

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRPERSON SITTING ALONE

on behalf of Worcestershire FA

NON-PERSONAL HEARING

of

Luke Stock

[Case ID: 11762340M]

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document contains offensive and / or discriminatory language

Worcestershire FA and Luke Stock Decisions and Reasons of The Commission

<u>Content</u>	<u>Paragraph</u>
Introduction	1-3
The Charge	4-8
The Reply	9
The Commission	10
The Hearing and the Evidence	11-21
Response to the Charge	22
Standard of Proof	23
The Finding and the Decision	24-26
Previous Disciplinary Record	27
Aggravating & Mitigating Factors	28
The Sanction	29-33

Warning: This document contains offensive and / or discriminatory language

Introduction

1. On 20 April 2024 Luke Stock of Pershore Town 88 participated in a Challenge Trophy Fixture arranged between Pershore Town 88 Development v Redditch Borough Development - collectively "The Match".
2. The Match Official Mark Taylor submitted an Extraordinary Incident Report Form relating to Misconduct dated 20 April 2024, reporting allegations of discriminatory language.
3. Worcestershire FA ("WFA") investigated the reported incident.

The Charge

4. On 21 May 2024 WFA, charged Luke Stock as a participant, under Case ID 11762340M, with the following;

Charge 1; A Misconduct for a breach of FA Rule E3 - Improper Conduct (including foul and abusive language).

Charge 2; A Misconduct for a breach of FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability. (Aggravated charge).

It is alleged that Luke Stock (Pershore Town 88 FC Development - player) - used abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to ethnic origin/race/disability. This refers to the comment(s): "a fucking monkey" and/or "you monkey" and/or "get up you mong" or similar.

5. The relevant sections of FA Rule E3.1 states;

E3.1 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.

E3.2 A breach of Rule E3.1 is an "Aggravated Breach" where it includes a reference, whether express or implied, to any one or more of the following: - ethnic origin,

Warning: This document contains offensive and / or discriminatory language

colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

Section 10 - Rules and regulations of The Association, E: MISCONDUCT; GENERAL BEHAVIOUR, page 143 2023-2024 online FA Handbook.

6. The Association included with the charge the evidence that was intended to rely upon in this case.

Report(s) and information supplied by the Match Official(s);

Statements from Redditch Borough FC Development;

Statements from Pershore Town 88 FC Development.

7. The club secretary Bradley Russell was required to make the participant aware of the charge and relevant documents, furthermore, ensure the charge was responded to by 04 June 2024.
8. Luke Stock is charged with misconduct in accordance with FA Regulations for the above charge(s) and is required to submit a response to the charge(s) by 04 June 2024.

The Reply

9. A screenshot was included within the case bundle providing evidence that the club Pershore Town 88 on behalf of the participant charged, Luke Stock submitted a response via the FA Whole game system on 03 June 2024 accepting the charge(s). The charged participant wished for the charge(s) to be adjudicated on correspondence as a non-personal hearing.

The Commission.

10. The Football Association ("The FA") appointed me, Mrs. Victoria Fletcher, as a chair member of the National Serious Case Panel, on 04 June 2024, to this Discipline Commission as the Chairperson Sitting Alone to adjudicate in these cases in accordance with Disciplinary Proceedings before Disciplinary Commissions; Section 11 Regulation 119, page 222 of the online 2023/2024 FA Handbook.

The Hearing and Evidence

11. I adjudicated this case on Wednesday 05 June 2024 on correspondence submitted as a Non-Personal Hearing (the "Hearing").
12. I had received and read the bundle of documents prior to the Hearing.

The bundle consisted of 38 A4 pages.

Warning: This document contains offensive and / or discriminatory language

13. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence of these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to these cases.
14. The following evidence was provided in the case bundle. It should be noted that where direct speech is quoted in a witness statement, the Commission has recorded it in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations in any obvious typographic errors.
15. The Match Official Mark Taylor submitted an Extraordinary Incident report form dated 29 April 2024 which stated, and I quote ["... During the 53rd minute of the game there was a red card issued (see match report) following an accusation of a racial insult used. Redditch Borough number 9 "saibo tunkara" alleged that the pershore town number 15 "Luke stock" had call him a "fucking monkey". At the time of the incident, my assistant referee "mr Gary John-Lewis" had called me over to confirm he had heard the pershore town player call the number 9 a "monkey". Just to confirm the Redditch borough number 9 is of African heritage. Following the game the pershore town player stated he never called him a "monkey" but did in fact call him a "fucking mong" which the pershore town managers then stated that "2 or 3" of their players said he used the word "mong" but not "monkey"..."] (sic).
16. Assistant Referee Gary John-Lewis submitted a typed statement dated 30 April 2024 following a request for observations from WFA, which stated, and I quote ["... Luke Stock in loud voice called the Redditch player: 'you monkey'. Scale of volume 7.5. Following the game other Pershore players and coaches claim Stock did not call the player 'you monkey'. They claim that they heard the player say 'you mong'. That is not what I heard. Nobody was able to explain what a mong was or the rationale of calling a player such word. I did not comment to the Pershore coaches or players about what they said they heard..."] (sic).
17. Julian Workman of Redditch Borough FC Development responded to a request for observations after initial requests dated 26 April 2024 where an offer was made in relation to the FA partner "Sporting Chance" in recognition of the potential impact on individuals/s who receive and/or witness discriminatory abuse; specifically for Saibo Tunkara, expedited on 29 April 2024 after no responses had been received at which point contact was acknowledged but no observations sent as requested resulting in further contact from WFA on 07 May 2024 which resulted in Mr Workman submitting the following response dated 20 May 2024 which stated and I quote ["... We will have a chat with the player later today and confirm back to you..."] (sic).

