

FA NATIONAL SERIOUS CASE PANEL
CONSOLIDATED DISCIPLINARY COMMISSION
CHAIRMAN SITTING ALONE
on behalf of the Amateur Football Alliance

PERSONAL HEARING

of

John Reynolds

Old Finchleians Fourth XI FC FC

[Case ID: 10600094M]

Consolidated with

[Case ID: 10570207M]

THE DECISION AND REASONS OF THE COMMISSION

<u>Content</u>	<u>Page</u>	<u>Paragraphs</u>
1. Introduction	3.....	1 - 3
2. The Charges	3.....	4 - 5
3. The Reply	5.....	6 - 7
4. The Commission	5.....	8
5. The Hearing and Evidence	5.....	9 -21
6. Standard of Proof	10.....	22
7. The Findings & Decision	10.....	23 - 25
8. Previous Disciplinary Record	11.....	26
9. Mitigation.....	11.....	27
10. The Sanctions.....	11.....	28 - 33

Introduction

1. On 30 October 2021, Old Finchleians Fourth XI FC (“Old Finchleians”, the “Club”) FC, played a SAL Minor Cup fixture against Old Lyonians Fourth FC (“Old Lyonians”) – collectively the “match”.
2. Match referee, Stephen Russell, submitted an Extraordinary Incident report regarding the alleged misconduct of Mr John Reynolds of Old Finchleians Fourth XI FC.
3. The Amateur Football Alliance (“AFA”) investigated the reported incidents.

The Charges

4. On 14 December 2021, the Amateur Football Alliance charged Mr John Reynolds:
 - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct including foul and abusive language;
 - 4.2. with a second charge for a breach of FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender reassignment, Sexual Orientation or Disability
 - 4.3. It is alleged that Mr John Reynolds used abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this is an aggravated comment as defined by FA Rule E3.2 because it includes a reference to nationality. This refers to the comment(s) *“I can’t hear you speak in English you fucking foreigner”* or similar.
 - 4.4. The Amateur Football Alliance advised in the charge letter that the range of sanction was between 6-12 matches and mandatory education.
 - 4.5. The relevant section of FA Rule E3 states¹:
“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any

¹ p. 123 of FA Handbook

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

- 4.6. The Amateur Football Alliance included with the charge letter the evidence that they intended to rely on in this case.
 - 4.7. Mr John Reynolds was required to respond to both of his charges by 28 December 2021.
5. On 14 December 2021, the Amateur Football Alliance also charged Mr John Reynolds:
- 5.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a match official including abusive language/behaviour;
 - 5.2. It is alleged that during the fixture Mr Reynolds used abusive and/or insulting towards the Match Official by saying “*Fuck off*” to him and giving his name as “*John Fucking Reynolds*” which is improper pursuant to FA Rule E3(1).
 - 5.3. The Amateur Football Alliance advised in the charge letter that the range of sanction was between 0-6 matches and a monetary fine between £0 to £70.
 - 5.4. The relevant section of FA Rule E3 states²:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
 - 5.5. The Amateur Football Alliance included with the charge letter the evidence that they intended to rely on in this case.
 - 5.6. Mr John Reynolds was required to respond to this charge by 28 December 2021.

² p. 123 of FA Handbook

The Reply

6. As of 28 December 2021, there was no recorded response on behalf of Mr Reynolds for either case therefore they will be classed as a denial to be dealt with by correspondence.
7. During the investigation, the evidence, identical for both cases was submitted from:
 - 7.1. Mr Stephen Russell Match Referee Extraordinary Incident Report
 - 7.2. Email exchange between Mr Russell and the AFA
 - 7.3. Statement from Mr Craig Beccan Old Lyonians 4th XI Captain
 - 7.4. Statement from Mr Luke Simmons Old Finchleians 4th XI Captain
 - 7.5. Statement from Mr John Reynolds the participant charged
 - 7.6. Statement from Mr Robert Howard Old Finchleians Club Secretary

The Commission

8. The Football Association (“The FA”) appointed me, Steve Francis, as a Chairman member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing and Evidence

9. The case bundle was sent via e-mail to the appointed Chair 12 January 22 to be completed within 3 working days.
10. I adjudicated this case on 13 January 22 as a consolidated correspondence hearing.
11. The following is a summary of the principal submissions provided. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the

matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case.

