

The Football Association Discipline Commission

(on behalf of Worcestershire FA)

In the Matter of James Padden (58318705)

Case ID: 11737908M

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Reasons for the decision made by the Panel on 29 May 2024

The independent discipline panel members appointed by the FA were: Hollie Ball (Chair), Chris Williams and Dave Padwick.

Ravel Cheosiaua acted as secretary to the Commission.

The following is a record of the salient points which the Panel considered and is not intended to be and should not be taken as a verbatim record of the decision.

Charges

By a Misconduct Charge Notification dated 30 April 2024 Mr Padden was charged with the following:

Charge 1: FA Rule E3 – Improper Conduct (including foul and abusive language)

Charge 2: FA Rule E3.2 Improper Conduct aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

The charges arose from a game played of Clanfield (85) FC v Sporting Club Inkberrow FC on 16 April 2024 in UHL Division One, Hellenic Football League. Mr Padden was an associated player of the away side but was at the time injured and performing the role of match analyst for the team. It is alleged that Mr Padden said about an opposition player "What is all the rolling around for? What a faggot" and/or "get up you faggot" which is alleged to be aggravated by sexual orientation.

The Relevant Football Association Rules

Rule E3.1 reads:

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 dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

Rule E3.2 reads:

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.

The Standard Sanctions and Guidelines for Aggravated Breaches provides a "Sanctioning Range" for proven Aggravated Breaches of Rule E3.1. The Guidance states:

A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches ("Sanction Range").

A Regulatory Chair shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.

The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the "Standard Minimum").

A Regulatory Chair may impose an immediate suspension in excess of 12 Matches in circumstances where aggravating factors of significant number or weight are present.

Where an Aggravated Breach of Rule E3.1 is committed in youth football by a Player aged 12-15 (inclusive), a Regulatory Chair shall impose a suspension of at least 6 Matches on that Player. The Regulatory Chair may increase the suspension where aggravating factors are present. A minimum of 1 Match shall come into effect immediately, however the Regulatory Chair may suspend such number of the remaining Matches on terms and for such period as it considers appropriate.

Education

Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association.

Other Penalties

A Regulatory Chair may impose any one or more of the other penalties as provided by paragraph 40 of Part A to the Disciplinary Regulations.

Second or further offences

Second or further offences will be treated with the utmost seriousness.

There will be a presumption that the sanction for a second or further offence will be higher than the top end of the Sanction Range (i.e. 12 Matches), however the Regulatory Chair shall in any event impose an immediate suspension of no fewer than 7 Matches.

Exceptions to the Standard Minimum

A Regulatory Chair may only consider imposing a suspension below the Standard Minimum where the following specific (and exhaustive) circumstances arise such that the Regulatory Chair determines that the Standard Minimum would be excessive:

Where the offence was committed in writing only or via the use of any communication device and:

- Where the Regulatory Chair is satisfied that there was no genuine intent on the part of the Participant Charged to be discriminatory or offensive in any way and could not reasonably have known that any such offence would be caused; or*
- The age of the Participant at time of the offence (e.g. where the Participant was a minor at the time the offence was committed); or*
- The age of the offence (e.g. a social media post made a considerable time ago).*

Plea

The Panel considered the plea of Mr Padden which was confirmed in the hearing. Mr Padden pleaded guilty to both charges on 14 May 2024 requesting a personal hearing to make a verbal plea of leniency. The Panel therefore found both charges proven and went onto consider the evidence in respect of sanction.

Evidence

The Panel considered the following written evidence:

1. Extraordinary Incident Report from Match Official, Thomas Kelly, dated 17 April 2024;
2. Extraordinary Incident Report from Assistant Referee, David Evans, dated 17 April 2024;
3. Email from Thomas Kelly, dated 18 April 2024;
4. Email from David Evans, dated 17 April 2024;
5. Email response from Pete Osborne, Chanfield FC, dated 19 April 2024;
6. Email from Neil Guy, Manager and Club Secretary of Sporting Club Inkberrow FC, dated 22 April 2024;
7. Statement from James Padden, undated; and
8. Letter of support from Neil Guy, dated 22 April 2024.

The Panel heard from Mr Padden during the hearing. Mr Padden read a statement which set out that he was deeply apologetic and remorseful about the incident. He felt embarrassed and shameful of his actions. Mr Padden explained that in the early stages of the game he became frustrated by an exaggerated reaction by an opposition player and said the comment "what is all the rolling around for? What a faggot." He stated it was said in the heat of the moment. He did not target the player and it was not loud enough to be heard by the player although the benches would have heard the comment. It was not said aggressively and he did not get up from the bench. Mr Padden stated that he instantly regretted the comment and took immediately steps post-match to apologise to the 4th official, his team mates, coaches and asking management to pass on his apologies to the opposition. Mr Padden stated that this season has been a historic season for the club who have made it to step 6 for the first time. Mr Padden himself suffered an ACL tear with a 12 month recovery period which has meant that he has not been able to participate in the season. This has contributed to high emotions within the game. Mr Padden stated that in 12 years of playing football he has never been sent off. He wanted to make it clear that his actions do not reflect the view of the club or himself. In future Mr Padden stated that he will be more mindful and learn from his actions for which he takes full responsibility. Mr Padden is taking this as an opportunity to learn from his actions.

Mitigation and/or Aggravating Factors

The Panel heard that Mr Padden's record was clean and gave him mitigation for this. The Panel also considered his early acceptance of the charges a mitigating factor.

The Panel considered that Mr Padden was genuinely remorseful for this actions and that his actions immediately after the game and in the hearing supported this. Mr Padden came across as genuinely regretful and having understood the consequences of his actions.

Sanction

The following sanctions are the decision of the Panel:

- That Mr Padden will receive a 6 match immediate suspension from all footballing activity which shall include a ground ban.
- Mr Padden shall be required to complete an online education course before the expiry of the suspension failing which he shall be suspended from all footballing activity until his completion of the said course.

This decision is subject to the relevant Appeal Regulations.

Hollie Ball (Chair)

Chris Williams

Dave Padwick

29 May 2024