

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Personal Hearing

of

**DARREN CHARLTON
(Harlow Town FC)
Case ID: 9828732M**

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 23rd March 2019 Waltham Abbey F.C. Reserves (“Waltham Abbey”) played Harlow Town FC Reserves (“Harlow Town”) in a match in the Essex Senior League Reserve Division (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Match Official Ayesemuate Agiho (“Ike”), incorporating a report submitted to him by the senior Assistant Referee, Mark Bradshaw, relating to incidents during the match which lead to the dismissal of the Harlow Town Manager, Darren Charlton. It was pointed out that Mark Bradshaw suffers from dyslexia the Commission took that into consideration in relation to the report submitted.
3. Essex FA commenced an investigation into the allegations and raised charges on 1st April 2019.

The Charges

4. Darren Charlton was charged under FA Rule E3 – Improper Conduct against a Match Official (Including Abusive Language/Behaviour).
5. The details of the charge against Darren Charlton, contained in the charge letter, were: *“this report was sent to me by my senior Assistant Referee Mark Bradshaw and it says, Before the start of the game, he went to introduce himself and asked both Managers to stay back as both were on the touch line. The home team complied but the away team moved away but started to complain. During the first half, I had to asked Darren Charlton to move away from the touch line so i could see along it. After his teams Goalkeeper came out and brought the forward down, he became very aggressive towards us officials. When his team conceded there 3rd goal, he went down the line to try and catch the other Assistant out. At the start of the 2nd half, offside call i had to make which i waited to see which player got the ball. Than as the Waltham Abbey forward closed down a backpass, the keeper cleared the ball and it struck the forward the forward from a few yards away. The forward didn't attempt to handle the ball but it struck his hand as he turned his face away to avoid it hitting it. It broke to a defender who tried to pass it but played it to a forward who went on to score. Darren Charlton the Manager on Harlow Town reserve started to have a go at me so i said if he carried on with his actions that i will have the referee over. He aggressively said " who's going to send me off" you and what arms! 5 minutes later 2 forward started through 1 offside and the other onside. The onside player told the offside player to stop which he did and the onside player went on to score. Darren Charlton started shouting at me taking his glasses off saying you need these i'm getting punished for your mistake. I called the Referee over and had him removed and he claimed to be the Physio. I sent him off as a manager but left him as he physio as he was the only club member in the dugout”.*
6. The relevant section of FA Rule E3 states:
“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.”

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) Misconduct report submitted by Ayesemuate Agho on the 25th March 2019;
 - (ii) An email from Darren Charlton, dated 8th April 2019;
 - (iii) An email from Allison Hazel, signed off as Secretary of Harlow Town Reserves dated 20th May 2019.

The Reply

8. On 4th April 2019 Darren Charlton responded to the charge, pleading Not Guilty and requesting a Personal Hearing.

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
Mr Andy Chaplin (Chairman)
Mr Michael Hemsted (Essex FA Council Member)
Mr Brian Reed (Independent)
10. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place at the Essex County Football Association Headquarters on 28th June 2019, commencing at 7:30pm and finishing shortly before 9.00pm.
12. The Commission had received and read the bundle of documents prior to the hearing.
13. The following 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 it determined the matter. For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished with regard to this case.
14. The Discipline Commission members were made aware prior to the commencement of the personal hearing that Mark Bradshaw had been diagnosed with anxiety. It should be placed on record that at the point of the hearing when Darren Charlton was asking questions of Mark Bradshaw he had to momentarily leave the room, accompanied by the Secretary, in order to take some medication.
15. In live evidence the Commission noted that there had been various conversations between Darren Charlton and Mark Bradshaw in relation to incidents during this match.
16. Ike confirmed that he had dismissed Darren Charlton, as Manager, in about the 75th minute following a conversation with Mark Bradshaw. He went on to confirm that he had received a written statement from Mark Bradshaw following the match setting out the conduct of Darren Charlton during this match which eventually led to his dismissal.
17. At the hearing Ike's verbal evidence seem to contradict with that of his Assistant, in which he claimed that he had only called him over to the touch line on one occasion to speak with him regarding the conduct of Darren Charlton, which then led to his dismissal. Whilst Mark Bradshaw stated he had spoken to Ike on three occasions, once being at half time in their dressing room.
18. Ike went on to explain that when advising Darren Charlton that he was been dismissed he became very aggressive towards him, this was substantiated by the Assistant Referee, having initially advised him to leave the vicinity of the ground and go to the car park. He eventually allowed him to remain in the dugout when he realised that Mr Charlton was also acting as the Club physio on the night, being the only Club Member at the game.
19. During the questioning of the Match Official, Darren Charlton constantly interrupted him and started to become extremely aggressive and confrontational, this eventually led to a heated exchange of words between both parties. The Chairman had cause to step in and to issue both parties initially with a polite warning, followed by a more public warning. It was only when Darren Charlton openly called Ike a "liar" that the Chairman intervened again advising Mr Charlton that any future use of derogatory language would lead to him being dismissed from the hearing and charges brought against him.
20. Mr Bradshaw explained that Mr Charlton was constantly questioning his decisions and his demeanour towards him throughout the match was aggressive. He went to explain that he had to constantly advise him to move back from the touchline so not to obstruct his view, despite his instructions given to him prior to the start of the match, to remain within his technical area. Mr Bradshaw went on to say that there had been an exchange of words between himself and Mr Charlton in the first half relating to the awarding of a penalty which led to his goalkeeper being cautioned. Mr Charlton during live evidence confirmed that he was "annoyed" by this decision.

