

FA NATIONAL SERIOUS CASE PANEL
DISCIPLINARY COMMISSION
on behalf of Amateur Football Alliance

PERSONAL HEARING

of

Lee Reynolds

Crouch End Vampires FC

[Case ID: 11698477M]

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 - 6
3. The Reply	4.....	7 - 8
4. The Commission	4.....	9 - 10
5. The Hearing and Evidence	5.....	11 - 29
6. Standard of Proof	14.....	30
7. The Findings & Decision	14.....	31- 36

Introduction

1. On 06 April 2024, Crouch End Vampires FC Second ("Crouch End", the "Club"), played a Southern Amateur League Junior Section Division 1 North fixture against Alexandra Park FC Third ("Alexandra Park") - collectively the "match".
2. Following the fixture the Match Referee submitted an Extraordinary Incident Report following being made aware of an allegation of aggravated language by Lee Reynolds from Crouch End Vampires FC.
3. The Amateur Football Alliance ("The Amateur FA") investigated the reported incidents.

The Charges

4. On 21 May 2024, the Amateur FA charged Lee Reynolds with:
 - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct including foul and abusive language **Charge 1**;
 - 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 **Charge 2**;
 - 4.3. It is alleged that Lee Reynolds used abusive and/or indecent and/or insulting words or behaviour 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 Nationality. This refers to the comment "*foreign cunt*" or similar.
 - 4.4. The Amateur FA advised in the charge letter that the range of sanction was between 6-12 matches. 6 matches are the standard minimum; a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors.

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 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”

5. The evidence that the Amateur FA intended to rely on in this case was included with the charge letter.
6. A response to the charges was required by 04 June 2024.

The Reply

7. For case **11698477M** Lee Reynolds, a response is shown within the case bundle however none of the options have been selected. Due to the appointment of the Commission, it is assumed the response was *“Deny – Personal Hearing”*.
8. During the investigation, the evidence was submitted from:
 - 8.1. Report and information supplied by the Match Official;
 - 8.2. Statements from Alexandra Park;
 - 8.3. Statements and observations from Crouch End Vampires.

The Commission

9. On 10 June 2024 the FA appointed the following members of the FA National Serious Case Panel, as *“the Commission”* to consider this case.
 - 9.1. **Steve Francis** (Chair)

¹ p. 143 of FA Handbook

- 9.2. **Ray Agius** (Wing Member)
- 9.3. **Minesh Gupta** (Wing Member)
10. In addition, **Garry Polkey**, a National Serious Case Panel Secretary, was appointed to carry out the role.

The Hearing and Evidence

11. The case bundle was sent via e-mail to the appointed Commission on 10 June 2024 for their consideration.
12. 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.
13. Below is a summary of the main points:
14. The case bundle begins with the Extraordinary Incident Report from the Referee, this was submitted via WGS on 09 April 2024 and offers the following observations;
- 14.1. Having awarded a free-kick to Alexandra Park, before this could be taken, he saw a commotion. This calmed fairly quickly and he called the two main protagonists over and advised them their behaviour was not as expected. As the three of them walked away the Alexandra Park player *“said “...he called my team-mate.....”, although I did not clearly hear the end of his comment”*.
- 14.2. The Referee isolated the player and asked what he had said *“He said, referring to the other player whom I had just spoken to “...he called my team-mate a foreign cunt...”. I advised Pierre that if I had heard the comment, I would now be sending-off his opponent, but as I had not, I could not issue a Red Card, although I would be reporting his allegation post-match”*.

- 14.3. At this point the Match Official called Lee Reynolds over, who had been the other player involved and had been cautioned for a foul five minutes previously. He informed him of the allegation *“that he had called one of his opponents *“...a foreign cunt...”*, and that if it was true and that I had heard the comment, I would be now sending him from the field of play”*.
- 14.4. He further advised Lee Reynolds as he had not heard the comment, he would not be able to take any on-field action but he would be reporting the allegation he adds *“Lee made no comment when I advised him of the allegation of the comment he had made, nor when I advised him that it was going to be reported post-match”*.
- 14.5. He ends noting he informed both managers the incident would be reported.
15. The Amateur FA contacted Alexandra Park on 09 April 2024 and request their observations. In response two statements are submitted, the first is dated 14 April 2024 and is from the player that had informed the Referee of the alleged comment. This adds the following;
- 15.1. In the second half he notes a team mate *“having a battle”* with an opponent, having challenged the opponent his team mate had put the ball out of play. At this point *“[his team mate] laughed at the player who then replied *“Why are you laughing”* [the team mate] replied *“Nothing it’s just funny”* to which their player replied saying *“Shut Up, you Foreign Cunt”* which I overheard, I confronted their player and said *“Don’t say that as it’s racist and discriminating”* their player acted like they didn’t care, a couple of other players came across to calm things down to which I notified the referee of what was said, the Ref then took down the players name and said he was going to report it”*.
- 15.2. The statement also provides a description of the alleged offender and notes he and his team mate were the only witnesses.
16. The second statement is from the player who was the alleged recipient of the abuse, this is also dated 14 April 2024 and provides the following;

