**FA hands out punishment after non league referee is punched while players brawl**

**The FA hands out a punishment after a [non league](https://fanbanter.co.uk/category/nl/) referee is punched while players brawl during a match in the tenth tier of English football.**

Late last year, we saw an [Southern Combination League](http://www.scfl.org.uk/) game between Dorking Wanderers Reserves and Epsom & Ewell abandoned in 69th minute after a disagreement turned sour.

Those watching in the stand couldn’t believe what they were seeing with an official smacked in the face as a fight broke out on the touchline.

A video was published to Twitter and it’s quickly got thousands of views with Twitter users making it go viral.

We’ve since learned that an £75 fine and suspension until the end of the season has been issued to player Mr Alex Penfold.

**THE FA’S STATEMENT:**

**Alex Penfold of Epsom and Ewell FC was the subject of one charge:** A breach of FA Rule E3 Improper conduct: Assault or Attempted Assault on a referee. There was an alternative charge that can be considered by the commission of: A breach of FA rule E3 Improper conduct against a match official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

**Rule E3:** The FA handbook states the following in respect of the charges shown: “A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, of a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.

“Assault or Attempted Assault: acting in a manner which results in an injury to the Match Official. This includes causes or attempts to cause injury to a Match Official (whether or not it does in fact cause injury), examples include, but are not limited to, causing and/ or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official”.

**Physical Contact**
“Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment)”.

In these cases an initial complaint was received by Surrey FA from the match referee Mr Mark Spence, who reported, that in a match on 27th December 2021, between Dorking Wanderers Reserves and Epsom & Ewell Reserves, in Division 1 of the Southern Combination Football League, around the 67th minute of the match, Mr Alex Penfold was issued with a yellow card, and sent to the sinbin for dissent. Mr Penfold then called the referee a “fucking useless cunt”. He was called back to the referee and was shown a red card, and was, in the referees words “face to face, a few inches apart” The referee further alleges that, “he swings his right fist at me, which I believe glances off a Dorking player, before it strikes me on the left jaw”. The referee states that as he backed away “he kept coming swinging at anyone trying to stop him” He was apparently dragged away by others, and the game was abandoned, after having consulted with one of his two assistants.

**The Responses:**

Mr Alex Penfold had denied the charges against him and requested a personal hearing. This matter was therefore dealt with on 8th February 2022. Based on the not guilty plea the burden of proof was on Surrey F.A. to prove the matter on 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. 6.

 The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered. However the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.

The following correspondence was received, to be reviewed by the commission members: A referee report from Mr Mark Spence. A video clip. From Epsom & Ewell there were statements by: Alex Penfold, Kofi Quartley, Adam Grant, Louis Chin, Mathew Bishop, Luke Miller, all players, and Peter Mutton, a club official. Also a further video clip. From Dorking Wanderers there were statements from: Ben Dyson, Paul Wise a visiting Seaford club manager, Cemil Odun all players and Stephen Morgan a spectator. There were also emails between the County, from Epsom & Ewell and Dorking Wanderers.

Appearing at the hearing on behalf of the County was Mr Mark Spence, the match referee.

Appearing on behalf of Mr Penfold were Mr Kofi Quartey and Mr Peter Mutton. Barry Gartell was representing Mr Penfold during the hearing. Mr Peter Bedoe and Mr Mel Tough attended as Club observers for Epsom & Ewell FC who played no part in the proceedings.

The video evidence supplied by the county was played, and then the referee Mr Spence was invited to give his account. He stated that he did not wish to alter anything in his report, and when questioned by the commission said that the event timeline was as in his statement, and that he was struck by Mr Penfold. Although it caused him no injury, he was forced to step back. He said he was sure that the aggression from Mr Penfold was directed at him and that the term “fucking useless cunt” was also directed at him.
He had heard it clearly, even though Mr Penfold was facing away from him. He further stated, when asked about the alleged fist contact from Mr Penfold, that there was minimal contact to him which caused him no injury, and that it could have been an open hand, and not necessarily a fist.

When asked if he felt the term he had used, re swinging at him, was correct. He said he was sure that was the case, as Mr Penfold was very close to his face. He said when asked if the blow may have glanced off a Dorking player, that may have been the case and added that nothing was said at that time. He was asked how many players were around him. He said he believed about 4.

Mr Gartell, on behalf of Mr Penfold, was invited to question the referee, and in his responses, the referee stated that he had seen the video presented by the club, and reiterated, when asked, that Mr Penfold was looking at him. He agreed that Mr Penfold had his back to him when the alleged words were used, but stated that the words were directed at him. He again confirmed, when asked that it may have been a hand, as opposed to a fist, that made contact with him. Reference was then made to the video, and it was suggested that Mr Penfold was not going towards the referee, but to Dorking players. Mr Spence responded by saying he did not think that was the case.

