

**In the Matter of the Appeal Board of
The Football Association (the FA)**

BETWEEN

DROITWICH SPA FC (Appellant)

And

MIDLAND FOOTBALL LEAGUE (Respondent)

WRITTEN REASONS OF THE APPEAL BOARD

1. These are the written reasons for the decision made by an FA Appeal Board that heard the above mentioned case by “Teams” video conference on Wednesday 8th November 2023.
2. The Appeal Board members were Mr Christopher Reeves (Chair), Mr Dennis Strudwick and Mr Bob Purkiss.
3. Mr Conrad Gibbons, FA Senior Judicial Services Officer, acted as Secretary to the hearing.
4. At the request of the Appellant the Appeal was dealt with as a paper hearing in the absence of the parties.
5. On Saturday 12th August 2023 the Midland Football League Division One fixture (“the match”) between the Appellant and Wednesfield FC was abandoned after 72 minutes with the score standing at 4-2 to the Appellant.
6. Subsequent to the match the Appellant was charged for two breaches of FA Rule 21, the first charge being pursuant to rule E21.1 alleging the failure to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any match.

The second charge related to FA rule E21.4 which extends the provisions of rule E21.1 so as to relate to circumstances where the allegation is aggravated by the conduct being discriminatory in that it includes a reference whether express or implicit to one or more of

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

7. At a hearing held on 15th September and 2nd October 2023 an FA Disciplinary Commission by unanimous decision found the charge against the Appellant pursuant to rule E21.4 not proven but found the charge pursuant to rule E21.1 proven and imposed a fine of £200 and warned the Appellant as to its future conduct.
8. There was no evidence of charges being levied against Wednesfield FC arising out of their conduct during the course of the Match.
9. By a letter dated 17th October (“the decision letter”) sent by the Respondent to the Appellant the Respondent notified the Appellant of its decision as to what should happen as a result of the match being abandoned. The Respondent’s decision was that the match was to be replayed in its entirety. The Respondent in coming to its decision stated “Following an investigation Birmingham County FA found that Droitwich Spa’s charges were subsequently found partly proven . . . “ and again “Standardised rule 8.38 refers “In the event of a match being abandoned due to the conduct of one club or its members or supporters the Board has the power to order that the match is not replayed and to award either one or three points to the Club not at fault . . . “ “

It was noted the League erred in its reference to Birmingham County FA. The investigation was conducted by Worcestershire County FA.
10. The Appeal Board also noted that the reason the match was abandoned followed the decision of the Wednesfield team to leave the field of play and in this respect took note of the “Observations of the game” submitted to the Respondent by Wednesfield and referred to in the decision letter. The Appeal Board noted that the FA’s protocol for dealing with discriminatory abuse aimed at players, managers or match officials by spectators at grassroots level did not appear to have been followed.

11. The Appellant has appealed the Respondents decision on the ground that it came to a decision to which no reasonable body could have come.
12. The Appellant asserts that it was Wednesfield whose conduct caused the abandonment of the match by leaving the field of play and refusing to return rather than seeking to apply the FA Protocol leaving the match officials no choice but to abandon the game. In the absence of any charge against Wednesfield the Appellants assertion could not, and had not, been tested.
13. The Appellant raises its concern that the Respondent's decision letter seeks to place reliance for its decision on the fact that the changes were "partly proven".

The Appellant makes the point that the only charge that was found proven did not relate to any incident during the course of the match.

The Appeal Board noted with some concern that in the letter from the Respondent to Judicial Services dated 25th October 2023 at page 21 of the Appeal bundle that the Respondent stated " . . . the assumption was made that the proven charge was for the behaviour during the match and came to our decision according to the information provided to us." That assumption was clearly wrong. Again in that same letter the Respondent states "The Board . . . made the decision that whilst Droitwich Spa had been found guilty of one charge . . . the decision was that the match be replayed in full."

The Appeal Board was concerned that the decision of the Respondent appeared to be based on assumption, and not evidence. Furthermore, that assumption was erroneous. The charge found proven against the Appellant related to an incident following the match.

14. The Appeal Board noted, too, the Respondent claimed to have reached its decision in accordance with Standardised Rule 8.37. This Rule, however, refers only to the financial arrangements appertaining to a match abandoned in which neither Club has control and the

terms upon which any replayed match shall be played. The rule does not afford any guidance and/or mandate appertaining to the outcome of the match.

15. The Appeal Board also noted with concern the apparent lack of any real investigation by the relevant County FA, i.e. Birmingham, as to the circumstances of Wednesfield leaving the field of play and refusing to return to conclude the match in clear breach of the FA protocol in such circumstances. And equally concerning to the Panel was the apparent lack of any evidence the League had sought such information from the Birmingham County FA.
16. The Appeal Board having taken into account all the submissions of the parties and having given the Appeal Bundle careful consideration unanimously allowed the Appeal on the ground pleaded and directs that the matter be referred back to the Respondent for a rehearing expressing the view that the Respondent should review its decision in the light of the fact that the Appellant was not found proven of any charge arising during the course of the match. The Appeal Board further expressed the hope that further investigation would be carried out in respect of the conduct of Wednesfield FC which led to the match being abandoned.
17. The appeal fee is to be returned to the Appellant and there is no order made as to costs.
18. The Appeal Board's decision is final and binding on all parties.

Christopher Reeves – Chair of Appeal Board

Dennis Strudwick

Bob Purkiss