THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

NON-PERSONAL HEARING

of

POLYTECHNIC

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. The Football Association ('The FA') convened a Disciplinary Commission ('the Commission'), to adjudicate upon disciplinary charges levied against Polytechnic arising from a match between Polytechnic and Carlshalton First which took place on 10 February 2024 ('the fixture').

2. The Disciplinary Commission was constituted of a single member, Mr Resh Sohota, an Independent FA appointed Chair.

The Charges

3. By letter dated 14 March 2024, Polytechnic ('the Club') was charged with misconduct for a breach of FA Rule E21, namely for an allegation that the club failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match.

4. The detail of the charge outlines the first allegation as, a Polyethnic spectator(s) and/or supporter(s) made the comment '*you're a retard'*, or similar. Is further alleged that the words made reference to disability contrary to FA Rule E21.4.

5. It is further alleged that '*a Polytechnic Fifth spectator entered the field of play without permission and approached the referee to remonstrates with them or similar, which made the referee feel intimidated'.*

The Response

6. Polytechnic responded on 15 March 2024, accepting the charge against it, and asking for the matter to be dealt with via correspondence. Accordingly, this case has been dealt with by me, sitting as Chair alone, on a Non-Personal Hearing basis.

Evidence

7. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been transcribed as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.

8. Following the fixture, John Parker, the Match Referee, submitted an Extraordinary Incident Report Form. The document is dated 11 February 2024 and states as follows:

> *'In the first half of the above match a player who i believed to be connected to Poly who was not playing in the match entered the field of play and started to rush towards me after i awarded against his team a penalty for a foul in my opinion. The person in question was remonstrating along with the players from Poly the decision. I immediately showed the red card and dismissed the person from the field of play.*
>
> *I did not get the persons name but am sure he was player from Poly who was not playing. I warned the rest of both teams that if this person did not leave vicinity of field of play that the match would be abandoned'.*

9. On 12 February 2024, as part of the investigation, the County FA contacted Mr Parker by email. The email states, inter alia:

> *'Thank you for submitting your extraordinary incident report from this fixture.*
>
> *We are now looking into the contents of your report and to help us could you please answer the below questions:*

1. Could you please provide a description of the person who entered the field of play- clothing, ethnicity, height, other distinguishing features e.g. tattoos?

2. How far did this person encroach onto the field of play?

3. What was the distance between you and this player when they were on the field of play?

4. How did you feel when this person approached you?

5. What did this person say to you when they were on the field of play? - please use " for any direct quotes?

6. How long was this person on the field of play for after you asked them to leave?

Could you please respond ASAP and no later than 12pm Tuesday 13th February.

10. Mr Parker responded on the same day, stating:

'Here's answers to questions

1) person was around 6ft wearing black trousers /joggers, dark hair, white male, had cream coat on and black hoddie

2) I'd say he encroached about 10 metres on pitch and remonstrated with me

3) distance between us was around 5-10 metres

4) I felt quite intimidated by this persons actions

5) the person in question said you're a retard as I showed him straight red and dismissed from the field of play and asked him to leave the vicinity of the field of play and warned both teams that if this gentleman did not leave the food by the mat would be abandoned and I would not continue this match.

6) the gentleman was on the field apply for around 30 seconds or so , It wasn't long. Regards'.

11. The County FA sent a further email in response. It stated:

'Thanks for the quick response.

What did the person say when they were "remonstrating" with you- please use "" for any direct quotes How close did this person get to you when they entered the field of play?'.

12. Mr Parker responded in turn, stating:

'Hi Rob I already responded with what the person in question said to me He said " your a retard " I replied that will be in my match report'.

13. The County FA also contacted Chris Tilley of Carlshalton, to ask for the club's observations. Mr Tilley responded on 6 March 2024, stating:

'Apologies for the delay. Unfortunately I've had limited responses back.

The skipper said he saw the spectator come on the pitch and get sent off but didn't hear anything said by the spectator to the ref.

*Only one person has come back and said that he heard the spectator call the ref a C**t.*

Ive not had anything further from any of the team I'm afraid.

Apologies again for the slow response'.

