DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearings

of

LUKE WHITING
(West Wood Rangers FC)
Case ID: 9557657M

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 30th September 2018 West Wood Rangers FC played in a match in the Sceptre Sunday League (the match) against Basildon Town.

2. A report was forwarded to Essex County Football Association ("Essex FA") by the match referee, Luke Scottow. This contained allegations of misconduct by Luke Whiting.

3. Essex FA commenced an investigation into the allegations and raised charges on 10th October 2018.

The Charges

4. Luke Whiting was charged under FA Rule E3 – Improper Conduct against a Match Official (including Physical Contact and threatening and/or abusive language/behaviour after being sent from the field of play.

5. The details of the charge against Luke Whiting were contained in the charge letter: *"After showing Luke the second Caution for dissent, he decided to walk straight into me with force. This caused me lose my balance and I had to step back to make sure I didn't fall over. As he walked away he said "You should have moved out off my way" although I wasn't in his way he purposely walked into me. At half time Luke was still on the side line. I was in a neutral point away from West wood but Luke kept shouting over to me saying "You wait till we get into the car park at full time" and "your get smacked up." At this point i had enough. I felt threatened and intimidated sol called the West wood manager over and captain and explained either Luke leaves and goes home or I will go home and abandon the match. After about 5 minutes Luke got his stuff and went off. As such i was happy to carry on with the game."*

6. The relevant section of FA Rule E3 states:
"Offences against Match Officials:- *Physical contact or attempted Physical contact: examples include, but are not limited to pushing the Match Official, pulling the Match Official (or their clothing or equipment) barging or kicking the ball at a match official (causing no injury) and/or attempting to make physical contact with the Match Official (for example attempting to strike, kick, butt, barge or kick the ball at the Match Official."*

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
   (i) A report from the match official, Luke Scottow, dated 30th September 2018.

The Reply

8. Luke Whiting responded to the charge pleading Guilty.

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
   Mr Wayne Deller (Chairman)
   Mr Michael Hemsted (Essex FA Council Member)
   Mr Lawrence Segal (Independent)

10. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.

11. The Commission took place at the Essex County Football Association Headquarters on 26th October2018, commencing at 8:25 pm and finishing shortly before 8:40 pm.

12. The Commission had received a statement from Luke Whiting containing the following: *"Firstly, I would like to start by accepting the charge and apologising for my behaviour on the 30/09/2018. My behaviour was completely unacceptable and I fully deserve a ban from all football— I would however like you to*

consider the events of the morning from my perspective before finalising the length of the ban. The report given by the referee is largely accurate but some points are either completely fabricated or exaggerated. I think it is important to outline what happened for my first booking, the booking was for dissent and fully deserved. I wasn't abusive and had not used foul language toward the referee but had become very frustrated at a number of decisions and asked the referee if this was the first game he had taken charge of. I completely agree this should have resulted in a booking and, had it been left at that, would have certainly made me think before I spoke to the referee again. The problem I had was the referee was smiling at me and I felt like he was goading me with his next comment of "That's a £10 pound fine for you". I believe the referee is there to manage the game and try his best, where possible, not to let it boil over. I therefore cannot work out how the referee at this point thought smiling and making a sarcastic comment to a player who is already evidently frustrated would be good game management. My second yellow came after a fairly poor decision by the referee to book a player for diving after obvious contact was made. My booking was fully deserved and I completely accept that referees are going to make mistakes and I should have simply accepted the decision and moved on. The second booking came as a result of the following, I had approached the referee as myself and a few of the opposition were saying that contact was certainly made and it was no way a booking for the Westwood player, I was trying to tell the referee to consider the reaction of the players around him but was given a stern warning and told to "go away". I am not the captain of Westwood so the referee was within his rights to refuse to talk to me but as I was walking back towards the half way line, myself and the referee found ourselves walking alongside each other, I continued to question the decision and the referee told me to go away again, it was at this point I asked him where I should go as he was walking alongside me. It should be noted that I was around the edge of 18 yard box for the opposing team with the referee to my right, I stated to the referee that he was terrible and saw him reach for his pocket, it was obvious what was coming next so I already began walking to the right hand side of the pitch. I was passed the referee before he had got the second yellow from his pocket, the referee proceeded to jog in front of me in order to show me the red card, he stopped about a foot, maybe two foot in front of me as I was walking with my head down, there was no push, no barge, no real meaningful contact at all. Looking back on the event, I don't think I even had the chance to change direction in order to avoid the referee. What he has stated in his report is hugely exaggerated but I am unable to deny the charge of physical contact to the referee as we did come together slightly as I was trying to leave the field. I feel 'Physical contact towards an official' paints an entirely different picture to what actually happened on that morning and I hope this can be considered when deciding on my final ban. In regards to the car park comments, this is completely fabricated, at no point did I say I would wait for the referee in the car park or state that he 'would get smacked up'. I must tell you however that I did use threatening language, the referee was continually smirking at me even when I had left the field of play, it was at this point I said "If you keep smiling at me like that, I will give you a slap". This is completely unacceptable on my part and fully deserving of a ban. I had become frustrated and felt the referee was antagonising me, I have no excuse for my words however and I will accept any punishment you sanction for that."

13. The match official had been clear in his original misconduct report and had received no additional requests from the ECFA for details and clarity.

Standard of Proof

14. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

15. The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence; it was more likely to have happened.

Findings

16. From the documentation that we read there was no doubt that there was a confrontation between the match official and Luke Whiting to which Luke Whiting had pleaded Guilty.

17. The Commission were satisfied that there had been a clear physical contact with the match official and that threatening remarks had also been admitted. No dissenting submission had been entered.

18. Having carefully considered such documentation as had been submitted the Commission members:
    (i) Unanimously concluded that the charge against Luke Whiting under FA Rule E3 – Improper Conduct against a Match Official (including Physical Contact and threatening and/or abusive language/behaviour was Proven.

19. The Commission unanimously determined that the level of sanction was to be in the High range as there had been two separate incidents and consideration had been given by the match referee to abandoning the fixture.

Sanction

20. The Commission considered the relevant rules and The FA's Sanction Guidelines. In relation to these cases this was a minimum sanction of 182 days suspension and a fine of 150.00.

21. The Commission carefully considered the guilty plea made by Luke Whiting as mitigation and further noted that there were repeated incidents. The Commission also noted that Luke Whiting had had a similar charge proven against him in season 2015/16 for which he had received a sanction of 182 days and a fine of £150.00. The Commission further noted, in mitigation, that there had been no similar charges against Luke Whiting since 2015/16.

22. The Commission unanimously agreed that Luke Whiting is to be suspended for a period of 133 days and fined the sum of £125.00.

23. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr Wayne Deller (Chairman)
Mr. Michael Hemsted
Mr. Lawrence Segal
13th January 2019