

BEFORE AN APPEAL BOARD OF THE FOOTBALL ASSOCIATION

BEFORE:

His Honour Phillip Sycamore CBE (Chairperson)	Independent Specialist Panel Member
Ruth Kirby KC	Independent Football Panel Member
Michael O'Brien	Independent Football Panel Member
Michael O'Connor Secretary	Judicial Services Assistant Manager

IN THE MATTER OF AN APPEAL FROM THE DECISION OF A REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

Appellant

-and-

OSMAN FOYO

Respondent

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**APPEAL BOARD DECISION**

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**INTRODUCTION**

1. This is an appeal by the Football Association ("the FA") against the sanction imposed by a Regulatory Commission of the FA ("the Commission") on Osman Foyo ("the Respondent") on 3 October 2025, with written reasons provided on 6 October 2025.

2. The Appeal Board convened remotely by Teams on 24 November 2025 to consider the appeal, which proceeded on the basis of written submissions only.
3. The allegations were contained in a charge letter dated 8 July 2025 and related to a single charge of a breach of FA Rule E1.2 by the Respondent, now aged 21 years, who admitted 252 breaches of FA Rule E8.1 during the seasons 2023/24 and 2024/2025. The total amount of money staked across the two seasons was £6,522.10 with returns of £6,158.62, producing a net loss of £363.48.
4. The breaches included 106 bets placed by the Respondent on competitions in which his club was participating. 33 bets were on his own clubs, of which 18 were on his own team to win and 12 on them to lose. He played in 3 of the matches in which he had bet on his own team to win.
5. The Commission imposed the following sanctions:
  - (a) A suspension of 5 months, of which 4 months was suspended, for a period of 18 months.
  - (b) A fine of £1000.00.
6. The FA appeals only against the Commission's decision in relation to the 5-month suspension and the decision to then suspend 80% of that suspension. The FA does not appeal the level of the fine.
7. In addition to the Notice of Appeal and the documents contained in the Appeal Bundle, which included a Response to Notice of Appeal dated 10 November 2025, the Appeal Board had before it a document signed by the Respondent dated 7 November 2025 and headed "Response to FA Decision Appeal" followed by an application dated 11 November 2025 to admit it as additional evidence. In the event we considered that the document was, in reality, a further Response to the Notice of Appeal, and we treated it as such and took the contents into account.

## **THE APPEAL**

8. Regulation C1.1 of the FA Disciplinary Regulations provides as follows:

*1 The grounds of appeal available to The Association shall be that the body whose decision is appealed against:*

*1.1 misinterpreted or failed to comply with the Rules and/or regulations of the Association relevant to its decision; and /or*

*1.2 came to a decision to which no reasonable such body could have come; and/or*

*1.3 imposed a penalty, award, order or sanction that was so unduly lenient as to be unreasonable.”*

9. In its Notice of Appeal, The FA relied on Regulations 1.2 and 1.3.

10. We remind ourselves that this is an appeal by way of review on the documents only and does not involve a rehearing of the evidence. The proper approach to be adopted is that set out in the decision of the Appeal Board in *The FA v Jurgen Klopp* (11 November 2022). In particular, the fact that an Appeal Board may consider that a different sanction is appropriate does not entitle them to substitute their opinion for that of a Regulatory Commission unless they can show that the Commission’s decision fell outside the band of reasonableness available to it or it had reached a decision which no reasonable body, properly directing itself to the facts, could have reached.

