FA Rule E3 during a Football Conference match *Gainsborough Trinity FC v Barrow AFC* on Saturday 6 December 2014 (“the Match”). Mr Edmondson has been the First Team Manager of Barrow AFC since December 2013. The allegation is that at some point during the game, while at the pitchside in front of the main stand, he reacted to a decision by a female assistant referee with the words, or words to the effect: “That’s just typical. That’s what happens when you get women involved in football.”
2. FA Rule E3(1) states, so far as relevant to this case, that a Participant shall not use abusive or insulting words or behaviour. Where a breach of Rule E3(1) includes a reference to gender,

then by Rule E3(2) that makes it an Aggravated Breach, and for a first Aggravated Breach the penalty must include a minimum five match suspension.

3. By letter 19 May 2015 The FA charged Mr Edmondson with an Aggravated Breach of Rule E3(1) for abusive and/or insulting language in respect of the assistant referee at the Match.
4. Mr Edmondson denied the charge and an oral hearing took place in Manchester on Thursday 9 July 2015 before this Regulatory Commission: Nicholas Stewart QC (chairman), Mr Alan Hardy and Mr Barry Owen. The FA's case was presented by Ms Amina Graham of The FA Football Governance and Regulation Division, and Mr Edmondson's defence was presented by his solicitor Mr Mark Knowles.
5. We found the charge proven and announced the penalties and costs order at the conclusion of the hearing on that day. These are our reasons including our findings of fact as requested under 9.3 of the *Regulations for Football Association Disciplinary Action*.

The FA's evidence

6. Ms Graham called three witnesses in support of The FA's case against Mr Edmondson, all three of whom had made written statements. They also gave oral evidence and were cross-examined by Mr Knowles.
7. The FA's main witness was Mrs Shan Jaehrig. Mrs Jaehrig is a partner in the solicitors' firm Sills & Betteridge LLP and was at the match because her firm were sponsors. She is a regular attendee at Gainsborough Trinity home games, both as a fan and as an occasional sponsor. Mrs Jaehrig was sitting with her husband Mr Colin Jaehrig about two or three rows from the front of the main "Ping" stand. She told us that at some point in the game, though she could not remember when, the female assistant referee gave a decision that the Barrow manager disagreed with. The Barrow manager then shouted out words to the effect of "that's just typical, that's what happens when you get women involved in football". It is obvious that if those words were said, then "that's what happens" meant bad refereeing decisions. Mrs Jaehrig did not remember the exact words but was sure that they had included a reference to that being

what happened when women were involved in football. Her first written statement, dated 27 January 2015, said that he had shouted the words though in her oral evidence Mrs Jaehrig said only that it must have been quite loud, as otherwise she would not have heard, but she did not know if anyone else heard. She did not think the words were directed at the assistant referee and Mrs Jaehrig had seen no reaction from her.

8. Mrs Jaehrig told us that immediately after saying those words the Barrow manager, who had turned round towards the stand, caught her eye and could see that she was shocked. He then said to her: "Well, it's true". Mrs Jaehrig responded by saying to him: "I know who you are."
9. In her second written statement, dated 19 March 2015, Mrs Jaehrig said that since her first statement her husband had reminded her that what she had said to the Barrow manager was "You don't know who I am but I know who you are". By that she had meant that she was a member of the Lincolnshire Football Association Inclusion Action Group, tasked among other things with stopping that sort of discriminatory comment in football.
10. Mr Jaehrig was The FA's second witness. His evidence was that he had also heard the Barrow manager say something along the lines of "that's just typical when you get women involved in football". He told us that at that point the Barrow manager was about 8-10 metres away from the assistant referee and about 4-5 metres away from Mr and Mrs Jaehrig, though he was clearly not confident about the precise distances.
11. In her second written statement Mrs Jaehrig said that the only person to whom she had spoken about the incident was Mr Ed Capes, another partner in her firm. She had told him about it on their way to the club lounge at half time or at full time. Mr Capes was The FA's third witness. He had not heard the alleged comments by the Barrow manager, although had been sitting very close to Mr and Mrs Jaehrig. He confirmed that she had mentioned the incident to him either at half time or at full time.
12. Although it is not critically important, it appears particularly from Mr Colin Jaehrig's evidence that the incident had occurred in the first half. There was a quite separate incident in the

second half when a player was dismissed by the referee but that had nothing to do with the incident with which we are concerned.

13. There were some trivial discrepancies between Mr and Mrs Jaehrig's accounts of the exact position of the Barrow manager when they say he made the comments, such as whether or not he was turning round at the time, but nothing in itself to cast any doubt on the truthfulness of their evidence or on its accuracy on the essential points.
14. We also do note specifically that in her oral evidence Mrs Jaehrig told us she had drawn the matter to the attention of the Gainsborough Trinity chairman at full time, though her second written statement had not mentioned that and (as we have already noted) had expressly said that the only person to whom she had spoken about it had been Mr Capes. Mr Knowles made the point that when Mrs Jaehrig wrote to the chairman Mr Richard Kane on 8 December 2014 she expressly raised the incident but did not refer to any previous conversation. It is not clear to us whether there had been any such conversation on the day of the match and it is quite possible that Mrs Jaehrig's recollection is at fault on that point, either in her second written statement or in her oral evidence. However, we do not regard that as enough to cast any serious doubt on the honesty and accuracy of her recollection (confirmed by her husband) of what had been said by the Barrow manager as she has described it in her evidence.
15. We have referred so far to "the Barrow manager". Mr and Mrs Jaehrig did not know his name on the day of the match and had never seen him before. However, it was obvious to them that the person making the offending comments was the Barrow manager. Mr Darren Edmondson was the Barrow manager. Moreover, they have identified him since from the Barrow AFC website and from photographs and they specifically identified Mr Edmondson at the hearing (at which he was present) as the person they saw and heard making those comments at the match on 6 December 2014. There is no serious possibility of mistaken identity in this case (and we attach no weight to the trivial inconsistency between Mrs Jaehrig's description of Mr Edmondson as "bulky" and her husband's describing him as "quite skinny".) If the offending words were said, we have no doubt that it was Mr Edmondson who said them.

