

Matter: Appeal – FA Rules E3
Ref: 116634880M
Hearing date: 14 June 2024

**Decision of the Football Association
Appeal Board**

Appellant / Participant: Roy Mansi [2093715]
Respondent / FA: Essex County FA

Appeal panel members:

Miss N Zulfiqar (Independent Chair)
Mr D Crick (FA Council member)
Mr I Stephenson (Independent member)

Mr S Comb (Appeal Board secretary)

In attendance:

Paul Kinggett (Secretary – Frontiers Youth representing Mr Mansi)
Roy Mansi (Appellant)
Greg Hart (Head of Football Services – Essex FA)

1. Matter

- 1.1. We considered an appeal by Roy Mansi against a decision made by Ms Karen Hall, sitting as a Chair sitting alone, on 30 March 2024.
- 1.2. It was found that Mr Mansi had breached rule E3 improper conduct against a match official, including abusive language or behaviour. Mr Mansi was suspended from football for six matches and fined £50.
- 1.3. Mr Mansi has appealed the decision on the ground that he did not receive a fair hearing.

2. Decision

- 2.1. We extended the time for permission to appeal.
- 2.2. We dismiss the appeal.
- 2.3. There is no order for costs.

**3. Relevant FA Rules
Disciplinary Regulations 2023/24**

- 3.1. Participants have the right to appeal decisions of a disciplinary commission to an appeal board. They must lodge notification of their intention to appeal within seven days of notification of the decision being appealed against and submit their grounds of appeal within 14 days of notification of the decision being appealed (rule 139 Disciplinary Regulations).

3.2. **Extending time for permission to appeal:** The Chairman of an Appeal Board may upon the application of a party give any instructions considered necessary for the proper conduct of the proceedings, including but not limited to:

14.1 extending or reducing any time limit;

14.2 amending or dispensing with any procedural steps set out in these Regulations

The decision of the Chairman shall be final.

3.3. The grounds of appeal available to participants shall be that the body whose decision is appealed against:

- failed to give that participant a fair hearing and/or
- misinterpreted or failed to comply with the rules and/or regulations of The Association relevant to its decision and/or
- came to a decision to which no reasonable such body could have come and/or
- imposed a penalty, award, order or sanction that was excessive.

3.2. An appeal shall be by way of a review of documents only and shall not involve a rehearing of the evidence considered by the body appealed against. The parties shall however be entitled to make oral submissions to the appeal board. Oral evidence will not be permitted, except where the appeal board gives leave to present new evidence.

3.3. A decision, order, requirement or instruction of the appeal board shall be determined by a majority.

3.4. The appeal board has the power to:

- allow or dismiss the appeal
- exercise any power which the body against whose decision the appeal was made could have exercised, whether the effect is to increase or decrease any penalty, award, order or sanction originally imposed
- remit the matter for a rehearing
- order that any appeal fee is forfeited or returned as it considers appropriate
- make such further or other order as it considers appropriate, generally or for the purpose of giving effect to its decision
- order that any costs, or part thereof, incurred by the appeal board be paid by either party or be shared by both parties in a manner determined by the appeal board.

3.5. Decisions of the appeal board are final and binding and there shall be no right of further challenge (except in certain circumstances).

