



Football Association Disciplinary Commission

The Football Association on behalf of

Worcestershire FA

v

Droitwich Spa FC Case ID: 11325407M

WRITTEN REASONS

Factual Background and Chronology

1. These are the Reasons for the decision of the Disciplinary Commission which was held via virtual personal hearing at 18.30 on 15th September and 18.00 on 2nd October 2023.
2. The Commission members were Mr Michael Cloherty (Independent Chairman and National Serious Case Panel), Dr Tehmina Khan (National Serious Case Panel) and Mr Mark Scott (National Serious Case Panel).
3. Mr Ravel Cheosiaua of Worcestershire FA acted as Secretary to the Commission
4. The following is a record of the main points which the Discipline Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.
5. The charge in question arose following a game between Droitwich Spa FC (Droitwich) and Wednesfield Community FC (Wednesfield) on 12th August 2023. Following the fixture a report was provided to Worcestershire FA and details of the allegations were contained within this report.

6. By letter dated 4th September 2023 Droitwich were charged with breach of FA Rule E21 - failure to 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, aggravated by reference to one or more of the protected characteristics, in this instance namely race/ethnic origin/colour.
7. A response was provided by Droitwich denying the charge and they requested that the matter be dealt with at a non-personal hearing.

The Relevant FA Rules

Rule E21 provides for:

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.

E21.5 it shall be a defence to a Charge in relation to Rules E21.1 to E21.4 (only) if a Club can show that all events, incidents or occurrences complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged. However, when considering whether this defence is made out a Regulatory Commission will have regard to all relevant factors including;

- *The extent to which the Club has discharged its duty;*
- *The severity of the issues involved;*
- *The extent to which similar issues have occurred previously in which case whether the club took sufficient action in preventing further such incidences.*

E21.6 For the avoidance of doubt Rule E21 shall apply to the conduct of both a Club's home and/or away supporters.

The Evidence

8. The Commission had before them the following items to consider:
- (i) A typed report dated 13th August 2023 from Mr Stuart Hale, match official for the fixture, who reported that in the 72nd minute of the game the Wednesfield officials asked the referee to stop the game. Mr Hale stated that he approached the technical area and saw a Wednesfield supporter acting aggressively towards the Droitwich dugout and the Wednesfield manager informed him that a group of young males had approached his dugout and banged on the dugout and they made a racist remark towards a Wednesfield player. Mr Hale advised that he asked what the words were and he was advised '*they called him a nigger*' and the Wednesfield captain took his players off the pitch in protest and the game was abandoned.
 - (ii) A typed report dated 13th August 2023 from Mr Jarrod Sellers, assistant match official for the fixture, who reported that in 72nd minute of the game he became aware that the Wednesfield bench made an allegation that they were subject of a racist remark and the person responsible was in a group of young people at the rear of the Wednesfield dugout. Mr Sellers confirmed that he did not hear the words used and the game was subsequently abandoned.
 - (iii) A typed report dated 13th August 2023 from Mr Clive Wilkins, assistant match official for the fixture, who reported that in 73rd minute he saw that both dugouts were involved in an aggressive discussion and Mr hale stopped the game and made his way over to them. Mr Wilkins stated that he was made aware that there was an allegation, from the Wednesfield bench, that they had been subject of a racist comment and that he did not hear such a comment. Mr Wilkins outlined that following prolonged discussions the game was abandoned.
 - (iv) A further statement from Mr Sellers dated 13th August 2023 where he confirmed that he was made aware that the young people said '*they called him a nigger*'.
 - (v) A further statement from Mr Wilkins dated 13th August 2023 where he confirmed the evidence in his earlier statement.
 - (vi) A typed proforma statement dated 14th August 2023 from Mr Colin Mortiboys, FSA referee's Coach and League Official, who was spectating at the game from the main stand and in 71st minute he became aware of a commotion in the technical area and the referee stopped the game. Mr Mortiboys stated that after about 4 minutes he saw the Wednesfield captain wave his players towards him and he was informed by the match officials that an allegation of racist language had been made and after much discussion the game was abandoned.
 - (vii) An undated typed proforma statement from Mr Nigel Wood, League Official, who was spectating at the game who reported that during the second half the Wednesfield players approached the dugouts on the opposite side of the pitch and shortly afterwards the game was abandoned.

