

Disciplinary Commission (“The Commission”)
On behalf of Amateur Football Alliance (“AFA”)
In the matter of
Mr. Chris KENNEDY - Case ID: 11748152M

Hearing Summary including Written Reasons

Introduction

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Saturday 25th May 2024 and was dealt with by the Chairman sitting alone. The above matter formed part of consolidated proceedings, involving a total of 3 charges having been raised against 3 participants. Only the matter concerning Mr. Kennedy required written reasons to be produced.

The Charge

2. AFA had raised a charge against Mr. Chris Kennedy as follows:-

Charge: FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

That charge was detailed as follows:-

“Details: It is alleged that Chris Kennedy used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that After the fixture Mr Kennedy blocked the referee’s path to the changing room which they found threatening and/or made the comment “You’re fucking done, you’re fucking done – I’m going to see to it that you’re fucking finished” or similar towards the match official after the fixture...” (sic).

The charge had been raised following alleged misconduct by Mr. Kennedy, a player with Old Wilsonians Third (“Wilsonians”), after the end of the match between Wilsonians and Civil Service Fourth (“Civil”) played on Saturday 23rd March 2024 in Southern Amateur League (“SAL”) Junior Section Division 2 South.

Evidence

3. These written reasons only include evidence relevant to the charge raised against Mr. Kennedy.

4. AFA received a misconduct report form, dated 24th March 2024, from the match referee, Mr. Paul Glover (“the referee”), in which he had recorded a sending-off and 6 cautions that he had issued during the match.
5. On 24th March 2024 Mr. Glover had also submitted a report to the SAL in which he referred to “...a post match misconduct report from home team no 16 Chris Kennedy for his confrontational and aggressive approach swearing at me in the clubhouse after the match...” (sic).
6. AFA became aware of the referee’s report and undertook an investigation into all matters reported, during which it sought further information from Mr. Glover and observations/statements from Wilsonians and Civil. Surrey FA was also involved in the subsequent investigation as one of the participants was registered with/affiliated to it.
7. In providing further information relevant to the matter concerning Mr. Kennedy Mr. Glover said “...In the second half of the match, Christopher Kennedy had been dismissed from the Field of Play for S7. When I blew the whistle for the end of play, after shaking hands with a number of the players as usual, I walked to the side of the field of play opposite from the Technical Areas to collect my jacket and flask. I walked towards the clubhouse climbed the short run of steps turning left towards the referees changing room entrance, when I was aware of Christopher Kennedy standing in the entrance with his arms folded blocking my way. His body language was aggressive as indeed was his conduct on the field of play leading to his second caution...He aggressively demanded an apology from me alleging I had assaulted him. I responded by saying that I had no idea what he was talking about and asked for his witness evidence in support...He was unable to respond to this although continued his diatribe to demand an apology...he then changed tack stating he was going to report me...He then again with aggression directed foul language to me, menacingly saying to me “You’re fucking done, you’re fucking done – I’m going to see to it that you’re fucking finished” at which point I proceeded towards the changing room responding by stating his conduct, attitude and unfounded allegations would be reported by me...” and “...My feeling during this episode from what Mr Kennedy said and the manner and threatening tone in which it was imparted, was that it was his firm intention to make as much trouble for me as he possibly could to bring about an end to my match officiating days – the reason being that within a very short period of time he had already made contact with the League referees’ Secretary...to “get his version in first” since he had already informed I would be reporting hi conduct...” (sic).
8. In responding to a request from AFA for its observations as to whether anyone from Civil had witnessed any incident between Mr. Kennedy and the referee Mr. Jay Dave, its secretary, only mentioned an incident during the match when Mr. Kennedy had been cautioned etc.

9. On a number of occasions AFA asked Wilsonians for its observations on the referee's allegation concerning Mr. Kennedy's actions after the end of the match. One reply from Mr. Jamie Parkinson, its secretary, contained nothing relevant to this matter.

10. In an email dated 23rd March 2024 and sent to Mr. Mark Freedman, the SAL's Referee Secretary, Mr. Kennedy said "*...My intention in approaching him post-match was to provide an opportunity for resolution through an apology, aiming to uphold the spirit of respect and professionalism inherent in our sport...*" (sic).