4. Documents

4.1. We received and considered a bundle of documents numbered pages 1-105.

Preliminary matter

Extension of time to appeal

- 4.2. The decision made in respect of Mr Mansi on 30 March 2024 was sent by email on 9 April 2024 to Katie Tovell (Frontiers Youth), Mr Kinggett and Mr Mansi.
- 4.3. Mr Kinggett said he contacted Essex FA several times by phone over a period of two to three weeks without success. On 7 May 2024 he sent an email to the Judicial Services team on behalf of Mr Mansi. He explained that the case against Mr Mansi was found proven in his absence. Mr Mansi was not aware of the charge against him. He was not communicated with directly by Essex FA. If Mr Mansi had been aware of the charge, he would have pleaded not guilty and requested a hearing.
- 4.4. On 7 May 2024 Mr Kinggett was informed that he would need to make an application for permission to appeal out of time. On 8 May 2024 Mr Kinggett repeated the reasons stated above. He said the charge was not against the club and Essex FA should have been communicating directly with Mr Mansi. He did not dispute that they had the information (presumably he meant the misconduct charge letter) but that Mr Mansi was not made aware of the charge and did not have the opportunity to defend the allegation.
- 4.5. On 11 May 2024 Mr Kinggett said the appeal was not lodged in time because he was trying to contact Essex FA for over three weeks without a response. He left several unanswered messages.
- 4.6. On 13 May 2024 Conrad Gibbons, the senior judicial services officer confirmed receipt of an application for permission to appeal outside of the timeframe set in the rules. He asked Greg Hart of Essex FA to provide any observations.
- 4.7. The application was considered by the Judicial Panel Chair and on 20 May 2024 he made the decision to refer the matter for us to determine. The club was required to explain why it failed to notify Mr Mansi of the proceedings. The Chair also directed Mr Mansi to submit a notice of appeal by 16.00 on 22 May 2024.
- 4.8. On 21 May 2024 Mr Kinggett informed the judicial services office that he had submitted the forms and paid the appeal fee.
- 4.9. At 9.40 on 22 May 2024 Conrad Gibbons confirmed that the intention to appeal form was submitted online. However, the notice of appeal was not uploaded as required. He asked for the notice of appeal to be resubmitted in accordance with the instructions in the email. He explained what should be contained in the notice of appeal.
- 4.10. On 23 May 2024 Conrad Gibbons informed Mr Mansi and Mr Kinggett that a valid notice of appeal had not been received within the deadline set by the Judicial Panel Chair. On 25 May 2024 Mr Kinggett said it was his understanding that he had satisfied the criteria, but this was obviously not the case. He resubmitted the notice of appeal and suggested more realistic timescales are set for individuals to respond to these sorts of matters.
- 4.11. Greg Hart of Essex FA did not have any specific observations on the late submission. He said they would accept any decision made by the Chair.
- 4.12. On 29 May 2024 the Judicial Panel Chair considered the fact that Mr Mansi had failed to comply with the directions he made on 20 May 2024. He said the notice of appeal was not served in the proper form. He referred the issue to us to consider noting that many volunteers in the game are able to comply with the regulations and the timetables imposed.

- 4.13. We heard from both Mr Kinggett and Mr Hart regarding the application. Mr Kinggett said he tried to contact Essex FA for 2 ½ weeks without success. He said he is a volunteer trying to do his best. There were two online forms to submit. The notice of appeal was uploaded but it was lacking some information. Mr Hart apologised for the delay/lack of response to Mr Kinggett from Essex FA.
- 4.14. Given the lack of objection from Essex FA, and its lack of a timely response to the calls made by Mr Kinggett, the Chair decided to grant an extension of time to Mr Mansi to appeal.