- 16.1. This witness recalls *"In the second half the guy gave me a kick from behind where he received a yellow card for, I asked him why he would kick me and then he started to talk a bit shit. He then called me a "foreign sausage"."* He notes his team mate then heard *"him call me a "foreign cunt""* and reported this to the Referee. he also adds *"But throughout the second half I got harassed by both the player, two other players and some of their supporters, commenting on my English and saying stupid stuff like "foreign sausage" etc"*.
17. The case bundle then moves onto the statements from Crouch End, the first is from a team official and was submitted on 17 May 2024, this adds the following;
- 17.1. The witness was present at the game and places himself around 10-15 feet from the incident and adds *"to be honest apart from a small amount of colourful language nothing I heard was untoward"*. Noting the background of Lee Reynolds, he is of the opinion the allegations are unfounded. He also notes the player that reported the alleged comment to have been *"to put it kindly very theatrical at points in the game"*.
- 17.2. At the time the Referee, whilst noting he was obligated to report, had not heard any such comment being made. He adds if it was not heard by himself or the Referee then it would be difficult to say if it did happen or not. He praises Lee Reynolds prior discipline history with the team over the previous two years he has represented Crouch End.
18. A statement is provided by Lee Reynolds on 20 May 2024 due to issues contacting him. The statement adds the following;
- 18.1. He came on at half-time, halfway through the second half he *"was moving up the pitch with ball and went past a tall 6' plus white defender but caught up to me and in a fair tackle kicked the ball from me out of play"*. He then went to get the ball, as he was coming back the Alexandra Park defender was laughing *"so I said to him "what you laughing for, I've had you on ropes all game you sausage" then went to continue game. A black midfielder from their team came running close to me saying "you can't say that, don't start being racist" then went and spoke to the ref but have no idea what was said"*.

- 18.2. He was then called over by the Referee who told him of the allegation and that it would be reported and took his name. For the remainder of the game *“the white defender was constantly trying to antagonise and get in my head which other team players witnessed but I just wanted to get on with the game and play football”*. He did not report the incident to anyone as he did not feel there was anything to report, he also notes *“I don’t believe anyone witnessed incident as it was just the white defender and myself until the black midfielder came after and went to ref”*.
19. Further information is provided in response to the charge raised, the first is from a parent of Lee Reynolds, this is dated 04 June 2024 and this adds the following;
- 19.1. He confirms the timeframe of his son joining the game, there were *“a few tackles, fouls and incidents throughout the game as expected in football”*. He notes the challenge on his son and the ball going out of play with his son retrieving it. He could see the Alexandra Park player laughing and *“trying to get into Lee’s face so I slowly approached to make sure all was ok and heard Lee comment about having [the opposition player] on the ropes all game and called a sausage which is how Lee speaks, nothing more”*.
- 19.2. Then another Alexandra Park player ran over *“rambling about racism saying he’s going to tell the ref which he did”*. Lee Reynolds was then called over to the Referee and told of the allegation and he adds *“Lee did not feel the need to defend himself as knew he hadn’t been offensive in anyway and just wanted to play the game”*. The statement then notes a personal situation which is noted but not included within these written reasons. The witness alleges this type of allegation has been made by Alexandra Park players before which was then thrown out; he hopes you will see the discrepancies in the statements from Alexandra Park.
20. The final entry is a character reference for Lee Reynolds, the author provides their professional and personal background. Of the character of Lee Reynolds;
- 20.1. They have known Lee Reynolds for more than ten years and praise his personal qualities noting both his respect and politeness. There is

reference to his nature and that it would not be in character for him to verbally abuse any individually and they find this *“difficult to believe or comprehend that Lee would be verbally racist towards others and have never witnessed him ever having done this previously”*.

