

# National Serious Case Panel

Case ID:

(1) 10966552M

(2) 10995760M

## Disciplinary Commission

*Correspondence Hearing - Chair Sitting Alone*

### Amateur Football Alliance

County FA

v

(1) FC Baylis United First

(2) Haseeb Ishaq

Participants

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The Decision and Written Reasons of The Commission

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#### Disclaimer:

*These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials in this matter.*

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## **Introduction**

1. On the 22<sup>nd</sup> October 2022, there was a football match (the “match” or “game”) between *FC Baylis United First* (“Baylis”) and *Berks Elite FC Mens* (“Berks”). Mr Haseeb Ishaq is the club chairman of Baylis and they are therefore both a “participant” for the purpose of this case.
2. After the game had finished, the referee, Allan Higgs, reports that he was subject to a number of abusive comments from the Baylis players. Some of which included “fuck off, your fucking shit, your useless”, “fucking pussy hole”. When the referee asked for a player’s name he was told to “fuck off” and “shove it up your arse”. At some point it is alleged that a player verbally threatened the referee by saying “I’ll fuck you up”. It is also said that audio files were sent by the club chairman, Mr Ishaq, to Gary Reeves (league general secretary) which included various comments about the referee (Mr Higgs) calling him an “absolute joke of a person, of a ref, of a human being”. In these audio files, Mr Ishaq also refers to another referee, Laurence Mills, as an “absolute twat” “I mean as people, these are disgusting people” and makes other various complaints.
3. This incident was investigated by the County FA and statements were obtained to establish what took place. On the 10<sup>th</sup> November 2022 the County FA communicated to the participant that they had made a decision to charge on the evidence below.
4. The County FA are subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

## **The Commission**

5. The County FA prepared the bundle for these matters and the National Serious Case Panel (“NSCP”) officially appointed me as the “commission” to adjudicate on this case alone as a Chair member.

6. For the purpose of fairness, I am independent to the parties referred to in this case and I did not have a conflict of interest to declare. My decision is based only on the evidence I have been sent and this is outlined below.

### **The Charge(s)**

7. The County FA laid the following charges (these are extracts from The FA Handbook that can be accessed online<sup>1</sup>):

#### **FC Baylis**

##### ***Charge 1***

- 7.1. FA Rule E20 – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

- 7.2. The relevant section of FA Rule E20 states:

*“E20 Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match and do not:*

*E20.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;*

*E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.”*

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<sup>1</sup> <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

## **Haseeb Ishaq**

### ***Charge 1***

7.3. Rule E3 – Improper Conduct against a Match Official (including abusive language/behaviour).

7.4. The relevant section of FA Rule E3 states:

*“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”.*

### **The Reply**

8. The participants responded by denying their charges and I was instructed to conduct this case as a correspondence-only hearing.

### **The Hearing and Evidence**

9. Below is a list of documents and/or witnesses in the bundle, that I was provided to consider.

Statements that are within quotation marks are unamended extracts from the original source.

10. County FA’s evidence in support of the charge(s):

11. Alan Higgs, referee

11.1. Extraordinary report statement: *“After the game, whilst walking towards changing rooms, I was subjected to a loud torrent of abuse from numerous FC BAYLIS Utd team players, most still in shirt colours.. FUCK OFF, YOUR FUCKING SHIT, YOUR USELESS. CANT DO NOTHING NOW, GAMES OVER. ....FUCKING PUSSY HOLE (constantly being said). I asked one player for his name and was told...FUCK OFF, you cant do nothing, game's over. SHOVE IT UP YOUR ARSE...was also said*

*several times. A tall player then made verbal threats.....I'll fuck you up. Said a few times. I decided not to enter the building as in fear of my safety. I went to the van and phoned the Police. I also didnt want to leave my van unguarded in fear of vehicle criminal damage being done. I also fered for my safety and revealing where I live, if followed. Whilst waiting for Police to answer 101, I was subjected to more ofthe same/ similar buse as players went to their cars. Berks Elite players leavin the field of play and stated in a msg they were willing to provde witness statements.”.*

- 11.2. Further extraordinary statement: *“I am in now in receipt of audio files that have been sent which include..... threats of violence to me as a ref / ref sec of the league. After 90 mins, no longer a ref, Anywhere he goes, any time. I'm going to fuck you up- . Abusive insulting comments directed at me.... absolute joke of a person, a ref and as a human being!,... who doesnt understand the game whether he has reffed for 60-70 yrs. not acceptable to warn players of their conduct, re if repeted may result in a sin bin. also a panel ref Laurence Mills- called an absolute twat!....dont mean as ref, as people, disgusting people. accusing EBFL REFS OF BEING SO BAD, YET MARKS DO NOT ALWAYS BACK THIS UP plus LACK OF CLUB LOW MARK REPORTS.*

