

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Amateur Football Alliance

CORRESPONDENCE HEARING

of

JUNCTION ELITE FC

[Case ID: 10569398M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 31 October 2021, Junction Elite FC (“Junction Elite”, the “Club”) First team played a Southern Sunday Football League, Bob Dixon League One home fixture against Wimbledon Commoners FC (“Wimbledon Commoners”) First team – collectively the “match”.
2. The appointed Match Referee, Mr Tom Flanagan, reported a number of incidents from the match.
3. Amateur Football Alliance (“Amateur FA”) investigated the reported incidents.

The Charge

4. On 24 November 2021, Amateur FA charged Junction Elite, as a club:
 - 4.1. with misconduct for a breach of FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion; and
 - 4.2. it was alleged that during the match the players of Junction Elite verbally abused the Referee; and
 - 4.3. it was further alleged that a player from Junction Elite threw an object at the referee.

5. The relevant sections of FA Rule E20 states¹:

“E20 Each Affiliated Association, Competition and Club shall be responsible for ensuring:

E20.1 that its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to

¹ p. 129 of FA Handbook

any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere; [...]

6. Amateur FA included with the charge letters the evidence that it intended to rely on in these cases.
7. The Club was required to respond to the charge by 08 December 2021.

The Reply

8. On 28 November 2021, the Club responded online by accepting the charge and requested the case to be dealt with in their absence as a Correspondence Hearing.
9. Other than a submission via an EMail by the Club Chairman during the investigation by Amateur FA, there was no further submission with the reply to the charge.

The Commission

10. The Football Association ("The FA") appointed me, Thura KT Win, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing & Evidence

11. I adjudicated this case on 10 December 2021 as a Correspondence Hearing (the "Hearing").
12. I had received and read the bundle of documents prior to the Hearing.
13. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to this case.

14. The Match Referee, Mr Tom Flanagan, had submitted a report, dated 31 October 2021, in which he stated that (I quote):

“The opposition only had 11 players with no coach so could not provide an assistant referee and junction elite had someone who they wanted to run the line but since the other team didn’t have one, I refereed the game without assistants. Throughout the game, many Junction Elite players showed a lot of Dissent towards me, and I Sin binned one player. Players would say things along the lines of ‘this ref’s fucking shit’, ‘the ref’s a prick’, ‘you’re a cheat’ and I’m pretty sure one of their players called me a ‘cunt’ at one point as well, however my back was turned so I could not identify who said it. As the game went on, the players got more aggressive and intimidating, and for most decisions the whole team would surround me.

There was one handball decision that I gave against them in particular, when I was marking out the wall, one player said to his teammate, ‘if there’s anything in this game, I’m going to smash the ref after’ and another player also said a threatening comment of a similar nature. By this point I felt very unsafe and I felt like if I tried to send these players off, it could’ve led to me being assaulted. So I carried on until the end of the game with continued abusive language directed towards me as I just wanted to get to the end and remove myself from the situation.

After the final whistle, one of their players came towards me as if he was coming to shake my hand but then he intentionally threw a small object at me with quite a lot of force. I’m not sure which player it was as I obviously did not ask for his name at this point. A few other players from this team had to be held back after the game to prevent them from potentially also assaulting me and a player had to retrieve my bag for me as it was very close to those of Junction Elite’s players and he said ‘you don’t want to go over there ref. One of their more reasonable players came to talk to me after and said that the players’ behaviour was just passion and mainly caused by the other team failing to provide assistants, but even so it is completely unacceptable, and I felt very unsafe.”

15. Mr Flanagan provided further information on the incidents when Amateur FA was seeking some clarifications from Mr Flanagan, which included (I quote the relevant text):

15.1. *“a lot of the comments made, although they were about me, were not addressed*

directly towards me, but rather to their teammates”;

- 15.2. *“I did not see his number [the player who said to their teammate that they would ‘smash the ref after’], nor was I able to see which other player said something threatening at the same time, as I was speaking to a few other players and only heard it in the background, but he seemed to be agreeing with the player who said he was going to smash me”;*
- 15.3. *“I am not able to identify the player who threw the object at me, as at this point, I was more focussed on getting away from the crowd of players and removing myself from the situation. The object was small, blue and plastic, but I am not sure exactly what it was as I did not go to check afterwards, but perhaps it could have been a bottle cap or something of that nature”;*
- 15.4. *“There were too many players approaching me after the game for me to be able to identify”;* and
- 15.5. *“I was not really focussing on what I would put in my report at the time, I was solely trying to get away from these players and removing myself from any harm”.*
16. Mr Justin Peck, Wimbledon Commoners Captain, submitted a statement, dated 15 November 2021, in which he stated (I quote the relevant text):

“After the final whistle, some junction elite players (3 or 4) approached the referee to complain about some decisions. One player was visibly angry and looked like he threw something in the direction of the referee (I was told afterwards by someone closer that it was sock tape). The referee had to walk backwards away from the situation. Some of our players, including me, went over to support. We, alongside a couple of other junction elite players, helped to remove their players from the pitch and stopped one or two players trying to confront the referee from doing so.