Warning: This document contains offensive and / or discriminatory language

- 17.1. Julian Workman submitted a further response dated 20 May 2024 which stated, and I quote ["... This player is really upset by the event and does not want to relive the experience. The match officials reports should be enough to deal with this player and help you stamp this out of the game. We are supporting our player through this..."] (sic).
18. Rob Bruce of Redditch Borough FC Development submitted an email to WFA discipline department dated 20 May 2024 which stated, and I quote ["... After speaking with Saibo, he has expressed that he does not want to go through the ordeal again and has chosen to not submit a statement. He's young and just wants to get on with playing his football and I don't want to force the issue upon him any further..."] (sic).
19. Luke Stock player of Pershore Town 88 FC Development submitted a handwritten WFA Witness Statement Form which stated, and I quote ["... I put a tackle in on the No 9 and he went to the ground he said to me what are you going to do about it and I replied with "Get up you Mong". He accused me of calling him a Monkey !!. The only person which say they heard us was the Lineo on the far side of the pitch (Please see me picture on the next page.) I would never dream of calling anyone this as I play with a black player..."] (sic).
20. Kevin Bletherton Assistant Coach of Pershore Town 88 FC Development submitted a handwritten, signed WFA Witness Statement Form dated 01 May 2024 which stated, and I quote ["...There was a tackle made by Luke Stock on the halfway line, both players stood face to face in the middle of the pitch, after Luke had said get up and get on with it, that was all I heard and then the opposite Lineo a mile away said he heard Luke calling him this lad a monkey over 30 yards away. The lineo closest to us never heard anything either, neither did the ref 10 yards away, to which Luke was sent off..."] (sic).
21. James Rushton Goalkeeper Coach and Physion of Pershore Town 88 FC Development submitted a typed, signed WFA Witness Statement Form dated 01 May 2024 which stated, and I quote ["...Luke Stock made a tackle on the half way line to which the other player reacted in a stand off manner. Luke told the lad to get on with it to which the other player said what are you going to do about it. Luke replied with Get up you mong!! The player replied to say you've called me a Monkey !!. The nearside Lineo nor the ref heard Luke call him this but the Lineo said he heard it (How he heard this when he was over 50 yards away when the ref, nearside Lineo or any players or management heard nothing just blows my mind!!) Luke was then sent off for this..."] (sic).

Response of to the Charge

22. The participant charged; Luke Stock has accepted the charges levied upon him which are;

Warning: This document contains offensive and / or discriminatory language

Charge 1; FA Rule E3 - Improper Conduct (including foul and abusive language) and;

Charge 2; FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

The participant charged Luke Stock has not submitted any statement in response to the charge nor any mitigation.

That concluded relevant evidence in this case.

Standard of Proof

23. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Finding and the Decision

24. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon the Worcestershire FA.
25. The Commission notes that the undated statement submitted by the participant charged Luke Stock during the inquisitorial process is contradictory in part to the acceptance of the charge whereby he states, and I quote "I would never dream of calling anyone this as I play with a black player." in relation to the alleged "Monkey" comment, further stating that if the comment had been made surely all players would have made the ref aware, and also had concerns that it was only the Assistant referee who was furthest away how heard the alleged comment. The Commission further notes that the views of the charged participant in relation to the credibility of the Assistant Match Official, are based upon opinion, furthermore the evidence is unable to be tested any further than what has been written, as a request has been made for The Commission to adjudicate upon what has been received via correspondence. However due to the details of the charge indicating that the comment "a fucking monkey" and/or "you monkey" and/or "get up you mong" or similar were alleged the Commission notes that not all the comments would need to either be admitted or proven on the balance of probability and whilst the evidence suggests the comment(s) referencing the word monkey was made by the charged participant, he himself has admitted to making the comment referencing a protected characteristic in relation to disability, namely the word "Mong". On the basis that the charged participant has accepted the charge via the club; Pershore Town 88 electronically on the Whole Game System, furthermore no statement has been submitted as a response to the charge

Warning: This document contains offensive and / or discriminatory language

the Commission concludes that the charge is accepted as per instruction. As such the Commission concludes that the burden of proof has been satisfied and that Luke Stock of Pershore Town 88 FC Development by own admission used abusive and/or indecent and/or insulting words or behaviour furthermore that the comment(s) included a reference to ethnic origin/race/disability.