## 12. Callum Parker-Stubbs, player for Berks

- 12.1. Statement: *“The match kicked off at 14:00, 22/10/22*
- 12.2. *- During the match, which they were comfortably winning from about 20 minutes in, a lot of their team began to dissent (verbally and physically) and tensions between them and the Referee seemed to grow. - In the second half, one of their players (their captain, I believe) was sinbinned for dissent. - I was unsure of what they were arguing with the Referee about as although the game was fairly physical, nothing overstepped the mark and the Referee controlled the game, giving out bookings to both sides (not for dissent but for tackles, myself included). There didn't seem to be any*

*controversial calls or incidents during gameplay, however there were frequent stoppages in play when they got into an argument with the Referee - The captain didn't appear to take being sinbinned too well and continued to shout at the Referee from the sidelines, while his manager and other players tried to get him to be quiet. - After the game, our team stayed on the pitch longer as FC Baylis headed back to the changing rooms which was a short walk across the pitch and through the car park - As I proceeded to walk back across the pitch, I could see their team and the Referee in the car park, with a group of them (not all, perhaps 5, but I cannot be sure of the exact amount) were around the Referee having a discussion. - As I got closer, tensions began to escalate and I could hear shouting, at which point, the Referee began to walk away to his van on the other side of the car park - The captain (I think), who had been sinbinned earlier in the game, became incandescent with rage and was shouting verbal abuse to the Referee as he was walking away. - While I cannot remember all, or exactly what he said, he was very aggressive using terms such as "fuck you" "you're a fucking pussy hole go hide behind your van" "call the fucking feds, see if I care" - I cannot recall hearing any exact threats, but his behaviour and language was aggressive and he was being held back by his players and coaching team - I then had a chat with one of their managers about the game, our team and how if this continues to happen, we won't have any Referee's left, before going into the changing rooms".*

### 13. Further documentation

- 13.1. Email correspondence of County FA seeking clarification;
- 13.2. Police correspondence;
- 13.3. Screenshots and pictures of team sheets;
- 13.4. Two audio files "0000" and "0003" each around 5 minutes long.

14. Participant's evidence:

15. Aqib Mahmood, for Baylis

15.1. Statement: *"From my observation of the game as i was also playing we had the referee constantly sending msgs to our players stating i will send you off including myself just because we appealed against a decision he made, which i fel was unfair i understand sometimes in football players can get frustrated with refs decision and can appeal against it however whenever we did this we would get response from the referee you will be off. then in the 2nd half there was a free kick awarded to the opposition as the referee is doing step count for our team to make a wall, Alan then stamps on our players foot without any apologies the ref stating you should look where you going, this now has frustrated our player and he has responded politely to the ref watch where your going cause you are stepping on my foot ref did not acknowledged this and then ended to argue back with our player and then sending him him off which i have found was really unfair. This was constant from the ref throughout the game . He would not acknowledge anything from us in the game, would let fouls go and would not give any cards to oppo after many fouls, but when we appealed the ref threatened our players that they would be sent off. At the end of the game i was heading to my car i saw the ref and ismail ishaq arguing im not sure how t started or who started t i just stated please stop arguing game is over and move on. I don't believe there was any serious threat or threat that went towards the ref. Our players were frustrated with the ref as he gave lots of decis ons the other way and then on top of that as ment oned stamping on our player and then to sin bin him. From our side we apologise for what happened after the game with the ref and should not have happened, but we would like an explanation as to why he sin bin our player for 20 minutes after the ref had stepped on his foot?"*



16. Baylis correspondence:

16.1. Questioned by the County FA with “*We have been provided with two audio messages sent to the league secretary (attached) - can you confirm these messages were from the club Chair Haseeb Ishaq?*” and the club to respond with: “*Yes it is club chairman Haseeb Ishaq*”.

**Standard of Proof**

17. As directed by The FA, the appropriate standard of proof in such cases is that of the civil standard. This means that the commission must be satisfied on the balance of probabilities that, as per the evidence presented before it, it was more likely that not that the events occurred as they have been charged.