During the game, they had been unhappy about some offside decisions given by the referee (as we did not have any linesmen). Unfortunately, we did not have any subs or supporters to provide a linesman during the game. However, we felt the referee managed the game well and was fair and clear in his decision making throughout the game - we have no complaints about his performance and felt he was one of the better referees we’ve had this

season..."

17. Mr Aaron Stocker, the Club Chairman, submitted a statement via EMail, dated 19 November 2021, in which he stated (I quote):

"So gutted I even have to write this report. Luckily I was at the game so I can write this in confidence. Can I firstly say we have never had a report before and never intend to get one again.

I feel constant dissent is a bit harsh there was only one sin bin. The ref for me was way too young and inexperienced for the game and took things a little bit too serious my players have a bit too much fun sometimes but never intended to scare or intimidate the ref at all. Most of our players are fathers or work with children and did not mean anything harmful.

The ref made a mistake that cost us the win and the players were angry but never threatened the ref. I would not have allowed it. We have all spoken and no one has come forward about an object being thrown from a player on the pitch. Unless it was grass I'm not sure how to respond. No player knows anything about it. The ref never stayed or told me about an object until he text messaged me and he said he didn't know who it was. I'm not calling the ref a liar, we will have to take it as a team on that one.

But there was no trouble all game neither was there any cards. It was a five min spell at end of a game where players were upset at the calls from the ref. We have spoken to all players we stayed behind and addressed all issues from the game and we have already banned players ourselves. But we also accept any sanctions you see fit.

We are not a bad team. Far from it and I am sure my league and all refs would confirm that. I'm sorry I even had to [write] anything like this and we have said sorry to the ref for making him feel such a way I promise u it was just lighthearted behaviour from maybe what would come across as an intimidating bunch."

18. That concluded relevant evidence in this case.

Standard of Proof

19. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event

occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

20. The Club had accepted the charge and, therefore, it would be afforded the “*Credit for Guilty Plea*”.
21. With reference to Mr Flanagan reporting that he felt threatened by Junction Elite players, he did not say that the players made the comments directly towards him, but reported the behaviours of “*aggressive and intimidating... felt very unsafe... team would surround me*”² etc. Mr Peck had corroborated some of the events and that stated that the Referee had to be offered their support³.
22. Although Mr Stocker had stated that his players “*never threatened the ref*”, he added “*we have said sorry to the ref for making him feel such a way I promise u it was just lighthearted behaviour from maybe what would come across as an intimidating bunch.*”⁴.
23. Based on the evidence and on the standard of proof required, being the balance of probability, I found it was more likely than not that the behaviours of one or more Junction Elite players were aggressive and intimidating which caused the Referee to feel unsafe and threatened. I, therefore, found the threatening element proven.
24. With reference to an item being thrown in the direction of the Referee, Mr Peck had also corroborated what Mr Flanagan had reported and Mr Peck said he later discovered that it was the “*sock tape*”⁵. Mr Flanagan had also further explained that “*The object was small, blue and plastic*”⁶.
25. Based on the evidence and on the standard of proof required, I found it was more likely than not that a Junction Elite player threw an item in the direction of the Referee. I also found this element proven.

² para 14

³ para 16

⁴ para 17

⁵ para 16

⁶ para 15.3

26. I, therefore, agreed and accepted that the Club had correctly pleaded “*Guilty*” to the charge.
27. I assessed the level of seriousness and culpability to be at medium to high level.

Previous Disciplinary Record

28. As the Club had accepted its charge, I sought its disciplinary record. It was noted that the Club has 11 teams and, whilst there are some disciplinary records, there is no previous E20 offence / charge in its record.

Mitigation

29. Mr Stoker had said “*we have said sorry to the ref for making him feel such a way*” and “*We have spoken to all players we stayed behind and addressed all issues from the game and we have already banned players ourselves*”⁷.

The Sanction

30. For the medium to high level of seriousness and culpability that I assessed for this case⁸, the Sanction Guideline for the level of football the Club’s team play in for this breach of FA Rule E20 is a fine between £25 and £150.
31. A reduction in sanction would be afforded for the Club accepting the charge, the Club’s previous good disciplinary record, and a degree of mitigation found in the Club’s submission.
32. After taking into consideration all circumstances in this case, the Club is:
- 32.1. fined a sum of £50 (fifty pounds); and
- 32.2. 8 (eight) Club Disciplinary Points to be recorded.
33. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

⁷ para 17

⁸ para 27

Thura KT Win JP LLM MCI Arb (Commission Chair)

13 December 2021