

## The Football Association ex parte Cheshire FA

-v-

### Leon Knight (Barnton FC)

#### Reasons for Discipline Commission Decision of 8 April 2016

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The Discipline Commission members were Mr Richard Bush (Chairman), Mr Ifeanyi Odogwu and Tony Rock. Mr Matt Carpenter of Norfolk FA acted as Secretary to the Commission. Mr Leon Knight did not appear, having failed to admit or deny the charge. The Commission therefore proceeded on the basis that Mr Knight had entered a not guilty plea. This was a non-personal hearing conducted by 'Webex' conference call.

1. Mr Knight faced a charge under FA Rule E3 of Improper Conduct, aggravated pursuant to FA Rule E3(2) by reference to gender and/or sexual orientation. The charge arose from postings appearing on Mr Knight's Twitter with the handle @LeonKnight\_ and username 'Knighty', specifically tweets posted on that account on 15 February 2016, which stated:

*"scumbag girl mate but they will keep her in hiding and protect her & another slag will come along and we will see this all over again"; and*

*"Name and shame her and I bet u these little slags growing up will think twice about what they are doing"*

2. The Commission was provided with the following documentation in relation to the charge:
  - (i) A screenshot showing comments posted on Mr Knight's Twitter feed (including, but not limited to, those set out above);
  - (ii) A letter from Garry Polkey, Compliance and Regulation Manager, Cheshire FA to Mr Knight dated 16 February 2016;
  - (iii) Email correspondence between Mr Polkey, Mr Knight and Ian Ross (a Club Official of Barnton FC) dated 26 February 2016;
  - (iv) A screenshot showing comments posted to Mr Knight's Twitter on 26 February 2016;
  - (v) A Misconduct Charge Notification dated 11 March 2016;
  - (vi) A screenshot of a Wikipedia entry detailing Mr Knight's playing and managerial career; and
  - (vii) A screenshot of Mr Knight's Twitter profile (undated).
3. The comments set out at paragraph 1 above were noticed by Cheshire FA, which duly wrote a letter to Mr Knight dated 16 February 2016, noting Cheshire FA's belief that the comments related to the then ongoing Adam Johnson case and the victim in that case. Cheshire FA's letter asked for Mr Knight's observations within 7 days but no reply to its 16 February 2016 letter was received.

4. It appears that the 16 February 2016 letter was then re-sent to Mr Knight on 26 February 2016 by way of email. By way of reply to this letter Mr Knight posted on his Twitter:
  - (i) “Don’t email my fucking phone Garry (from the Cheshire FA) and @ian\_ross3 DON’T PUT NO ONE ONTO ME EITHER YOU PUSSY”;
  - (ii) “-@ian\_ross3 do I look like some fucking dickhead.”; and
  - (iii) “Fucking pricks”.
5. On 11 March 2016 a Misconduct Charge Notification was sent to Mr Knight.

### **Determination of the charges**

6. The Commission wishes to make it clear, as a general point, that Cheshire FA (along with other County FAs) has jurisdiction over Social Media comments made by their Participants and all Participants who use social media platforms, such as Twitter, should therefore be mindful in their usage of social media platforms.
7. Having considered the evidence before it, the Commission had no hesitation in unanimously finding the charges against Mr Knight proven. The standard applied by the Commission in determining the charges was the balance of probabilities.
8. In coming to that conclusion the Commission notes, first, that the comments and use of the terms “scumbag girl” and “slag”, which refer directly and/or indirectly to gender and/or sexual orientation, are clearly improper and aggravated within the meanings of FA Rules E3(1) and E3(2). Secondly, the comments appeared on Mr Knight’s Twitter and therefore, absent any evidence to the contrary, the natural conclusion is that they were posted by Mr Knight himself. Indeed, there is no suggestion that Mr Knight in fact sought to contest the charges, of which he was clearly aware in light of the comments posted to his Twitter feed as set out at paragraph 4 above.

### **Mitigation/Aggravation**

9. The Player submitted no mitigation and the Commission did not identify any mitigating factors.
10. The Commission was informed of the Player’s previous disciplinary record. Whilst there were no previous instances of Aggravated breaches under FA Rule E3(2), Mr Knight was guilty of three previous instances of Misconduct within the previous two Seasons, including one instance of Improper Conduct (including Violent Conduct and Threatening and/or Abusive Language/Behaviour) and two instances of Improper Conduct against a Match Official. The Commission considered this to be an aggravating factor.
11. Mr Knight is an experienced Participant who has had a lengthy playing career, during which he has played for a number of professional Clubs. At the time of the posting of his offending Twitter comments, he was first team coach of Barnton FC, which is a position of responsibility in which a high standard of behaviour may be expected. The Commission considered this to be an aggravating factor.

12. Mr Knight has a Twitter following of in excess of 40,000 people. His comments therefore had a wide audience. The Commission considered this to be an aggravating factor.
13. Further, Mr Knight has not at any stage engaged with these disciplinary proceedings. Indeed, if anything he has shown contempt for them in his response to Mr Polkey's email correspondence by commenting on his Twitter "*Don't email my fucking phone Garry (from the Cheshire FA)*" (which comments were again made publicly to a wide audience). The Commission considered this to be an aggravating factor.

### **Sanction**

14. In light of the fact that the comments were made (a) in writing only and (b) via the use of a public communication network only, the Commission had regard to FA Rule E3(4), which serves to disapply the mandatory minimum five match suspension provided for by FA Rule E3(3). In considering the proper sanction, the Commission had before it The FA Sanctions Guidelines for 2015-2016.
15. The following Order was made:
  - (i) Mr Knight be warned as to his future conduct;
  - (ii) Mr Knight serve an immediate ground ban suspension until Barnton FC has completed six matches in approved Competitions;
  - (iii) Mr Knight be fined the sum of £150 (one hundred and fifty pounds), in accordance FA Rule E3(8);
  - (iv) Mr Knight attend and satisfactorily complete a mandatory education programme, in accordance with FA Rule E3(9), within four months or he be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided Mr Knight; and
  - (v) There is no order as to costs.
16. There is right of Appeal against this Decision.

Mr Richard Bush (Chairman)

14 April 2016

Mr Ifeanyi Odogwu

Mr Tony Rock