



# **COUNTY FA AND LEAGUE APPEALS - FAQs**

**JUDICIAL SERVICES DEPARTMENT—THE FA**



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# COUNTY AND LEAGUE APPEALS JUDICIAL SERVICES

## Frequently used terms & definitions in context.

- **Parties** – The group of people involved in the case. Usually this will be the Participant and their representatives on one side, and County FA and Disciplinary Commission representative on the other.
- **Participant** - When using the term Participant, we are usually referring to the individual or club that has been charged by the County FA.
- **Hearing** - An event in which an Appeal Board or Disciplinary Commission will consider substantive or procedural issues relating to the case and one which provides the opportunity for you to present your case.
- **Personal Hearing** – A hearing in which you or your any representative will be able to provide oral submissions in person before an Appeal Board or Disciplinary Commission.
- **Paper Hearing** – Also known as a “non-personal” hearing. This is where the outcome of your case will be decided based on written or documentary evidence provided by the parties with no parties attending in person.
- **Preliminary Issues** – This is a reference to potential issues that need to be resolved prior to an appeal hearing taking place, e.g. as an Appeal Board making a ruling or deciding upon an application for new evidence to be presented.
- **Mitigation** – Reasoning made to suggest that a sanction should be less severe.
- **Aggravating features** - Features that make a charge more serious and which may result in a more severe punishment.
- **Written Reasons** - A document drafted by the Appeal Board or Disciplinary Commission, outlining the reasons they came to their decision. The Written Reasons produced in an appeal may be published online by The FA, including references to evidence produced and the participation of representatives.
- **Deliberations** – Discussion held by the Appeal Board or Disciplinary Commission concerning issues they have been tasked with determine. Deliberations of take place in private between the members of the Appeal Board or the Disciplinary Commission.
- **Sanction** – Penalty against Participant e.g. suspension or fine.
- **Appellant** – The individual or Club who wishes to appeal the decision of the County FA Disciplinary Commission or League.
- **Respondent** – The County FA or League who made the decision to which an individual or Club lodges an appeal against, they are required to respond to the appeal.

*Please be advised that the information contained in this document is intended to be merely general guidance of the standard procedures and processes undertaking in relation to County and League Appeals. This document should not be taken to be an exact step-by-step guide for every appeal. Please note, Appeal Boards may decide to vary any of the below procedures, processes, or applications in accordance with their powers, under the Disciplinary Regulations in the FA Handbook.*





## **INTRODUCTION TO JUDICIAL SERVICES**

The Judicial Services team oversee the organising of personal and non-personal hearings for Participants and The Football Association. The Judicial Services team ensure all cases, whether they go to a personal or a paper hearing, are put before an Independent Appeal Board for an independent hearing.

The Judicial Services team provides the Appeal Board secretarial support during all hearings. Once a case has been heard by an Appeal Board, the Judicial Services team will contact all parties with the decision of the Appeal Board and advise on any decisions and orders of the Board.

This guide will outline the personal and paper hearing process that takes place and will detail who can support you throughout the process. For further information on the Judicial Services process please contact [JudicialServices@TheFA.com](mailto:JudicialServices@TheFA.com).

## **WHAT HAPPENS BEFORE THE HEARING STARTS?**

An Individual or Club who has been the subject of a decision by the County FA and Disciplinary Commission or League may be afforded the opportunity to appeal the case or decision to The FA. This is generally stipulated in the decision letter or written decision received and the Individual or Club will be directed to issue their Intention to Appeal to [JudicialServices@TheFA.com](mailto:JudicialServices@TheFA.com).





## **SCOPE AND PROCESS OF APPEAL**

### **Scope:**

- It is important to note that an appeal is not a rehearing of the first instance case, it is a review of the first instance case.
- This means that the Appeal Board have to decide, upon the grounds of appeal put forward by the Appellant, that there was a clear error at the first instance Commission in the process of the hearing or in reaching the conclusions that they did.
- As such, any new evidence, statements or materials not raised at the first instance Commission will not be permitted, unless the Appeal Board are satisfied that the new evidence application is permitted. More Information pertaining to this can be found below.
- This is also relevant to attendees that an Appellant may wish to invite to proceedings – no new evidence or statements may be submitted by attendees, unless directed to do so by an Appeal Board, and only one person should represent the Appellant's case at a hearing. The Appeal is not an avenue to cross examine witnesses nor submit oral witness statements.

