

# **THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

*Sitting on behalf of the Cheshire and Lancashire Football Associations*

## **PERSONAL HEARING**

*of*

**STEPHEN WILKES**

*and*

**CONNOR JACKSON (NON-PERSONAL)**

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## **THE DECISION AND REASONS OF THE COMMISSION**

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### **Introduction**

1. The Football Association ('The FA') convened a Disciplinary Commission ('the Commission'), on behalf of the Cheshire and Lancashire Football Associations to adjudicate upon disciplinary charges levied against Stephen Wilkes (Case ID number: 10709098M) and Connor Jackson (Case ID number: 10723738M) arising from a football match between Longridge Town First and Northwich Victoria First which took place on 2<sup>nd</sup> February 2022.
2. The Commission consisted of Mr Resham Sohota, Mr Bob Purkiss MBE and Ms Ellie Menezes all of whom were appointed by the FA from its National Serious Case Panel. The Commission was assisted by Ms Hayley Cain as Secretary.

### **Charges**

3. By way of letter dated 9<sup>th</sup> February 2022, Stephen Wilkes ('SW') was charged as follows:

#### **Charge 1**

Breach of FA Rule E3.1 - Improper Conduct (including foul and abusive language).

## Charge 2

Breach Rule E3.2 – Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

It is alleged that SW made the ‘comment(s) *you fucking queer cunt/ you queer cunt and/or you fucking gay cunt/you gay cunt*’ which is it alleged is an aggravated breach pursuant to rule E3.2.

4. On 7<sup>th</sup> February 2022 (prior to the charge being issued), Mr Polkey of Cheshire FA sent an email in order to establish the identity of the person who made the alleged comments as follows:

*‘Please can you both provide your respective witness statements as follows within 48 hours:*

- 1. Confirmation from the Northwich Victoria FC that the manager on the video who says ‘you queer cunt’ and ‘you gay cunt’ (**‘the comments’**) is Mr Stephen Wilkes*
- 2. A witness statement from Mr Stephen Wilkes*
- 3. Any other statements that you think are useful for us or the Club.*

*The Referee and the Assistant have also put their reports into us’*

5. A response to the charge was received on 9<sup>th</sup> February 2022. SW accepted both charges and requested a personal hearing to forward a verbal plea in mitigation.
6. Connor Jackson (‘CJ’) was charged by way of letter dated 17<sup>th</sup> February 2022 as follows:

Breach of FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour)

‘Detail: It is alleged that Connor Jackson used violent conduct and threatening and/or abusive language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour) as defined in FA Regulations. This refers to the allegation that Mr Jackson used violent conduct towards two players of the opposition team, by grabbing their genitals during the fixture.’

7. A response to the charge was received on 2<sup>nd</sup> March 2022. CJ denied the charge and requested that the case be dealt with by way of a non-personal hearing.

8. As the offences were alleged to have been committed during the same match and there was related or common association evidence, the proceedings against SW and CJ were consolidated pursuant to Regulation 13 of FA Disciplinary Regulations 2021-2022<sup>1</sup>. However, due to the nature of the charges, these Written Reasons are for, and only in relation to, the charges against SW.

## **Evidence**

9. The following is a summary of the principal evidence 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 evidence should not imply that the Commission did not take such point, or evidence into consideration when the Commission determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
10. Where the written statements provided to the Commission include typographical and grammatical errors, they have been transcribed as drafted within this document, without correction, to provide a true and accurate reflect of the evidence which has been submitted.
11. The evidence which the County FA relied upon in support of the charges against SW consisted of:
- i) A statement of Mr Daniel Sims ('DS'), the match referee, dated 3<sup>rd</sup> February 2022.
  - ii) A statement authored by Mr Hugh Fish ('HF'), the assistant referee, dated 3<sup>rd</sup> February 2022.
  - iii) A witness statement authored by Connor Jackson ('CJ'), a Longridge Town FC player, dated 8th February 2022
  - iv) A 21 second video clip
  - v) A 43 second video clip
12. DS's statement reported as follows:

*'After the game had finished, An allegation was brought to me from the Longridge Town Manager, Lee Ashcroft, He stated that he saw and heard the Northwich Victoria manager shout at one of the Longridge players "You gay cunt".'*

