

**THE FOOTBALL ASSOCIATION
REGULATORY COMMISSION**

**NATIONAL LEAGUE – DIVISION ONE
FC HALIFAX TOWN V FOREST GREEN ROVERS FC
SATURDAY 13TH FEBRUARY 2016**

In the matter of a Charge against Mr. Jim Harvey of FC Halifax Town for an incident of Misconduct.

**Written reasons for the Regulatory Commissions Decisions held on :-
Monday 29th January 2016**

MEMBERS OF COMMISSION:- B.W. BRIGHT [CHAIRMAN]
R. PAWLEY
M. BUXTON

MR. M. IVES – FA Head of Judicial Services acted as Secretary to the Regulatory Commission

Mr. Jim Harvey, the Manager of FC Halifax Town, had been charged on the 16th February 2016 with misconduct for a breach of FA Rule E3 in that it was alleged that language and/or behaviour after the end of the fixture versus Forest Green Rovers FC amounted to improper conduct.

The Football Association in bringing the charge had designated that such was a Non Standard case due to the unusual and/or aggressive nature of the reported behaviour.

By way of Reply Form [NS] dated the 19th February 2016 Mr Harvey had admitted the charge and did not request a personal hearing. However by email of the 23rd February 2016 [16.59] from the Club Secretary of FC Halifax Town, to the Football Association it was stated that:-

“On behalf of Jim Harvey, our Manager, that he wishes to change his reply to DENY the charges to be heard on written evidence submitted”

Attached to such was an email from Mr. Harvey to Mr Sharman dated the 24th February 2016 [17.13] indicating a desire to change his plea.

An indication of ‘No further changes to the Reply Form’ was noted by the Commission to the effect that Mr. Harvey denied the charge but was not requesting an opportunity to attend a Commission by way of Personal Hearing.

The Members of the Commission had before them:-

1. A Report from the Referee – Ian Hussin dated the 14th February 2016
2. A Report from the Assistant Referee – Leigh Doughty dated 14th February 2016
3. Four photo-copy ‘photographs’ submitted by the Assistant Referee - Leigh Doughty
4. Correspondence dated 18th February from Mr. Harvey
5. Correspondence dated the 19th February from Mr. David Bosomworth the Chairman of FC Halifax Town.

6. Further observations from the Referee – Ian Hussin by email of 22nd February [15.34]
7. Further observations from the Assistant Referee – Leigh Doughty by email dated 23rd February [10.47]

The Members of the Commission carefully studied the report from the Assistant Referee –Leigh Doughty – which read:-

At the end of the game as we [the match officials] walked off the field of play, Jim Harvey [Halifax Manager] waited near the 'T' of the halfway line close to the tunnel. He shook hands with a sarcastic smile and he shook mine last [of the three] as I was walking behind Ian Hussin and Natalie Aspinall. After shaking my hand he then forcefully slapped me twice on the back, between my left shoulder blade and spine. Whilst saying "That was a fucking shambles". I turned and looked at him in shock as I continued to walk into the tunnel. Mr Harvey continued to follow the team of match officials down the tunnel and to the door of our dressing room. I did not want to cause a confrontation so once Mr. Harvey had gone and we got back into the dressing room I informed the referee, Ian, and the team of what had happened. The referee and fourth official then went to the home dressing room to inform Mr. Harvey that he has being reported for his actions. Once they returned Natalie went to her changing room and we started getting changed which is what I noticed, at 17.05 a red mark on my back. Ian and the fourth official both looked closely at my back and you can see the outline of two handprints, once with clear finger marks. Ian Hussin took four photos of this to be used in evidence if needed. I will keep them on my phone.

Likewise Members of the Commission noted the actions of the Referee, Ian Hussin – when informed in the dressing room at the conclusion of the game of the alleged conduct of Mr. Harvey.

Then they studied the letter submitted by Mr. Harvey in response to the charge. It was noted in the second paragraph that Mr. Harvey stated '... patted the Assistant twice on the back of his shoulder reassuringly...'

In the following paragraph Mr. Harvey strongly refuted the claim that 'this was in any way either aggressive or forceful....' and that 'there is no way that any contact from me could have caused marks to the skin'

The Members of the Commission did however note that Mr. Harvey admitted making the comment containing foul language as reported and apologised for such.

The Chairman of FC Halifax Town Mr. David Bosomworth had written stating he was seated the back row of the main East Stand and had seen 'Jim Harvey pat the official on the back' and later that in his view 'it was most innocuous and the assertion that there was implied excessive force in baffling'.

The Members then noted that The Football Association Football Regulatory Officer, Mr. R. Marsh had sought further opinions from both the Referee and Assistant Referee having regard to Mr. Harvey's rejection of the account of events reported.

Mr.Hussin made it clear in his reply that he did not see the alleged contact as he was in front of his colleagues and only learnt about such when in the dressing room. He did however reaffirm seeing 'a red mark on the back of Mr. Doughty's shoulder'.

Mr. Doughty remained firm in his response and stated:-

"As we left the field of play, Mr. Harvey waited for us near the tunnel area. As previously mentioned he shook the referee's hand first, then the other

assistant's hand, then mine last. I do not accept that Mr. Harvey simply patted me on the back and the photos [attached] were taken as evidence at 17.05, approximately 15-20 minutes after the conclusion of the game. He slapped me twice between the right shoulder blade and spine, with some force, immediately after shaking my hand leaving a visible outline of two hand prints one with clear finger marks. In the process of doing this he said "That was a fucking shambles" which I can accept was meant as an insult to the whole team, which he has admitted.'

The Members of the Commission then studied the four photocopy pictures submitted which although not entirely clear showed red marks on the back of the Assistant Referee.

FINDINGS:

The Members of the Commission carefully considered all matters before them.

They noted that the expression of language reported was admitted and was within itself a PROVEN breach of FA Rule E3.

With regard to the further serious matter of reported behaviour relating to the report of Mr. Harvey slapping the Assistant Referee twice on the back whilst making the admitted expression the Members were satisfied that contact had been made in more than being "patted....reassuringly" and unanimously concluded, on the evidence before them and the balance of probabilities that this aspect of the Charge was also PROVEN.

The Members of the Commission then considered sanction.

They were informed that Mr. Jim Harvey had no previous record over the past five years held by The Football Association.

The proven CHARGE under FA Rule E3 was deemed as serious by the Commission. After careful consideration they again unanimously decided.

- i. Mr. J. Harvey be warned as to his future conduct
- ii. Mr. J. Harvey be immediately suspended for two qualifying First Team matches with
 - a. the first match to be subject of a Ground Ban.
 - b. the second match not to be subject of a touchline ban.
- iii. Mr. J. Harvey to be fined - £500

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BARRY W. BRIGHT
CHAIRMAN
01st. March 2016