**The Decision**

18. The County FA produced evidence which supported both charges. In respect of Baylis, I found the evidence of the referee to be credible and this was supported by that of Mr Parker-Stubbs. The language used by the Baylis players demonstrates clear abuse to the referee which was heightened by threatening remarks where one player said (a few times) “I’ll fuck you up”. I read statements where I found the conduct of the players meant that the referee feared for his safety, to the extent that he called the police. In respect of Mr Ishaq, I have listened to both audio files and it is overly apparent that he is frustrated. The audio files go beyond constructive feedback and become abusive towards match officials.

19. The participant produced a respond from Mr Mahmood and there was no independent response from Mr Ishaq. While I accept there appears to have been disagreements with the referee’s decision, there is no challenge or denial in respect of the language used towards the referee. There is no specific response regarding the audio files from Mr Ishaq challenging or explaining himself regarding his charge.

20. The charge towards Baylis is made out because the conduct of the player towards the referee demonstrates that the club had failed to ensure their players conducted themselves in an orderly fashion, and instead hurled a barrage of abuse towards the referee, including the aforementioned threat. The charge against Mr Ishaq is also made out because to refer to a referee as an “absolute joke of a person, of a ref, of a human being” is intentionally degrading the status of that individual and then further, to call another person an “absolute twat” and label them as “disgusting people” is clearly improper language. While it may be his opinion, he holds a senior position (chair) and as a participant of the FA, he has aimed language, which I find to be abusive, towards match officials.

21. I therefore find that, on the balance of probabilities, the following:

**FC Baylis United First**

21.1. Charge 1 against the participant is PROVEN.

**Haseeb Ishaq**

21.2. Charge 1 against the participant is PROVEN.

**Previous Disciplinary Record**

22. After making my decision for the participant, I was then provided with a copy of his previous records in the last 5 years.

**FC Baylis United First**

23. The club has 1 team and they have previously been subject to two E20 charges and three violent conduct red cards. I do not consider this being a positive record, particularly since they only have 1 team.

**Haseeb Ishaq**

24. The participant has an entirely clear record and this will go in his favour.

### **Aggravating and Mitigating Factors**

#### **FC Baylis United First**

25. Aggravating factors as per sanction guidelines and other observations are:

25.1. I found there to be repeated use of words by the players;

26. Mitigating factors as per sanction guidelines and other observations are:

26.1. There is an apology put forward.

#### **Haseeb Ishaq**

27. Aggravating factors as per sanction guidelines and other observations are:

27.1. Premeditation in that he chose to make indirect comments about individuals and this points towards the mindset of evading detection by those match officials;

27.2. Position held by the participant – he holds a senior position at Baylis;

27.3. Repeated use of abusive words;

27.4. Two phases as there are two audio files of at least 5 minutes each.

28. Mitigating factors as per sanction guidelines and other observations are:

28.1. Positive previous record.

### **The FA Guidance on Sanctions**

29. The FA Handbook and County FA Disciplinary Sanction Guidelines set out the scope and range of sanctions that are available. The applicable season is 2022/23:

30. County FA Sanction Guidelines:

30.1. *“FA Sanction Guideline Matrix - these are guideline sanctions but can be varied when allowed and where appropriate mitigating or aggravating factors exist”*

31. *E20 Failed to ensure Players/Spectators and/or Club Officials conducted themselves in an orderly fashion. Outside NLS:*

31.1. *Low: £0 - £70 fine*

*Medium: £70 - £140 fine*

*High: £140 - £300 fine*

32. *E3.1 Improper Conduct against a Match Official (including abusive language/behaviour).*

*Outside NLS:*

32.1. *Low: 0 – 2 matches and £0 - £35 fine;*

*Medium: 1 – 3 matches and £10 - £50 fine;*

*High: 3 – 6 matches and £20 - £70 fine;*

**Sanction**

33. After taking everything into account, I considered the aggravating and mitigating factors to for Baylis to keep their charge within the medium category, but considered it towards the upper end due to threats being made. In respect of Mr Ishaq his aggravating factors outweigh his positive record and considered his conduct to fall within the high category. Therefore the sanction that will therefore be imposed upon the participants is the following:

**FC Baylis United First**

33.1. Fined the sum of £140.

**Haseeb Ishaq**

33.2. To serve an immediate 3 match ban from all football (from the date of notification for this decision) until such time as the participant's club have completed their number of qualifying matches;

33.3. Fined the sum of £50;

33.4. 7 penalty points.

34. These decisions are subject to the right of appeal under the relevant FA Rules and Regulations.

**Alban Brahim, Chair**

27<sup>th</sup> November 2022