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<sup>1</sup> Page 150 FA Handbook 2021-2022

*Although I didn't hear anything at the time. My Assistant Referee, Hugh Fish informed me that he had heard "You gay cunt" shouted, but that he couldn't be sure who had shouted it..'*

13. HF's statement stated:

*'In the 91<sup>st</sup> minute of the match, the words 'you gay cunt' were shouted from behind me, from the direction of the Northwich Victoria dugout. I am not sure which person said the words, nor for who they were aimed at. My attention and focus were solely on the game at the time.*

*Once the match had finished, Longridge Town manager, Lee Ashcroft, approached us to alleged that the words had come from the Northwich Victoria manager aimed at a Longridge Town player'.*

14. CJ's statement stated, inter alia:

*'.... In the 89<sup>th</sup> minute I was involved in a tussle for the ball directly in front of the Northwich dugout, in which both I and my opponent received a caution. I was then subjected to verbal abuse from the Northwich manager, Steve Wilkes, who make reference to my hair style saying 'you look like a fucking girl...*

*..He then approached the touchline and called me a 'fucking queer cunt', before following me 2 or 3 yards and calling me a 'fucking gay cunt'. I cupped my ear to him in an act of bravado but was genuinely shocked and upset. My manager told me to ignore him, and the referee blew for full time'.*

#### Stephen Wilkes' case

15. As aforementioned, SW accepted the charge and submitted a statement, in which he said, inter alia:

*'...I would like to admit to saying the words 'gay cunt' to Longridge Town number 12, Connor Jackson in the 89<sup>th</sup> minute. I have known Connor for quite some time, due to him being a friend of my sons, Zacks friend. I have known Connor's girlfriend is called Becky and they have a daughter and a son together. At no point was I accusing Connor of actually being gay, as this was just pure banter being the two of us. Connor had twice in the space of a couple of minutes grabbed my players, Matthew Clarke and Christian Mather between the legs and grabbed and squeezed their testicles. As you can clearly see on the video evidence*

*that has been put forward. Connor and myself start to have the banter between ourselves, as Connor is saying to me five nil Wilksy as he cups his ear. This is when I made the remark to Connor.*

*At the final whistle, I walked over to Connor and we gave each other a high five and shook hands and Connor said to me 'great banter Wilksy' to which I replied, 'brilliant pal and good luck for the rest of the season'.*

*At no point did the assistant referee in front of the dugouts hear anything what was being said and at no point did he flag and bring the referee across, as what was said was all said in jest.*

*I fully admit to saying the words 'gay cunt' but not in a malicious way as to offend Connor Jackson. I have two gay nephews who I love both dearly. I currently work with two lesbians, who I have always treated with the utmost respect. I bought 22 pair of rainbow laces for the players to wear earlier this season when it was LGBT weekend...*

*I will take any punishment that the league and FA give to me but would like my unblemished record of managing for over 24 years and over 1100 games to be taken into consideration as I have never been accused of any homophobic comments before'.*

16. Northwich Victoria's Chairman, Brian Turner ('BT'), also submitted a statement. It stated:

*'I was present at the match with Longridge Town FC, on 2nd February 2022, apart from one of our players being sent off during the first half, I did not witness any other incidents.*

*I first became aware that something had happened, when the vice-chairman of Longridge Mr. Kevin Harrison approached me some 10 mins after the match was finished, he informed me of the remark made by our manager Steve Wilkes to a Longridge player.*

*I was shocked because I don't believe anyone around the ground heard anything, given the technical areas are on the far side of the ground, and not accessible to supporters. I accepted his word and offered my apologies straight away, I also requested to speak to the player concerned (Mr. Connor Jackson), again offering my sincere apologies to both him and the vice-chairman.*

*I thought the issue was resolved, however later after getting the kit from the dressing, I was informed by the match official that the issue had been reported to him, and was in his match report.'*

### **Personal hearing.**

17. Given the current pandemic, a personal hearing was convened via MS Teams on 17<sup>th</sup> March 2022. SW was supported by his Chairman, BT.

18. SW then confirmed that he understood and had accepted the charges. The Commission then invited SW to address it regarding his plea in mitigation.