- (viii) A handwritten proforma statement dated 14th August 2023 from Mr Gavin Lomax, spectator for Wednesfield, who reported that he was stood behind the Wednesfield dugout and in 63rd minute a group of young males banged on the rear of the dugout and shouted '*nigger, nigger*'. Mr Lomax told the group to move away and most did so, but a few needed a further request from Mr Lomax.
- (ix) A handwritten proforma statement dated 18th August 2023 from Mr Matt Martin, player for Wednesfield, who reported that in the 65th minute he saw that there was an incident in the technical area and the referee stopped the game. Mr Martin stated that his team gathered by his manager and he became aware of an allegation of racist abuse and the game was abandoned. Mr Martin concluded his statement by outlining that as his team went to the changing rooms they were booed and insulted by the home supporters.
- (x) A further handwritten proforma statement dated 14th August 2023 from Mr Gavin Lomax, spectator for Wednesfield, who confirmed the details in his previous statement.
- (xi) A handwritten proforma statement dated 20th August 2023 from Mr Graham Hyde, Chairman of Wednesfield, who reported that about 23 minutes before the end of the game he became aware of supporters banging the dugout and he estimated the distance as being six yards. Mr Hyde stated that he heard one of his team's supporters shout '*oi pack that in it's racist*' and he repeated the words and followed this with '*bring your dad then*'. Mr Hyde reported that the team manager got the attention of the match official and he was involved in a discussion how to apply the protocol and the game was abandoned. Mr Hyde confirmed that his team were met with hostility when they went to the changing rooms.
- (xii) A handwritten proforma statement dated 13th August 2023 from Mr John Griffiths, manager for Wednesfield, who reported that in the 65th minute he received reports that someone, from behind the dugout had made a racist remark and he brought this to the attention of the match official. Mr Griffiths stated that eventually the game was stopped and he informed the referee and assistants of the allegation and they were all unsure as to what should happen and after some discussion the match was abandoned. Mr Griffiths concluded his statement by reporting that the Droitwich fans booed his team.
- (xiii) A handwritten proforma statement dated 16th August 2023 from Mr Joshua Baker, coach for Wednesfield, who reported that in the 60th to 65th minute a group of 5-10 children aged about 10 to 12 years were making their way to behind the Wednesfield dugout. Mr Baker stated that he was told by a supporter that several people, who were gathered by the dugout, had made racist remarks, directed towards one of his players. Mr Baker stated that he informed the team manager and after discussions with the referee the match was abandoned and as the team walked to the changing rooms someone said '*It's only a comment get on with it*' and another comment was '*get on with it you big babies*'.

- (xiv) A handwritten proforma statement dated 17th August 2023 from Mr Ryan McDonough, Assistant Manager for Wednesfield, who reported that there were 10 – 12 youths behind the team dugout aged between 11 and 13 and he saw two of this group, wearing a Droitwich shirt, were pointing and saying *'nigger, nigger'* to two players who *'were of colour'*. Mr McDonough confirmed that the incident occurred in the 70th to 74th minute and as the teams walked to the changing rooms the boys admitted that what they did was wrong and his team were subject of verbal abuse and acts of intimidation.
- (xv) An undated typed statement from an anonymous 11 year old boy who stated that he was with his friends standing behind the dugouts and in the 80th minute his friend shouted *'is your name Niko'* to a Wednesfield player and that Niko was a *'YouTuber'*. The boy added that a spectator walked up to them and started shouting and they got scared and walked away and stood behind the goal and the group were shouted at by other men.
- (xvi) A further undated typed statement from an anonymous 11 year old boy who stated that he was with a group of 4 of his friends stood in between the two dugouts and one of the boys stated that one of the Wednesfield players looked like *'Niko from Beta Squad'* and another boy agreed. The boy stated that a man began shouting at them calling them racist and telling them to *'get the F out of there'* and the boys left followed by the man and they were upset and scared.
- (xvii) A further undated typed statement from an anonymous 11 year old boy who reported that he was with a group of about 15 other boys and one of the group told his friends that one of the Wednesfield players looked like Niko, who they follow on YouTube and who posts videos about football. The boy stated that they were not talking loudly nor making fun of the player when a supporter started to shout at them angrily using swear words and the boys were advised to leave the area. The child added that the supporter continued to shout after them and some of the Droitwich workers asked them what had happened and they told them that they were misheard. The boy stated that the game was abandoned and the opposition players were swearing at them and he was really scared and upset and he did not know that what they did was wrong.
- (xviii) A typed proforma statement dated 18th August 2023 from a person only described as Mother A but now known to be Mrs Emma Burton who reported that her son was with a group of friends and they were behind the dugouts and in the 80th minute she heard one of the Wednesfield spectators say *'you want to sort your fucking kids out, they are racist'*. Mrs Burton stated that she removed the children from the area and the same spectator continued swearing and the players and match officials had gathered by the dugout. Mrs Burton outlined that some of the boys were crying and she was shown pictures on the boys mobile phones of a person known as Niko, a YouTube footballer and they merely asked a Wednesfield substitute if he was Niko. Mrs Burton reported that the spectator pointed at the group and said *'there they are the fucking racist kids, you should be ashamed of yourselves, fucking idiots'*. Mrs Burton stated that one of the Wednesbury players