The ground of appeal – fair hearing

- 4.15. In summary, the representations made by Mr Kinggett on behalf of Mr Mansi were:
 - 4.15.1. Mr Mansi had no direct communication with Essex FA about the charge. However, direct contact was made with Mr Mansi to inform him of the decision outcome.
 - 4.15.2. Essex FA had the contact details for Mr Mansi. He was not a spectator, and the club was not charged. For this reason, Essex FA should have served the misconduct charge letter on Mr Mansi and not address it to the club.
 - 4.15.3. He did not speak to Mr Mansi about the charge. He thought the misconduct charge letter had been sent directly on Mr Mansi.
 - 4.15.4. He had access to the Whole Game System and would have responded to the charges on it.
 - 4.15.5. He felt there was no plausible explanation as to why Essex FA failed to notify Mr Mansi of the charge against him.
 - 4.15.6. The club responded to a charge against Danny Smith and made no reference to the charge against Mr Mansi. Essex FA did not ask the club to respond on behalf of Mr Mansi when they did not mention him in their reply.
 - 4.15.7. Mr Kinggett said he did not check the WGS. The club is unfamiliar with the regulations.
- 4.16. On behalf of Essex FA, Mr Hart said that it had acted in accordance with the regulations. These state that all written communications from a participant must be sent through a club secretary, and it is the duty of the club secretary and the participant to respond to any notification by the deadline stated on the notification.
- 4.17. Essex FA communicated with the club regarding the incidents and requested specific information relating to the individuals involved. The club did not respond to either charges within the timescales in the notification letters and they were contacted to inform them of this. Both charges were raised against individuals connected to the club.
- 4.18. At the hearing Mr Hart stated that unless they are told an individual is no longer connected with a club, all communications are sent to the club secretary. They are also on the WGS. This is in accordance with the regulations.

5. Reasons

- 6.1 We carefully considered the representations made by Mr Kinggett and the documentation in the bundle. We decided to dismiss the appeal for the following reasons.
- 6.2 The club was aware of the investigation being conducted by Essex FA into the conduct of both Mr Smith and Mr Mansi. On 29 February 2024 Ms Tovell was asked to provide the full name of Mr Mansi. She responded the same day.
- 6.3 On 19 March 2024 Ms Tovell was told by Essex FA that charges had been raised against both Mr Smith and Mr Mansi. The details of the charges were set out in the email. She was informed that a response to the charges was required by 26 March. If a personal hearing was requested, it would take place at 18.30 on 2 April.
- 6.4 Ms Tovell was referred to the WGS where details of the charges were located. However, a copy of the charge letter and evidence pack was attached to the email.
- 6.5 In the absence of a response, Essex FA informed Ms Tovell on 27 March 2024 that the case would be considered as 'deny - correspondence.' Any response was requested by 9.00 on 28 March.
- 6.6 Mr Kinggett emailed Essex FA on 28 March stating that he had been speaking to Danny Smith about his decision to walk away from grassroots football. He did not refer to Mr Mansi.
- 6.7 We noted that the misconduct charge notification letter for Mr Mansi was addressed to Mr Kinggett. It included the reply date and allegations against Mr Mansi. The letter stated:
- 'as club secretary you are required to make the participant aware and show them this letter and enclosed Misconduct report(s). Please ensure that the attached response form. Which includes details currently held by the Association, is completed or update, signed by yourself and returned to the Essex FA no later than **26/03/2024**.'
- 6.8 Mr Kinggett provided no reasonable explanation as to why he failed to speak to Mr Mansi about this letter. He did not explain why he did not pass the letter on to him. He did not ask Essex FA why it was addressed to the club/him. He appeared to simply ignore it. Ms Tovell was informed of the charges raised against both Mr Mansi and Mr Smith on 19 March. The email stated that, if requested, a hearing would take place on 2 April 2024. Again, it appears that the content of this email was not acted upon.
- 6.9 Mr Kinggett said he did not check the WGS. He is required to look after the administration of the club. He failed to do this. In appeal grounds the club questioned why Mr Mansi was not communicated with directly. If it believed it was incorrectly served with the charge letter, the club had the opportunity to ask this question when it received the letter. It did not do so. We also noted the Mr Mansi had a misconduct charge proved against him in May 2022. The club should therefore have been familiar with the disciplinary process.

- 6.10 We agree with Essex FA that it followed the relevant regulations and gave notice to the club about the charge against Mr Mansi. The misconduct charge letter clearly set out what the club was required to do. The regulations are in place to ensure the timely and effective administration of disciplinary matters. It is incumbent on clubs to deal with communications from their county FA in the correct manner. The communications provide information that is important, especially when relating to charges against participants.
- 6.11 For these reasons, we dismiss the appeal.
- 6.12 Our decision is final and binding on all parties.

Miss N Zulfiqar
Appeal Board Chair