

**Football Association Disciplinary Commission**

**(‘The ‘Commission’)**

**In the matter of Norman Kenyon (Case number 8708688M)**

**Disciplinary Commission Decision**

1. The following members were appointed to the Commission: Ms. Stacy Payne (Independent Chairperson), Mr. Anthony Rock (Commission Member) and Mr. Maurice Armstrong (Independent Member).
2. Mr. Greg Hart of the Essex FA acted as Secretary to the Commission.
3. Mr. Norman Kenyon was charged with a breach of F.A. Rule E3 Improper Conduct. It was further alleged that this breach of Rule E3(1) was an “aggravated breach” as defined in Rule E3(2) as it includes a reference to gender.
4. The relevant sections of FA Rule E3 (p. 112 of the FA Handbook Season 2015-2016) states:
  - “(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.*
  - (2) 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.”*
5. This case was brought by Lancashire F.A. following a complaint made of words and conduct at a match played on 17<sup>th</sup> September 2016. It was alleged Mr. Norman Kenyon shouted aggressively at the female referee, voicing his opinion with swearing before shouting “this is a man’s game”.

6. Mr. Norman Kenyon responded to the charge; he pleaded not guilty and requested the matter be dealt with in his absence. Based on the not guilty plea the burden of proof was on the Lancashire F.A. to prove on the balance of probability. The balance of probability standard means that the Commission would be satisfied an event occurred if the Commission considered that, on the evidence, the occurrence of the event was more likely than not. The Commission noted the written submission attached to the response form received from Nathan Loeb, Club Secretary, on behalf of Mr. Norman Kenyon.
  
7. The Commission noted the written submission accepted the comment was made but denied the same was intended as the referee had perceived it. Further, it was denied any foul or abusive language was shouted towards the referee. Upon receiving a red card the Commission noted Mr. Norman Kenyon left the pitch without hesitation or further dialogue. Further, the written submission suggests further witness statements could be provided but such were not.
  
8. The Commission took time to consider the evidence and to deliberate upon the same. The Commission were aware for the charges to be made out in full in this instance, there were the following tests to be satisfied:
  - a. Did Mr. Norman Kenyon make the alleged comments?
  - b. Did those comment amount to a breach of FA Rule E3(1)?
  - c. Were the words used also an “Aggravated Breach” pursuant to FA Rule E3(2); namely in respect of gender?
  
9. The Commission reviewed the above mentioned written report and written submission and found, upon the balance of probabilities, the charges proven. The Commission found the report of the referee was corroborated in that Mr. Norman Kenyon admitted the comment was said. Further, the Commission found the same was inappropriate and amounted to an aggravated breach.

10. The Commission proceeded to determine sanction and consulted the 2016-2017 Sanction Guidelines. Mr. Norman Kenyon's record was considered and it was noted there were no relevant charges to be taken into consideration and it was deemed the same amounted to a mitigating factor when determining sanction.
11. The Commission was mindful of the sanctions guidelines which required the Commission to start at an entry point of 5 games together with a £75.00 fine. The Commission felt there were no aggravating features to consider a punishment in excess of the mandatory penalty. 5 penalty points were also given.
12. Mr. Norman Kenyon is also to attend an FA education programme within four months of original notification of this decision; details of which will be provided by The FA. Failure to complete the mandatory FA Education programme within the relevant timeframe shall initiate the automatic suspension of Mr. Norman Kenyon from all football and football related activity until such time as the mandatory FA Education programme has been successfully completed.
13. This decision is subject to the right of appeal in accordance with the relevant regulations within The FA Handbook.

**Stacy Payne**

**Chairperson**

**31<sup>st</sup> October 2016**