

# COUNTY FA NATIONAL DISCIPLINE PANEL DISCIPLINARY COMMISSION

The Football Association on behalf of  
**THE AMATEUR FOOTBALL ASSOCIATION**

v

**JOE TANNER (56642178) Case ID: 10548504M**

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## WRITTEN REASONS

### Factual Background and Chronology

1. These are the Reasons for the decision of the Disciplinary Commission which was heard as a Verbal Plea by a CFA National Serious Cases Commission at 6-30 pm. On Monday 22nd November 2021.

2. The Commission consisted of Keith Allen (CFA National Chairs Panel) Chair, Andrew Saunders (CFA National Panel) and Jairo Marin (CFA National Panel).

3. The Secretary to the Commission was Shane Comb (CFA National Panel Secretary).

4. The following is a record of the main points which the Discipline Commission considered.

5. The charges in question arose from a game between OLD PARKONIANS FC and OLD FINCHLEIANS FC on Saturday 9<sup>th</sup> October 2021

6. By letter dated 22<sup>nd</sup> October 2021 **JOE TANNER (JT)** a player for OLD FINCHLEIANS FC was charged as follows:

**Charge 1 FA Rule E3** Improper Conduct (including foul and abusive language).

**Charge 2 FA Rule E3.2** Improper Conduct – Aggravated by a persons ethnic origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

7. **Details of the charge:** “This refers to the comment “look at your faggoty pink boots”.

8. By the WGS dated 5<sup>th</sup> November 2021 Joe Tanner accepted the charges and requested a Verbal Plea.

9. FA Disciplinary Processes/General Provisions Section 1 Rule E3.1 provides for:

*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 dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.*

## The Evidence

***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 members 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. The Commission had before it the following items to consider:

i) A Twitter thread from James Clark Ross a player for Old Parkonians, which included:

“I’m not over a player saying I had “Faggoty boots” today (pink) followed by another doing a mock gay voice at me. (The 1st sincerely apologised). Worse part the ref, 2 yards away said he heard none of it. Pathetic. So much more to be done.”

“Of course complaining about the incident led to me being called a fucking moaning c\*\*\*, etc and being threatened.”

ii) A statement from James Clark Ross:

“Last weekend, on Saturday 9th October, whilst playing for playing for Old Parkonians FC against Old Finchleians FC, I was abused with homophobic remarks and actions by opposition players. At the time I was extremely distressed and angry that nothing was done whatsoever in terms of action by the official in charge of the game. And as I travelled back to London on the train, I experienced increased sadness and regret about the incident, which is when I posted the tweets that attracted due attention about the incident—an incident, I hasten to add, which the referee didn’t even countenance in their report after the game. It’s time like this when I feel disillusioned with the ‘Beautiful Game’. But let me run through the events one-by-one as to keep the statement factual and not grounded on the emotions I took home with me last weekend and, to a large degree, retain. CONTEXT The match itself was blemished by aggressive behaviour from the opposition side throughout, behaviour that didn’t lead our players into retaliating in the same way. For example, a player kicked me high up on my shin, with the foot following though to waist-height. It was a significantly late challenge that was made far from the ball. Elsewhere, players were being upended and challenged vigorously throughout the game. Aggressive tackling was even being encouraged by the coach (or some other member of non-playing staff), who encouraged players ‘to go f\*\*\*cking through him’, etc. There was also lots of foul language on display. None of this is directly relevant to the homophobic incident, but these incidents set the tone for what was to come. Specifically, I had made complaints about the aggression and lateness of many of the challenges—not just on me, but on other players—and a few of the players took personal issue with me. They were mainly defensive players (I am a forward).

It was in the second half, in response to my complaints (two or three in number), that opposition players started targeting me verbally. A defender—medium height and build, white, originally playing centre back but subsequently moved to right back—shouted at me that I had ‘faggoty boots’. My boots were simply pink. I was

appalled to hear such a thing. I immediately turned to the ref, who was easily within earshot of the incident (two to five yards of me; up to 10 yards of the incident, max.). The referee was actually running away! Of course, they had to continue refereeing the game, but I was shouting to them that a homophobic incident had occurred and I expected a response. However, they weren't even looking at me. As we ran they remarked, 'I didn't hear it. I didn't hear it', as if nothing had happened or could be done. I was upset. Still, I didn't resort to aggression or anything like that, though even now I am mad about it. The referee likely heard the remark (given their proximity). In any case, in my opinion, they should have stopped the game and investigated the incident there and then. Instead, they denied hearing anything at all and attempted to move the game forward as quickly and with least responsibility as possible. As an official, a representative of football, someone who is trained and educated in the rules of the game, someone who is paid by players, and a person in a position of power, I am most shocked by this set of events amidst the wider incident. The player in question, on and off, for a few minutes after the 'faggoty boots' remark, denied saying such a thing: 'I said "fancy, pink boots, mate", etc.' I was sure he didn't say this, though I did doubt myself about. In fact, I was being 'gaslighted', by this player and arguably the referee, too. Guilt overwhelmed the player after this spell of denial and they sincerely apologised during the game, two to three times over a spell of 10 to 15 minutes. Their apologies even continued after the game. They discussed being exhausted from night shifts at work and really regretted their remark. I am really sympathetic to this person and I appreciated their earnestly saying sorry. INCIDENT 2 After the incident, some of the other players turned nasty, not the player from Incident.

1. A player—white, medium to tall, brown hair, slightly big ears—did a mock-camp voice at me of my complaining. The referee didn't hear this either, albeit the referee was farther away for this incident. I suspect the player will deny they were using a camp voice. It certainly sounded like one, though. OTHER An older player, balding, white, likely over 40 or 45 years old—was extremely aggressive. Witnessing my complaints about the injustice that had just happened, they threatened me with violence. This player and other players were calling me a 'f\*\*\*ing moany c\*\*\*t', amongst many, many other things, whilst continuing to go extra hard in challenges. POST-MATCH (LACK OF) ACTION At the end of the game, the referee made no comment to me, no response, and didn't mention the incident or include it in their report. It's no wonder that players don't come out or feel like football is for them if this kind of behaviour is permitted at grassroots level.

c) A statement from match referee Zac:

"I'm disturbed that something like this can happen on my pitch whilst I'm officiating. The event happened in the second half. However in the first half the Parkonians number 9 and the Finchleians left back we're going back and fourth. Got to the point that I pulled number 9 in for a chat to calm down the situation and tee him up for an easy yellow when it was required. Both players were having a dig putting a little more into their challenge and having a few words afterwards. Luckily this was right at the end of the first half blew up for half time and players from both teams came over to complain about this and that. Parkonians captain came in for a chat, saying I have to get control of the Finchleians players (particularly the left back (unfortunately I can't remember the number, if I had to guess it would be number 8)). However I did point out to the captain that it wasn't unprovoked and

number 9 was just as much of the problem. However I did say I'll keep an eye on it during the second half. Walked away hoping the 15 min break would calm things down. Onto the incident itself. I'll try and paint the picture as best I can. The ball was in the top right hand side of the pitch between myself and my first AR so as when the incident happened I was facing the ball with my back to the three players involved in the incident being Parkonians 9, Finchleians left back and Finchleians manager. As my back was to them I didn't hear a word of what they said, I was more concerned on watching play and an imminent challenge then earwiggling 3 players bickering. After this argument the Parkonians 9 came over to me and said "ref he's just call me a (F-slur)" "he's not allowed to do that" "you need to send him off" after he said that I said "I'm sorry but I haven't heard anything and therefore can't take action" (if I sent off players on he said she said I'd have no one left on the pitch by the end) the player then said "you were 3 metres away how can you not have heard it" I said "I had my back to 8 and wasn't listening" The Parkonians 9 then Sarcastically said "of course you didn't hear it" suggesting I was taking the side of the Finchleians players. He ran pasted me muttering under his breath. as this incident was flagged to me I adjusted my patrol path to keep a particular eye on the players involved. Later on in the game the Finchleians players were saying "he's making it up ref" to which the Parkonians players then says "he called me a (F-slur) don't lie" the Finchleians players were shocked and started swearing at the Parkonians 9 all 4 defenders were having a go. "Fuck off you bastard" "fucking liar" (there was also one mention about the mans hair cut quite remember exactly) but the Finchleians players were watching what they were saying as I was right there. I think it's important to note that the Parkonians 9 was instigating the situation and had plenty of opportunities to step away which would have calmed the whole thing down. In no way does this justify what was allegedly said, I wish I had heard exactly what was said so the players can be punished unfortunately I didn't. Just thought I'd mention the fact he was instigating it and being as much as the problem as the Finchleians players. Don't want one side to be panted as a saint and the other a villain, because in this situation there all involved and part of the problem. Last thing I will say is players will often go to extreme length in a game to sway the ref one way or another but afterwards have a laugh about it and get on with life. For a player to have made a report makes me feel what he is saying is true... to clarify I CANNOT support his claims with any facts as I didn't hear/ nor would I lie at all to help him. But I do believe based on the what was being said during the game and how the Finchleians players in question conducted themselves that what they allegedly said would not be too far fetched. There's quite a lot to digest here so if any of it doesn't make sense don't hesitate to contact me."

d) A statement from Joe Tanner:

"Having heard about the request of information from Old Parkonians football club and the AFA, I felt obliged to share my experience honestly with the league and association club. Firstly, let me apologise for the delay in the statement coming through to yourselves, as last week, there were a number of distractions in my personal life that meant this situation could not be prioritised. To begin the statement, I would like to remark that as an individual and representative of the AFA and Old Finchleians football club, I do not condone any remarks of disrespect, homophobia, racism and have long since been a supporter of the Kick It Out campaign. However, as it is only fair and true, I am the player in questions; who on the 10th October 2021, made the following statement to a Old Parkonians player: "Look at your faggity pink boots". The statement was not meant to cause any detriment to the

