

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION
CHAIR ALONE NON – PERSONAL HEARING**

**AMATEUR FA
(on behalf of the Football Association)**

and

ANDREW DISTON SNR

DECISION AND WRITTEN REASONS

Background

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 25 April 2022 following charges brought by Amateur FA against Andrew Diston Snr (Case ID: 10760080M) (“**AD**” or “**Mr Diston**”).

The Charge

2. Durham FA have charged AD with the following breach of the FA Rules:
 - (a) FA Rule E3 – Improper Conduct against a Match Official (including threatening and / or abusive language and behaviour).
 - (b) The particulars of the charge are that AD verbally abused the referee on a number of occasions by swearing at him a number of times.
 - (c) AD has admitted the charge.

The Evidence

3. This matter relates to a fixture between Old Finchleians First (“**OFF**”) and Old Garchonians First (“**OGF**”) that took place on 12 March 2022.
4. The relevant factual background herein is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Chair did not take such point, or submission, into consideration when it determined the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.
5. The Chair has before him the following evidence:
 - 5.1 County Association Report Form of Andreas Demetriades dated 14 March 2022. Mr Demetriades evidence can be summarised as follows:

- (a) At the conclusion of the fixture, the assistant manager of the OFF's, Andrew Diston aggressively approached me holding a corner flag in his right hand. He was clearly very angry and proceeded to scream a torrent of abuse at me including "Drex you're a fucking cheat" and "You're a fucking disgrace", "you couldn't wait to give them that penalty you cheating cunt".
- (b) I replied with "Spud, that was a clear penalty, I gave what I saw". Mr Diston began to get even angrier and advanced towards me with the corner flag. I felt extremely threatened, intimidated and genuinely feared for my personal safety. Fortunately, a number of OGF players were nearby and proceeded to flank me to ensure Mr Diston could not physically attack me.
- (c) At that point another member of OFF placed himself between Mr Diston and myself and physically began to usher him away. He was initially unsuccessful and Mr Diston continued to repeat that I was a "fucking cheating cunt and that I cost them the game". He also made reference to a direct free kick that I had awarded OFF just outside the OGF penalty area, saying "That was a fucking clear penalty you cheating cunt" and that I "cheated by only giving a freekick". I assured Mr Diston that the offence he was referring to was outside the penalty area. I then began to walk off the pitch and towards the clubhouse.
- (d) Once inside the dressing room, I sat on the bench shaking with shock and fear. I have never encountered abuse and threats to my safety before and it took a few minutes to process what had just happened. By that point, OFF were back in their dressing room. There is a very thin partition wall between the officials dressing room and the home team dressing room. For the next few minutes, I heard vile insults, horrible abuse and accusations of me being a "fucking fat cheating cunt" and "a fucking cheat". I was shaking quite badly at this point.
- (e) I then sat perfectly still, not daring to make a sound until Gary Herbert, the official on the other pitch had returned to the officials room. I briefly filled him in on the events that had just happened and said to him that I was going to collect my things and very quietly leave via the back entrance because I was genuinely fearful for my personal safety.

5.2 Email correspondence between Mr Demetriades and Amateur FA. Mr Demetriades clarifies his evidence that AD was holding the flag in a vertical position with the spike facing towards the ground. As he was verbally assaulting Mr Demetriades, AD was using the flag to emphasise and punctuate with each word with short sharp jabs in his direction, from a distance of approximately three meters.

5.3 Statement of Steve Edwards, Vice Captain of OGF. Mr Edward's evidence can be summarised as follows:

- (a) It was a very competitive fixture. There were probably around 4 contentious moments in the entirety of the game which were tough calls for the referee. Two decisions were favourable for each teams.
- (b) At full time, the OFF manager came onto the pitch holding a corner flag, with a spike at the end. He was extremely aggressive towards the referee. He kept repeating 'you're a cheat' and 'you're a fucking cheat'. I was shocked by this outburst and sought to protect the referee and encourage the manager to go away. I physically placed myself between the two men and reassured the referee that he was a good referee.

