

FOOTBALL ASSOCIATION REGULATORY COMMISSION

In the matter of disciplinary proceedings brought pursuant to the Football Association Rules for the season 2020-2021

THE FOOTBALL ASSOCIATION - and - DARREN DRYSDALE

Commission: Christopher Quinlan QC, (Chairman) – Independent Judicial Panel Chairman
Stuart Ripley, Independent Judicial Chairman’s Panel Member
Michael O’Brien Independent Football Panel Member

Appearances: *Football Association*
Ms Amina Graham – Head of Regulatory Legal

Darren Drysdale

Paddy McCormack, Judicial Services Manager (Secretary)

Date: 8 March 2021

REASONS OF THE REGULATORY COMMISSION

A. INTRODUCTION

1. This case concerns a rare example of a referee losing his composure in the face of, and as reaction to, abuse and aggression from a player dissatisfied with a decision.
2. Match officials are entitled to, and should, be treated with respect by all participants. The incessant abuse and haranguing of match officials is unacceptable. It besmirches the sport and is inexcusable. Behaviour of this kind seems generally to be tolerated in football, often by match officials themselves. In our judgement, it should not be.
3. It is a breach of law 12 of the Laws of the Game 2020/21 meriting a red card to use “*offensive, insulting or abusive language and/or gestures*” including towards a match official. FA Rule E3.1, which applies to on-field conduct during a match, mandates participants

not to act in any manner which is improper or brings the game into disrepute. Both prohibit abuse of match officials. The laws and rules should be respected by all and enforced with vigour. Stakeholders should support the authorities in seeking to eradicate the commonplace contempt with which match officials are treated. It has no place in the modern game.

B. FACTS

4. FA Rule E3.1 states:

“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 disrepute or use any one, or any combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

5. By letter dated 17 February 2021 Darren Drysdale ('DD') was charged with breaching Rule E3. The particulars of the breach were that his *“behaviour in or around the 90th minute of the fixture, as evidenced in the video clip and photograph, amounts to improper conduct”*.

6. The facts giving rise to the charge are in short compass. DD is a Professional Game Match Officials Limited (PGMOL) National List Referee. He was the referee in the English Football League One match played between Ipswich Town FC ('ITFC') v Northampton Town FC ('NTFC') on 16 February 2021.

7. Following an incident in or about the 90th minute between ITFC player, Alan Judge ('AJ'), and his opponent, DD blew his whistle. DD took a few steps towards AJ and stopped. The footage shows AJ advancing quickly towards DD who was facing him and stationary. AJ was clearly saying something to DD and raised his left hand pointing at him. As AJ closed on him, DD stepped and turned towards him, and they were briefly head-to-head. As DD was ushered away from AJ by other players, he showed him a yellow card. He appeared to say something to AJ as he did so. AJ continued addressing comments to DD, between and around ITFC players and continued to do as DD walked away from him.

8. The Regulatory Commission ('the Commission') was appointed to hear and determine proceedings brought against DD.
9. DD admitted the charge and we find it proved.
10. Both The FA and DD were content for the matter to proceed on the papers. For reasons explained below, we declined to dispense with an oral hearing¹.

C. THE RESPONDENT'S CASE

11. DD's substantive response to the charge was by way of a letter dated 2 March 2021, which he accompanied with a statement of mitigation.
12. As to the facts of the incident DD said this:

"Alan Judge then, in my opinion, exaggerates his fall in a desperate attempt to gain a penalty kick for his team. I then processed what had happened for a few seconds before blowing my whistle and decided to caution Alan Judge for an act of trying to deceive a match official. As I blew my whistle Alan Judge shouted aggressively in a loud voice at me and from a distance of only 5 metres "It's a fucking penalty you cheating bald cunt!" Reacting completely out of character, I took exception to what I considered to be an offensive comment. I walked towards Alan Judge who then continued his tirade of abuse as he then, what I deemed as, aggressively and provokingly pointed his finger towards my face and shouted, "You're a fucking cheating cunt!". I accept that I should not have moved my head towards Alan Judge as this only inflamed the situation. At no time was there any physical contact between myself and Alan Judge. My action of moving forward was as a posture of authority and with the player being significantly shorter than me, this led to me looking down at him. I then issued a yellow card to Alan Judge for his exaggerated fall."

¹ Regulation 25.9, Non-Fast Track Disciplinary Regulations 2020-21.

13. It is to be noted that he did not sanction AJ for the offensive language he attributed to him.

14. The following day AJ posted this message on social media:

“There was no need for an apology. I wasn’t looking for one or looking for any action to be taken. In football as everybody knows stuff happens in the heat of the moment in a game. We all make mistakes and for me that is the end of this.”

