

AN APPEAL BOARD OF THE FOOTBALL ASSOCIATION

IN THE MATTER OF AN APPEAL

BETWEEN:

Andrew Lane (Appellant)

-and-

Leicestershire & Rutland FA (Respondent)

DECISION OF THE FA APPEAL BOARD 12 March 2025

1. The Appeal Board comprised:

Roger Burden (Chair)
Christine Harrop-Griffiths
Ian Stephenson

Richard Pallot, FA National Secretary, was Secretary to the Appeal Board

2. Representing the Appellant:

Andrew Hastie
Andrew Lane in attendance

Representing the Respondent:

Kai Wilson, the Respondent's Football Services Lead.

3. The Appeal was held online via Microsoft Teams
4. These written reasons do not refer to all points made in the course of the Appeal, however, the fact that some points are not mentioned should not imply that they were not considered. The Appeal Board carefully read, listened to, and considered, all the submissions.

Background and First Instance Decision

5. Following a game played between Bardon Hill Juniors U15 Falcons v Stoneygate Lions U15 Cubs played on 13 October 2024, the Appellant was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
6. The was based on the allegation that the Appellant displayed aggressive and/or threatening behaviour towards a Match Official, or similar.

7. No response to the charge was received through the Whole Game System.
8. The Football Association appointed a Chair from its National Serious Case Panel to sit alone as a Commission to consider the case.
9. The Appellant's Club Secretary had acknowledged the charge and said that he had passed it on to the Appellant. There was no further correspondence from the Club or the Appellant. The Commission dealt with the matter as a denial.
10. The case was found proven.
The sanction was a suspension of 156 days from all football activity, a fine of £165 and a requirement to attend a face-to-face education programme before the time-based suspension was served.

Application to Stay the Sanction

11. An application to appeal out of time had previously been granted by the FA's Judicial Panel Vice Chair.
An application to stay the sanction was approved by the FA's Judicial Panel Vice-Chair as follows
*"First, if the suspension is not stayed, AL will (in addition to the training sessions and matches that he has missed to date) miss three fixtures that are to take place on 23 February 2025, 2 March 2025 and 9 March 2025. Additionally, there will be further consequences for AL and others if the suspension is not stayed, as set out in Mr Hastie's email in support of the application. If the stay is not granted and the Appeal succeeds, AL and others will have suffered prejudice as a result of the suspension.
Secondly, there is no suggestion that not staying the suspension will or might have any adverse consequence or cause any prejudice to any third party".*

The Appeal

12. The Appellant appealed on the grounds that the Commission
 - a. Failed to give him a fair hearing
 - b. Failed to comply with the Rules and/or regulations of the Association relevant to its decision and/or
 - c. Imposed a penalty, award, order or sanction that was excessive

The Appellant's Written Submissions to the Appeal Board

13. The Appellant said that he was not aware of the allegations against him, or of the hearing until 25 January 2025 when he was informed by the Club of the allegations, the decision of the Commission and the sanction imposed.
14. He said that it was not correct for the Commission to say that he confirmed that he had been provided with all the statements and evidence, as the Appellant had not received any communications from the FA relating to the matter.

15. As a consequence, the Appellant had not been able to put forward any mitigation which, he claimed, made both the hearing and the sanction unfair.

Application to Present new Evidence

16. The Appellant requested the opportunity to put forward evidence in relation to his interactions with the Match Official. He accepted that he did have a conversation with the Match Official but did not accept that his tone was aggressive and threatening.
17. The Appellant also requested the Appeal Board to hear evidence from Philip Martindale who was present at the time of the incident.
18. The Appellant then supplied a formal statement in which he detailed his version of events and his conversation with the Referee. He said that he was aware that the Referee was very young, possibly 17 years of age but he was old enough to argue his point.
19. The Appellant said that he understood that the Referee might have felt threatened by the fact that the Appellant is an adult, but he had made no threats and showed nothing in relation to his body language which would pose a threat. He said that the incident was viewed by a police officer and he would have reacted if the Appellant had been threatening.
20. The Appellant submitted a statement from Adam Hastie, Manager of Bardon Hill U15, in which he said that the first that he and the Appellant were aware of the situation was when they were approached by the Club's Welfare Officer on 25 January 2025.
21. A statement from Laura Bancroft, the Appellant's partner, in which she said that they share an email address. She said that she became aware that she was not receiving any emails around December 2024. Her email was full so she cleared them all. On 25 January 2025, she checked the emails and found none from the Club.

Our Decision Regarding the New Evidence

22. FA Regulations are clear that, *save in exceptional circumstances, an Appeal Board shall not grant leave to present new evidence unless satisfied with the reason given as to why it was not, or could not have been, presented at the original hearing and that such evidence is relevant.*
23. We noted that, in the papers of first instance, the Secretary had informed the Respondent that he had copied the Appellant into the correspondence.
24. It is the responsibility of the Club to pass details onto the participant who is subject to allegations and/or a charge. The Club had done this.
25. It was entirely the fault of the Appellant if he, or his partner with whom he shared a joint email account, failed to read and/or had deleted the Club's email.