In respect of charge one; The Commission was satisfied that the comment(s) “a fucking monkey” and/or “you monkey” and/or “get up you mong” or similar. said by the participant charged was, foul and abusive and;

On an objective basis concluded that a reasonable bystander would consider the comment(s) “a fucking monkey” and/or “you monkey” and/or “get up you mong” or similar. to have been improper and contrary to accepted societal norms;

In respect of charge two; The Commission was satisfied the comment(s) used by the participant charged contained reference to ethnic origin/race/disability. within the meaning of FA Rule E3.2.

26. Therefore, I find the charge of: FA Rule E3 - Improper Conduct (including foul and abusive language). PROVEN; And

I find the charge of: FA Rule E3.2 - Improper Conduct - aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability, PROVEN.

For the avoidance of doubt, when considering the second (aggravated) charge, the Commission was not required to determine, or tasked to adjudicate on, whether the participant holds views of a discriminatory nature. The Commission made no such findings. The test to be applied is one of reference, whether expressly or implied, to a characteristic as detailed in paragraph 5 (inclusive) above.

Previous Disciplinary Record

27. After finding the charge proven, I sought the offence history of the participant charged.

Luke Stock has no prior misconducts to show on record in the current 2023-2024 season nor are there any previous proven charges in the previous five seasons.

The Commission noted that no S6 had been recorded against the charged participant during the match dated 20 April 2024 between Pershore Town 88 FC Development vs Redditch Borough FC Development

Aggravating & Mitigating Factors

Warning: This document contains offensive and / or discriminatory language

28. A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.

Section 11-Disciplinary Regulations Section 3: Provisions Applicable to Category 5; Factors to be considered when determining sanction; Regulation 102; Page 220 FA online Handbook 2023-2024

Aggravating Factors: The commission may take the following into consideration.

The overall impact on the reputation and integrity of the game.

Lack of remorse or insight and/or failure to understand and/or appreciate the severity of the conduct and/or its impact.

Mitigating Factors: The commission may take into consideration the following;

Acceptance of the offence.

A Clean Disciplinary History.

The Sanction

29. I noted that the FA Recommended Sanction Guideline for FA Rule E3 - Improper Conduct (including foul and abusive language) & FA Rule E3.2 - Improper Conduct - aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.
30. If the case is found Proven the commission will refer to the standard sanctions and guidelines. The sanctioning range for any breach of Rule E3.1 resulting in an E3.2 charge are as follows;

A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches ("Sanction Range"). A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range. The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the "Standard Minimum"). Page 180 The FA online Handbook 2023-2024 Standard Sanctions and Guidelines for Aggravated Breaches.

31. After taking into consideration all circumstances in this case, Luke Stock is: Suspended from All Football activities for a period of 7 (seven) Matches.

Warning: This document contains offensive and / or discriminatory language

The commission considered this to be a one off comment, made in the heat of the moment which was dealt with at the earliest opportunity by the appropriate Official, however, the commission has a concern that charged participant failed to understand the severity of his conduct and/or it's impact, furthermore had a lack of remorse or insight when only after the game did he dispute the allegation and state he called the opposition player a "mong" referencing disability in the process. The Commission noted the alleged comment(s) also contained profanities as well as references to protected characteristics. On this basis the Commission entered the sanction at 9 Matches. Whilst it is noted that any discriminatory comment(s) has a negative impact on the overall reputation and integrity of the game the Commission did not feel it necessary on this occasion to increase the sanction further. The Commission noted that no mitigation had been submitted by the charged participant with their response, however the Commission did consider the acceptance of the charge at the earliest opportunity and decreased the sanction by 1 (one) match, furthermore the charged participants clean disciplinary history, whereby a further match was removed from the sanction. It was noted by the Commission that whilst all participants including the Match Official had stated a red card had been issued, the Offence history did not support this, as such the Commission was unable to consider any matches served for the offence of the red card relating to the alleged comment. In total the Commission noted that 7 (seven) matches were left to be served.

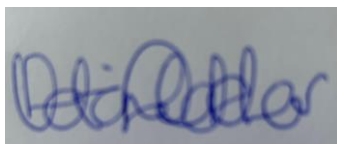
Fined a sum of £35 (Thirty-Five Pounds). The Commission gave a degree of leniency with the financial sanction in respect of the admission of the charge.

An online FA Equality Education Course which must be completed before the suspension is served.

7 (Seven) Club Disciplinary Points to be recorded.

32. Failure to comply with this order will result in a Sine-Die suspension being issued against the participant until they have fulfilled this order in its entirety.
33. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...



Victoria Fletcher (Chairperson)

Warning: This document contains offensive and / or discriminatory language

06 June 2024

Warning: This document contains offensive and / or discriminatory language

Worcestershire FA and Luke Stock Decisions and Reasons of The Commission