

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIR PERSON SITTING ALONE**

*Sitting on behalf of Amateur Football Alliance*

**CORRESPONDENCE HEARING**

*of*

**LOUIS BASSETT**

Old Brentwoods

**[Case ID: 11259642M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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Warning: This document contains foul and abusive language.

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### Introduction

1. On 3<sup>rd</sup> May 2023, Haberdashers First played Old Brentwoods Third (“**the Club**”) in a Division 4 Arthurian League fixture, collectively called “**the match**”.
2. The Amateur Football Alliance (“**Amateur FA**”) received a report of Improper Conduct following the match.
3. Amateur FA investigated the reported incident.

### The Charge

4. On 17<sup>th</sup> May 2023, Amateur FA charged Louis Bassett, a player of Old Brentwoods, with:
  - i. **Charge 1** - Misconduct for a breach of FA Rule E3 – Improper conduct (including foul and abusive language).

- ii. **Charge 2** - Misconduct for a breach of FA Rule E3 – Improper conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.
  - iii. It is alleged that Louis Bassett used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Sexual Orientation. This refers to the comment(s) “*Are you fucking queer*” or similar.
5. The relevant section of FA Rule E3.1 states: <sup>1</sup>

*“E3.1 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 disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.*

*“E3.2 A breach of Rule E3.1 is an ‘Aggravated breach’ where it includes a reference, whether express or implied, to any one or more of the following: - Ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability”.*

6. Amateur FA included with the charge letter the evidence that it intended to rely on in this case.
7. Mr Bassett was required to respond to the charges by 31<sup>st</sup> May 2023.

### **The Reply**

8. The Club submitted the response on behalf of Mr Bassett on 31<sup>st</sup> May 2023. The charge was “**accepted**” and a “**Guilty Plea**” submitted. Mr Bassett requested that the case be dealt with in his absence as a “**Correspondence**” Hearing.

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<sup>1</sup> Page 141 of the FA Handbook 2022/2023

### **The Commission**

9. The Football Association (“The FA”) appointed me, Ian R. Stephenson, as a Chair Person Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chair Person Sitting Alone to adjudicate in this case.

### **The Hearing & Evidence**

10. I adjudicated this case on 5th June 2023 as a Correspondence Hearing, (“**the Hearing**”).
11. I had received and read the bundle of documents prior to the Hearing.
12. 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 of the evidence and materials furnished with regard to this case.
13. The following evidence was provided in the case bundle:
14. An FA Extraordinary Report from Kevin Turnbull, dated 3<sup>rd</sup> May 2023, which was submitted to the Association. Mr Turnbull was Assistant Referee 1 at the Match. Mr Turnbull stated and I quote:
- “In 60th minute of game following a coming together of 2 opponents, I clearly heard the Old Brentwoods number 7 say to his opponent ‘are you fucking queer’. I duly advised referee Mr Steven Bodell, who sent the player from the field of play. After the game, Mr Bodell confirmed the players name to be Louis Bassett”.*
15. An FA Extraordinary Report from Steven Bodell, dated 3<sup>rd</sup> May 2023, which was submitted to the Association. Mr Bodell was the Match Official. He stated and I quote:

*“In the 2nd half there was a coming together of 2 opponents, I blew my whistle to stop the game as assistant Kevin Turnbull was agitating his flag in the air very quickly. I went across to Kevin Turnbull who said he had clearly heard the Old Brentwoods number 7 Louis Bassett say to his opponent 'are you fucking queer?' I asked the Brentwoods player for his name & dismissed him from the field of play”.*

16. An FA Misconduct Report Form submitted to the Association by Mr Bodell. The form contained the name of Mr Bassett as having been dismissed from the game under code S6.

