

Football Association Disciplinary Commission

(‘The ‘Commission’)

Sitting on behalf of Hampshire Football Association

In the matter of Bobby Scott (Case number 8649949M and 8629101M)

Disciplinary Commission Decision:

1. The members of the Commission were Mr Les Pharo (Chairman), Francis Duku, and John Murphy all were appointed by the Football Association.
2. Jodie Jordan acted as Secretary to the Commission, which was held on Thursday 6th October 2016 at Old Common Road Black Dam Basingstoke.
3. Mr Scott was charged with the following charges:

Charge 1:

A breach of FA Rule E3: Improper conduct (including foul and abusive language)

Charge 2:

Improper conduct aggravated by a person’s Ethnic origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

Charge 3: Assault on a match official.

Alternative charge for charge 3: Improper Conduct against a match official (Including physical contact and threatening and/or abusive language/behaviour.

4. The charges against Mr Scott was brought by Hampshire FA as a result of a report from Mr A. Bailey the match Referee.
5. Mr Scott had responded to the charge pleading guilty to Charge 1 and asking that it be dealt with by correspondence and requested a personal hearing in respect of charge 3 where he denied the offence.
6. Mr Jim Garcia club Chairman of Paulsgrove attended as the Club representative.
7. There was a submission from Mr Scott where he admitted charge 1 and offered his apologies.
8. The allegation was that on 29th August 2016 whilst refereeing a match between Paulsgrove First and Hayling Island First and whilst in the process of Cautioning Mr Scott he said to Mr Bailey, “You fucking queer”. He was then dismissed from the field of play.

9. This apparently led to an incident where it was alleged that Mr Scott spat at the referee, and made remarks to the referee which led to the further misconduct charges.
10. There were various incidents in this match and other participants charged where it was decided and agreed by all that they be dealt with together.
11. All present did not wish the referee report to be read out. The referee Mr Bailey was asked if he wished to alter or change his report in any way and he said that he did not.
12. Mr Scott was invited to question Mr Bailey however he did not have any questions for him.
13. The commission members then questioned the referee during which he stated that the spitting incident had occurred after Mr Scott had been shown a red card for using the remark. "You fucking queer". When questioned further on the spitting incident Mr Bailey stated that Mr Scott was at least 10 yards from him when he spat at him. When asked to confirm that distance he stated that he believed he was correct. The Commission felt that the referee was a credible witness, however there were doubts regarding the distance that Mr Scott had supposedly spat.
14. Mr Scott then declared that he had been sent off for abusive language which he had admitted, further stating that he had not used the words, "Fucking Queer" at any time, and that he was attending the hearing today to deny the spitting charge. He was reminded that he had admitted using the term "Fucking Queer" and had sent in a response apologising. He responded by saying he was only apologising for the swearing which he admitted doing and that as far as he was concerned he had been sent off for the swearing and not the term, "Fucking Queer". It was clear to the commission that this was a denial in respect of charge 1.
15. After a short adjournment where the commission discussed the matter it was agreed that we continue the hearing for Mr Scott and that it would also include Charge 1 which would be now considered as a denial, despite the admission of the offence on the whole game system. This was accepted by Mr Scott and the Club representative.
16. Mr Scott was invited to give an account of the events where he stated that he felt that the referee was biased towards him throughout the match and had become frustrated and angry, he said that because of this he had sworn at the referee which was when he had been sent off, he admitted that he had questioned this decision but denied using any language relating to sexuality, he further stated that he had relationships with men therefore would not use such language.
17. When questioned by the commission Mr Scott again admitted the language and reiterated that this was why he was sent off. He admitted that he did not properly read the allegation which he had admitted, as he assumed it was for the bad language he had used and that is why he had apologised. He stated that at no time did he spit at any

one but he admitted remonstrating with the referee after being sent off. Mr Scott was considered credible and he had admitted his behaviour was inappropriate in respect of language, his denial of the spitting incident and his account were accepted by a majority of the commission.

18. Two players also subject of charges in respect of this match were in attendance but neither were able to give any account of the alleged offences in respect of Mr Scott stating that they were not near when any of the offences were alleged to have taken place. They were not of any assistance to the commission in the matters against Mr Scott.
19. There was a submission from Mr Scott in relation to charge 1 which the commission took account of.
20. On reviewing the oral evidence from the Referee and the oral evidence and written submission from Mr Scott the commission noted that the distance that it was alleged by the referee between Mr Scott and the referee was said to be 10 yards, which the referee confirmed twice, this caused the commission some doubt as to if a person could actually make contact at that distance which was being alleged. We had been informed that it was a particularly hot day which again cast doubt on the allegation. In respect of charge 1 the commission were of the opinion that the referee account of events was more likely to have occurred.
21. Having reviewed the oral and written evidence the Commission made the following decisions on the standard of proof in these matters that being the balance of probabilities.
Charge 1. Proven.
Charge 2. Proven.
These were unanimous decisions.
Charge 3. Not proven.
Alternative Charge in respect of Charge 3. Not Proven
These were Majority decisions.
22. Mr Scott was invited to offer mitigation, this was then given by the Club representative who stated that this was a particularly difficult game for all concerned and that Mr Scott was usually no problem to the club and on this occasion his challenging of the referee was out of character.
23. Having reviewed the previous record of Bobby Scott and the submission of the Club Representative, the Commission then considered the relevant rules under FA Rule E3 (1), E3 (2), E3 (3), E3 (4), E3 (8), E3 (9) and the Sanction Guidelines issued by the FA. It was decided that there would be a variation of the minimum sanction from 5 to 3 matches due to the two match ban for the sending off offence in relation to this matter. A fine of £75-00 was imposed and Mr Scott must undertake an education course within four months of this decision.

24. This decision may be appealed in accordance with the relevant regulations within the prevailing FA Handbook.

Les Pharo

Chairman

10-10-16