

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Worcestershire Football Association

CORRESPONDENCE HEARING

of

MAX TAYLOR

PERSHORE TOWN 88

[Case ID:11537305M]

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 17th December 2023, Pershore Town 88 (“the Club”) played a fixture against Broadway United Athletic (“Broadway”) – collectively the “Match”.
2. Broadway reported the conduct of Mr Max Taylor (“MT”), a Club player.
3. Worcestershire Football Association (“Worcestershire FA”) investigated the reported incident.

The Charge

4. On 4th January 2024, Worcestershire FA charged MT:
 - 4.1. with misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language) (“the 1st Charge”)

and/or
 - 4.2. with misconduct for a breach of FA Rule E3.2 - Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability in that it is alleged that Max Taylor used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to gender. This refers to the comment(s) “sit down little women who know nothing about football, the boys are talking” and/or “as a player came out of the changing rooms, one of the females looked at me and pointed at the player and said – that the substitute who told me to sit down and shut up” and/or “shut up little girls, the big boys are talking” and/or “it’s mans talk” or similar (“the 2nd Charge”)
5. 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.”

And E3.2 provides that 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.*
6. Worcestershire FA included with the charge letter the evidence that it intended to rely on in this case.
7. MT was required to respond to the charges by 18th January 2024.

The Reply

8. On 15th January 2024 MT responded to the charges online via the Whole Game System and he accepted the same, requesting that they be dealt with in his absence at a Correspondence Hearing.

The Commission

9. 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 this case.

The Hearing & Evidence

10. I adjudicated this case on 19th January 2024 as a Correspondence Hearing (the “Hearing”).
11. I had received and read the bundle of documents prior to the Hearing.
12. 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 this case.
13. Ms Rachel Warren, a Broadwayspectator, provided an email Report to Worcestershire FA dated 17th December 2023 in which she states that there was a difference of opinion over an offside call. She pointed out that a Broadway player had cleared the ball before the offside was given, MT said “sit down little women who knows nothing about football, the boys are talking”. She replied that this was a disgusting way to talk.
14. Mr James Hands, on behalf of Broadway, provided an email Statement dated 22nd December 2023 in which he states that a Broadway player, Cameron Warren had told him that a Club player told his Mum and Nan to “shut up little girls, the big boys are talking”.
15. The Referee, Mr Derek Shorthouse, provided a Statement dated 19th December 2023 in which he states that at the end of the Match he had left the changing room and was waiting for the Broadway Manager. He noticed to women to whom he said hello. As a player came out of the changing room one of the women looked at him and said “that’s the substitute who told me to sit down and shut up”. The player walked past smiling. He confirms that the player was MT.
16. During the course of the investigation, MT provided a Statement dated 28th December 2023 in which he states that an offside was given in the Match that was clearly not an offside. A female was making comment and he recalls her calling him an “idiot” so he turned around and said “it’s man talk” in a jokey way and started laughing.
17. Mr Callum James, a Club player, provided a Statement dated 29th December 2023 in which he states that in the 65th minute of the Match the Assistant Referee “basically cheated” by flagging for an offside that was clearly not an offside. A female supporter shouted at MT “who the hell do you think you are you silly little boy, do you think you are superior to him, you idiot” so he turned around and said “it’s man talk”.
18. Mr James Moreton, Club Manager, provided a Statement dated 27th December 2023 in which he states that in the 65th minute of the Match the Assistant Referee flagged for an offside against the Club. MT moaned about it as they all did. A female supporter shouted at MT “who the hell do you think you are you silly little boy, do you think you are superior to him, you idiot” so he turned around and said “it’s man talk”.
19. Mr Kirk Ward, Club Coach, provided a Statement dated 28th December 2023 in which he states that an offside decision went against the Club. It was clearly not offside. MT moaned about it. A female supporter gave MT a “mouthful” and called him an “idiot” so he turned around and said “it’s man talk” in a joke way.
20. That concluded relevant evidence in this case.

Standard of Proof

21. 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

22. In respect of the 1st and 2nd charges, MT had admitted these and liability was pre-determined by that guilty plea. Therefore, in respect of the allegation that MT was guilty of improper conduct, including foul and abusive language and that in addition this was aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability, I found that the charge was PROVEN.

Previous Disciplinary Record

23. After finding the charges proven, I sought the participant's offence history. I note that MT has no other proven misconduct charges in the preceding five years. However, I note a dismissal for serious foul play in September 2023.

Mitigation

24. There is no mitigation within the bundle from MT.

The Sanction

25. In respect of MT, the relevant FA Disciplinary Regulations on sanction state that the guidelines for a breach of FA Rule E3.2 is that where an aggravating factor exists the minimum sanction is a 6 (six) match suspension with the maximum being 12 (twelve) matches.
26. After taking into consideration all circumstances in this case, namely that this was a comment in response to being called an idiot, and noting his previous disciplinary record and guilty plea, Mr Taylor is:
- 26.1. to serve an immediate suspension from all football and football activities for 6 (six) matches;
- 26.2. to satisfactorily complete an online mandatory education programme before the match-based suspension is served, or Mr Taylor be suspended until such time he successfully completes the online mandatory education programme, the details of which will be provided to him; *and*
- 26.3. 6 (six) Club Disciplinary Points to be recorded.

27. 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)

19th January 2024