11. In another email dated 24th March 2024 and apparently sent to another SAL official Mr. Kennedy said "*...Post-Game Incident: Context: After the conclusion of the match, in front of the Wilsonian clubhouse, I approached the referee to seek an apology for the earlier incidents: Referee's Response: The referee refused to offer an apology and advised me to submit a report detailing the incidents...*" (sic).

12. A response provided to AFA in the name of Mr. Kennedy and dated 26th April 2024 included "*...Regarding the claim that I blocked the path of the referee and was verbally abusive after the fixture, I must firmly contest these accusations. After the match, I approached the referee in a calm and composed manner outside the clubhouse, in front of many Old Boys, seeking a resolution to the issues that arose during the game. My intention was to engage in a constructive dialogue and request an apology for the incidents that occurred. However, despite my approach being entirely civil and respectful, the referee chose not to engage and told me to "Go write my report" after I told him that's the course of action I would take. He proceeded to his changing room...*" (sic).

13. At the conclusion of the investigation AFA raised the charge against Mr. Kennedy on 7th May 2024. On that same date it also raised the charge against one of the other participants, with the charge against the third being raised by Surrey FA on 8th May 2024.

14. On 21st May 2024 an on-line response to the charge raised against Mr. Kennedy was received by AFA in which a plea of "*Deny – Correspondence*" had been entered. One of the other participants charged had also entered a plea of "*Deny – Correspondence*" in respect of the charge raised against him. The third participant had not responded by the deadline date although it was clear from other correspondence received by AFA & Surrey FA that he also denied the charge raised against him and wished the matter to be dealt with in his absence. A further response to the charge raised against Mr. Kennedy was received by AFA.

15. The undated and unsigned response to the charge submitted by, or on behalf of, Mr. Kennedy included “...All I wanted from this was an apology for the way he acted towards me on the field after the game and gave Paul the chance to do so...I actually warned the team before the game to be on their best behaviour due to the way I have seen him officiate as a player and spectator. From what I have read in the report there is absolutely no evidence to support any of the threatening accusations. Pau’s version of the events are to “muddy the waters”. I want it on record that I would never say anything like this to someone, especially directly to an official in front of all the Old Boys on the veranda...” (sic).
16. The foregoing is a summary of the principal submissions 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 submission, should not imply that the Commission did not take such point, or submission, into consideration when the member determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.
17. In respect of the matter the burden of proof is on the County Football Association that raised the charge. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if it considers that, on the evidence before it, the occurrence of the event was more likely than not.

Determination & Outcome

18. The Commission referred paragraph 96.1 of “Section Three: Provisions Applicable to Category 5” - FA Disciplinary Regulations (page 218 of the hardcopy of The FA Handbook 2023/2024) in respect of “Offences Against Match Officials.” That paragraph states:-
- “Threatening behaviour words or actions that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official.”
19. Having considered all the available evidence in the matter the Commission determined that, on the balance of probabilities, the charge had not been proven. In coming to that decision the Commission found:-
- the referee was clear that, after the match had ended, Mr. Kennedy had blocked his path to the changing room and was acting in an aggressive manner;

- the referee was clear that Mr. Kennedy had used abusive language towards him, including comments such as “*You’re fucking done*” and “*I’m going to see to it that you’re fucking finished*”;
- the referee had not stated that he feared for his physical safety at the time of the incident;
- the referee clearly took the “*threat*” from Mr. Kennedy to be that he intended to complain about him to the relevant league/County FA to ensure he did not officiate matches in the future;
- Mr. Kennedy admitted that he had approached the referee after the end of the game as he walked towards his changing room;
- Mr Kennedy was clear that he had not used abusive language towards the referee;
- as Mr. Kennedy had chosen to have the matter dealt with at a correspondence hearing it was unable to test the written evidence of witnesses further and could only come to a decision on the evidence before it.;
- after considering all the evidence before it in respect of the consolidated proceedings, it did not prefer one set of evidence over the other, including whether abusive language and/or behaviour had been used by Mr. Kennedy.

20. The charges raised against the other two participants were then considered by the same Commission.

21. There is a right of appeal against all the decisions made in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Mr. Tom Edwards, Chairman

25th May 2024