

DISCIPLINARY COMMISSION

Sitting on behalf of the Hampshire Football Association

IN THE MATTER OF A PERSONAL HEARING OF ROBERT SCADDING

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

1. The Disciplinary Commission (“the Commission”) was due to sit on 18th September 2018 by way of a personal hearing at the request of Robert Scadding (“RS”), this commission was postponed late in the afternoon as RS was unable to attend. The commission then sat on 11th October 2018, RS, despite efforts by the commission secretary to contact him, did not attend the commission. The Commission decided to adjudicate in Rs’s absence in respect of charges brought by Hampshire FA against RS a result of alleged misconduct in a match between Red Bull Future and Rest Assured on [07/08/2018].

THE COMMISSION

2. The members appointed to the Commission were: -
 - I. Ian Walkom - Chairman
 - II. Karen Hall - Independent member
 - III. Peter Sowton – Council member

Declan Hellyer (Hampshire FA) assisted the Commission as Secretary.

THE CHARGES

3. Hampshire FA charged RS as follows: -
 - I. Charge 1: Breach of FA Rule E3 (e) Improper Conduct against a Match Official (Including threatening and/or abusive behaviour)

And specifically, that

“In the first half of the game a player from Rest Assured named Robert Scadding was constantly arguing about every decision made I tried to speak with him to try to manage the situation but he continued to show descent so after 8 minutes i showed him a blue card and told him to leave the pitch for 5 minutes, once the 5 minutes had passed I allow him to return to the pitch I did speak to him first and advised him not to speak with me and just to play his football which he did for the remainder of that half.

The second half started again with Mr Scadding again arguing about every decision which again I tried to manage in the end after about 10 minutes of the half played he was substituted from the pitch and rather than going behind the goal or to the other side of the pitch he came over to my side of the pitch and started to swear and abuse me he called me a fucking idiot and shouting in a way that made me feel physically threatened so I showed him a red card and asked him to go to the other side of the pitch away from me which he did, but once the game had ended he came back over to me shouting and swearing again calling me a fucking idiot I told him that I did not wish to speak with him and tried to walk away he followed me still shouting and swearing and said don't fucking walk away from me you idiot I will fucking do you which I took as a threat of physical violence so I turned around and told him if he was to hit me I would be calling the police he said well bring it on you fucking idiot by this time we had got back to where Chris Mannering who was in charge this evening I then walked away because I felt if I had stayed I may have been physically attacked by Mr Scadding 1 explained to him what had been said and I walked away from the situation leaving Chris to talk with Mr Scadding”

THE REPLY

4. RS denied the charge and requested a personal hearing. The 1st hearing was postponed on the day of the hearing at RS request due to his sudden non-availability. RS failed to attend the re-scheduled postponed hearing despite numerous attempts to contact him by the commission secretary and despite the date being on a date RS had provided as being available.

THE RULES

5. 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 HEARING

The appellant did not attend as previously stated. The Association witness was in attendance, who was the match Official Mr Graham Thorburn.

Mr Thorburn was thanked for his attendance by the Sectary and released, and the commission would now deal with the case, in their absence on the evidence before them.

THE EVIDENCE

6. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence before it, regarding this case.

WRITTEN EVIDENCE

7. The documents before the Commission comprised of a Referee's report dated 9th August 2018 and a statement dated 4th September 2018 from RS.

8. The Referee's report indicated that: -

"In the first half of the game a player from Rest Assured named Robert Scadding was constantly arguing about every decision made I tried to speak with him to try to manage the situation but he continued to show descent so after 8 minutes I showed him a blue card and told him to leave the pitch for 5 minutes, once the 5 minutes had passed I allow him to return to the pitch I did speak to him first and advised him not to speak with me and just to play his football which he did for the remainder of that half.

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RS's evidence indicated that: -

"The game started and was going fine, until I got wiped out in the box to which the Referee said play on. Obviously, this annoyed me as was a clear foul and even the opposition player said sorry, so that indicates to me I was right. So, when the ball went out of play a few minutes later I questioned the ref as to why it wasn't given and all I got was "go away". So, the game continued and about 10 minutes later I was through on goal when one of the opposition players came sliding in to make a tackle. (Nothing wrong with the challenge) but your not allowed to slide tackle as a rule. So, I again questioned the ref on why this wasn't given to the response of "he slipped". So, at this point I started to get annoyed as it seemed he wasn't going to give me anything at all this game. And after arguing with him about this I called him a "fucking idiot" to which I was blue carded. I went off without too much of a fuss. (A few moans at most).

After returning to the field of play the game carried on fine for 10mins or so, until I scored in the top corner and the ball rolled back out of the goal. Every player knew it was a goal and were walking back to restart, but then the referee shouted, "play on". So, after many terrible decisions this really annoyed me and felt like he was trying to annoy me. So, I went to sub myself off to stop me being sent off, on leaving the pitch I said to my player not the referee "I'm coming off before this fucking idiot sends me off" and the ref overheard this and sent me off!! So, after talking to the ref for a few seconds and mainly asking why he done that when I was trying to get myself off anyway to stop this, I went and stood behind my gks goal and didn't say another word to the referee until the final whistle.

After the game had finished I approached him to ask why he gave me nothing all night? To which he replied go away. I was walking back towards the coordinator still moaning at the ref as to why he singled me out tonight, and I guess he didn't want to answer that! But then as my little girl was with me he turned and said, "I'm surprised she puts up with you" to which I replied "If you wasn't refereeing tonight and id get banned for ages I'd punch you for saying something like that." Then he said about phoning the police if I did, I replied with "carry on".

Then we walked over to the coordinator and nothing else was said as I was standing there talking to Dave Green who was refereeing on the other pitch. So, to say he was scared for his safety is a joke as I was completely calm at point as gave up trying to get any sense out of anyone." The commission noted in the 1st paragraph that RS by his own admission had questioned the decision making of the referee and had sworn at him. He also said that he went off without "too much" fuss.

In the 2nd paragraph by RS own admission he refers to the referee as a "fucking idiot". The commission noted and agreed that the attendance of the referee lent weight and credence to a thorough report.

Verbal evidence in support of the Charge:

As stated previously, the Secretary thanked the referee, Graham Thorburn ("GT") and thanked for his time before being asked to leave.

Verbal evidence in defence of the Charge

RS failed to attend the hearing and attempts to contact him by mobile phone were unsuccessful. It was the unanimous decision of the panel to proceed in the absence of RS.

THE BURDEN AND STANDARD OF PROOF

9. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of 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. Therefore, if the evidence is such that the Commission can say 'we find it more probable than not' the burden is discharged, but if the probabilities are equal it is not.

FINDINGS

10. The Commission studied the evidence very carefully, being conscious of the burden and standard of proof.

11. The Commission Members reminded themselves that for the charge to be proven, on the balance of probabilities, the following must be taken into consideration: -

Did RS act improperly towards GT?

Did that Improper Conduct include threatening and/abusive behaviour?

12. The Commission first considered all of the evidence before them from all parties.

13. The Commission then considered RS's denial.

14. In summary, the Commission unanimously found the charge against RS as proved.

PREVIOUS DISCIPLINARY RECORD

15. The Secretary confirmed RS had a previous misconduct offence on their record in 2015 which consisted of E3 Improper Conduct for physical contact on a match official together with substantial cautions in respect of C2 offences.

SANCTION

16. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.

- I. Based on RS record the commission ordered he be suspended for 112 days and be fined £100 and found no reason to deviate from FA guidelines in this regard.
- II. Rest Assured receive ten (10) penalty points on their Club disciplinary record.
- III. Costs be awarded.

APPEAL

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

Ian Walkom (Chairman)
Karen Hall
Peter Sowton

11th October 2018