### **Process:**

#### **Intention to Appeal:**

- This is a notification to The FA that the Individual or Club intend to appeal the decision made by the County FA or League.
- This is required to be submitted within 7 days of the date of the decision letter/Written Reasons
- The Intention of Appeal should identify the decision which the Individual or Club wish to appeal identify the specific decision being appealed, to aid the appeal process.
- Alongside the intention to appeal, the participant or Club should formally request the Written Reasons from the League/County FA. If this request is not made Judicial Services may request this on your behalf.



## Grounds of Appeal:

- The grounds of appeal are the crux of the Appellant's appeal – these are the regulatory grounds available to the Appellant when submitting their Appeal.
- There are four grounds of appeal which an Appellant is able to choose from, in the FA Handbook, Disciplinary Regulations, C: Appeals– Non-Fast Track:
  - 2.1 failed to give that Participant a fair hearing; and/or
  - 2.2 misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision; and/or
  - 2.3 came to a decision to which no reasonable such body could have come; and/or
  - 2.4 imposed a penalty, award, order or sanction that was excessive.
- Each ground of appeal carries a high threshold to prove before an Appeal Board. Please see a brief description of each ground below:
  - Failed to give that Participant a fair hearing
    - This ground of appeal should be raised by an Appellant if they believe that the actions of the Respondent and/or other relevant body has prevented them from having the opportunity of a fair hearing through the actions or omissions of the County FA/League and/or Commission. Actions of the Club or participant which may have led to evidence or a plea not being considered may not be considered as a valid reason for raising this ground of appeal.
    - The Appellant should directly set out why the action of the Respondent, and/or relevant body such as the Disciplinary Commission, prevented their opportunity to, for example but not exhaustively, challenge a charge or submit representations in their defence at first instance.





- Misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision
  - This ground of appeal should be raised if an Appellant believes that the Respondent wrongly applied the relevant rules or regulation of the FA or other relevant body when they reached the decision which is subject of the appeal.
  - When raising this as a ground of appeal, the Appellant should clearly identify the rule or regulation they believe was wrongly applied or misinterpreted by the Respondent and set out the facts and arguments to why they believe this to be the case.
- Came to a decision to which no reasonable such body could have come
  - This ground should be raised on the basis that the decision reached by the original Commission was so unreasonable that no other reasonable body could have reached the same decision. To clarify, it is not that some other bodies would have reached another decision, it is that no other reasonable body could reach it.
- Imposed a penalty, award, order or sanction that was excessive
  - This ground of appeal should be raised if the Appellant believes that a sanction or penalty imposed by the first instance was unreasonably excessive. When claiming this ground, the Appellant should identify the factual reasons why they believe the penalty or sanction to be excessive in accordance with the Sanction Guidelines and/or the relevant regulations.
  - As an appeal is a review hearing, rather than a re-hearing, the Appeal Board's role is to determine that the sanction imposed was unreasonably excessive. The Appeal Board's role is not to 'tinker' with a penalty or alter a sanction because they would not have imposed this had they been the first instance Commission.



## Notice of Appeal:

- This is the substantive part of the appeal submitted by the Individual or Club in their appeal against a decision of the County or League.
- This is required to be submitted within 14 days of the date of the decision letter/written reasons.
- The Notice of Appeal must identify:
  - i. the decision which the Individual or Club wish to appeal identify the specific decision being appealed;
  - ii. set out the grounds of appeal and reasons why it would be unfair to alter the original decision;
- Grounds of Appeal can be found in Regulation 2 of the Disciplinary Regulations that will be sent to you by the Judicial Services Team
  - iii. be accompanied by a statement of facts upon which the appeal is based, and;
  - iv. set out if the Individual or Club wish to rely on any 'new evidence' (evidence that was not before the Disciplinary Commission or League at first instance).
- New Evidence is set out in Regulation 10 of the Disciplinary Regulations – this is any evidence that was not presented at the first instance hearing. The Appellant (i) should set out why this could not or was not presented at the first instance hearing, (ii) the relevance of the new evidence and (iii) set out any exceptional circumstances to why it should be allowed before the Appeal Board. This is then considered by the Appeal Board and they determine whether the evidence will be allowed to be presented at the hearing.
- The Notice of Appeal must be accompanied by the payment of the relevant appeal fee. The Judicial Services Team will provide the necessary details to submit the appeal fee to The FA, on receipt of the Intention to Appeal. This should also be set out on the Decision/Results Letter.
- The Individual or Club will be asked to note their preference for a Personal or Paper hearing.
- Please refer to the prevailing FA Handbook for further information on that set out above, in relation to the Notice of Appeal.