19. The following is not intended to be a verbatim account of SW's oral plea in mitigation but is a summary of the pertinent matters which he addressed.

- i. SW said that a minute before he made the comment, Connor [Jackson] had physically punched Christian Mather between the legs. SW said that Connor came walking past him saying '5-0', and he replied, calling Connor a 'gay cunt'.
- ii. SW said that at no point did he mean any harm to Connor. He said that it was 'wrong banter'.
- iii. SW said that 30 seconds later, the referee blew the whistle for full time and Connor said 'great banter' to him.
- iv. SW said that he doesn't 'have a homophobic bone' in his body. He said that his daughter, who plays football in America, is a lesbian.
- v. SW reiterated that he knows Connor is not gay as he has a girlfriend and children.
- vi. SW said that he '100% regrets saying' what he did.
- vii. SW said that he has apologised to all of the fans, players and the committee.
- viii. SW said that he is ashamed of what he has said.
- ix. SW stated that he was wrong saying what he did, that there is not a malicious bone in his body and that he would apologise to Connor if he saw him tomorrow.
- x. SW also said that he has 'done this for 25 years, 1100 games' and never said anything like that.

20. BT addressed the Commission, by way of a character reference for SW. BT stated that:

- i. BT said that he has been Chairman of the club for 6 years. He stated that Mr Wilkes has been with the club for 4 years.
- ii. BT said that he interviewed SW and found him to be the most passionate of all the people he interviewed.

- iii. BT said that SW is active within the club, he travels from Preston, comes to social events and is well acknowledged by the supporters.
- iv. BT said that he believes that the manager should look after the football side of things and also adhere to the FA rules. BT said that he looks after the club, and in the 4 years SW has been involved with it, he has had no inclination to have words with SW regarding his performance or attitude.
- v. BT stated that the events of 2<sup>nd</sup> February have affected SW. He said that SW has been very apologetic, to the supporters and has apologised to him more than once.
- vi. BT stated that (as a result of the events of 2<sup>nd</sup> February) SW had offered his resignation, which he had declined.
- vii. BT said that he admires SW, and that he would not judge him based on one error.
- viii. BT said that it was a 'mad 5 seconds', and that SW will have to live with it for the rest of his life.

### **Sanction**

- 21. The Commission was guided by the Sanction Guidelines. The starting point for sanction is The FA's Disciplinary Regulations at Appendix 1, Part A, General.
- 22. For a first Aggravated Breach, the Sanction Range is an immediate suspension of between 6 matches and 12 matches. The lowest end of the Sanction Range (i.e., 6 Matches) shall operate as a standard minimum punishment (the 'Standard Minimum').
- 23. Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme.
- 24. SW advanced an oral plea of mitigation which the Commission carefully considered.
- 25. In considering the appropriate sanction and penalty the commission discussed the severity of the offence and all other mitigating factors. It was also mindful of the character reference which BT had given.
- 26. The comments were clearly abusive in their nature and were accompanied by profanities which were likely to be heard by several people given the location on the pitch where the incident occurred. Furthermore, the fact that SW holds a position of responsibility (manager) is an aggravating factor.

27. However, SW had a previously unblemished record, for which he was given credit.
28. Furthermore, SW was afforded credit for accepting the charge at the outset and made a persuasive plea in mitigation. The Commission considered that he was genuinely remorseful and apologetic.
29. The Commission accepted that this was an event which was entirely out of character.
30. Balancing those matters and having regard to the facts and circumstances of the manager's conduct, we concluded that the appropriate sanction was:
- i) A ground ban suspension of 7 matches
  - ii) A fine of £75.
  - iii) SW to satisfactorily complete a mandatory online education programme. The online education programme must be completed by SW by the time the match-based suspension is served.
  - iv) 6 Club Disciplinary Points (an increase on the 5-point entry point referred to at paragraph 90 of the Regulations to reflect the aggravated nature of the proven Charge but taking account of the mitigating factors).
31. Whereby the participant fails to comply with the order, a Sine-Die (indefinite) suspension shall be imposed until such time the participant becomes compliant with the order of the Disciplinary Commission.
32. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Mr Resham Sohota

Mr Bob Purkiss MBE

Ms Ellie Menezes

19 March 2022