spoke with her and he was shown the picture of 'Niko' and he agreed that there was a similarity to the player. Mrs Burton concluded her statement by reporting that the spectator was intoxicated.

- (xix) A typed proforma statement dated 18th August 2023 from Mr Andrew Crowther, manager for Droitwich who reported that, about 10 minutes from the end of the game, there was a commotion in the opposing dugout and one of the Wednesfield coaches accused the club of being racist and he asked the coach what was said. Mr Crowther stated that the coach said the word '*nigger*' was used and he saw a group of 5 or 6 children being threatened and screamed at by a supporter who was clearly intoxicated. Mr Crowther not knowing what had happened told the children to leave the area and the supporter turned his attention to the Droitwich bench and he made threats and the referee stopped the game and it was later abandoned. Mr Crowther noted that the boys were gathered nearby and they looked upset and confused and he told them to go home for their own safety.
- (xx) A typed proforma statement dated 21st August 2023 from Mr Aaron Drake, assistant manager for Droitwich who reported that in the 80th minute the Wednesfield management told them that a child had made a racist comment and that they had been told by one of their spectators. Mr Drake stated that this male became aggressive towards his bench calling them racists and he was intoxicated and stumbling and Mr Drake saw that the group were surrounding a number of ten year old children wearing Droitwich kits. Mr Drake noted that they were members of the team's youth section and he was told that they thought that one of the Wednesfield substitutes looked like a person known as Niko, a YouTuber and that they had approached the player and shown them their phones and asked him if he was Niko. Mr Drake asked the children to leave as he feared for their safety and the game was abandoned.
- (xxi) A typed proforma statement dated 21st August 2023 from Mr Chris Hunt, coach and kit person for Droitwich who reported that after 70 minutes the opposing bench became vocal about a comment that had been made but he had heard nothing. Mr Hunt added that the opposing managers became aggressive and accused someone of being racist and the game was abandoned.
- (xxii) A typed proforma statement dated 18th August 2023 from Mr Matthew Hunt, coach for Droitwich who reported that about 10 to 15 minutes from the end of the game the Wednesfield bench alleged that one of their players had been subject to racist abuse and both sets of benches and the match officials discussed the matter. Mr Hunt stated that he learnt that the remark had allegedly been made by one of a group of young boys he estimated to be between 8 and 10 years old and the boys were told to leave the stadium immediately. Mr Hunt reported that the game was abandoned and he supported the Wednesfield team but a number of fans booed the away team and he later heard that the boys had mentioned to a Wednesfield substitute that he looked like a YouTuber.

- (xxiii) A typed proforma statement dated 18th August 2023 from Mr Matthew Oliver, goalkeeping coach for Droitwich, who reported that in the 80th minute an intoxicated supporter became aggressive to the Droitwich bench shouting loudly '*what the fuck are you going to do about these racists*' and he was aware that the claim involved a group of young children. Mr Oliver realised that this was a serious incident and he asked the children to leave as they looked shocked and scared and they were adamant that they had been misheard after one of them made comment that one of the players looked like a person he watches on YouTube, Sideman Niko. Mr Oliver stated that the game was abandoned and the Wednesfield team and supporters were making threats and they were involved in a violent scuffle.
- (xxiv) A typed proforma statement dated 18th August 2023 from Mr Robert Lamb, club director and turnstile operator for Droitwich, who reported that about 10 minutes before the end of the game he became aware of a commotion in the dugout area and the game was stopped. Mr Lamb stated that he was aware that an allegation of racist behaviour had been made and the Wednesfield players were leaving the field of play and there was pushing and shoving near the changing rooms. Mr Lamb became aware that the allegation was against a group of young boys who were frightened and they showed him a photograph of a YouTuber called Niko.
- (xxv) A typed proforma statement dated 22nd August 2023 from Mr Wayne Oliver, Director for Droitwich, who reported that after 80 minutes the referee stopped the game and the Wednesfield players were walking off the pitch. Mr Oliver stated that he saw a lot of aggression towards a group of 11-12 year old boys who had likened one of the Wednesfield players to a YouTuber called Niko. Mr Oliver stated that the boys were distressed after having been confronted by angry adults.
- (xxvi) A typed proforma statement dated 22nd August 2023 from Mr Joe Mayo-Braiden, coach for Droitwich who reported that near the end of the game the Wednesfield bench stood up and alleged that one of their players had been racially abused and it became apparent that a group of young boys were those who made the racist comment. Mr Mayo-Braiden stated that a couple of Wednesfield fans said '*bunch of fucking racists*' and they made threats to the Droitwich bench. Mr Mayo-Braiden stated that the opposing team abandoned the game and as he made his way from the pitch he saw a group of young boys clearly upset and a melee broke out involving the Wednesfield team. Mr Mayo-Braiden later learnt that a comment had been made about a Wednesfield substitute who supposedly looked like Niko, a YouTuber.
- (xxvii) An email timed at 20.01 on 10th September from Mr Wayne Oliver which contained three photographs of young boys standing behind the home dugout at Droitwich and the email claimed that they could not reach the back of the dugout frame.