### Response to Appeal:

- The Notice of Appeal and all documentation sent by the Appellant is then sent to the 'Respondent', the County FA or League, who are instructed to respond to the Appeal and provide all relevant documentation and information for the Appeal.
- The Respondent is required to provide this within 21 days of notification.
- The Respondent is required to provide all relevant paperwork from the first instance Commission and are instructed to provide observations on the Notice of Appeal, e.g. any counter-arguments to that set out.

### **What happens next?**

- When the Response to Appeal has been received by the Judicial Services and all parties, the Judicial Services team will then:
  1. Provide the Appeal Board members to the parties
  2. Fix a date and time for the appeal
  3. Provide all documentation received to the parties in an 'Appeal Bundle'
  4. If it is a Personal Hearing, provide an 'Attendees List' which will set out all the parties who will attend the hearing.
- The parties are provided the opportunity to make observations and comments on all documentation, attendees and dates/times throughout the process.

### **What happens before the paper hearing?**

- If a participant chooses to request a paper hearing, they are stating that they are happy for the Appeal Board appointed to hear their case, to come to a decision based solely on the papers presented to them by the Appellant and the Respondent.
- A member of the Judicial Services team will provide the Appeal Bundle to the Appeal Board, and the parties, containing all the case documentation.





## What happens before the personal hearing?

- If an Appellant requests a personal hearing, they will be required to attend the hearing and provide evidence or verbal submissions in person. If you are attending, usually you are permitted to bring someone along as support or as an observer, subject to approval by the Appeal Board.
- An Appellant's case should only be presented by one person. The Appeal Board will generally assist you during the hearing in terms of the correct procedure.

## When will the personal hearing be?

- A member of the Judicial Services team will email all parties with a range of possible hearing dates.
- It is ultimately for the Chairman of the Appeal Board to decide on a hearing date, however in an attempt to make the hearing date mutually convenient for all.
- Parties will be asked to highlight all dates that they themselves, their representatives or witnesses cannot attend a personal hearing on. If parties have other reasons for avoiding hearing proceedings on certain days, these must also be highlighted.
- Appellants and Respondents may want to consider organising any representation they may require before confirming their dates to avoid, to make sure they can attend on the hearing date. Legal representation is permitted, and players or managers can also seek guidance from Club Representatives, or other advisory bodies.

## Will I know who is on the Appeal Board for my case?

- The Judicial Services team will inform the parties of the members appointed to the Appeal Board to hear their case.
- In the interest of transparency, all parties will be provided with the CV's of panel members on the Appeal Board hearing their case, and all parties will be given the opportunity to provide any observations they may have on the composition of the Appeal Board before the hearing takes place.



## **Who can I bring with me and what do I wear?**

- It is ultimately up to the Appeal Board appointed to the case to decide who can attend a personal hearing.
- A member of the Judicial Services team will be in touch with all parties asking for a list of attendees that they would like to attend the personal hearing and if these attendees have any specific requirements.
- As noted, please be aware that only one person should present the case before an Appeal Board.
- If the hearing is taking place online, the Judicial Services team may organise a test a few days before the hearing to ensure everybody can access the online platform.
- Generally, parties wear formal clothing when attending a personal hearing however it is recognised that this is not always possible.

## **WHAT HAPPENS DURING THE HEARING?**

### **Do I need to do anything during a paper hearing?**

- During a paper hearing, there will be no attendees other than the Appeal Board and a Secretary from Judicial Services.
- All the evidence provided by the parties will be considered by the Appeal Board.
- The Secretary from Judicial Services will note down their decision and inform all parties following the conclusion of the hearing.

### **Where do I go for a personal hearing and who will be there?**

- Generally personal hearings may take place online via Microsoft Teams or in a meeting room in Wembley Stadium.
- In a personal hearing, a member of Judicial Services will escort you to a waiting room or a virtual waiting lobby, via Microsoft Teams, if the hearing is being done online.
- The parties will then be called in to the hearing room or virtual hearing room, where there will be the 3 members of the Appeal Board present and the Judicial Services Secretary.





### **When does everyone speak and is it recorded?**

- In the hearing, following a short introduction by the Chairman of the Appeal Board, the Appellant will present their case first.
- The Appeal Board will then direct any questions they have to the Appellant on the submissions or facts of the appeal.
- The Respondent will then present their case and the Appeal Board will also ask any questions pertaining to their oral or written submissions.
- The parties are then afforded the opportunity to submit any closing statement or submissions to the Appeal Board.
- Where a case includes video evidence, the Judicial Services Secretary will have any video evidence submitted by either party available to hand and will play it when requested by the Appeal Board.
- All parties should note that any evidence they or their witnesses provide whether orally or in writing may be included in the Appeal Board's Written Reasons, if requested, for their decision that is published online.
- Hearings are generally not recorded unless a party has requested a transcript in advance of the hearing. The cost of any transcript may be ordered against one or both parties.

