

The Football Association Discipline Commission

(on behalf of Cambridgeshire FA)

In the Matter of

Ryan Hayward (Papworth FC)

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Reasons for Discipline Commission decision Monday 12th December 2016.

The Discipline Commission members were Brian M. Jones (Chairman), Michael Cloherty and Vivienne Aiyela appointed by The Football Association.

Mr Richard Cooper of Manchester FA acted as Secretary to the Commission.

The hearing was conducted by WebEx on Monday 12th December 2016.

The following is a record of the salient points which the Discipline Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.

CHARGES:

Charge 1:

By a Misconduct Charge Notification of the 15th November 2016 Mr Ryan Hayward was charged with misconduct for breaches of FA Rule E3 in respect of the fixture Papworth Reserves FC v Haverhill Rovers FC played on the 12th November 2016.

It was alleged that during the match, he used abusive words towards the referee with reference to nationality including a reference to "Brexit is coming".

Charge 2:

FA Rule E3(2) – Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

1. The relevant section of the referees report reads as follows: - *“Ryan was very upset of my decision and tried to show all his negative side by using aggressive bad language in my address. When he was dismissed and left the field of play, he continued expressing a similar bad language to my and assistant address until the end of the game”* (sic).
2. By email of the 14th November 2016 the referee Mr Vitalii Burnus stated that the words used by Mr Hayward were: *“Ref you are fucking shit”; “you are fucking useless”; “I will catch you after the game”; “Brexit is coming soon no worries mate”*.
3. It was further alleged that he parked his car 15-20 yards from the touchline and was shouting from his vehicle for the rest of the game, he having been dismissed sometime in the second half of the match.

4. Mr Hayward admitted the charges and confirmed that he wished the case to be dealt with in his absence and requested that any correspondence he had submitted be considered by the Discipline Commission.

HEARING:

5. The members of the Commission had before them a bundle of documents which they had read before convening. No useful purpose would be gained by describing in these Reasons each document as that would add to the writer's typing and the readers reading, suffice it to say that the bundle consisted of the following: Misconduct Charge Notification dated 15th November 2016; Reply form dated 28th November 2016; Report by Referee Vitalii Burnus dated 14th November 2016; Email from Vitalii Burnus dated 14th November 2016; undated letter from Ryan Hayward and Mr Haywards discipline record.
6. The Football Association and County Football Associations take matters of this nature very seriously. For someone to be abused as alleged is a serious matter and equally so for someone to be accused of such behaviour.
7. We reminded ourselves that the charges had been admitted at an early stage.

CONCLUSION:

8. We reminded ourselves that the standard of proof is the civil standard of the 'balance of probability'. That means the Discipline Commission is to be satisfied, on the available evidence that the incident was more likely than not to have occurred. Put simply we had to weigh up the evidence before us and decide which version was most probably true.
9. The charges had been accepted and it was perfectly clear from the letter from Mr Hayward that he was very apologetic and contrite.
- 10 He denied shouting from a car and maintains that although standing next to a car whilst talking to a mate he kept himself to himself. There is no corroboration of that from anyone at all.
11. The members of the Commission were unanimous that on the balance of probability, after considering all the available evidence that the comments alleged to have been made by Mr Hayward were in fact made and that is really confirmed by the acceptance of the charges.
12. Therefore the charge under FA Rule E3 was proven and as there was clearly an aggravating factor the charge under FA Rule E3(2) was also proven.

MITIGATION:

13. We were pleased to hear that Mr Hayward had no previous record of misconduct of this nature but we noted that he had a record of misconduct being improper conduct against a match official on the 11th September 2015 and which we could not ignore.
14. We considered the mitigation before us and noted the apology by Mr Hayward.

SANCTION:

15. Mr Hayward is to be warned as to his conduct.
16. We reminded ourselves that as this case related to Nationality, under FA Rule E3(4) we were not bound to impose a suspension of at least 5 matches.
17. In accordance with FA Rule E3(2) Mr Hayward will be immediately suspended from all football and football activity until such time as his registered club have completed two (2) matches in approved competitions.
18. We considered a suspension of five (5) matches but mitigated down due to the three (3) game suspensions for the dismissal from the field of play.
- 19 Mr Hayward be fined the sum of £50.
- 20 Again we considered a fine of £75 but mitigated down due to the fact that he had already paid a fine of £25 for his dismissal.
- 21 Mr Hayward to attend a suitable Education course (FA Rule E3(9)) within the next 4 months or be suspended sine die, details of which will be provided to him by The Association.
- 22 Five (5) disciplinary points be awarded.
- 23 This decision is subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman).

Michael Cloherty

Vivienne Aiyela

Monday 12th December 2016.