

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

*on behalf of Amateur Football Alliance*

CORRESPONDENCE HEARING

*of*

**HASEEB ISHAQ**

FC BAYLIS UNITED

[Case ID:11275793M]

*and*

**FC BAYLIS UNITED**

[Case IDs:11281042M and 11278681M]

THE DECISION AND REASONS OF THE COMMISSION

## Introduction

1. On 17<sup>th</sup> May 2023, FC Baylis United (“the Club”) played a fixture against Stoke Poges First (“Stoke Poges”) – collectively the “Match”.
2. The Match Referee, Mr Sajjad Hussain reported the conduct of Mr Haseeb Ishaq (“HI”) a Club non playing participant and the Club.
3. The Amateur Football Alliance (“Amateur FA”) investigated the reported incidents.

## The Charge

4. On 30<sup>th</sup> May 2023, Amateur FA charged HI:
  - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour). It is alleged Benjamin Sinclair used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule 3.1 and it is further alleged that this constitutes Physical Contact or attempted Physical Contact against a Match Official as defined by FA Regulations. This refers to the allegation that Mr Ishaq verbally abused the match referee by saying “why the fuck do you ref us” or similar and/or “you are shit” or similar. It is also alleged that Mr Ishaq tried to grab the referees match cards out of his hands or similar and/or tried to push them towards him or similar (“the 1<sup>st</sup> Charge”)
5. On 30<sup>th</sup> May 2023, Amateur FA charged the Club:
  - 5.1. with misconduct for a breach of FA Rule E20 – It is alleged that FC Baylis failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E20.1 (“the 2<sup>nd</sup> Charge”)
6. On 30<sup>th</sup> May 2023, Amateur FA charged the Club:
  - 6.1. with misconduct for a breach of FA Rule E21 – It is alleged that FC Baylis failed to ensure that spectator(s) and/or its supporters (and anyone purporting to be their supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1 (“the 3<sup>rd</sup> Charge”)
7. The relevant section of FA Rule E3 states:

*“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.”*
8. In respect of the 1<sup>st</sup> Charge, physical contact or attempted physical contact against Match Officials is defined, under *Offences Against Match Officials*, as:

*“96.2 Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment”.*

9. In respect of the Club, the relevant section of FA Rule E20 states:

“E20 Each ...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 any words or otherwise behave in a way which is improper, offensive, violent, threatening, 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...”

10. In addition, the relevant section of FA Rule E21 states:

“E21 A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:

E21.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;

E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch;

E21.3 encroach on to the pitch or commit any form of pitch incursion;

E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

11. Amateur FA included with the charge letter the evidence that it intended to rely on in these cases which are being heard as a consolidated matter pursuant to Reg 13 of FA Disciplinary Regulations which provides that “where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked...The Association...shall have the power to consolidate proceedings so that they are conducted together...”.

12. HI was required to respond to the 1<sup>st</sup> Charge by 6<sup>th</sup> June 2023 and the Club were required to respond to their respective charges by 13<sup>th</sup> June 2023.

### **The Reply**

13. On 6<sup>th</sup> June 2023, HI responded to the 1<sup>st</sup> Charge via the Whole Game System, accepting the same and he requested the case to be dealt with in his absence at a Correspondence Hearing.

14. On 6<sup>th</sup> June 2023, the Club responded to the 2<sup>nd</sup> Charge via the Whole Game System, accepting the same and they requested the case to be dealt with in their absence at a Correspondence Hearing.

15. On 6<sup>th</sup> June 2023, the Club responded to the 3<sup>rd</sup> Charge via the Whole Game System, denying the same and they requested the case to be dealt with in their absence at a Correspondence Hearing.

## **The Commission**

16. The Football Association ("The FA") appointed me, Karen Hall, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

## **The Hearing & Evidence**

17. I adjudicated these cases on 8<sup>th</sup> June 2023 as a Consolidated Correspondence Hearing (the "Hearing").
18. I had received and read the bundle of documents prior to the Hearing.
19. 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 the evidence and materials furnished with regard to these cases.
20. The Referee, Mr Sajjid Hussain, provided a Report dated 18<sup>th</sup> May 2023 in which he states that at the end of the Match HI walked up to the officials and said "why the fuck do you ref us" and "you are shit". He called him "man of the match" for Stoke Poges. He showed HI a red card and he grabbed the cards with an outreached hand before he was led away by other Club team members. He goes on to say that several Club players were abusive at the end of the Match and throughout spectators behind the dugout were hurling "vile abuse" at him and his Assistants.
21. In response to further questions posed by Amateur FA, the Referee stated that as HI had walked towards him he leaned in and grabbed the top of the cards, attempting to rip them out of his hand. He was holding the cards from below, HI pushed backwards as he couldn't get the cards and then flung his hand forward and said "I don't fucking care, what are you going to do about it". He further stated that HI was shouting in his ear and in his face. HI had walked towards him aggressively. He described the abuse by Club players as comments such as "your fucking shit ref" and clapping and saying he was "man of the match for Stoke Poges". The comments he heard from spectators behind the dugout were around him being "fat" and not a good referee. Some of the comments were in Punjabi.
22. The Assistant Referee, Mr Steve Koullapis, provided a Statement dated 18<sup>th</sup> May 2023 in which he states that during the Match he was AR1, so was bench side of the pitch. Throughout the Match he heard Club players and spectators use bad language towards the Referee such as "Ref, your fucking useless". At the end of the Match he was stood with several players when he saw HI remonstrate with the Referee. As he moved closer, he could hear HI swearing at him and after being told by the Referee to go away, HI tried to grab the cards. HI was then led away.
23. The Assistant Referee, Mr Robert Mills, provided a statement dated 26<sup>th</sup> May 2023 in which he states that in the 2<sup>nd</sup> half of the Match he witnessed Club players and supporters abusing the Referee by shouting "if you weren't such a fat fuck and lose some weight you would keep up with play". This was "constantly" being said through the 2<sup>nd</sup> half of the Match.
24. Mr Laurence Mills provided an email Statement dated 23<sup>rd</sup> May 2023 in which he states that he heard the Club bench and spectators remonstrating with the Referee after he awarded a free kick. He heard comments such as "fat fuck". At the final whistle he saw HI shouting at the Referee and at one point trying to grab his cards. HI had to be pulled back from the Referee.

