

**Football Association Independent Regulatory Commission (the ‘Commission’)
in the matter of an Aggravated FA Rule E3 charge for misconduct brought by The FA
against Neil Skidmore**

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Wednesday 3rd June 2020.
2. The Commission members were Mr. Michael O’Brien (Chairman), Mr. Francis Duku and Mr. Tony Agana (Independent Panel Members).
3. Mr. Michael O’Connor, the FA Regulatory Commissions and Appeals Officer, acted as Secretary to the Regulatory Commission.
4. Neil Skidmore (NS) was charged with 2 Breaches of FA Rule E3 in that his behaviour prior to the Stevenage FC v Oldham Athletic FC League Two fixture on 14 January 2020 constituted misconduct.
5. It was alleged that, as he was being ejected by Stevenage FC security staff prior to the match in question, NS used abusive and /or insulting words towards one or more members of the security staff, contravening FA Rule E3 (1), and furthermore that the breaches of FA Rule E3 (1) were an “Aggravated” as defined in FA Rule E3(2) as the words used included reference to sexual orientation and disability
6. Prior to the Hearing the Commission had before it the following primary evidence:
 - a. 2 video clips from the evening in question, showing the ejection of NS;
 - b. Statement from NS, dated 21 January 2020; and
 - c. Transcript of an interview between NS and both Blake Lewendon and Sunny Uberoi of The FA, dated 5th March 2020;
7. NS had admitted the charges and requested that the case be dealt with at a Personal Hearing.
8. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, 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 with regard to this case.
9. The personal hearing took place via video conference. In the video clips, NS can be heard to say “get off me bills, you fucking queer, touching my arse” and separately refer to the security staff as “mongers”.
10. In his interview with the FA, NS admitted that he had used this language and that he was aware of the meaning of the words.

11. In his written statement, NS stated that he used the language relating to sexual orientation due to the steward having continually touched him in inappropriate places.

12. In the interview with the FA, NS stated that he used the word mong to convey that the security staff had been "a bit stupid" for (in the opinion of NS) in not answering his question properly. NS conceded that he should never have used that word.

13. The FA had acknowledged that whilst there were 2 charges raised, they were happy for the panel to consider these part of one continuous event. They did however request that sporting sanction and financial penalty be imposed and invited the Commission to consider 2 separate references to protected characteristics as an aggravating factor. At the same time, the FA accepted that there was a significant level of provocation involved on the part of those involved in the ejection and that there was no evidence of any notable abuse from NS to a steward nor of any push or physical assault prior to his ejection from the dressing room. The FA stated that, although the circumstances in no way excused the comments made, they did amount to some form of mitigation given the provocation / handling by Stevenage FC security staff.

14. NS stated that he regretted the use of the language. He explained that he had used language that he would not usually consider using, but that the circumstances had led to him making the comments.

15. With NS having admitted the charge the only issue for the Commission to consider was that of sanction.

16. In the Commission's view, although NS was undoubtedly in a highly stressful situation, not helped by the manner in which the Stevenage FC security staff chose to eject him from the stadium (a manner which, after an investigation, resulted in Stevenage FC receiving a warning from the FA), the language that he adopted was undoubtedly unacceptable in relation to more than one protected characteristic.

17. The Commission, treating the 2 charges as a single event as accepted by the FA, noted that where an 'Aggravated Breach' of Rule E3 (1) is proven then the Commission is bound to impose a suspension of at least six matches, pursuant to Regulation 47.1 at p.142 of the FA Handbook 2019-20 and that the Commission may increase this suspension depending on any additional aggravating factors present. The Commission determined that NS' role within the team (a video analyst on non matchdays, coupled with a dugout role on matchdays; with input into substitutions and tactics, as well as being involved in nutrition and warm ups / cool downs) meant that a sporting sanction was indeed appropriate and furthermore that a ground ban was the most appropriate type of ban.

18. The Commission was informed that NS had no previous history of such a breach of the Regulations.

19. The Commission acknowledged NS's admission of the charge and his clean record.

20. The Commission was minded to impose a 8 match suspension and a £400 fine but having considered all the circumstances of the case, including the aggravating and mitigating factors, the Commission decided the following in respect to sanction:

- a. NS is immediately issued with a ground ban, from all domestic club football until such time as Oldham Athletic Football Club complete six (6) First Team Competitive Matches in approved competitions.
- b. NS is fined the sum of £300;
- c. NS must, undergo and complete to The FA's satisfaction, within four months of notification of this decision, an online FA education programme, the details of which will be provided by The FA. Failure to do so within the relevant time frame shall result in the immediate suspension of NS, from all football and football related activity, until such time as the course is satisfactorily completed

21. The decision is subject to the right of appeal under the relevant FA Regulations.

Michael O'Brien
Regulatory Commission Chairman
3rd June 2020