14. The County FA also contacted Colin Mongul, the Polytechinc Secretary, via email of 12 February 2024. The email stated:

'We have received a report from the referee of the above fixture.

In the report the referee states that after the opposition were awarded a penalty, a person connected to polytechnic entered the field of play to remonstrate with the referee which made them feel intimidated. Could we please ask for this person to be identified and provide their observations on this matter.

It has also been alleged that this person used discriminatory language towards the match official when they were on the field of play. Could we also ask for their observations on this matter.

I have attached a statement template for this person if they wish to use.

Please note that you should not limit your responses to just one person/club secretary and we welcome any firsthand accounts of the incident so long as the consent section is signed. If any other evidence is available, such as video footage or photographic evidence, please can I also request this.

If you could please acknowledge this email and respond by Monday 19th February 2024'.

15. Mr Mongul responded on 15 February 2024, stating that he would '*raise with the team manager and feedback'*. The following day, Mr Mongul sent a substantive email to the County FA. It stated:

'Good evening Rob,

Please see below Chris White's statement. To confirm am not aware of him having FAN as certainly is not and has never been a member of the Polytechnic FC'.....

'I had a night out planned on the evening of the 10th February with my mate who plays for polytechnic. I decided to come and watch the match because he said it was a big game between first and second and that we could go straight out after.

I admit my emotions got the better of me during the game.

The opposition team subs had been giving me and the Poly subs some stick from the beginning, this was being made worse with the 10 Carshalton fans standing in the terrace shouting at us.

Poly scored first and all celebrations from me and the substitutes were passionate but respectful, we stayed on our side.

Carshalton replied almost immediately with a goal and we had to stand there with their subs running over to taunt us.

Carshalton then received a penalty, which from the side lines, never looked like a penalty. Wrong decision.

As play continued, it felt like every decision was going against Poly.

Shortly after, another penalty was given to Carshalton. The Poly player had made a very good tackle and I could not see anything wrong with it. The mark in the grass was even outside the penalty box.

With all the taunting from the opposing team and fans, coupled with the terrible decisions from the referee I lost all composure. I stepped onto the pitch shouting at the referee that it was never a penalty. I think Because I was in jeans and a jacket I stood out. He started walking over to me so I continued walking further onto the pitch to meet him. I remonstrated that it was never a penalty and he sent me off.

The game, referee decisions, opposition team and fans all got the better of me and I won't be attending anymore games in the future.

I do regret my actions and use of foul language. No one should be spoken to like that whilst doing their job and I do sincerely apologise.'

16. An email authored by Laurence Spear, dated 14 February 2024, was also forwarded to the County FA. It states:

'Please find attached my report.

Just to be clear, Chris White is a friend of one of the players. It is the first time Chris has been to a game and I have made it perfectly clear that it will also be the last time. He is not welcome at anymore games.

It's probably worth mentioning that I also gave the referee a score of 61. I probably should have marked him lower and done the report but ultimately we need referees and I didn't want to put him off.

He was awful on the day and compounded this by allowing a Carshalton player to badly injure a Polytechnic player who lay on the floor with broken ribs. The ball went back to the keeper so everyone stopped, except the ref who shouted it's not a head injury play on.

He booked 8 people in total and sin binned two. However, aside from the two moments such as the spectator and the reaction of the Carshalton player, it actually was a fun game to play in and on the whole was played in good spirits. This, despite the performance of the ref which unfortunately became a bit of a running joke between the two teams.

Let me know if you need anything else and please ask the AFA to give me a call if they want to discuss anything in greater detail'.

17. Mr Spear also authored a witness statement dated 14 February 2024. It states, inter alia:

'After about 10/15 minutes of the game, a player from Polytechnic FC cleared the ball out of play from inside his own area for a throw in. The referee blew his whistle and awarded a penalty to Carshalton.

Polytechnic players were shocked about the decision and there were the usual cries of "no, how, why, etc". The referee then sin binned a Polytechnic FC player for asking "how you can concede a penalty when clearing the ball?".

The referee walked back to the penalty area, I waited until he was free and then approached him to ask what the penalty was for. The referee appeared angry and told me "the defender went through the man when clearing the ball". I said "okay" remained calm and I walked away.