- 20.2. They request, before any such allegation is recorded against him that a meeting with him is held to allow for his character to be ascertained to allow for an informed decision to be reached. If upheld this would remain with him for a considerable time and may impact on his future and would be *“an injustice for someone who has been falsely accused of making racist remarks”*.
21. That concluded the evidence in the case bundle.
22. The hearing took place on 14 June 2024, the first witness for the County FA was the alleged recipient of the aggravated comment, when questioned they provided the following;
 - 22.1. The witness confirmed his statement was an accurate reflection of what had happened, he also confirmed the incident had taken place around 30 seconds to 5 minutes after a caution had been issued to Lee Reynolds. He had turned as this had upset him, and this had led to a *“bit of an argument”* during which he had been called *“a foreign sausage”*; this was said directly to him. He did not recall any other player close by with the nearest placed around 5-10 metres and was the player that had then reported the incident to the Referee.
 - 22.2. The comment was heard clearly and the volume was such he expected others that were close by would have heard. The witness placed the Referee in the area of the centre-circle although they were not sure but did recall their team mate going over to the Referee to inform him of the alleged comment.
 - 22.3. Of the mention in his statement of *“stupid stuff”* being said to him he noted it was mainly the foreign sausage comment which he was 100% certain of

hearing. When asked about the word "*cunt*" he denied hearing that used towards him at any point throughout the fixture.

23. The second witness was the Match Referee, they confirmed their statement and provided the following when questioned;

23.1. He is a very experienced level 5 Referee. He does not recall taking charge of these specific teams before but had experience of other teams within their clubs. Of the incident in question, he had calmed a situation after the award of a free-kick where Lee Reynolds and the person that reported the incident were spoken to. Having done so as he was taking up position for his drop zone it was then he was informed of the alleged comment. He was not sure what he had heard so had isolated the player and spoke with him away from other players.

23.2. He described the person reporting as being calm and speaking low, almost as if whispering. Once he had been told of the comment "*foreign cunt*", he then spoke with Lee Reynolds and told him he would be reporting the allegation after the match. When told of this he noted Lee Reynolds as being "*quite calm and did not respond*" although he added there may have been a brief "*okay*" as he walked away from the player.

24. The next witness was the individual that had heard the comment and reported this to the Match Official. When questioned he added the following;

24.1. The incident took place in the right back position in their half, the ball had gone out for a throw in, he was within 2 yards of Lee Reynolds with the player the comment was allegedly aimed at being 3-5 yards away. The comment was heard by him as "*foreign cunt*" and was in a raised voice around 7 out of 10 in volume, and he would have expected the player it was aimed at to hear. He was certain the comment was "*foreign cunt*" and denied hearing the term "*sausage*" being used.

24.2. Once he heard this the witness challenged Lee Reynolds who had acted as if he did not care and then said to him "*what are you going to do about it*".

Initially he said he went to the player allegedly abused before approaching the Referee but later amended this to "*angrily walking to the Referee first*" who was 10-15 yards away. He then noted the Referee had to calm him down before he could tell him what was said and the Referee called over Lee Reynolds. When he went to his team mate afterwards, he informed him of the alleged comment and was told "*he has said this before*".

- 24.3. When asked why the comment from Lee Reynolds of "*what are you going to do about it*" was not in his statement he added this was not in his thought process at the time of writing.
25. This concluded the County FA witnesses, the hearing then heard from the representative of Lee Reynolds who was providing support to him. This began with a statement followed by questions directed to Lee Reynolds by the Commission. The following was provided to them;
 - 25.1. The statement from Lee Reynolds is exactly what he remembers and he has not done what he is accused of. He admits he does use the term "*sausage*" and has been heard doing so with other family members. He is mainly a quiet individual that will keep himself to himself with football being the only reason that he would go out. The allegation has been a very stressful time for Lee Reynolds and he has found this difficult.
 - 25.2. The representative further noted the statements provided, both written and verbal, contained contradictions and had a lot of uncertainty. They have stepped in to assist Lee Reynolds as he does struggle to get his point across. The character reference provided by the representative was very positive and contained points of a personal nature which were noted by the Commission but will not be included within this document.
26. When questioned by the Commission, Lee Reynolds provided the following information;
 - 26.1. The lead up to the incident consisted of Lee Reynolds getting the ball on the halfway line and taking it towards the corner area when he was

tackled by an opponent and the ball went out of play for a throw-in. The opposing player then laughed at him and, when he asked why was told *"because it is funny"*. In response to this Lee Reynolds states he said *"what you laughing for, I've had you on ropes all game you sausage"* as he had moved past to get the ball to take the throw. He later added the comment he made was at 5 out of 10.