25. Mr Aqib Mahmood, a Club representative, provided an email Statement dated 19<sup>th</sup> May 2023 in which he describes the Match and decisions made by the Referee. He states that HI has apologised for his actions and that there were “a lot of people” in the stadium so it “could have been anyone giving abuse to the Referee”.

26. That concluded relevant evidence in this case.

### **Standard of Proof**

27. 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**

28. In respect of HI and the 2<sup>nd</sup> Charge, liability was pre-determined by virtue of the guilty pleas. Credit would be given for these.

29. In respect of the 1<sup>st</sup> Charge against HI, based on the evidence above and the fact that liability was predetermined by the guilty plea, the charge of misconduct for a breach of FA Rule E3 - Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour, I found that the charge was PROVEN.

30. In respect of the Club and the 2<sup>nd</sup> Charge, on the basis on the evidence above and the fact that liability was predetermined by the guilty plea, the charge of misconduct for a breach of FA Rule E20.1 – Failed to ensure that directors, players, officials, employees, servants, representatives conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour, was PROVEN.

31. In respect of the Club and the 3<sup>rd</sup> Charge, on the basis of the evidence above, I found that there was improper and/or abusive language and/or behaviour from the Club spectators. This evidence is wholly corroborated by the Referee, Assistant Referees and the Stoke Poges witness, all of whom describe a Club spectator or spectators shouting abuse at the Referee. The Club state that it could have been anyone, but given the proximity of the spectators to others from the Club I found it satisfied the requirements of E21, being spectators or supporters (and anyone *purporting* to be their supporters or followers). Therefore, on the evidence before the Hearing in respect of the charge with misconduct for a breach of FA Rule E21 – Failed to ensure spectators or supporters (and anyone purporting to be their supporters or followers) conducted themselves in an orderly fashion, in consideration of all of the evidence, I find the charge PROVEN.

### **Previous Disciplinary Record**

32. After finding the charges proven, I sought the participants offence history. I note that HI has a proven misconduct charge for Improper Conduct against a Match Official (including abusive language/behaviour) in October 2022. In respect of the Club, there is a proven E20 charge in May 2021 (x2) and October 2022.

### **Mitigation**

33. There is no mitigation within the bundle from either HI or the Club. However, I do note the response on behalf of “everyone at the Club”, apologising for the behaviour on the pitch during and after the Match. The players have been fined internally by the Club.

## The Sanction

34. In respect of the charge, the relevant FA Disciplinary Regulations on sanction (Regulation 101.4) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 112 days and 2 years, the recommended entry point, prior to considering any mitigating or aggravating factors is 182 days together with a fine of up to £150.00, with a mandatory minimum fine of £75.00. There shall also be an order that the participant completes an education programme before the time based suspension is served.
35. Regulation 102 provides factors to be considered when determining sanction. In that regard I note that HI made to grab the Referees cards. He used abusive language and approached the Referee aggressively and then had to be dragged away. I placed this offence in the high category. There was no remorse shown and no apology offered on the day, though I note a subsequent general apology from the Club. This is mitigated by the guilty plea but aggravated further by HI disciplinary record.
36. After taking into consideration all circumstances in this case, Mr Haseeb Ishaq is:
- 36.1. to serve a suspension from all football and football activities for 242 (two hundred and forty two) days commencing from the date that his suspension namely 30<sup>th</sup> May 2023;
  - 36.2. fined a sum of £100 (one hundred pounds); *and*
  - 36.3. to satisfactorily complete a face to face mandatory education programme before the time-based suspension is served, or Mr Ishaq be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him;
37. In respect of the Club and the 2<sup>nd</sup> Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E20 is a fine between £0 - £300.
38. After taking into consideration all circumstances in this case, the continual abuse directed towards the Referee, mitigated by the guilty plea, the Club is:
- 38.1. fined a sum of £150 (one hundred and fifty pounds);
39. In respect of the Club and the 3<sup>rd</sup> Charge, the relevant FA Disciplinary Regulations on sanction states that the guidelines for a breach of FA Rule E21 is a fine between £0 - £300.
40. After taking into consideration all circumstances in this case, in particular the behaviour of the Club spectators directed towards the Referee and noting that the sanction is aggravated by the previous disciplinary record, the Club is:
- 40.1. fined a further sum of £100 (one hundred pounds);
41. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

**Karen Hall F.C.Inst.L.Ex** (Chairman)

8<sup>th</sup> June 2023