26. In the circumstances, we decided that this failure was the reason that the Appellant was not aware of the hearing and it did not justify the admission of new evidence. We rejected the application for leave to present new evidence.

The Respondent's Written Submissions to the Appeal Board

27. The Respondent summarised the charging process and referred the Appeal Board to the written reasons.

Papers of First Instance

28. The charge was based on the Referee's report, in which he said

"..the Bardon Manager approached me to complain about my cautioning of one of his players. Whilst remonstrating with me, his behaviour and tone were aggressive and threatening and he was visibly angry. He was shouting and due to his proximity to me I was subject to his saliva striking me several times. Whilst I am always happy to discuss the game with Managers, I believe his behaviour became unacceptable and, as a youth Referee, raises safeguarding issues for junior Referees in the future. This incident was only resolved when a parent intervened and ushered him away."

29. On receiving the report, the Respondent asked for some further information, including a request that the Referee expand on his comments that the Manager's behaviour/tone "was aggressive and threatening". The Respondent also asked if, in the Referee's opinion, the saliva striking him was an intentional act.

30. Responding to that request, the Referee said

"His voice became increasingly loud and he got closer and closer to me to the point that the spit (sic) was coming out of his mouth and landing on me. I tried to explain my decision for the yellow card, saying that the tackle was reckless, but he refused to listen to me and instead resorted to shouting at me for a couple of minutes before one of the parents ushered him away....."

The Appeal Board's Consideration of the Commission's Written Reasons

31. The Commission noted that the definition of "Threatening Behaviour" per 96.1 of the Disciplinary Regulations is as follows –
- *"..words or actions that cause the Match Official to believe that they are being threatened"*.

However, although not noted by the Commission, para 96.1 continues as follows-

- *"Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subject to any form of physical abuse either immediately or later, whether realistic or not: the raising of hands to intimidate the Match Official: pretending to throw or kick an object at the Official"*.

32. The Match Official's report had described the Appellant's behaviour and tone as "aggressive and threatening", without explaining what the Appellant had said or done.

33. Although the Respondent had subsequently asked the Match Official for those details, he had simply replied that the Appellant had said that the tackle was reckless and had resorted to shouting at him for a couple of minutes. The Match Official again did not provide any information about the Appellant's words or actions, and he made no mention of feeling threatened in this second report.

34. There were matters in the written reasons that concerned us.

- The reasons stated that "the Appellant had confirmed that he had been provided with all the statements and evidence, with which the Commission had been provided".

In fact, this was not the case. No such confirmation was in the papers.

- The reasons also stated that "the Commission considered the context in which the acts, comments were used, the intent behind the comments and that it gave consideration to all the circumstances surrounding the use of the comments whilst considering the effect of the comments used."

In fact, the Match Official had not provided the Respondent with any information regarding any alleged comments made.

35. We put these discrepancies to the Respondent who told us that the final decision to charge was based on advice from the FA's Regional Manager.

36. At this point the Appeal Board met in private to discuss the situation.

37. We agreed that the above discrepancies were significant as, despite the Commission's assertions, the Referee did not provide any information regarding comments that might have supported his allegation that he was threatened, despite being given a second opportunity to do so.

38. The Appellant had accepted that he approached the young Referee after the match and that he raised his voice, that he was annoyed with the Referee's decisions and was eventually led away by another parent.

The Appeal Board's Decisions

39. It was our view that the sanction should have only reflected the Appellant's abusive behaviour, and excluded threatening behaviour, for which neither the Referee nor the Respondent had produced any evidence.

40. We noted that this was behaviour towards a young Referee that had occurred at a children's game. But felt we could give some credit to the Appellant as he had used no foul language during the confrontation. We agreed that we should place the

offence in the mid-range of the sanction guidelines for abusive behaviour towards a Match Official. That gives a range of suspension between 1 and 3 games and a fine in the range £10 to £50.

41. We agreed that a sanction of a 3-match suspension and a £30 fine was appropriate based on the evidence that was in front of the Commission.
42. **We reconvened with the original attendees.** We explained our thoughts on sanction to Mr Wilson and asked for his views. He told us that he had no objection to the revised sanction.
43. The Appeal is allowed on the grounds that the Commission imposed a penalty, award, order or sanction that was excessive.
44. To give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order that the sanction be amended as follows:
 - The Appellant is suspended from all football for 3 matches. He is fined the sum of £30*.
 - The requirement to attend an FA Education Programme is removed.
 - 7 penalty points to be applied to his Club's record.

*Our Secretary informed us that the Appellant had served a 3-match suspension when he became aware of the suspension in January. The above suspension has, therefore, been served.

If the Appellant has already paid the original fine, the Respondent is to refund the difference between that and the amended fine of £30.

The Appeal Fee to be returned.

There was no order as to costs.

45. The Appeal Board's decision is final and binding on all parties.

Roger Burden (Chair)
Christine Harrop-Griffiths
Ian Stephenson

13 March 2025