## **THE DECISION ON SANCTION**

11. At paragraph 38 of its decision, the Commission referred to the sanction guidelines for betting cases charged under FA Rule E8 (the “Guidelines”) and reminded itself that the sanction range is very wide and that whilst the appropriate sanction is left to the discretion of the Commission, the Guidelines do say that: *“in the interests of consistency it is anticipated that the guidelines will be applied unless the applicable case has some particular characteristic(s) which justifies a greater or lesser sanction outside the guideline.”*

12. The nature of the Respondent’s betting patterns was such that, within the Guidelines, the applicable sanction was in the range of 6 months to life. The Commission adopted a starting point of 6 months and then explained its approach to aggravating features which resulted in an upward adjustment to 8 months, saying at paragraphs 44 to 49:

*“44. The Commission then went on to consider the aggravating factors in line with the Guidelines.*

*45. The Commission considered that the bets were widely placed and the fact that bets had been placed not only on football matches generally but in particular on matches involving OF’s clubs was a significant consideration. This was aggravated by the fact that he had placed bets on his clubs to win in matches in which he himself was playing. It was also of concern that the evidence seemed to suggest that bets were being made in the period shortly before kick-off and in one case during the game itself after he had been substituted.*

*46. The final, and most serious consideration when it came to perception was the fact that OF had placed bets on his clubs to lose. Whilst it was noted that he did not play in those games himself it was of significant concern that he was involved with those clubs at that time. The Commission were of the view that the perception of such actions could have a significant impact on the integrity of the game.*

*47. The Commission also considered the number and size of the bets involved. The number of bets was not insignificant given the relatively short time period in which they were placed. It was though noted that on the whole the size of the bets was not considerable. There were however two marked exceptions to this which involved two single bets that OF made on matches in which he was playing. What was of concern to the Commission was the number of bets that were placed on matches involving his clubs. At 33 bets this constituted over 10% of the bets he was making.*

*48. The Commission then went on to consider the experience of OF and from an aggravating factor the Commission took into account the fact that OF knew about the Rules and he had attended specific training on the Rules. Despite this he still proceeded to bet, knowingly in breach of the Rules.*

*49. In light of the aggravating factors the Commission applied an upward adjustment to the sanction to an eight (8) month suspension.*

13. The Commission then went on to consider mitigating factors:

*“51. The Commission were impressed with the openness and honesty with which OF presented himself and his admissions to the betting. It was also notable that he had clearly accepted the charges at the earliest possible opportunity and had worked with the FA throughout this process. He should be given credit for that.*

*52. It was notable that OF started gambling in his teens and had stopped by the age of 20. He is only 21 years old and so he is still a young man at the start of his career. He has a clean disciplinary record.*

*53. The Commission took into account the personal circumstances that OF set out both in his written submissions and also in his oral submissions.*

[REDACTED]



54. *Therefore, taking into account the mitigating factors, the Commission applied a downward adjustment to a five (5) month suspension.*”

14. Having determined that the appropriate suspension was one of 5 months, the Commission considered whether any of the suspension should be suspended:

55. *“The Commission then considered whether the sanction should be suspended. As part of that consideration the Commission were conscious of the provisions set out in Regulations 43 and 44 of the FA Disciplinary Regulations. In particular the Commission considered Regulation 44(b) which states:*

*When considering imposing a suspended penalty, a Regulatory Commission must:*

- a. Set out what the clear and compelling reason(s) are; and*
- b. Decide the period of the suspension, or event, until which the penalty will be suspended; and*
- c. Upon what other terms or conditions, if any, the penalty will be suspended.*

56. *It was the Commission’s view that in this case there were some clear and compelling reasons.*

[REDACTED]

*Further, the Commission were of the view that there is power in their being at least some form of suspension which can operate as a reminder of the implications if OF breaches the Rules again. There is a positive incentive behind suspending at least part of the suspension.”*

15. The Commission determined that 4 of the 5 months suspension would be suspended for a period of 18 months.

## **DISCUSSION**

16. We consider first the length of the suspension. There were serious aggravating features which, although identified by the Commission, did not attract the weight which might have been justified. In particular, there were the bets which the Respondent placed on his own club. By way of example, on two occasions substantial bets, which were for much higher stakes than the Respondent’s usual betting patterns, were placed only a short time

before kick-off in matches in which he played. On one occasion, during a match, he ‘cashed out’ the bet that he had placed on a match in which he had played after being substituted in the game. Such betting activity inevitably impacts on the perception of the integrity of fixtures and the Guidelines recognise that the fact that the Player played or was involved in the match in question is a serious aggravating feature.