The atmosphere wasn't very nice for the next few minutes and the referee by this point was very worked up. A senior member of the Polytechnic team recognised this and told the referee to calm down and let not this affect the rest of the game. The referee shouted to shut up and get on with it.

Carshalton scored the penalty. One of the Carshalton players celebrated by trying to wind up a Polytechnic player by calling him a few names and asking what he was going to do about it. The Polytechnic player walked away and did not rise to this. The referee saw this, I asked what he was going to do, he replied "nothing"

On roughly the 25/30 minute mark, a player from Polytechnic FC tackled a player from Carshalton just outside the area on the right hand side (right back area) The referee blew his whistle and awarded a second penalty to Carshalton.

There was a feeling of surprise from all players and spectators (including Carshalton).

From where I was (I play up front so I was up over the half way line) I could see a spectator appear to be shouting at the ref (although I was too far too hear what was being said). I started to walk back towards the penalty area and whilst doing so I saw the referee begin to walk towards the spectator who was standing with the Polytechnic team (but not a member of the team or club), the spectator saw

the referee approaching him and walked towards him (and therefore on to the pitch).

The referee issued a red card to the spectator and said very clearly the spectator needed to "leave the grounds immediately or the game would not resume". The spectator left without arguing back. I think this was the correct decision by the ref, and it was supported by the entire Polytechnic team. However, whilst the spectator was loud, annoying and over the top, I do not believe the referee acted as a person who was scared or intimidated.

The referee walked back to the penalty area, I again waited until he was free and asked why it was a penalty as you could clearly see a) the marks from the challenge outside the box and b) the player had clearly won the ball and cleared it for a corner. The referee appeared angry and told me "the defenders challenge had finished in the box and so it was a penalty".

Carshalton missed the penalty. One of the penalty takers own teammates shouted "good sportsmanship", everyone laughed and the game continued

Later on in the game, a Carshalton player appealed for a free kick for high challenge, the referee said it was his nose to which the Carshalton player replied "your nose is part of your face" the referee sin binned him for this comment.

The name of the spectator who shouted at the referee is Chris White. He is not a member of Polytechnic FC and this is the first time he has attended a Poly game this season. I have made it clear he is not welcome to anymore of our games moving forwards'.

Polytechnic

18. The Club also sent a response statement. It states:

'I'd like to apologise again! As I have previously stated, the team were not happy with Chris's behaviour and he has been told not to attend any more games.

I have managing teams for a long time now, most of the current squad are all long term Polytechnic members and who have never caused any issues. I hope the process will reflect on it being an isolated incident by one idiot who was not a club member and only loosely connected to us as a friend of a player'.

Sanction

19. As the Club accepted the charge against it, the Commission went on to consider sanction.

20. The Sanctioning Guidelines for teams at this level are as follows:

    Low: £0-£70 fine.
    Medium: £70-£140 fine.
    High: £140-£300 fine.

21. In considering the appropriate sanction and penalty, the Commission considered the severity of the offence and all other aggravating and mitigating factors.

22. In relation to the drafting of the charge, the Commission notes that it refers, separately, to two incidents. The first is the comment made by the spectator and the second is the fact that the spectator entered the field of play, without permission, to remonstrate with the referee which made him feel threatened. The Commission notes that the incidents both involve the same spectator and occurred almost simultaneously. Therefore, the actions of the spectator/supporter were considered in their totality when determining the appropriate sanction in this case.

23. The Commission was mindful of the nature of the breach; the comment was aggravated by reference to disability which increases the severity. This is a serious case and, given the factual matrix, the *starting point* is in the 'High' category.

24. Insofar as mitigating factors, the Commission noted that the Club has taken action against the supporter and has shown remorse for the incident. Furthermore, it co-operated with the County FA's investigation and accepted the charge at the outset. The Club was also given credit for not having committed any like offences previously.

25. Balancing those matters, and for the reasons set out above:

    i) The charge against Polytechnic is proven by admission.
    ii) Polytechnic is hereby fined £120.00.

26. The decision above may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

Mr Resh Sohota
4 April 2024