Mr Edmondson's defence

16. Mr Edmondson had been interviewed by Mr David Matthews, FA Investigations Manager, and Mr Richard Berry, FA Football Regulation Coordinator, on 20 February 2015. Mr Russell Dodd, the Barrow AFC director of football, was present at the interview, as he had been at the Match. Throughout that interview, in his subsequent written statement for these proceedings and in his oral evidence at the hearing, Mr Edmondson has consistently denied ever saying anything like the words alleged by Mrs Jaehrig. He denies that there was any such incident at all. In his interview he did remember one incident with a linesperson but said there was no discriminatory language used. According to what he said in the interview, that was apparently the sending-off incident later in the second half. He was adamant that nothing happened, then or at any time, of the nature described by Mr and Mrs Jaehrig.

17. The other witnesses who gave evidence for Mr Edmondson at the hearing were Mr Alex Meechan, the Barrow AFC assistant manager at the Match, Mr William Fairer, a lifelong Barrow supporter who, like Mr and Mrs Jaehrig and Mr Capes, had been sitting in the lower tier of the Ping stand. We also had Mr Russell Dodd's contributions during the interview on 20 February 2015 and an undated letter he had addressed to "The Disciplinary Commission, Football Association". They all said that they had heard nothing of the nature alleged against Mr Edmondson and witnessed no such incident. Mr Meechan and Mr Dodd also made it very clear that they considered any such words or conduct by Mr Edmondson would have been completely out of character. Their evidence is supportive of Mr Edmondson's own evidence, which we accept, that he has strongly encouraged women's football, particularly when he was player-manager of Workington Town Football Club and while he has been at Barrow AFC. He has also appointed a female sports psychologist at Barrow AFC.

Regulatory Commission conclusions

18. We emphasise, however, that it is not our task to explore Mr Edmondson's general attitude towards women in football. We have to decide whether the particular allegation is proven on balance of probability and then, if it is proven, decide on the appropriate penalty.

19. Mr Knowles realistically did not suggest that Mrs Jaehrig had made a malicious allegation against Mr Edmondson. That would have been far-fetched. She had never met him before and had never even heard of him before the game at Gainsborough.
20. Could Mrs Jaehrig and her husband have been mistaken about what they heard from Mr Edmondson at the Gainsborough match on 6 December 2014? We do not consider that to be realistic either. Mrs Jaehrig's second written statement said she was 100% confident that Mr Edmondson was the person who shouted the comment and in her oral evidence she said she was very sure of the words and very sure it was Mr Edmondson who said them. We do note that neither Mr Capes nor Mr Fairer heard the words, even though they were seated close (and in Mr Capes's case, very close) to Mr and Mrs Jaehrig. But it is perfectly possible that with all that goes on at a football match some people will hear things which others will not pick up. We are sure that Mrs Jaehrig's and her husband's recollections of what Mr Edmondson said were truthful and accurate.
21. It is irrelevant whether Mr Edmondson directed those words at the assistant referee, whether she heard them or even whether Mr Edmondson intended her to hear them. Mr Knowles did not suggest otherwise. They were insulting words which included a reference to gender. They were a clear aggravated breach of FA Rule E3. Such disparagement of women's participation in football is liable to undermine not only The FA's wider active work but also, ironically, the good work done by Mr Edmondson himself in promoting women's football. We are confident that this is now appreciated by Mr Edmondson.
22. We are firm and unanimous in our conclusion that Mr Edmondson did use the offending words, either exactly or closely as recalled by Mrs Jaehrig and her husband. The charge of an aggravated breach of rule E3(1) is therefore made out.

Penalties and costs

23. Given that Mr Edmondson has a previously clean disciplinary record, FA rule E3(i) requires a minimum five match suspension. We do not find additional factors which would lead us to increase that suspension. We therefore suspend him from the touchline with effect from 9 July

2015 until Barrow AFC has completed five first team competitive matches in approved competitions.

24. As prescribed by rule E3(9) Mr Edmondson must also attend an education programme, the details of which will be provided to him by The FA, by 8 November 2015, failing which he will be immediately suspended from all football and football activity for all Barrow AFC matches until he has completed such a programme.

25. We also fine Mr Edmondson £1,500 and under 8.8(b) of the *Regulations for Football Association Disciplinary Action* we order him to pay £1,500 towards the costs incurred in relation to the holding of this Regulatory Commission.

26. Mr Edmondson's £100 personal hearing fee is forfeit.

Nicholas Stewart QC
Chairman

Alan Hardy

Barry Owen

15 July 2015