12. The evidence in the case from the Match Official, statements from both team captains, the home team secretary and the participant charged.
13. Below is a summary of the main points:
14. Mr Stephen Russell, appointed Match Official for the fixture submitted an Extraordinary Incident Report on 02 November 21. This reports the following:
 - 14.1. *“In the first half of the match I became aware of a person standing amongst the away team supporters who was shouting abuse at the home team players. This behaviour was disrupting the game and the home team captain Craig Beccan approached me during a stoppage in play to say that he would be taking his players off if the abuse continued”. Mr Russell continues “I then approached the person who had been causing the problem only to be told to “fuck off” by him. I then asked for his name whereupon he became agitated and got in my face in an aggressive manner. He finally advised that his name was “John Fucking Reynolds””.*
 - 14.2. Having given his name to the referee, the report notes that Mr Reynolds *“was reluctant to leave the side of the pitch and it was not until the away team captain Luke Simmonds intervened that he finally moved away and the game could be resumed. This stoppage had lasted 4 minutes and the offending person did not leave the area until he had a prolonged argument with his team captain who later advised me that this was now the third week running that this person had been responsible for similar disruptive behaviour but that on previous occasions the referees had not taken further action and reported the matter”.*
15. The emails between Mr Stephen Russell and the AFA relate to:
 - 15.1. The AFA requesting a description of the individual reported by Mr Russell to confirm identification.
 - 15.2. They continue with the AFA asking Mr Russell if he heard the alleged discriminatory comment, if the spectator entered the field of play and if

he could recall anything else said to him by the spectator. Mr Russell confirmed that he did not hear the alleged discriminatory comment but confirms it was the words reported to him on the day by Mr Beccan, the spectator did not enter the field of play whilst the game was in progress and only added that the spectator had become aggressive asking him *"What are you going to do about it"*.

16. The statement from Mr Craig Beccan, undated, the captain of Old Lyonians during the fixtures relates:

16.1. The point he first became aware of the spectator was *"approximately 15 minutes into the game one of our players (Amar Patel) tackled the right winger from Old Finchleians and won the ball, but the player was unhappy about how the ball had been won and following the tackle he purposely laid on Amar's arm to prevent Amar from quickly returning to his feet. Immediately after that the supporter began shouting at Amar by calling him a "you fucking fat cunt" and "You're fucking shit"*.

16.2. He continues *"Moments later Amar collided with the same player and the referee waved play on to which Old Finchleians scored. Amar... continued to receive verbal abuse from a male supporter of Old Finchleians... shouting "you dirty fucking wanker" and continued to shout this sort of abuse along with "you fucking cunt"*

16.3. Mr Beccan then notes *"Later on... the supporter continued to shout abuse but this time the referee heard the abuse and paused the game to go and speak to the supporter"*. The supporter then *"came on to the pitch and started screaming in the referees face and told the referee the he "didn't have a fucking clue how to referee the game" and that he was a "fucking idiot", he repeatedly shouted at the referee and a number of players from both sides ran over to remove the supporter from the pitch and ask him to leave the venue" despite this the comments continued as he slowly left the area "A player from my team shouted at the supporter in another language and the supporter responded by repeatedly saying "I can't hear you – speak in English you fucking foreigner". This then prompted*

both sets of players to crowd the supporter, during this moment I took the referee to one side to say that if this continues the game needs to be stopped as my players should not be subjected to abuse of any sort during a game of football especially not racism!".

- 16.4. Mr Beccan concludes his statement noting *"Personally the behaviour.... Was both appalling and disgusting. Amar was shaken up by the whole event and raised his concerns to me at half-time and said that he felt shaken up due to the supporters' frightening behaviour. Regardless of what happens during a football match, and I accept that emotions run high during games, but at no point should anyone be subjected to verbal abuse and racism and be left upset from what has been said to them"*.
17. The statement from Mr Luke Simmons, undated, contains the following:
- 17.1. Mr Simmons recalls *"After us scoring a goal, John seemed to aim some verbal abuse towards the Old Lyonians full back. This caused a few Old Lyonians players to approach the ref and ask him if he could deal with John. On his approach he was also shouted at by John after 1) being asked for his name and 2) being asked to leave the area of play. The ref asked me to help the situation but that only seemed to annoy John even further which resulted in a short argument until he left the area of play where the ref was happy to continue the game"*.
18. The response from Mr Reynolds dated 29 November 2021 contains the following information:
- 18.1. Mr Reynolds statement tells us *"The ref spoke to me after I celebrated my son scoring. So, I walked away down the side line to avoid any further issues, but he kept following me so I just said get on with the game I'm not even playing."* But that the referee *"wouldn't leave me alone no matter which way I walked. I then raised my arms saying "Oh my God" and he replied with "that will do, you told me to fuck off, give me your name" I then said "no I never that's a lie". He was going to send me away so I decided to start walking back to the clubhouse, asked for my name which I then told him"*.