21. Mr Bradshaw confirmed that he had spoken to the Match Official at half time regarding the conduct of Mr Charlton. Following further misconduct and questioning of decisions Mr Bradshaw stated that he eventually called the Match Official over to him, to issue him with a warning. It was on the second occasion, following further misconduct in relation to a disputed off side goal in favour of Waltham Abbey, that he called the Match Official over to him in order that Mr Charlton be dismissed from the dugout area. Mr Bradshaw confirmed that he did publicly shout at Mr Charlton to “shut up” and to sit down in the dug out
22. We heard from Mr Charlton who provided an explanation as to his reasons for moving down the touchline, out of his technical area in the first half, given that he was concerned about the welfare of his goalkeeper who appeared to be suffering from concussion following an incident in the first half. This was supported by the written statement submitted by Allison Hazel.
23. Mr Charlton confirmed that he had been spoken to by the Match Official in the second half and had been warned as to his conduct. When the Assistant Referee raised his flag to beckon the Match Official to him 5 minutes later, he stated that he knew he was going to be dismissed and explained that he had already picked up his first aid kit prior to the Match Official coming to him as he thought he would be moved to the stands. He confirmed he had a heated exchange with the Match Official when he advised him that he would have to go to the “car park” stating that he was on the only Club Official at the game as such needed to continue to act in the capacity as physio. He confirmed that he was dismissed as Manager from the match.
24. Mr Charlton went on to say during live evidence that he found the “whole thing a complete farce”, and went on to say that he did shout to the Assistant Referee “I’m getting punished for your mistakes”.
25. Under questioning from the Commission Mr Charlton confirmed he did remove his glasses, but this was in response to an exchange of words he had with the Waltham Abbey dug out, relating to an incident on the field of play. He confirmed that the Assistant Referee was standing on the half way line whilst this exchange of words was going on.

Standard of Proof

26. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
27. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Findings

28. From the documentation that we read and the live evidence we heard there was no doubt that Mr Charlton believed that, in his opinion, his team was on the receiving end of some poor decisions throughout the match, which affected the result.
29. Whilst there was a lack of cogency in the evidence provided by the Match Official, Mr Charlton did confirm that he had been spoken to by the Match Official during the second half of the match and had been warned as to his conduct prior to him being dismissed. This was confirmed by the Assistant Referee.
30. The Commission noted both the aggressive and at times confrontational approach of Mr Charlton during the Commission towards the Match Officials. By his own admission he had questioned the Assistant Referee on a few occasions, and we noted the statement made by Mr Bradshaw that he constantly adopted an aggressive demeanour towards him throughout the game. These factors alone led to the Commission concluding that on the balance of probability Mr Charlton, who had been upset and angry at the performance of the Match Officials, his behaviour was deemed to be abusive.

31. We considered the evidence submitted by Alison Hazel, who was at the fixture, who made reference to an incident in the first half, but provided no other comments in defence of the charges raised against Mr Charlton and the statements therein. It was also noted that no Club representative or witnesses were called by Mr Charlton to support the not guilty plea.
32. By his own admission Mr Charlton also confirmed that he had a heated exchange of words with the Match Official following his dismissal.
33. Having carefully considered the whole of the documentation before us and the live evidence that we heard, the Commission members:
 - (i) unanimously concluded that the charge against Darren Charlton under FA Rule E3 – Improper Conduct against a Match Official (including abusive language/behaviour) was Proven;
34. The Commission determined that the level of sanction was Low.

Sanction

35. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to these cases this was a fine between £0 and £70, and a suspension between 0 and 6 matches.
36. The Commission carefully considered the statement made by Darren Charlton in mitigation and noted there was one previous misconduct charge from the current season where he had been found proven under an E3 charge for abusive language/behaviour towards a Match Official. We also took into consideration the comments made by the Assistant Referee during the match, and were satisfied that he had at no time sworn publicly at the Officials.
37. The Commission unanimously agreed that Darren Charlton be warned as to his future conduct, with no fine being raised.
38. Having advised Mr Charlton of the sanction this led to a further aggressive outburst directly aimed at the Commission Members, he again reiterated his previous comment that the two Officials had openly "lied". Having been invited to leave the room, he then came back in uninvited to continue to voice his disapproval at the decision and questioned whether Match Officials were required to sign up to the Respect Campaign. At this point he finally left.
39. The Personal Hearing fee relating to the club charge is to be retained and no order was made to costs.
40. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. Andy Chaplin (Chairman)
Mr. Michael Hemsted
Mr. Brian Reed
Sunday 30th June 2019