- (xxviii) A MP4 video consisting of 2 minutes and 11 seconds of footage taken from the stand opposite the dugout at Droitwich. The notable element of the video was the audible boos of members of the crowd and an unidentified male stating that the game had been abandoned following a complaint of racist language.
- (xxix) Two photographs of handwritten notes dictated by a boy known as Child 4 to his Mother, only identified as Mother 4, on 17th August 2023. Child 4 reported that he was with a number of his friends and in the second half they were standing near the players and he was talking to one of his friends and he said that he thought that one of the players looked like Niko, a YouTuber. Child 4 reported that a man started shouting and swearing at them and he called the boys racists and he did not know what the man meant as he continued to swear at the boys. Child 4 added that one of the groups mother gathered them in an area away from the dugout and this male continued to berate the group whilst swearing and shortly afterwards they were told to leave the ground by one of the Droitwich contingent.
- (xxx) Mr Rob Lamb, board member and Treasurer for Droitwich represented the club at the hearing.
- (xxxi) Mr Gavin Lomax, supporter of Wednesfield attended the hearing and gave evidence consistent with his written submissions and outlined that he was standing at the rear of his team's dugout and he saw a group of between six and seven young boys, aged about 11, nearby. Mr Lomax reported that one boy, with blond hair banged on the screen and said the words '*nigger, nigger*' loud enough to be heard and he immediately told the group to move away. Mr Lomax stated that half of the group did but between two to three did not move and he told them that they were being racist and they eventually moved away and he told the team coaching group as to what happened. Mr Lomax added that later he saw one of the boys crying and he had been told that one had admitted using the words. Mr Lomax stated that at no time did he swear at the boys and he did not believe that they had used the words '*Niko, Niko*'. Mr Lomax was informed that a number of witnesses for the club had stated that he appeared intoxicated and he denied being in such a state. When questioned by the Panel Mr Lomax denied that he had been drinking before the hearing.
- (xxxii) Mr Stuart Hale, referee for the fixture, informed the Commission that he became aware of a spectator acting aggressively at the rear of the dugouts and he was with a female and another male and they were trying to calm the spectator down. Mr Hale added that he spoke with the team managers and became aware that an allegation of racist language was being made and the Wednesfield team wanted to take a stand and they refused to play on and the game was abandoned.
- (xxxiii) Mr Joshua Baker, coach for Wednesfield attended the hearing and stated that in 60th to 65th minute he was alerted by Mr Lomax that a racist remark had been made and he told the team manager who alerted the referee. Mr Baker stated that he himself had not heard the remark and the game was abandoned, correctly

in his opinion and as the team walked towards the dressing rooms they were booed and comments like *'they are children'* were made. Mr Baker believed that the person responsible came from a group of 5 to 10 children aged between 10 – 12 years and confirmed that none of the players heard any comment whilst in the dugout.

