

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Lincolnshire Football Association

A NON-PERSONAL HEARING

of

**SCOTT CHAPMAN [60191035]
(CASE ID: 8724165M)**

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 7th November 2016 the Football Association convened a Disciplinary Commission by video conference (“the Commission”), on behalf of Lincolnshire FA to adjudicate on disciplinary charges levied against Mr Chapman of AFC Earsfield First team under case ID 8724165M.
2. The following members were appointed to this Commission:
 - Mr Richard Stubbs, Chairman (FA National Anti-Discrimination Chair Panel)
 - Ms Arshia Hashmi (FA National Anti-Discrimination Chair Panel)
 - Mr Tom Edwards (FA National Anti-Discrimination Chair Panel)
3. Ms Lauren Halsey of Hertfordshire FA acted as Secretary to the Commission.
4. Mr Chapman is charged with two charges; a breaches of FA Rule E3 and one breach of FA Rule E3(2). Those charges both relate to an incident on 16th October 2016 after a Premier Divisional Cup match against AFC Colsterworth 1st team.
5. The E3 charge was that Mr Chapman used improper conduct including foul and abusive language aggravated by a person’s gender/sexual orientation in that he is alleged to have used foul and abusive language towards the match referee with an aggravated breach of using the word “faggot”. The details of the E3 charge therefore in fact include the details of the E3(2) charge in the narrative, which is brought as it is alleged that Mr Chapman used the term “faggot” towards the referee. The Commission considered that the reality was that although charged as two separate charges the allegation that was faced was an aggravated breach under E3(2) due to reference to a person’s sexual orientation (which would of course be an E3 breach as well) as the allegations were part of the one act.
6. Mr Chapman pleaded guilty to the E3 charge and not guilty to the E3(2) charge on 27th October 2016. By email dated 2nd November 2016 Mr Chapman accepted that he had acted wrongly but not that he used the word faggott. The Commission understood this

to mean that Mr Chapman intended to plead guilty to an E3 charge excluding an aggravating feature but denied the E3(2) charge. Mr Chapman requested that the charges be dealt with in his absence. The detail of the E3 charge specifically included the use of the term “faggott” and so the Commission needed to consider whether both charges were proven.

7. As the charges as put in the charge letter were therefore effectively denied the Commission needed to decide whether the charge was proven. The burden of proof is on the County. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

Background

8. On 16th October 2016 a Premier Divisional Cup fixture took place between AFC Earlsfield (“Earlsfield”) first team and AFC Colstersworth first team.
9. After the match, in which the referee Mr Peter Dungworth cautioned Mr Chapman, concluded, Mr Chapman followed Mr Dungworth to the dressing room where the allegations arose.
10. The Commission was provided with a match report from the referee, Mr Dungworth, dated 16th October 2016 – the same day as the match and an email from Mr Chapman dated 2nd November 2016:
 - i. The match report stated that after the game Mr Chapman followed Mr Dungworth to the dressing room complaining about his decisions and why he had been cautioned. Mr Dungworth stated that Mr Chapman followed him into his dressing room, where he called him a “fucking idiot” and a “fucking faggot”. Mr Dungworth states that he asked Mr Chapman to leave but he continued to abuse him until Mr Dungworth stated that he would report the matter to the County FA when Mr

Chapman stated that Mr Dungworth was not “fucking fit to referee” and left slamming the door;

ii. In his email of 2nd November Mr Chapman stated “the word faggot was never used or any other sexual discrimination. Also the fact that he approached me after the game and started when Neil McMillam was trying to talk to him he ignored Neil McMillan and went for me pushing his flags in my face ect [sic]. I accept that I have acting [sic] wrongly but am not admitting to the sexual discrimination.”

11. 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.”

12. 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.”

Findings

12. Mr Chapman accepted that he had acted incorrectly but did not give any detail of what he actually accepted had happened; he effectively appeared to attempt to provide evidence of provocation without any detail of what he accepted that provocation had caused.

13. The Commission particularly took into account that the match report was provided on the same day as the game and that it was clear on what had taken place. The Commission also were mindful of the fact that the alleged comments were said to have

taken place in the referee's dressing room – in close proximity to the referee when his attention was on Mr Chapman.

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 fact that there was no corroboratory evidence of what was stated by Mr Dungworth but 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.
16. The Commission was conscious it was not making any finding on whether Mr Chapman was homophobic or not.

Sanction

17. The Commission considered that the E3(1) charge was in relation to the use of the same language and behaviour as the E3(2) charge and so imposed no sanction in relation to the lesser charge.
18. The Commission considered the relevant rules under FA Rule E3(3)(1), E3(4), E3(8), E3(9) and the Sanction Guidelines issued by the FA.
19. Mr Chapman had no previous record of any misconduct. The offence appeared to be one incident when Mr Chapman lost control of his behaviour. The Commission did not make any finding as to whether Mr Chapman was provoked as alleged, there being too little evidence on this issue to make any finding on it.
20. Taking all matters into consideration in relation to the E3(2) breach the Commission imposed the entry level sanction of:
 - i. 5 match suspension from all football;
 - ii. £75 fine;
 - iii. 5 penalty points; and

iv. Completion of the Equality Education Course. In the event that Mr Chapman fails to undertake the course within 4 months he will be further suspended from all footballing activity until such time as he does undertake that course, details of which will be provided to him by the FA.

21. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Mr Richard Stubbs (Chairman)

Ms Arshia Hashmi

Mr Tom Edwards

7th November 2016