

## **Case 8610349M**

**The Football Association / Lancashire County FA**

**vs**

**Nick Blackburn**

**Hearing date Tuesday 13th September 2016**

### **Written Reasons for Decision**

1. These are the written reasons for the County FA Disciplinary Commission decision made on Tuesday 16th September 2016.
2. The panel members were Mr. F. Duku, (Chairman), Mr L. Pharo, (Council) and Mr. J. Murphy (LFADP)
3. Ms. L. Halsey acted as Secretary to this panel.
4. Mr. Blackburn was charged by the Lancashire FA with a breach of rule E3 and E3(2) following an exchange on an unofficial Facebook page for the R&DSFL. Mr. Blackburn was charged with Improper Conduct (including foul and abusive language) and Improper Conduct - aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.
5. Mr. Blackburn pleaded Not Guilty to the charge and asked for the case to be heard in his absence.
6. The panel considered the evidence included in the bundle which was the written submissions provided by Mr. Blackman, a copy of the Facebook exchange containing the alleged offence, and the observations of the person who noted the comments and raised the complaint, Mr. P. Hindley.
7. The detail on the Facebook exchange that the panel was being asked to consider was the sentence "Let's take this really sloooooooooowlllllyyyyyyy for the special people" as it was suggested this was an attempt to make an unfavourable comparison between

a number of club secretaries from the R&DSFL who had apparently failed to follow some instructions given by the League's registrations secretary and people with learning disabilities.

8. In Mr. Blackburn's submission, he pointed out that there are different ways the word "slow" could be interpreted, but in this instance he was referring to the fact many of the secretaries had been slow in returning the requested registration forms.
9. Mr. Blackburn went on to clarify that he used the words "special people" in reference to those club secretaries who are continually late in fulfilling their duties and hence create problems for the League. He also further states that the government definition for people with a disability is "special needs" and not "special people" and at no point did he use, or intend to use the word "needs". His use of the word "special" was in an attempt to have those who were delayed in the completion of their duties take note that they were being specifically referred to in an attempt to motivate them into completing the required tasks.
10. The panel considered the comment and agreed that although it could possibly be subject to differing interpretation, with the evidence available it was not sufficiently clear that the reference was in relation to people with a disability of any kind.
11. It was further noted that considering the topic of conversation and the background to it, the explanation given by Mr. Blackburn seemed wholly reasonable, and the panel were therefore satisfied that the intention of the comment was not of a discriminatory nature.
12. The panel therefore unanimously agreed that on the balance of probabilities, the charge was found not proven.
13. There is a right of appeal in accordance with FA regulations.