15. ITFC posted quotes from AJ in which he said:

“...I wasn’t looking for him to be charged. There was never going to be a complaint from me.”

16. It makes no mention of the player’s conduct.

17. In the statement of mitigation DD repeated the apology he issued publicly on 17 February, recognised it was “*unacceptable*” and related personal matters and challenges which we have given appropriate regard to, but need not repeat in this decision. He also said that since 17 February, he had been “*suspended from three matches to date and remain suspended from all officiating duties*” which he invited us to take into account when determining the appropriate sanction.

18. We also read and gave appropriate regard to a character testimonial from Paul Russell, PGMOL Head of Psychology.

D. THE FA’S CASE

19. The FA’s position was set out in a Note dated 3 March 2021. In paragraph 5 of its Note it commented:

“The FA does not suggest that any physical contact was made between the two at any stage.”

20. Paragraph 8 of the Note states:

“Whilst The FA acknowledges that the conduct committed by DD was not of the utmost seriousness, The FA submits that referees, as arbitrators of the game, must adhere to the same standards that they expect of players and other Participants of the game.”

21. In paragraph 10 of the same Note the FA observed:

“The FA does not invite the Regulatory Commission to impose any particular sanction, but respectfully requests that it takes into account all of the relevant facts of the offence and DD’s personal circumstances, and imposes a sanction that it sees fit in all the circumstances.”

22. The FA did not challenge DD’s account that he was provoked nor the provocative words he said were used.

E. DECISION

(1) Factual basis for sanction

23. Absent from the papers for the Commission is a statement from AJ or any narrative from him. In light of that and The FA’s stance, immediately upon reading the papers, we asked the following of The FA:

- a. *Did The FA try to speak to Alan Judge to obtain his account of the event?*
- b. *If not,*
 - i. *why not?*
 - ii. *In any event, we direct that it is done forthwith.*
- c. *Has the participant Mr Drysdale been suspended (as he says) since 17th February? If so by whom and what has been the effect of that suspension – i.e. how many matches during that period was he fit, available and would have been expected to officiate in, but for that suspension?*

24. We did so because an important part of our task was to determine the correct basis for sanctioning DD. It is obviously important when assessing the seriousness of the admitted misconduct to ascertain whether DD was provoked and if so by what. It is also right that AJ had an opportunity to deal with any assertion made about his conduct.
25. We received two responses from The FA which did not address our questions. The FA's position was that since it was accepted some insulting words were used, the precise words were not material to sanction. We disagreed and directed The FA and Mr Drysdale to attend before us.
26. Ms Graham represented The FA and DD attended. We also heard from Tarik Shamel Head of On-field Regulation. In advance Mr Shamel provided a statement in which he said:

"[On 17 February] I spoke with the Ipswich Town Club Secretary, Stuart Hayton, on the telephone, who confirmed that neither the club nor Alan Judge wished to make any complaint against Mr Drysdale. Mr Hayton said that it was acknowledged that the referee may well have been reacting to something that was said and the player concerned did not wish to pursue the matter and did not want any action taken against Mr Drysdale."

Following our direction on 7 March Mr Shamel spoke again to Mr Hayton and in his statement, he said this:

"In light of the Regulatory Commission's Direction of 7th March 2021, I have this morning, again spoken to Ipswich Town and the Club Secretary, Stuart Hayton. Mr Hayton confirmed to me that Alan Judge... was unavailable to be contacted. Mr Hayton did, however, reconfirm the club and the player's previous position. Mr Hayton was able to confirm that he was aware that whilst the player did not accept that he had used the word, "Cunt", he did agree that he had used other insulting words towards Mr Drysdale, immediately prior to the incident in question"

27. Questioning of Mr Shamel revealed that the assertion that AJ "did not accept using the word cunt, he did agree that he had used other insulting words towards Mr Drysdale" was based on

“the word around the club”. We were not content to proceed on that vague basis. Indeed, Ms Graham agreed with us. We asked for further enquires to be made of AJ, principally to give him an opportunity to address his alleged conduct, if he was able to do so.

28. We were subsequently informed that AJ’s position was as follows:

“His stance remains the same that he does not wish to be involved at all and he considered the matter closed when he left the field of play that evening.

He wishes Mr Drysdale well with his refereeing career and does not wish to pursue the matter nor add any further comments or speak to the Regulatory commission.”

29. We also heard from and questioned DD. He maintained that AJ had abused him as set out in his statement, which was the worst he had experienced as a referee. He said he put his head close to AJ’s and “snarled”. He insisted that he could not recall saying anything to AJ when he brandished the yellow card. He said that with hindsight he should have sent off AJ for his conduct.