- 18.2. Mr Reynolds then responds to the aggravated aspect stating *“As for the other accusation while I was walking from the side of the pitch one of the Lyonians players (number 10) said something directed at me but in a language, I didn’t understand so I’ve replied with “If you’re gonna insult me say it in English so I understand”.*
- 18.3. He finishes his statement with *“I’m not racist and would not ever make a racist remark to someone. When I’ve been in football as long as I have and now brought my son into the team from youth football and wouldn’t risk his or my position especially after watching him represent the AFA U-18 yesterday”.*
19. The statement from Mr Robert Howard, undated, begins by informing us he is unable to make comments about the alleged language as he was not present, he goes on to say:
- 19.1. *“I am unable to confirm or refute the allegations that the referee was being verbally abused, we do however take very seriously the allegation and as a club we will be investigating the circumstances in detail, we would support the action taken by the referee to ask our captain to control and remove the spectator, and if anyone has been offended as a result of this alleged incident we first offer hope that they are now well and are not suffering any adverse reaction, and we would like to stress in the strongest terms we do not accept these types of behaviours in our game”.*
- 19.2. Mr Howard notes it is *“difficult to make further comments without seeing written details from the referee”* and that *“support will also be offered to the spectator who may have been suffering from some form of issues that we have not been formally made aware of as yet”.*
- 19.3. The last part of the statement sets out the club’s position *“If, following our investigations as a club, support is required to anyone present at the game we will be seeking it and offering what we can to mitigate the causes from occurring again, including potential verbal, written and final warnings on conduct expected, this is a last resort as other mental health considerations may have to be taken into account as a first step.”*

20. On 21 December 2021 Mr Howard sent an e-mail to the AFA to advise them of the following and asking if it can be recorded, *“as of yesterday, John Reynolds is no longer a member of the Old Finchleians football club or main club he has resigned and we have terminated his membership this also applies to his son Lee Reynolds.”*
21. That concluded the relevant evidence in the case.

Standard of Proof

22. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

23. There was no response to any of the charges submitted on WGS, therefore the cases were considered to be Deny by correspondence.
24. When considering the evidence submitted, for case 10600094M the allegation of Improper conduct including foul and abusive language aggravated by reference to nationality, the comment *“I can’t hear you – speak in English you fucking foreigner”* is only noted in the statement of Mr Beccan. Mr Reynolds does admit to responding to the comment said to him in a different language but without the expletives or use of the word “foreigner”. Whilst it is not mentioned within the referee’s initial report in his follow up email to the AFA he does confirm *“these are the words that the Old Lyonians captain alleged that the offending spectator used”*. Mr Simmons statement notes there were instances of verbal abuse from Mr Reynolds earlier in the fixture this, coupled with the comments to the referee point towards an agitated state of the spectator. Whilst in his statement Mr Reynolds denies all charges and any use of offensive language the commission believes from the evidence provided, on the balance of probability, that the word *“fucking”* had been used. Therefore, the charge of Improper Conduct including foul and abusive language is found **Proven**. The commission then considered the charge for the aggravated comments, again it was believed on the balance of

probability that the word foreigner was used in a context that was aggravated and has therefore found this charge **Proven**.

25. For case 10570207M Improper conduct against a Match Official (including abusive language/behaviour) the referee clearly reports in his statement the comments “*fuck off*” and when asked for his name eventually said “*John fucking Reynolds*”. It was believed the referee’s credibility was not in doubt and the commission accepted the content of his statements and therefore, on the balance of probability this case was found **Proven**.

Previous Disciplinary Record

26. John Reynolds’s five-year offence history contains a previous E3 charge for Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) dated 14 January 2018 for which he received:

26.1. Suspension of 13 matches

26.2. Fine of £110

Mitigation

27. The response that has been received from Mr Reynolds regarding the incident contained mitigating circumstances.

The Sanction

28. For case 10600094M the sanction range for his offence is as follows:

28.1. Suspension of 6-12 Matches

28.2. A fine at the discretion of the commission

28.3. Mandated FA Education

29. After taking into consideration Mr Reynolds’s previous record, the sanction will be:

- 29.1. To serve a suspension of 8 matches from all football activity to include ground/venue ban;
 - 29.2. fined a sum of £70;
 - 29.3. Mr John Reynolds is to satisfactorily complete an online mandatory education programme before the suspension is served or Mr Reynolds be suspended until such time, he successfully completes the mandatory education programme, the details of which will be provided to Mr Reynolds; and
 - 29.4. 7 (seven) Club Disciplinary Points to be recorded;
 - 29.5. A warning as to future conduct
30. For case 10570207M the sanction range for his offence is as follows:
- 30.1. Suspension of 0-6 Matches
 - 30.2. A fine of £0-70
31. After considering Mr Reynolds's previous record, the sanction will be:
- 31.1. To serve a suspension of 5 matches from all football activity to include ground/venue ban;
 - 31.2. fined a sum of £60;
 - 31.3. 7 (seven) Club Disciplinary Points to be recorded;
32. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
33. Signed...

Steve Francis (Commission Chair)

13 January 2022