17. Email communication between Mr Turnbull and the Association.

18. An email exchange between Joseph Stolerman and the Association. On 4<sup>th</sup> May 2023 at 4:46PM, Mr Stolerman sent an email to the Association which stated, and I quote:

*“I’ve discussed with the player involved, he is OK and does not wish to take things further. We appreciate the consideration that has gone into this and the support from the AFA”.*

### **Evidence in Defence of the Charge**

19. An undated Witness Statement from Louis Bassett, the Participant, which was sent to the Association. Mr Bassett stated, and I quote:

*“ There was an incident in the second half of the game where I was sent off for abusive language to which I still don’t know what the linesman thought they heard as me or my captain wasn’t told, the opposition player and I were on the edge of the pitch trying to get the ball off one another where we won a free kick and as I went to get the ball he trod on my foot and tried to provoke me by jeering in my ear as it happened to which I turned around and told him to ‘fuck off you cunt’ next I turn around to the linesman screaming my number and told me to wait with him as he called over the referee and to which I was shown a straight red card and told it was for abusive language to which I tried to argue as I didn’t think it was a straight red card offence for calling another player a ‘cunt”.*

20. A Witness Statement from Chris Maddison, dated 10<sup>th</sup> May 2023. Mr Maddison was a player of Old Brentwoods in the match. Mr Maddison stated and I quote the relevant text:

*“The incident from my perspective happened around 20 yards away from my position in goal....[sic].*

*I’m unsure as to who provoked this incident but what I am sure of is that the language used by Louis wasn’t any different to language that had been used throughout the game. I heard Louis use the C\*\*\* word which I don’t condone but I think in the wider context of the game having heard multiple of theirs and our players using the same language it felt unjustified for Louis to receive a red card.*

*There was little or no reaction from the opposing player which would suggest they weren’t in any way offended or surprised by Louis’s language and the confrontation didn’t seem in any way aggressive or violent enough to result in a red card”.*

*[sic].*

21. A Witness Statement from Bradley Marshall, dated 11<sup>th</sup> May 2023. Mr Marshall was a player of Old Brentwoods in the match. Mr Marshall stated and I quote the relevant text:

[ ] *“The incident happened around 15/20 yards from my position in centre midfield. The OBs player Louis Bassett strongly but fairly won the ball off the opposing player and incidentally winning us a throw in. As Louis walked past the player, there was a slight interaction between Louis and the Haberdashers player where he slightly nudged Louis. Louis did not physically react to this and walked past him and muttered a few words which I did not hear. The Haberdasher’s player did not react to the words that were said in any way and went to continue on with the game. It was until the linesman signalled to the referee about the incident to which both players, Louis and the Haberdashers’ player was surprised it was taken that far with some Haberdashers players shocked Louis had seen a red. In all honesty I am surprised this incident has been taken this far due to both sides not really understanding what the issue was on the night”.*

22. Email communication between the Association and Ben Loader, the Secretary of Old Brentwoods. On 10<sup>th</sup> May 2023 at 5.19pm, Mr Loader sent an email response to the Association which stated, and I quote:

*“While he used abusive language towards an opposition, he was quite clearly provoked and we do not believe that punishment was befitting of the offence.*

*As a player myself, I would argue this language is used on a weekly basis. While that should not be the case, it shows extraordinary inconsistency to punish this isolated offence.*

*Had it been directed towards an official then I would understand but that is not the case here”.*

23. Mr Loader sent an additional email to the Association on 15<sup>th</sup> May 2023 at 5:07pm, which stated and I quote:

*“Louis is adamant that he made the comment as per stated in his written statement, and believes that he must have been misheard if the linesman believes he used offensive language against a protected characteristic. Certainly the lack of reaction from anyone else on the pitch supports this to a degree”.*

24. Mr Loader sent a further email to the Association on 16<sup>th</sup> May 2023 at 09:39am, in response to a question asked relating to the comment that Mr Bassett had made. Mr Loader replied, and I quote:

*“What do you mean by the question?*

*Sexual orientation quite clearly has nothing to do with the comment Louis made. While it was foul language it does not relate to sexual orientation at all and while I have heard the word far too much on the football pitch in my career, I cannot think of one time that it has”.*

25. That concludes all of the evidence that was provided to the Commission.

### **Standard of Proof**

26. 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**

27. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon the Amateur FA.

28. In a Commission such as this the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, that is whether the witness is attempting to tell the truth, and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.