30. The FA did not challenge at any stage DD’s account. For reasons we have explained, there is no direct account from AJ. We also heard directly from DD. In light thereof, the only appropriate course is for us to sanction DD upon the basis of his own account, namely he reacted to AJ’s provocative conduct as he described it was. Further, none of the footage supplied to us established physical contact between DD and AJ. DD denied it and The FA did not suggest to the contrary. We are satisfied that if there was any contact it was modest indeed and such as to have no material effect on sanction.

(2) Sanction

31. There are no sanctioning guidelines nor other relevant cases which assist us directly.

32. We considered whether any assistance can be garnered from guidelines issued for similar offending by a player or other participant. A player behaving in this way towards a referee or match official should receive a red card. The automatic sanction for a player who

commits serious foul play or violent conduct is a three-match ban; for ‘using offensive, insulting or abusive language and/or gestures’ it is a suspension of two matches. This was not violent conduct as defined by law ². If it was treated as “offensive, insulting or abusive” conduct the standard penalty for such an ‘offence’ is a two match suspension. The standard penalty guidelines for breaches of Rule E3 involving technical area occupants including tunnel incidents at League 1 level, where the charge is admitted and involves abusive/insulting language a one match and fine of £1000.

33. We also considered the more serious case of *Leandro Bacuna*³ an Aston Villa FC player who was suspended for six matches after being sent off for violent conduct. In that case the player expressed verbal dissent towards an assistant referee and then barged into him. In March 2019 *Mauricio Pochettino* was made the subject of a two match touchline ban following his admitting a breach of Rule E3 which involved his haranguing the referee after the final whistle.

34. Those cases are different from the present. The guidelines offer only limited assistance. We approach sanction by reference to established principles. Firstly, we assess the seriousness of the ‘offence’. As to that, we have decided the relevant factual basis for sanctioning. The gravamen of the offence is that DD, as the match referee, occupies a position of authority. An integral part of his position is not to react improperly whatever the provocation, however extreme. The remedy for a match official in that situation is to issue a card. DD should have simply dismissed AJ. As he rightly accepts, he should not have reacted in the hostile and confrontational way he did. His position as a match official is a significant feature when assessing the gravity of the conduct.

35. There are no other aggravating factors.

36. There is considerable mitigation:

² “Violent conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made. In addition, a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible.”

³ Written reasons dated 3 March 2017

- a. This was a spontaneous reaction to the significant provocation he described.
 - b. He admitted the charge.
 - c. He apologised both privately and publicly for his conduct, the following day and subsequently.
 - d. We accept as genuine his expressions of remorse.
 - e. He has no disciplinary matter recorded against him in the last five years.
 - f. This was completely out of character, as reflected by a lengthy career (since 1996) as a professional referee and the considerable personal mitigation, including his long and successful career in the Royal Air Force.
37. The conduct is so serious as to merit an immediate suspension. Absent his admission and the other mitigation, this conduct by a match official would have been a suspension of six matches or a time based equivalent. Having regard to the extensive mitigation we can and do reduce that to four matches.
38. During the hearing before us we explored with DD the position of his not being selected for matches. He told us that he was 'stood down' from two matches he had been appointed to, namely matches to be played at Southend and Cambridge. He has not been selected for any others and understands he will not until this matter is resolved. He has therefore missed a further two matches for which he expected to be appointed.
39. We asked for further enquires to be made in this regard and Ms Graham kindly undertook to do so. In consequence, Mr Jones the PGMOL National Group Director (helpfully) informed us DD was removed from officiating as match referee at the Southend United v Bolton Wanderers fixture on 20 February and from his appointment as fourth official for the midweek fixture between Cambridge United v Cheltenham Town on 23 February. He also stated that DD "*would have been appointed a further two times as a Match Referee and at least one more time as a Fourth Official*". He has been removed from matches and we were told will miss this weekend and next Tuesday.
40. He has therefore served the equivalent of the suspension. He is not an employee and is paid only for the matches in respect of which he officiates. Therefore, he has not been

paid for those matches. Accordingly, he has experienced direct punishment already in consequence of his conduct. It would be a disproportionate penalty for him to serve suspension of a (further) four matches from now.

41. We imposed a suspension from officiating and playing all football. For the purposes of paragraph 40.3 of the Disciplinary Regulations, we direct that the suspension should start on the 19 February 2021 and run up to and including today, namely 10 March 2021. The effect is that he has served the suspension.

42. For the reasons explained in the preceding paragraph, we do not impose a financial penalty. We impose no other sanction save to warn him as to his future conduct.

43. There was an oral hearing of this matter because we asked for it. Therefore, we make no order for costs.

44. The parties have a right of appeal as provided by Disciplinary Regulations.



10 March 2021

Christopher Quinlan QC

Independent Judicial Panel Chairman

Signed by the Chairman on behalf of the Regulatory Commission