17. Although for our part we might have considered a higher starting point and lower downward adjustment than those selected by the Commission, we are conscious, having reminded ourselves at paragraph 10 above that the fact that we might, individually or collectively, have considered a heavier penalty does not permit us to do so unless we are satisfied that the Commission’s decision fell outside the band of reasonableness available to it or it had reached a decision which no reasonable body, properly directing itself to the facts, could have reached. We are not so satisfied, and, in those circumstances, we do not consider it appropriate to interfere with the length of suspension imposed. It cannot be said to be either “Wednesbury” unreasonable or so unduly lenient as to be unreasonable.

18. Next, we consider the decision of the Commission to suspend 4 months of the suspension for 18 months. As we observe at paragraph 14 above there is a requirement for “*clear and compelling reasons for suspending a penalty*” and for those reasons to be set out.

19. The first difficulty with what the Commission said about the reasons for suspension of the sanction is that the material relied upon (paragraph 56 of the decision of the Commission – see paragraph 14 above) is that the same material was relied upon by the Commission in determining the length of the suspension (paragraph 53 of the decision of the Commission – see paragraph 13 above). We have noted and agree with what was said by the Appeal Board in *The FA v Huw Lake* [21 May 2024] in this regard: “...*We do not think that it was open to the Commission to use the same mitigation twice, in the way in which it did, but even if we are wrong about that, we are quite satisfied that mitigation which had been used to assist in setting the period of the sanction could not amount as well to a clear and compelling reason for its suspension.*”

20. The second difficulty is with the length of the suspension of the sanction which of itself, regardless of the error identified at paragraph 19 above in

relation to double counting, is demonstrably unduly lenient against the background of the betting patterns and history identified by the Commission, including its finding that the Respondent knew about the Rules and had attended specific training in that regard. The Commission was correct to conclude (paragraph 56 of the Commission's reasons) that some form of suspension can operate as *"a reminder of the implications if [ the Respondent] breaches the Rules again. There is a positive incentive behind suspending at least part of the suspension"* and (paragraph 57 of the Commission's reasons) that *"the seriousness of the offences, and in particular the aggravated elements of betting on matches in which he played, and betting on his club to lose do require at least some sanction that is not suspended."*

21. We consider that a suspension of 80% of the 5-month sanction imposed falls far short of reflecting those concerns and the impact of conduct of this type on the integrity of the sport. We also consider that the length of the suspension, as a reminder to the Respondent of the implications in the event of a further breach, is not adequately reflected in an operative period of suspension of only 18 months. We regard the need to ensure a period of extended rehabilitation, effectively supported by the suspension of part of the sanction for a longer period as, in itself, a "clear and compelling reason" to justify the imposition of a longer period of suspension, in the knowledge that it will serve as a continuing reminder to the Respondent of the probable consequences of any further breach.
22. We therefore find that the decision to suspend 4 months of the 5-month ban imposed on the Respondent was both unreasonable and so unduly lenient as to be unreasonable. We conclude that the proper outcome is for three (3) months of the five (5) month suspension to be served with the remaining two (2) months to be suspended for a period of twenty-four (24) months.

## **CONCLUSION AND SANCTION**

23. We therefore allow the appeal in part and replace the Order made by the Commission with the following order:

- (a) The Respondent is fined the sum of £1,000.00
- (b) The Respondent is suspended from all football-related activity for a total period of five (5) months. Three (3) months of that suspension is to be served with immediate effect, with credit being given for the one (1) month already served from 3 October 2025. The remaining two (2) months are suspended for a period of 24 months from 3 October 2025. The suspended sanction will only be activated if, during the 24-month suspension period, the Respondent commits a further breach of the Rules which is of a similar nature or is otherwise deemed by the FA to warrant the activation of the suspended sentence.

His Honour Phillip Sycamore CBE

Appeal Board Chair

24 November 2025