29. Where there are discrepancies between witnesses, it is for the Commission to accept which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and which to reject, the Commission then has to decide if, on the balance of probability, the alleged breach of the FA Rules is established.<sup>2</sup>

30. It should be noted that where direct speech is quoted in a witness statement, I have recorded it exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typo errors.

In summary;

31. It is alleged that Louis Bassett used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Sexual Orientation. This refers to the comment(s) "*Are you fucking queer*" or similar.

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<sup>2</sup> Paragraph 5

32. Mr Bassett accepted both the E3.1 and E3.2 charges.
33. Kevin Turnbull was Assistant Referee 1 at the match. Mr Turnbull described an event that occurred in the 60<sup>th</sup> minute of the match. Mr Turnbull stated that there was “a coming together” of two opponents. Mr Turnbull clearly heard the Old Brentwoods number 7 say to his opponent “*are you fucking queer*”.
34. Mr Turnbull advised Mr Stephen Bodell, the Match Official, of what he had witnessed and acting on this information Mr Bodell dismissed the player from the field of play. Mr Turnbull further stated at the end of the match that the name of the player that he had dismissed from the game was Louis Bassett.
35. Stephen Bodell was the Match Official. Mr Bodell stated that there was “*a coming together*” of two opponents, following which his Assistant Referee, Mr Kevin Turnbull, was agitating his flag.
36. Mr Bodell spoke to Mr Turnbull and Mr Turnbull told Mr Bodell that he (Mr Turnbull) had clearly heard the Old Brentwoods number 7 (Louis Bassett) say to an opponent “*are you fucking queer*”. Mr Bodell then asked the Brentwoods player for his name and then dismissed the player from the field of play.
37. Following a request sent to the Old Haberdashers’ Club requesting the identification of the player who was subjected to the comment, and inviting a Club response, Joseph Stolerman replied on behalf of the Club stating that he had discussed the matter with the player and that the player did not want to take the matter any further.
38. Louis Bassett, the Participant, submitted an undated Witness Statement in which he described an incident that happened in the second half of the match. Mr Bassett stated that an opposition player had trodden on his foot and had been “*jeering in his ear*”. Mr Bassett further stated that he had reacted towards the player by saying to him “*Fuck off you cunt*”. Mr Bassett then described the linesman as “*screaming his number*” before the linesman spoke to the Referee. Mr Bassett stated that he was then shown a straight red card by the Referee and was told that it was for using foul and abusive language.

39. Mr Bassett, whilst admitting to using the words “*fucking cunt*” did not make any reference to using the word “*queer*” at any stage during his evidence.
40. Chris Maddison was a player of Old Brentwoods, and a team mate of the Participant during the match. Mr Maddison was playing as a goal keeper in the match and was around 20 yards away from the incident, an incident that he later described as being a “*confrontation*”. Mr Maddison was unsure which player had provoked the incident but he heard “*Louis use the C\*\*\* word*”. Mr Maddison stated that there was little or no reaction from the opposing player which made him conclude that the opposition player was not offended in any way. The confrontation did not seem aggressive or violent and he was surprised to see that Mr Bassett had received a red card for his language.
41. Mr Maddison made no reference in his statement to hearing the word “*queer*” said by anyone during the match.
42. Bradley Marshall was a player of Old Brentwoods, and a team mate of the Participant during the match. Mr Marshall described the incident happening about 15/20 yards away from his position in midfield. Mr Marshall described Louis Bassett winning the ball in what he described as being a “*strongly but fairly won ball*”. Mr Marshall then stated that there was a slight altercation between Louis and an opposition player who slightly nudged Louis. Mr Marshall further stated that Louis “*muttered a few words*” which he did not hear.
43. Mr Marshall confirmed that the Linesman signalled to the Referee about the incident, following which Louis was shown a red card by the Referee.
44. Ben Loader is the Secretary of Old Brentwoods. Mr Loader submitted the statements to the Association in support of the Defence. Mr Loader consistently referred to Mr Bassett saying the word “*Cunt*” but made no reference or acknowledgement at any stage that the word “*queer*” had been said by Mr Bassett. Mr Loader stated that the comment used by Mr Bassett did not relate to Sexual Orientation.
45. Clearly the words “*Fucking Cunt*”, as specifically admitted to have been said by the Participant, and heard by witnesses, are foul and abusive words, and are offensive in their nature. The use of such words is clearly improper. The words “*are you fucking*

*queer*”, as heard by Mr Turnbull, are clearly foul and abusive and offensive in nature, and contain a clear reference to a protected characteristic, namely Sexual Orientation. The use of such words is clearly improper.