- (c) The referee was very calm but seemed shocked by the abuse. When the manager would not stop, we called over to their lads and encouraged them to remove the manager from the pitch.

5.4 Witness Statement of Andy Murray, 1st Team Manager for OFF dated 16 March 2022. Mr Murray's evidence can be summarised as follows:

- (a) After collecting the corner flags at full time, Mr Diston was approached by the referee who engaged with Mr Diston in conversation. The conversation was heated after what was an extremely disappointing performance from the referee on the day.
- (b) Mr Diston was being goaded by the spectators, which the referee seemed to revel in. He was playing up to the crowd and encouraging them to greater comments at Mr Diston's expense.
- (c) Mr Diston was aggrieved with these comments, but showed restraint.
- (d) At no point, did I see or hear Mr Diston threaten the referee and was always a few meters away from him. I am sure some abusive words were used, but I did not hear what was said.

5.5 Witness Statement of Robert Howard dated 16 March 2022, the Club Secretary of OFF. Mr Howard's evidence can be summarised as follows:

- (a) OFF has suspended Mr Diston from all club matters, including the attendance of games, pending the outcome of the disciplinary process.
- (b) We were not advised of any issue by the referee after the game. We did make calls to the referee and he spoke to our Chairman.

5.6 Witness Statement of Steve Newing, a Spectator dated 16 March 2022. Mr Newing's evidence is as follows:

- (a) At the conclusion of the fixture, I saw Mr Diston and the referee having a heated exchange of words.
- (b) As I was only a few yards away and knowing Mr Diston well, I went over and led him away from the referee. He began to calm down and walked off towards the clubhouse.

5.7 Response to Charge from Mr Diston (undated), which is as follows:

- (a) I am pleading guilty to verbally abusing Mr Demetriades following the fixture.
- (b) I wholeheartedly apologise for this, it was in the heat of the moment after the game and I thought Mr Demetriades handled the game badly.
- (c) At the end of the game, it was my duty to collect the corner flags, which I did on this occasion.
- (d) When I approached Mr Demetriades, I had the corner flag in the upright position with the spike facing down. I never threatened Mr Demetriades in any shape or form.
- (e) I would not do this again.

Decision on Sanction

6. As AD has admitted the charge, the Chair considered the appropriate sanction to impose.
7. The Chair referred to FA Rules and the Disciplinary Sanctions Guidelines issued by the FA. For this offence, the sanction range is a suspension from all football activity for a period of between 56 days and 182 days. The recommended entry point, prior to considering mitigating or aggravating factors is 112 days. In addition to the football based suspension, this offence carries a fine of up to £100 with a mandatory minimum of £50 and a compulsory FA education course.
8. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present for the participants.
9. The Chair consulted AD's previous disciplinary history and noted that prior to this incident, AD had a clean disciplinary record.
10. In accordance with the FA Sanctions Guidelines, the Chair considered the entry point of a 112 day suspension before considering mitigation or aggravating factors, which would necessitate an upward or downward adjustment to the sanction.
11. In this case, the Chair considered that the early admission of the charge, cooperation with the FA investigation and the degree of remorse are mitigating factors in this case. The Chair turned to aggravating factors including the repeated use of abusive language and Mr Diston's position as an Assistant Manager in the commission of the offence.
12. Accordingly, Mr Diston is sanctioned as follows:
 - (a) A 91 day suspension from football and all football activities plus a period of 92 days to account for the period of football inactivity between June – August. Therefore, a total suspension of **183 days** is ordered.
 - (b) A fine of £75;
 - (c) A mandatory education course to be undertaken online before the suspension has been served, the details of which shall be provided by the FA.
 - (d) 6 penalty points.
13. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton
National Serious Case Panel Chair
25 April 2022