- (xxxiv) Mr Graham Hyde, club Chairman for Wednesbury, informed the Commission that he was spectating and standing near the team dugout when he heard banging on the back of the structure and he heard one of the team's supporters say *'pack it in, that's racist'* and *'bring your dad then'*. Mr Hyde stated that apart from Mr Lomax no one else reported hearing the comment and a male and female were with Mr Lomax and they did not report hearing the comment. Mr Hyde reported that he heard the Droitwich manager say *'I'm fed up with these things happening'* and he confirmed that the social media content, circulated post-match, had been agreed between him and the team manager and he had posted the item. Mr Hyde concluded his evidence by outlining that he saw a young boy, from the Droitwich contingent, in tears and he heard that one had admitted using the racist language.
- (xxxv) Mr John Griffiths, manager for Wednesfield, informed the Panel that in 65th minute he was informed by his coach that a racist comment had been made and the matter was reported to the match official and after a discussion his team did not want to continue playing and the game was abandoned. Mr Griffiths stated that he saw a group of young boys at the rear of the dugout and he clearly heard banging on the Perspex screen but did not hear any words used. The Team Manager stated that at the end of the fixture he saw that a young boy had admitted using racist language and the Droitwich manager told the group of boys to *'fuck off'*. Mr Griffiths stated that as his team went to the changing rooms they were abused by the Droitwich spectators who were near the building. Mr Griffiths added that when he was near the changing rooms he heard a female, who appeared to be with the group of boys involved, say that one of the children had admitted saying the word *'Niko, Niko'* as he looked like a Youtuber and that no racist comment had been made and they were mistaken.
- (xxxvi) Mr Ryan McDonough, Assistant Manager for Wednesfield informed the Commission that he was in the technical area in front of the dugout and he was aware of 10 youths at the rear. Mr McDonough outlined that he saw two of the group banging on the Perspex and they both shouted *'nigger, nigger'* and they were pointing at one of his players in the dugout. Mr McDonough was certain that the words were not *'Niko, Niko'* and when the referee stopped the game a discussion took place and the game was abandoned and as he moved away from the pitch he saw a group of young boys with adults standing nearby. Mr McDonough reported that he saw one of the boys tell an adult that one of the others in the group had used the racist word and upon hearing this the Droitwich manager confronted the group and said that the team would be *'kicked out'*. Mr McDonough stated that as his team approached the changing rooms between 50 and 60 home supporters were present and they abused and intimidated his team.

- (xxxvii) Mr Matthew Martin, captain of Wednesfield attended the hearing and informed the Commission that he did not hear the comment but was told that the allegation had been made and he wanted his team to take a stand and they did not want to continue playing and the game was abandoned. Mr Martin stated that he was aware of a group of boys aged between 14 and 15 years and as the team approached the dressing rooms there was a commotion outside involving the Droitwich supporters who had intimidated his team.
- (xxxviii) Mr Mark Bowen, director of Droitwich attended the hearing and stated that he was with his two sons, one aged 14 and he saw an altercation take place involving both benches and he was aware that the game had been called off. Mr Bowen reported that he had a role as a steward and he rushed to the changing room door and some moments later he was joined by his 14 year old son who explained to him that the game had been abandoned as a young boy had called one of the Wednesfield players 'Niko' and Mr Bowen had not heard of this person but was told that he was a high profile YouTuber. Mr Bowen confirmed that he had taken the three photographs, provided in the case pack, to indicate the distance between the respect barrier and the Perspex screen of the dugout.
- (xxxix) Mr Wayne Oliver, Board member for Droitwich and matchday steward, informed the Commission that he did not witness the incident at the dugout area but became aware that the game had been abandoned and he saw a mother of a young Droitwich supporter who informed him that an allegation of racist behaviour had been made but the only thing that had happened was that one of the boys had tried to show a Wednesfield player a photograph of 'Niko'. Mr Oliver noted that one of the Wednesfield supporters was very animated and he had clearly been drinking in the club bar. Mr Oliver concluded his evidence by stating that post match the stewards were not in the usual positions as the game had ended without notice and they did the best they could to control the supporters throughout the stadium.
- (xl) At 22.11 hours the hearing was adjourned until Monday 2nd October 2023.
- (xli) At 18.00 hours on Monday 2nd October 2023 the hearing was reconvened and the Commission heard from Mrs Emma Burton, mother of child A who confirmed that she was the author of the written statement attributed to Mother A in para. xviii. Mrs Burton stated that she attended the game with her husband and son, who is a member of the Droitwich youth team and he was with a number of other boys aged between 10 and 12 years and she was standing near the team dugouts whilst her son was playing football on an adjacent pitch. Mrs Burton outlined that a penalty was awarded and the group of boys stood at the back of the dugouts and around the 80th minute she heard a male shouting at the boys accusing them of being racists and swearing and her immediate concern was to remove the group to a nearby area. Mrs Burton spoke to the boys and asked what had happened and they began talking together and advising her that they did not understand why they had been called racist and all they had done was ask one of the Wednesfield players if he was Niko a YouTuber. Mrs Burton reported that 4 or 5

of the boys showed the same picture on their mobile phones and shortly afterwards the male spectator approached the group holding a pint glass in, what she believed was, an intoxicated state. Mrs Burton stated that the male accused the boys of being racist and she told him that they were children and he should go away and he reacted angrily leading Mrs Burton to fear that she would be attacked. Mrs Burton stated that she spoke to two Wednesfield players and she got one of the boys to show the picture of Niko and they admitted that one of the players said that one of his team did look like Niko but a lot of upset had been caused and Mrs Burton apologised and confirmed the account provided to her by the boys.