46. The Commission noted that the evidence submitted by the Participant made no reference to the aggravated part of the charge. Mr Bassett, upon his own admission, admitted saying “*fucking cunt*” but made no reference to using the word “*queer*”. Similarly, the evidence submitted in defence makes no reference to anyone hearing the Participant say the word “*queer*”, the defence evidence refers only to hearing the word “*cunt*” said by Mr Bassett.
47. The evidence submissions in support of the Defence were made prior to charge. The Commission noted that the charge was accepted by Mr Bassett following the Defence statement submissions. Also having accepted the charge neither Mr Bassett, or his Club, submitted any further evidence to either challenge the account provided by Mr Turnbull, or anything further in support of the Defence in this case.
48. As both the E3.1 and E3.2 charges had been accepted by Mr Bassett, the Commission were not required to determine liability in this case. That said, the Commission found that based on the balance of probability it was more likely than not that Mr Bassett had used the word “*queer*” as alleged, and found both the E3.1 and E3.2 charges were PROVEN.

### **Previous Disciplinary Record**

49. After finding the charge proven, the Commission sought the participant’s previous Misconduct history.
- i. The Commission noted that the Participant has no previous Misconduct recorded against him.

### **Mitigation**

50. The Participant had accepted the charge and had a clean record of previous Misconduct. Credit would be allowed for this.

### The Sanction

51. The Commission reminded itself that the sanction Guideline for an aggravated breach of FA Rule E3 is:

- i. A suspension of 6-12 matches, 6 matches is the standard minimum<sup>3</sup>.
- ii. A Participant found to have committed an aggravated breach will be subject to an education programme. <sup>4</sup>
- iii. Regulatory Commissions shall still be entitled to take aggravating and mitigating factors into account when determining sanction<sup>5</sup>.

52. In determining the appropriate sanction to impose, the Commission noted that the Participant had accepted his charge and submitted a “**Guilty Plea**”. Credit would be allowed for this and for the Participant’s previous clean Misconduct Record.

- i. The Commission considered the entry point for sanction, prior to mitigating and aggravating factors, would be a suspension from all football activities for 7 matches. The Commission would, however, allow credit for the Participant’s Guilty plea and previous clean Misconduct Record and this would reduce the sanction to the standard minimum sanction that was available to the Commission, this being a suspension from all football activities for 6 matches.

53. After careful consideration of the mitigating factors, and with no additional aggravating factors to be considered, the Commission determined that the appropriate sanction to impose for the E3.1 and E3.2 (aggravated) charge was:

54. Louis Bassett shall be suspended from all football activities for 6 matches.

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<sup>3</sup> Page 177 of the FA Handbook 2022/2023

<sup>4</sup> Page 177 of the FA Handbook 2022/2023

<sup>5</sup> Page 178 of the FA Handbook 2022/2023

55. The Commission noted that Louis Bassett received a 3-match suspension from all football activities commencing on 9<sup>th</sup> May 2023 in relation to the red card that he received for this matter, and a £45.00 fine. For the sake of clarity, the 6-match suspension imposed by the Commission replaces the 3-match suspension imposed for the red card. Therefore, if any of the originally imposed 3 matches have been served then they served shall be deducted from the 6 matches imposed by the Commission.

56. Louis Bassett must attend an Online Education programme. This must be undertaken before the time-based suspension is served. Failure to comply with this order will result in a Sine-Die suspension being issued against the Participant until they have fulfilled this order in its entirety.

57.7 Club points awarded.

58. The sanction is formally imposed.

59. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: *Ian R. Stephenson*

FA National Serious Case Panel Chair

5th June 2023.