### **When will I know the decision and how will I find out?**

- The Appeal Board, following the submissions of the parties, will retire to deliberate to make their decision.
- The parties are directed to wait in a virtual lobby or waiting room whilst the Appeal Board consider their determination. The time taken to come to a decision will vary depending on the case.
- Parties may then be called back into the hearing room where they will be told the decision reached by the Appeal Board.
- If it is not possible for the Appeal Board to reach a decision in a reasonable time, a member of the Judicial Services team will contact you as soon as possible and let you know the outcome decided upon.
- The decision of the Appeal Board will also be issued to the parties by way of a Decision Letter, which is the written decision of the Appeal Board.



## **WHAT HAPPENS AFTER THE HEARING?**

### **When will I find out the decision after the paper hearing?**

- Following the paper hearing, the Judicial Services team will contact the parties, via telephone or email, and to inform them of the decision of the Appeal Board.
- This will be accompanied by a Decision Letter, a document which sets out the facts pertaining to the hearing and appeal, the substantive issues and the final decisions made by the Appeal Board.

### **Can I appeal against the decision?**

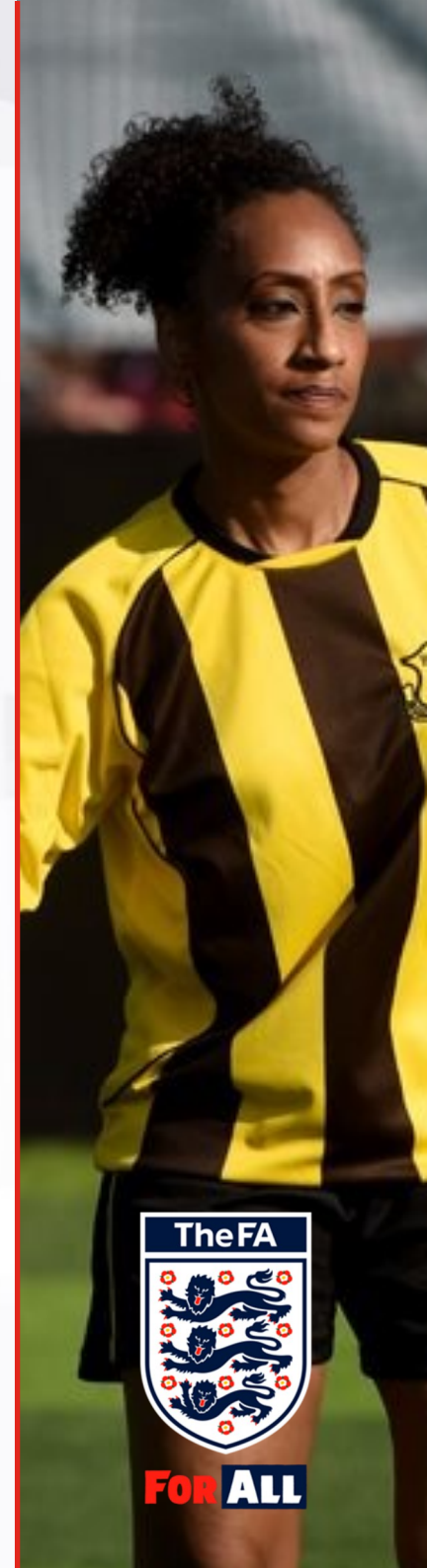
- No – the decision of the Appeal Board is final and binding on the parties.

