

**The FA Disciplinary Commission sitting on behalf of [Staffordshire FA] via WebEx
On Monday 07 November 2016
In the Matter of:-**

Colin Reeves

(Non-Personal Hearing)

WRITTEN REASONS

Panel Members:

Ms. Arshia Hashmi (Chair)
Mr. Richard Stubbs
Mr. Tom Edwards

Ms. Lauren Halsey was Secretary to the Panel.

Introduction

1. These are the written reasons for an Anti-Discrimination Disciplinary Commission sitting via WebEx, on Monday 07 November 2016 in order to deal with the non-personal hearing of Colin Reeves.
2. It was alleged that Mr. Reeves, player for Dormans First, during a match against FC Gnosall First on 21 August 2016, said to the referee *'you're a right wanker'*, Mr Reeves was sent off as a result. Mr. Reeves then shouted at the referee, *'That's it turn your back and walk away you faggot'*.
3. By letter of the 14 October 2016, Mr Reeves was charged as follows:
 - a. **Charge 1** – FA Rule E3 – Improper Conduct (including foul and abusive language)And a further charge of
 - b. **Charge 2** - FA Rule E3 - Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.
4. Mr. Reeves failed to respond to the charge correspondence.
5. The Panel had before it the following documentation when considering the case of Mr. Reeves:
 - 5.1 Misconduct Charge Notification dated 14 October 2016
 - 5.2 Referee's Report
 - 5.3 Statement of Mr. Kevin Halsted, manager of Dormans FC
 - 5.4 Statement of M. Kevin Halsted, Secretary, Dormans FC

The Evidence

Evidence in Support of the Charge(s)

6. The referee's report reported as follows:

'In the 76th minute of the above game I SENT OFF – COLIN REEVES from Dormans F.C under section S6.

INCIDENT (1)

In the 76th minute I awarded a direct free kick against Colin reeves for handball, following the incident the player to continued to ask me if it was deliberate handball, to which I explained that it was awarded as his arm was in an un-natural position and cropped the crossing of the football.

The free-kick was taken and headed into the net by Gnosall, on running back to the centre circle the player again kept shouting was it deliberate YES or NO which I did not reply, which he then shouted "YOUR A RIGHT WANKER"

I then SENT OFF the player under S6 (uses offensive, insulting or abusive language)

INCIDENT (2)

Following the game I was on the car park talking to Dormans Manager Mr Kevin Halsted when Mr Reeves returned to a parked car, again he asked me was it deliberate YES or NO, i decided not to het into any autocation with the player so i turned and walked to my car, at which point he shouted "THAT'S IT TURN YOUR BACK AND WALK AWAY YOU FAGGOT"

I informed the player that would also be included in my report.'

7. The panel found the statement to be comprehensive and that it gave a detailed account of the alleged incidents.

Evidence in Defence of the Charge

8. The panel then reviewed the statements of Mr. Kevin Halsted.

9. The first statement stated:

'After the game I was talking with the referee who over the past 20 years through work ad football I have a good relationship with. As my player came towards his car he turned and asked the ref "did he still think it was handball". I suppose to defuse the situation the ref turned and walked towards his car, I then heard the player say something in the region of "don't turn away I'm not a schoolkid". At this point I walked off unhappy at the way my player was behaving but genuinely did not hear the word "faggot" on returning I heard the ref say "it will all be in my report". The think I would say in defence of my player is that it was totally out of character.'

10. The second stated:

'I am writing to let you know about the fine/ban of Colin Reeves, I have forwarded all correspondence to him and he said he will sort it out himself. As a club we have not seen or heard of him since the event and no longer associate him with our club.

11. The Panel noted no information was provided by Mr. Halsted with regard to the first comments made by Mr. Reeves. Furthermore, Mr. Halsted did not provide information which could have assisted, for example, details of his proximity in relation to Mr. Reeves and/or the referee at the time that the comments were made by Mr. Reeves. Mr. Reeves stated in his first statement about 'returning' but again, insufficient evidence was provided to the Panel in this regard.

Findings

12. There was no evidence before the Panel from Mr. Reeves.
13. The Commission particularly took into account that the match report was particularly detailed. The Commission took into account that the referee stated within his report that comments made by Mr. Reeves were made in a shouting tone and on both occasions, when the referee's attention was on Mr. Reeves.
14. The Commission were of the view that there was no discernible reason for the referee to provide a match report that was not accurate.
15. The Commission took note of the statements of K Halsted however, noted that this evidence could not be tested as it was a non-personal hearing and furthermore, K Halsted had not provided sufficient details as to his proximity to the incidents and furthermore, failed to provide any information on the first comment made by Mr. Reeves towards the referee.
16. On balance and with regard to the burden of proof found the charges proven on the balance of probabilities, including that the term "faggot" was used.
17. The panel therefore found the higher charge, charge 2 – FA Rule E3 – Improper Conduct – aggravated by a person's Sexual Orientation **PROVEN** on the balance of probabilities. As the higher charge was found proved by the panel, there is no need for the consideration of the alternative charge of Charge 1 - FA Rule E3 - Improper Conduct (including foul and abusive language).

Plea in Mitigation

18. No mitigation was before the Panel.
19. The panel did however take into consideration the singular use of the word 'faggot', without repetition as a one off use of the word.

Aggravating Factors

20. The Panel found that although the offence is one of an aggravated breach by way of reference to a person's Race, there were no further aggravating factors present having considered all of the written evidence when determining the sanctioning of Mr. Reeves.

Relevant FA Rules and Guidance

21. The Commission was mindful that it was not determining whether Mr Reeves was homophobic or not. The Rules which are relevant to this hearing are those contained within Rule E3 of the FA Rules.

22. The applicable FA Rule E3(1) states:

"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."

23. FA Rule E3(2) provides:

"A breach of Rule E3 (1) is an "Aggravated Breach" where it includes a reference to any one, or a combination of the following:- ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability."

24. According to the FA Guidelines, the 'entry point' for Improper Conduct aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability at this level of football is a suspension of at least 5 matches on that Participant.

25. Under Rule E3(3)(i), the suspension of at least 5 matches on the participant may increase depending on any additional aggravating factors present.

26. Under FA Rule E3(8), there may be a financial penalty or any other sanction considered appropriate.

27. Under FA Rule E3(9), a Participant who commits an Aggravated Breach of Rule E3(1) will be subject to an education programme.

Misconduct Record

28. The details of Mr. Reeves, as defined in and pursuant to FA Rules, Record for the last 5 years were received by the Panel. Mr. Reeves had a clear record.

The Sanction

29. In light of the written evidence before the Panel, the Panel imposed the following sanction on Mr. Reeves in relation to the charge of breach of FA Rule E3(2), Improper Conduct aggravated by a person's Sexual Orientation:

- An immediate suspension of 5 matches
- 5 penalty points

- Warning as to his future conduct
- Subject to an appropriate education programme under FA Rule E3(9) (details to be provided by the FA) to be undertaken within 4 months. Should Mr. Reeves fail to do so, he is to be suspended from all footballing activities until such time as he does undertake the course.
- A fine of £75

30. The Panel are satisfied that the sanction against Mr. Reeves is fair, reasonable, proportionate and within the FA Guidelines.

31. There is a right of appeal in accordance with FA Regulations.

Ms. Arshia Hashmi (Chair)

Mr. Richard Stubbs

Mr. Tom Edwards

08 November 2016