- (xlii) Mr Ryan Lamb summarised the case for Droitwich where he confirmed that the club supported action on tackling racism and they had fully cooperated with the investigation of the County FA. Mr Lamb was of the opinion that Mr Lomax was mistaken in his belief that the young boys had used an offensive racist slur against the players and he had caused his team to believe that this had actually happened and this led to the match officials having to deal with an incident and that the FA protocol had not been followed and the match was incorrectly abandoned.

Decision

9. As part of its work the Commission reminded itself of the standard of proof which was required in order to find the charge proven, which was on the balance of probability.
10. The decision of the Commission was to find the charge, against Droitwich, of breach of FA Rule E21 failure to 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, aggravated by reference to one of the protected characteristics namely in this instance not proven on the balance of probability. This was a unanimous decision. The Commission found the charge of FA Rule E21.1 proven on the balance of probability and this was a unanimous decision.
11. The factors taken into consideration in reaching these conclusions were the following;
 - i. The entire written and verbal evidence pointed to a situation where the game had not been contentious and at some point in the second half a group of young boys were positioned at the rear of the dugout area when communication from the group, to one or more of the Wednesfield players, was attempted.
 - ii. It was also clear from the evidence that Mr Lomax had stated that he believed that the boys had used the word '*nigger*' and he challenged them and had informed the Wednesfield team management and after discussion with the match officials the away team made the decision not to continue with the game.

- iii. Despite numerous written statements there were only two people who provided evidence that the boys had used the word '*nigger*', Mr Lomax and Mr McDonough. The Commission heard written and verbal evidence that Mr Lomax had displayed signs of intoxication on 12th August 2023 and the Panel also found that he appeared to be inebriated whilst giving evidence on 15th September 2023.
- iv. Mrs Burton provided credible and compelling evidence, that almost immediately after the allegation was first made, that the boys disclosed that they thought that one of the Wednesfield substitutes was a prominent YouTuber, Niko and that one of them had tried to get his attention saying '*Hey Niko*'.
- v. Mr John Griffiths, manager for Wednesfield, provided corroboration to Mrs Burton's account that the boys had admitted using the word Niko shortly after the game was abandoned.
- vi. In order for the Commission to find the matter proven they had to be satisfied that one or more had used the word '*nigger*' and having been found out they had colluded to come up with an account that provided an excuse to try to indicate that there was a plausible reason for the word being mistaken.
- vii. The Commission found that it was more than likely that Mr Lomax, in a state of intoxication, had heard the phrase '*hey Niko*' and had mistaken this to be a racist slur and he had angrily challenged the children and emotionally informed the Wednesfield management who reacted to the information.
- viii. The Commission had heard that following the abandonment of the game the Wednesfield team were subject to abuse and intimidation outside the changing rooms and that the supporters of Droitwich had been responsible and that the club had been unable to prevent those supporters coming into contact, inappropriately and they found the lesser charge of E21.1 proven.
- ix. The Commission found that the behaviour of the Droitwich supporters was insulting, threatening and abusive.

Sanction

- 12. Having found the charges proven The Commission was able to consider mitigation.
- 13. The Commission was advised of Droitwich's misconduct record over the previous five years which showed they had one previous finding of E20 in April 2022 when they were fined £175.
- 14. The Commission were not provided with additional mitigation for Droitwich.
- 15. The Commission found that there were no other aggravating factors.

16. The Commission referred to the Disciplinary Sanction Guidelines of the FA Handbook 2023/24 in arriving at its decision regarding sanction.
17. Having weighed up all of the factors, the penalty imposed by the Commission was as follows;
 - i. Droitwich Spa FC are fined the sum of £200.
 - ii. Droitwich Spa FC are warned as to their future conduct.
18. There is the right to appeal in accordance with the FA Regulations

15th September and 2nd October 2023

Mr Michael Cloherty

Dr Tehmina Khan

Mr Mark Scott