

## **Football Association Regulatory Commission (the Commission)**

### **Introduction**

Harvey Elliott ('the player') is a promising young professional footballer and a Scholar at Liverpool FC. He is 16 years old (d.o.b 4 April 2003) and is in the England U17 squad. A video was posted on a social media platform of him insulting Harry Kane of Tottenham Hotspur and the England First Team captain on 1 June 2019. The player was at Fulham FC Academy at the time. The video was widely circulated on line and reported on in the media. The player made a public apology to Harry Kane shortly after the video came into the public domain.

### **The charge**

The player was charged by the FA with misconduct for breach of FA Rules E3 (1) and (2) for using abusive and/or insulting words, which was aggravated by reference to a disability. The charge letter is dated 23 August 2019.

It is alleged that his language and/or behaviour concerning Tottenham Hotspur player Harry Kane was abusive and/or insulting contrary to FA Rules E3 (1) and (2), namely by calling him a "fucking mong". The incident in which the conduct took place is captured on a video the player posted on the social media platform "Snapchat" on 1 June 2019.

The player admitted the charge on 2 September 2019 and did not request an opportunity to attend in person to make a personal plea and was content for the matter to be dealt with 'on the papers'.

### **The facts**

The video, which is only a few seconds long, shows the player speaking into the camera which has in the background a televised football match which shows Harry Kane, among others. A caption on the screen says '*fucking mong*' and the player can be heard to say the words "*I'm Harry Kane and I'm a fucking mong*". It appears clearly from this that the player was attempting to impersonate Harry Kane in a derogatory way and insulting way.

On 1 August 2019 the FA were sent a video and email from the Centre for Access to Football in Europe suggesting that the player had posted a video on a social media platform that was discriminatory in nature. The player was sent a letter by an FA Integrity Investigator, Mr Leon Goldman that very same day asking him to explain the circumstances of the video, how it came to be made, what language was used and how it was distributed. The video was sent via the Liverpool club secretary Mr Danny Stanway.

On 8 August 2019 a response was received from Liverpool FC which contained a letter from the player and a separate letter from the club.

*The player's letters.*

The player admitted in his letter dated 8 August 2019 that he personally filmed the video on 1 June 2019 after the UEFA Champions League Final (played between Liverpool FC and Tottenham Hotspur FC) and admitted saying the words alleged which was followed by some groaning noises. The player stated that he used the term “fucking mong” as he understood it to be an insulting way to call someone a “fucking idiot” but was not aware, until it was later explained to him, where the word “mong” originates from. The player stated that the video was filmed at his friend's house and he was there with seven of his friends, all aged 16. Throughout the evening he states that he and his friends, some of whom were Liverpool supporters and some of whom were Tottenham supporters, were mocking each other's support of their favourite football teams to try and annoy each other and get a reaction.

The video was created on Snapchat and uploaded to the player's girlfriend's account which he has access to. About 40 of the account followers could have seen the video and the player suggested one of them had subsequently recorded the video and shared it more widely on other social media.

He expresses regret for the incident which at the time he thought to be ‘a bit of fun with some friends’. Since the language used in the video has been explained to him he deeply regrets using the words. He makes reference to the fact that the video was recorded in a moment of great excitement in a private environment amongst friends and the purpose of it was to allow some friends who were not present to join what was meant to be ‘a bit of teasing’. He is dismayed that the video found its way into the public domain and he says he did not realise at the time that he would be joining Liverpool FC a few weeks later. (He in fact joined Liverpool FC on 28 July 2019.) He offered his unreserved apologies to Harry Kane and has done so publicly via his Instagram account on 31 July 2019.

It provided:

*“The video was taken whilst messing around with friends in a private environment and was not directed at any individual but I realise that my actions were both immature and senseless. I would like to stress that the contents of the video do not represent who I am as a person or how I've been brought up, and I am truly sorry”.*

In his letter admitting the charge dated 2 September 2019 the player again unreservedly apologised for what he described as an ‘error of judgment’ on his part. He stressed that it was an isolated incident that took place in a private environment and was only meant to be seen by close friends not by the wider public. He also repeated that he only made the comments to try and ‘wind up’ some Tottenham supporting friends and was not aiming the comments directly at Mr Kane.

*Liverpool FC's letters.*

Danny Stanway on behalf of the club sought to assure the FA that it takes a zero tolerance approach to any forms of discrimination and the player was spoken to as soon as the video came to light. It was explained to him what the words meant and how such words may be

viewed by the general public. In addition the club captain Jordan Henderson spoke to the player about his conduct and how such actions affect more than just the people directly involved, as they reflect on the club and the game as a whole.

In a further letter dated 2 September 2019 the club asked that the player's age be taken into consideration. It also made the point that as soon as the video entered the public domain the player apologised immediately and has formally admitted his error at every stage. The FA were asked to use their discretion to deal with the matter by way of an educational course as opposed to a playing ban.

## **Discussion**

The admitted misconduct in this case is clearly serious involving, as it does, reference to a disability in the words used and the way in which the player attempted an impersonation of Harry Kane for the benefit of his friends. It has also now been widely reported and viewed, compounding the damage to the game and the individuals concerned, particularly Harry Kane, but also, somewhat collaterally, the player himself.

We bear in mind the powers that we are given under FA Regulation 40 to impose a wide range of penalties taking into account the aggravating and mitigating factors.

We are not bound to impose an immediate suspension of at least six matches for a first occurrence of an aggravated charge such as this because the conduct did not occur on the field of play, but rather via the use of social media -see FA Regulation 48.3 and more generally FA Regulations 46-48.

However, the Commission does consider that such a suspension would be appropriate given the gravity of the conduct and the effect it has had on the reputation of the game as a whole and the players' and clubs involved.

In terms of mitigation, we bear in mind in particular that the player had only recently turned 16 at the time the incident occurred and has a clean disciplinary record. We take into account the circumstances of the recording and subsequent posting via social media. We accept that the player did not intend that his conduct should be viewed by the general public.

He nevertheless needs to take responsibility for the fact that there was a risk that it would be and that in any event his conduct was unacceptable, as he accepts. We also take into account that the player made a public apology to Harry Kane shortly after the video came into the public domain and before the FA sought his observations, that he has subsequently apologised and admitted the charges formally to the FA at the earliest opportunity.

We also have in mind that there has apparently been a hostile public reaction towards the player which he has had to deal with and may yet continue to have to deal with.

## **Penalty**

In view particularly of the player's age and the lessons that this case is likely to have already taught him, we impose the following penalties which in our view would, in all the circumstances, be proportionate and fair:

Harvey Elliot is suspended, effective immediately, from all domestic club football for 2 weeks, that is up to and including 24 October 2019; and

Mr Elliot must undergo and complete to The FA's satisfaction, within four months of notification of this decision, a face to face FA education programme, the details of which will be provided to him by The FA. Failure to do so within the relevant timeframe shall result in his immediate suspension from all football and football related activity, until such time as the course is satisfactorily completed; and

Mr Elliot is fined the sum of £350.

This decision may be appealed in accordance with the Non-Fast Track Appeal Regulations.

Raj Parker (Chair)

Stuart Ripley

Marvin Robinson

10 October 2019.