The video supplied in defence of the charge was played. Mr Penfold was then invited to give his account of the alleged incident. Mr Gartell, on behalf of Mr Penfold, stated that he did not wish to change anything in his statement, and when questioned by the commission Mr Gartell responded on behalf of Mr Penfold by saying that he was sorry for his actions in pushing the Dorking number 7, who he had issues with during the
game, but he did not, nor was he attempting to assault the referee. He admitted using the language stated in the referee report and losing his temper, but said that this was not directed at the referee but a Dorking player. He said, when asked, that he had pushed the Dorking player with his open hand not a fist. When asked why he had chased the referee, he said it was to question a decision and nothing more, and also to talk to the
Dorking player about the same decision. He agreed he was aggressive and apologised for that, but said he did not assault the referee. It was purely verbal. He was asked if he had written his statement after viewing the CCTV, and he responded by saying, yes it was after. He agreed he was angry, re the referee decisions, and agreed that he did continue to challenge the referee, and was given a yellow card.

Mr Kofi Quartley then gave his account saying that it was as his statement, and he did not wish to change anything in that statement. When questioned by Mr Gartell, on behalf of Mr Penfold, he was asked several times if Mr Penfold had struck the referee. He responded by saying ”he did but it was not intentional”. He said, when asked that Mr Penfold was shouting, not at the referee but at Dorking players who he believed were number 7 and 9.

The commission then asked questions of this witness, who said in response, that Mr Penfold was swearing when he was shouting at the Dorking players, as they were baiting him. When asked if the term “fucking useless cunt” was used, he said he could not recall. He was asked how far away he was, to which he replied, he was next to Mr Penfold. When asked if it was a one handed or two-handed push, he said one, the left hand. When further asked about his initial verbal evidence, where he said he thought there was contact with the referee, he replied that there was contact but not intentional, band that he did hear the referee say “ouch”, so the referee may “have been grazed”. He could not recall any other language that was being used. He replied ,when asked, if Mr Penfold had pushed a Dorking player, and he said he thought he pushed 2. He was asked again for clarification if there was contact by Mr Penfold on the referee, and he
then said “there was no contact”.

Mr Peter Mutton then gave his account, saying that it was as his statement, and did not wish to change anything in that report. When questioned by Mr Gartell, on behalf of Mr Penfold, he said that he believed Mr Penfold pushed the Dorking players and not the referee. He said he had a good view of the incident as he was about 10-12 yards away. When asked to explain “unsavoury incidents “ as mentioned in his statement, he said it was the general bad behaviour during the match.

The commission then asked questions of this witness, who said in response he could not recall the exact language used, nor if it was at the referee or Dorking players. He said, when asked, that Mr Penfold pushed two Dorking players but did not see any contact on the referee. He replied, when asked, that in his opinion Mr Penfold was not pushing the referee as he backed away, but was arguing with the Dorking players.

Mr Gartell stated he was satisfied he had presented all the evidence on his behalf. Mr Penfold was then asked if he wished to make any closing submissions based on the evidence the commission has received, and Mr Gartell said that it was clear from the both pieces of video footage that there was no contact of the referee by Mr Penfold, but there was contact by Mr Penfold on Dorking players. The alleged remarks to the referee were not directed at the referee, but at Dorking players, and the commission were reminded that the referee stated that Mr Penfold was “walking away “ when the remark was made. The commission were also requested to review the statement from Ben Dyson, a Dorking player who was involved in the incident, which he believed endorsed the account of Mr Penfold. .

There were written statements to be considered, where witnesses did not attend the hearing. Mr Gartell, on behalf of Mr Penfold, was advised that this evidence could not be tested, but would be considered by the commission. Mr Penfold and his representative then left the hearing whilst the commission made a decision.

**The following points were noted in all the submitted statements:**
Mr Penfold gave evidence, as per his statement, which comment on his loss of control and the reasons why that happened. Kofi Quartey states “Alex was given a red card and was abused by Dorking players. He then pushed the players. I did not see the Alex hit the referee”. Adam Grant gives a detailed statement, in which he says, “whilst I do not condone Penfolds reaction, he did not punch or try to punch the referee. He did try to push the two Dorking players away out of the situation, and in the action the referee did get pushed as well”. He also added “Penfold was trying to confront the referee on his decision further, and myself and another player, Kofi, tried desperately to keep Dorking players away from Penfold” Louis Chin states that “I saw him clearly from my vantage point push two DW players away from the side of the referee, and one of their arms caught the referee, as they fell back”.

Mr Bishop describes seeing a conversation between Alex Penny (this was understood by the panel to mean Penfold) and the referee, where a Dorking player became involved “which led to both players trying to push each other out of the way, to get their side of events over to the referee. Whilst pushing each other out of the way, the referee was in the middle, which led to him thinking he got hit”.