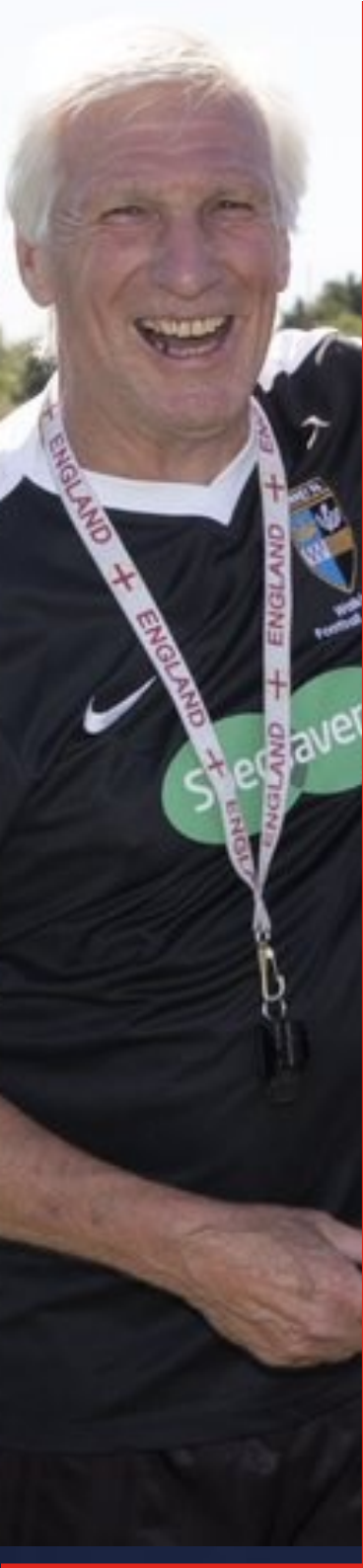
### **If I am not told on the day, when will I find out the decision after my personal hearing?**

- The Decision will be communicated with the parties at the earliest opportunity, with the aim of issuing the decision within three working days.

### **How do I pay if costs are awarded against me?**

- The Appeal Board can order a Participant to pay costs towards an Appeal Board or Hearing. These will be detailed in the decision letter sent by Judicial Services.
- The bank details of The FA will be on the decision letter sent to a participant in case they would like to pay by bank transfer. A participant can contact a member of Judicial Services regarding payment plans or queries on paying a financial penalty.
- It should be noted that if costs are not paid within the timeframe specified by Judicial Services in the Decision of the Appeal Board, the Appellant (or Respondent) will have the fine increased by 25%.
- Failure to pay this increased fine within another 30 days may then lead to the suspension of the Appellant or Respondent from all football activity.





### **If my appeal fee is returned, how do I claim this?**

- A member of the Judicial Services Team will contact you, via email, asking you to provide bank and contact details.
- When this is provided, the process for returning the appeal fee will begin and is expected to reach the nominated bank account within 1 month of submission.

### **What if I want to know more details about the decision?**

- Parties who wish to learn more about the decision reached by the Appeal Board have the right to request Written Reasons for their appeal, in line with the Regulations.
- This must be requested in writing to the Judicial Services department within three (Business) days of notification of the decision, who will then correspond with the Chair of the Appeal Board to produce the Written Reasons to share with all parties.
- As previously noted, please be aware that Written Reasons will be published online, and information or evidence from the appeal may be referenced.

## **ADDITIONAL INFORMATION CONCERNING APPEALS AND APPLICATIONS**

### **Sanction to be set aside Applications**

- There is often a common misconception that when someone appeals a charge they have received, that this suspension and/or fine is automatically suspended, however this is not the case.
- In order for a sanction received to be 'set aside', i.e. suspended pending the outcome of the appeal, the Appellant is required to make an application to the Judicial Panel Chair (the lead independent Judicial Chairperson of the Judicial Services).
- The application should be directed to the Judicial Services Team, who will advise the parties of what the application should contain, and the relevant documentation required for the application to be determined.
- The application will only be determined by the Judicial Panel Chair following submission of a full Notice of Appeal, in accordance with the Regulations, including payment of the Appeal fee.
- **Please note:** it is not guaranteed that an application will be determined on the day of submission, it is therefore advised to submit the application before 5pm three days prior at the next applicable fixture.

### **Out of Time Appeal Applications**

- Generally, all appeals are required to be submitted within the 7/14 day timeframe, as required by the Regulations. However, it can be that some Appellants have missed this deadline for exceptional circumstances.
- In such a circumstance, it is possible to lodge an 'Out of Time Appeal' application for determination by either an Appeal Board Chair or the Judicial Board Chair.
- This should be submitted to the Judicial Services team, detailing why the application should be allowed and noting the exceptional circumstances for why the appeal was not submitted in time.
- The Respondent will be allowed the opportunity to provide observations to this application, usually requested within a 3 working day timeframe.
- The application will then be determined by the Chair and the Judicial Services Team will inform the parties of the outcome and next steps.





## **CONTACT DETAILS AND FURTHER QUERIES**

**Who to contact in the first instance if I have any queries about any of the above?**

Please contact the Judicial Services Team at [JudicialServices@TheFA.com](mailto:JudicialServices@TheFA.com) or Conrad Gibbons – Judicial Services Officer - [Conrad.Gibbons@TheFA.com](mailto:Conrad.Gibbons@TheFA.com)

### **JUDICIAL SERVICES CONTACT DETAILS**

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