LGBTQ+ community, nor was the intention of the statement meant to be limiting towards the inclusion of anyone to our game of football. This sport that I have played for the last 14 years in the SAL, which has given me and others plentiful opportunity to enjoy the game we love in a fair and non-discriminatory, safe space. I have no excuse for the comments I made on the pitch, whilst, without petulance, I feel it is only fair I can offer my honest experience and response of the situation that followed. When on the pitch I followed up with the player I had interacted with and let him know during the game “for the last 5 minutes, I have not been able to concentrate on the match itself following the comments I just made about your boots. I am extremely sorry” At this point, without any need for reflection; I knew I was wrong regardless of the energy levels I had at the time (ref: point 6 in Melanie’s email) there is no condoning the use of this language. Once the game had finished, I approached the said player in the bar area and we had another open discussion about the comments made on field, where I apologised to which his response was “I understand and thank you for your apology, I did something similar 10 years ago, and we can’t have this in the game, let’s leave it there”. I do not wish to appeal or dispute the comments that were made, but I wish for you to consider my actions that followed a huge lapse of consideration and empathy towards others. I am not writing this statement to try and avoid repercussions, as a man who is aware that actions have consequences, I can assure that like my footballing colleague who made the same mistake 10 years ago, I will take lead from his actions and ensure to become an ambassador in this moment for the future of this game being diverse and inclusive for all those who enjoy participating. For those that know me as a person, and may be able to offer a character statement (Marc Jacobs, Deryll David, Drex Demitreades) this comment is unequivocally out of the ordinary and I will accept what is to follow, I just ask you use me as a positive reflection of understanding, rather than a negative.”

### **PLEA FOR LENIENCY**

13. The Chair asked Joe Tanner if he had seen a copy of the charge and case papers, to which he replied in the affirmative, also confirming the date of the match was Saturday 9<sup>th</sup> October 2021 and not 10<sup>th</sup> October as he had put in his statement.

14. At this point the Commission Secretary informed the Commission that Joe Tanner had no other misconduct charges recorded in his disciplinary record over the past five seasons, with ten cautions and one sending off over the period.

15. Joe Tanner addressed the Commission personally and stated:

- i) He was not disputing the words he had used.
- ii) He had returned from a business trip from Montreal at 8 am on the morning of the game, but due to limited availability within his club, he agreed to play in the game, which on reflection was a mistake.
- iii) He immediately sincerely apologised to his opponent, which was confirmed in the statement of his opponent.
- iv) He was extremely remorseful and realised the guidelines for this offence.
- v) He was a coach for his son’s football team and was embarrassed.
- vi) He was involved in LGBTQ + work and could not believe what he had said.

vii) He took full responsibility for his words and that he was not trying to get out of anything, adding that he was trying to be an Ambassador for LGBTQ + in the future and that this underlines what happens when you make a mistake.

16) Joe Tanner then confirmed to the Chair that he had no further evidence to present in his defence and that was satisfied he had received a fair hearing and left the room.

### **DELIBERATION**

17. With the player having entered a guilty plea and requesting a verbal plea for leniency, the Commission had only to consider the sanction.

18. The Commission considered Joe Tanner came across as up front and a most credible witness.

19. It was accepted that he had shown significant remorse, contrition and had issued an almost immediate apology to his opponent.

20. However, he had used those words and had initially attempted to deny it to his opponent, saying "I said you had fancy boots mate". It was accepted that he very soon admitted to the player what he had said, following which he showed great remorse, with his apology being accepted at the time.

21. His words had made the rest of the match uncomfortable for the player, who was targeted by teammates of Joe Tanner, with further homophobic comments, foul abuse and threats after they had picked up what had been said.

22. It was also accepted that Joe Tanner had made just the one comment, although that comment had knock on effects, as exhibited in the Twitter postings of his opponent.

### **SANCTION**

23. The Commission gave credit to Joe Tanner for his guilty plea and for the way he presented his verbal plea.

24. The Commission also gave credit for Joe Tanner's almost immediate remorse, apologies and contrition, which were considered to be sincere and well-articulated.

25. The Commission also noted and gave credit for his clean disciplinary record over the past five years.

26. With Joe Tanner pleading **GUILTY** to Charge 1 E3.1 and Charge 2 E3.2, which was aggravated by a persons sexual orientation, the Commission referred to FA Disciplinary Sanction Guidelines, which recommend a minimum sanction of a suspension of six matches and a sanction range of 6/12 matches.

27. The Commission unanimously decided to impose on Joe Tanner a sanction of a suspension from all football for **SEVEN (7) matches, a warning as to future conduct, a fine of £75, with seven penalty points recorded against the record of his club.**

**28. Joe Tanner shall complete an online education programme before the suspension is served or within 28<sup>th</sup> days of the Disciplinary Commission decision, whichever is the later, or a sine die suspension will be imposed.**

29. There is right of appeal in accordance with FA Regulations.

Keith Allen (Commission Chair)

Andrew Saunders

Jairo Marin

22<sup>nd</sup> November 2021