Luke Miller in his statement says that Penfold “shoved two DW players away, and from my viewpoint did not hit the referee but an arm from one of the DW players did so”. Peter Mutton in his statement said that “Penfold pushed the two Dorking players who were either side of the referee. This made the referee fall backwards towards the boundary fence”.

Ben Dyson of Dorking Wanderers, in his statement, gives an account of his exchanges with Alex Penfold during the game. He also describes what happened after Alex Penfold got a red card from the referee stating, “this is when he stepped towards the referee, and pushed myself and the other Dorking player in the chest, neck area. As he did he caught the referee on the chin but no real contact was made”.
Paul Wise of Dorking Wanderers states “after being shown the red card he (Penfold) aggressively approached the referee and look to swing a punch at him”

Steven Morgan of Dorking Wanderers in his statement said “I believe his shirt number was 12. He suddenly tried to attack the referee by throwing punches at him and the
referee backed away”.

Cemil Odun of Dorking Wanderers describes the attitude of Mr Penfold and the confrontation at the issuing of the red card and after.

The commission then considered all the evidence received in this matter and in doing so the following points were noted in reaching a decision:

A. The confrontation at the time of the alleged incident appeared to be between Mr Penfold and the referee, which was admitted, as he was frustrated and angry with decisions. There were Dorking wanderers players also near the referee when Mr Penfold challenged the referee. We were asked to consider the behaviour of the Dorking players at this time.

B. We could of course not determine from the video clip what was being said, but what was clear is that Mr Penfold was close to the referee. It was alleged by the referee that the words “fucking useless cunt” were said by Mr Penfold to him, resulting in a red card. The defence being offered was that the referee could not know what was said, as Mr Penfold was walking away from the referee, and that any such comments were made to opposition players. This in the opinion of the commission was not the likely version of events, and that the term as described by the referee was used by Mr Penfold to the referee, in relation to decisions made by the referee,
which Mr Penfold did not agree with. This therefore constituted improper conduct, which of course Mr Penfold had agreed in written communication, and his verbal account that his behaviour was not acceptable. In reviewing the charges, and the varying accounts of the contact on the referee, where we considered the differing versions from, “there was no contact” “there was contact but not intentional” and “there was contact due to a push on Dorking players, resulting in contact with the
referee”.

C. The commission took the view that on the balance of probability there was contact to the referee. Despite being told that the video showed that the Dorking players made that contact, the commission did not agree this was the case. What was clear however, was a movement from Mr Penfold, and the referee suddenly moved backwards, confirming in the opinion of the commission there was contact. It was also noted by the commission that the Dorking player immediately to the left of the referee also moved backward as if contacted and recoiled immediately indicating some sort of contact. However it was also agreed by the commission that this was slight contact, and it was more likely that it was not a direct punch at the referee. It was believed that if it had been so, due to the close proximity between Mr Penfold and the referee, there would have been some form of injury, which the referee stated there was not. The commission also believed that it was not a fist and more likely to have been an open hand. The commission therefore took the view that the more likely event was that there was a push on Dorking players, and that as a result of this some contact was made by Mr Penfold on the referee.

**The Decision:**
For an alleged breach of FA Rule E3 Improper conduct: Assault or attempted
assault on a referee.

Not Proven.

The alternate charge was therefore proceeded with and the following unanimous decision was made:

For a breach of FA rule E3 Improper conduct against a match official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

Proven.

Mr Penfold was recalled to the meeting, and he was made aware of the decisions in these matters. Mr Gartell, on behalf of Mr Penfold, was then asked if he wished to offer any mitigation in this matter. He then expressed surprise on the decision reached, and started to give reasons why the commission were, in his opinion, wrong. The chair then advised that the purpose of this part of the hearing was to offer mitigation, and that
there was an appeal process, which would be explained at the end of the process.

The commission were also informed of personal circumstances in his private life, that have led him to seek professional help to enable him to cope with the stress associated with those issues. A letter was also read out to the commission, which he had sent to the club, offering where he apologised for his actions and behaviour throughout the whole incident. We were informed of his playing career at different clubs. His record was then made aware to the commission, and Mr Penfold agreed that it was as stated.

**The Sanction:**
Sanction was then considered in this matter, taking into account the exemplary record of Mr Penfold, the mitigation offered, and the FA sanction guidelines, and having done so the following sanction was awarded:
Alex Penfold of Epsom and Ewell FC:

For a breach of FA rule E3 Improper conduct against a match official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).

Alex Penfold is suspended from all football for a period of 112 days. He is fined the sum of £75-00 and 10 discipline points are awarded against Epsom and Ewell F.C. The suspension is backdated to the 19th January 2022, when the interim suspension order was imposed. Alex Penfold is to undertake a face-to-face education course, to be completed by
the time the suspension period is served. If the course is not taken by that time a sine-die suspension will be imposed until the course is complete.

There is a right of Appeal against this decision, in accordance with the relevant provisions set out in the prevailing FA Rules and Regulations of the Association