- 26.2. As he returned with the ball there was another opposing player who had moved towards him and into his face, he was not sure where from, and had said to him *"you can't say that"* and told him he had been racist. The same player then went to the Referee and told him what had been allegedly said. Lee Reynolds denied using the alleged words noting he does not swear, he admitted to *"sausage"* and further denied using the word foreign as part of his comments.
- 26.3. When asked he did not know of any reason as to why the allegation had been made and this was *"not something to joke around with"*. He had been playing directly against both opposing players throughout the game as they were in opposite positions. He did note he did not believe what he said would get someone to be that angry and, having reiterated what he said, feels that he must have been misheard.
- 26.4. When asked if he could recall the positions of the County witnesses, he had run in front of the player allegedly abused to get the ball and had made the comment close to him. He was not sure of the position of the player that informed the Referee but believed him to be a fair distance away at the time as he was playing in midfield. He also placed the Referee in the centre-circle at the time.
27. The final witness was the father of Lee Reynolds who at the fixture in a playing capacity. At the time he was the centre-half for Crouch End, when questioned he provided the following observations;
- 27.1. He recalled the incident where he could see that there was something going on with his son so had moved over to the area to support him. He

heard the term sausage and moved over to the area of the incident which was around the Crouch End penalty area. This involved just Lee Reynolds and the player allegedly abused with no-one else involved, they then went their separate ways, as he moved away the opposing player was mocking his son and the term "sausage" was a part of the comeback from his son.

27.2. When asked about a further incident where there had been an approach to Lee Reynolds by another Alexandra Park player, the witness did recall that and confirmed the position of this. He conceded as a centre-half he would unlikely have been close to this incident and have heard the exchange between the players.

28. That concluded the live evidence

29. The representative of Lee Reynolds then provided a short summary of their position;

29.1. They reiterated the contradictions in the written and live evidence noting one witness did not seem to be sure of the evidence they provided. They would not have heard the alleged words said as they were not used, Lee Reynolds is a young and quiet man. Football is his only activity outside of the home. He is not a fighter or a verbally abusive person and is polite, they confirmed again the term "sausage" is just how he speaks and they do hear this term a lot. It is 100% that he does not use that word nor would he use the word foreign, these are not in his character, they would be grateful if we could find the charges as "not proven".

29.2. Lee Reynolds did provide a short statement in summary where he added "I have said my bit, I know what I have said".

29.3. Both Lee Reynolds and his representative confirmed they had received a fair hearing

Standard of Proof

30. 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

31. For case **11698477M** the E3.1/E3.2 charges for Lee Reynolds, as is usual in cases of this nature **Charge 1** must be considered first. The allegation raised is of use of the term "*foreign cunt*". This was heard by an Alexandra Park player who had challenged Lee Reynolds before informing the Referee. This has been confirmed by the Referee as being an accurate recollection of the events. The player allegedly abused has noted the comment towards him was "*foreign sausage*" and denied hearing the word "*cunt*" at any point during the fixture.
32. This has been denied by Lee Reynolds who has remained consistent in having said "*what you laughing for, I've had you on ropes all game you sausage*". Although this is supported by his father who was playing in the fixture, at the time where the alleged incident occurred it was thought likely by the Commission, he would have been too far away at this point to have clearly heard. The Referee has noted throughout he had not heard the alleged comment used due to his position at the time.
33. The evidence presented to the Commission from the County FA witnesses were inconsistent in the expletive used but were consistent in the use of the term "*foreign*". It was noted that the approach to the Referee and engagement between them was contradicted by the Match Official. It was further noted the alleged exchange between the two Alexandra Park players did not include the player allegedly abused confirming the word "*cunt*" had been used towards him during the fixture; his testimony was of not hearing that word at any point. This did cause the Commission concern over the credibility of the statement.

34. Having reviewed the written and live evidence presented to them, it was believed by the Commission, using the balance of probabilities, it was unlikely that the words "*foreign*" or "*cunt*" were used by Lee Reynolds. Therefore, **Charge 1** was found as **Not Proven**. Due to this finding, there was no requirement to consider **Charge 2** and this was also found **Not Proven**.
35. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.
36. Signed...

Steve Francis (Commission Chair)

Ray Agius (Wing Member)

Minesh Gupta (Wing Member)

16 June 2024