

THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION

(on behalf of the London FA ('LFA'))

Participant: Robert Williams (a match official)

Hearing: Personal Hearing

Date: 7 June 2022

Incident: FC Elmstead v The Wall FC ('TWFC'). 20 April 2022 (the 'Fixture')

THE DECISION AND REASONS OF THE COMMISSION

Disciplinary Commission

1. The following members were appointed to the Disciplinary Commission:
 - a. Mr Alan Darfi (Independent Chairman appointed by The Football Association);
 - b. Mr Kishen Patel (Independent Member appointed by The Football Association);
and
 - c. Dr Sarah Digby (Independent Member appointed by The Football Association).

(the 'Commission')
2. The Commission was assisted by Mr Sam Anderson of Cambridgeshire FA, who acted as Secretary.

Charges

3. In correspondence dated 17 May 2022, LFA issued a charge letter alleging that Mr Williams had engaged in Improper Conduct including the use of foul and abusive language, in breach of FA Rule E3. Rule E3.1 states 'A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behavior' ('Charge 1').
4. It was separately specifically alleged that the foul and abusive language was aggravated by reference to ethnic origin, colour, race, nationality, faith, gender, sexual orientation or disability (specifically, race), in breach of FA Rule E3.2. Rule E3.2 states 'A breach of Rule E3.1 is an "Aggravated Breach" where it includes reference, whether express or implied, to any one or more of the following:- ethnic origin, colour, race, nationality, faith, gender, gender, sexual orientation or disability' ('Charge 2').
5. It was alleged that Mr Williams, who was assistant referee at the Fixture, had said the words 'the only thing is, it's a little bit dark so no-one can see them' or words similar to this effect.
6. It had been alleged by TWFC in a social media post that these words had been said by another individual, with a supporting video including audio commentary and subtitles.
7. Mr Williams denied Charges 1 and 2. Mr Williams requested the matter be considered at a personal hearing.
8. The personal hearing took place virtually in accordance with FA Regulations.

Evidence

9. The Commission had received and reviewed the following documents, in advance of the Hearing:
 - a. LFA charge letter, dated 17 May 2022;
 - b. Evidence in support of the Charges; and
 - c. Response to the Charges.

Decision

10. The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, 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 members determined

the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to these cases.

11. The burden of proof was on LFA. 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 the Commission considers that, on the evidence, the occurrence of the event was more likely than not.
12. The Commission heard live evidence from Leon Wright (TWFC) and Robert Williams. A number of other witnesses were also present, but the Commission did not hear live evidence from them.
13. Mr Wright stated that:
 - a. He had provided a longer unedited version of the video that had been used to create the social media post to the LFA as part of their investigation into the incident.
 - b. A transcription of the words alleged to have been said had originally been provided by the people who edited videos on behalf of TWFC.
 - c. He believed the words that were said were along the lines of 'the lights go off you can't see them', with individuals then laughing and someone responding by saying 'don't say that out loud'
 - d. He did not believe the comments had been said by Mr Williams, who he had a lot of respect for. He felt the comments had been said by another person, this being a Beckenham Town (BTFC) official Peter Palmer, who clearly had issues with TWFC from the outset of the booking of their pitch, with the Fixture taking place on the BTFC pitch.
14. Mr Williams stating that:
 - a. He confirmed he could recognise his voice on the audio recording, with him being stood off screen at the time.
 - b. He had not used the words as alleged in the TWFC social media post but had instead said 'the only thing is it's a little bit long no-one can see me'. This was in response to a question from Mr Palmer which was 'how's the grass down that line Rob'.
 - c. This question had been referencing the fact that, 2 weeks prior to the Fixture, he had officiated at BTFC and had made a comment to Mr Palmer about how much grass there had been on the line, which was unusual for that time of the year. He had responded to the question at the Fixture joking about his height. This was an ongoing joke.
15. The Commission reviewed several audio recordings of the alleged incident. This included both the social media post from TWFC and the longer unedited version. The Commission listened to all recordings a number of times, which included slowing the audio down. The Commission confirmed they had also independently listened to all recordings a number of times when preparing for the hearing.
16. The Commission unanimously agreed that the comments allegedly said by one person were in fact a conversation between two people. The Commission unanimously agreed it was more likely than not that one of these individuals was Mr Palmer, with the other being Mr Williams.
17. Having reviewed the audio recordings, the Commission unanimously agreed the conversation had in fact been:

- a. Mr Palmer – “How’s the grass down that line Rob?”
- b. Mr Williams – “The only thing is it’s a little bit long no-one can see me”

18. The Commission unanimously agreed the subtitles contained within the original social media post from TWFC were therefore incorrect.

19. Accordingly, the Commission unanimously found the Charges not proven.

Outcome

20. The Commission ordered that the Charges against Mr Williams be found not proven.

21. The Commission ordered the hearing fee be returned and that there be no further order as to costs.

Alan Darfi
Kishen Patel
Sarah Digby

8 June 2022