

DISCIPLINARY COMMISSION

Sitting on behalf of the Gloucestershire Football Association

IN THE MATTER OF A VERBAL PLEA OF

**LUKE WHITTAM
OF TUFFLEY ROVERS FC**

DATE OF COMMISSION: 7th FEBRUARY 2019

CASE NUMBER: 9651708M

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

On 20th November 2018 a match took place between Tuffley Rovers and Harrow Hill in the Gloucestershire Northern Senior League. It was alleged that Luke Whittam the Captain of Tuffley Rovers had head butted James Morse causing an injury amounting to a broken nose. Mr Whittam was sent from the field of play and subsequently charged with FA Rule E3 - Assault by Participant on Participant. An alternative charge was also made under FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour. Mr Whittam pleaded guilty to the charge of Assault by participant on participant and asked to make a verbal plea before a Commission appointed by the Gloucestershire Football Association.

THE COMMISSION

The members appointed to the Commission were:

Royston Schafer (Chairperson)

Roger Pullin (Secretary)

Geoffrey Endicott (Member)

Ian Scott (Independent Member)

OTHERS ATTENDING THE HEARING

Neil Spiller (Secretary)

Will Cronshaw (club representative)

THE CHARGE(S)

The Gloucestershire Football Association charged Luke Whittam as follows

Charge 1. FA Rule E3 – Assault by Participant on Participant

Charge 2. FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour.

THE REPLY

Mr Whittam pleaded guilty to charge 1 and wished to attend a disciplinary hearing to enter a verbal plea for leniency.

In accepting the charge he was aware that he could not question the basis of the Charge or reports from County witnesses because they would not be in attendance.

THE RULES

Pursuant to The FA Handbook 2018-2019 Season, FA Rule E3 (1) provides as follows:

“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, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.

THE BURDEN & STANDARD OF PROOF

The burden and standard of proof applied in this case was the **Balance of Probabilities**.

THE EVIDENCE

The Commission considered the report from the Match Referee, Mr Shaun Enever who reported that he had witnessed Mr Whittam push James Morse in the chest and then head butt him. The resultant head butt landed on the nose of Mr Morse. Mr Whittam was sent from the field of play.

The Commission also considered a statement made by Mr James Morse the aggrieved party to the assault. He described the incident which resulted in the head butt to his nose and the fact that he attended hospital as a result of this.

The commission also considered a statement from Mr Whittam and a further report from Mark Harris who was a spectator at the match.

Mr Whittam's account was that the referee had signalled a free kick and when Mr Morse got up from the floor he barged into Mr Whittam and then made a racist Remark. Mr Whittam became so enraged by this comment that he reacted to it by head butting Mr Morse. He referred to an incident where he had been racially abused in the past and such comments have a serious effect upon the appellant and how he deals with incidents such as this.

Mr Harris confirms that a foul occurred and a free kick was awarded to Harrow Hill. He describes how the Harrow Hill player (Mr Morse) barged the Tuffley player who reacted to this by head butting the Harrow Hill player.

FINDINGS

The Commission found on the balance of probabilities that the case was proved and took into account the guilty plea entered by Mr Whittam. The commission were made aware that an investigation had been made into the allegation that racial abuse had been directed towards the appellant but there was insufficient evidence to substantiate a charge being levied against Mr Morse. The appellant had already been made aware of this.

MITIGATION

Mr Whittam stated that the reason this incident had occurred was because he had been racially abused by Mr Morse. He was remorseful and stated he was not a violent person. He stated he had a good disciplinary record and was the captain of the team. He was taking his coaching badges so that he could coach the under 8's at Tuffley Rovers and was very much interested in passing on his knowledge and passion to the younger generation.

PREVIOUS DISCIPLINARY RECORD

No offences had been recorded on the whole game system for the past 5 seasons and therefore the players record was clear.

SANCTION

The commission referred to the sanction guidelines and came to a unanimous decision that Mr Whittam should be suspended for a period of 140 days and fined £150. He would also forfeit the deposit, which had been paid for the verbal plea.

APPEAL

This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Chairperson... ..

Council Member... ..

Independent Member... ..

Date of written reasons: