

**IN THE MATTER OF THE APPEAL BOARD OF THE
FOOTBALL ASSOCIATION**

BETWEEN:

CAMERON ALLEN

Appellant

-and-

SOMERSET F.A.

Respondent

WRITTEN REASONS

1. The Appeal Board conducted a hearing on Wednesday 5 March 2025 to determine an appeal by Cameron Allen (**"the Appellant"**) against the decision of a Disciplinary Commission (**"the Commission"**) made after the conclusion of a hearing held by MS Teams on 14 January 2025. The Respondent to the Appeal is the Somerset FA (**"the Respondent"**).
2. That Commission's decision is fully set out in their detailed Written Reasons dated 20 January 2025. The Appellant was suspended from all football and football activity for 147 days, fined £100 and ordered to attend an online education programme. In addition, his club, Shepton Mallet Football Club, was given 7 penalty points.
3. The appeal hearing was a personal hearing held by MS Teams, the Appeal Board comprising Mr Christopher Stoner KC (Chair and Legal Panel Member), Mr William Thomson (FA Council Panel Member) and Mr Gordon Mellis (Football Panel Member). Mr Richard Pallot, the FA National Secretary, Cornwall FA, acted as secretary to the Appeal Board. We are most grateful to Mr Pallot for his assistance.
4. For the purposes of the appeal the Appellant was represented by Mr Leigh Walters-James, whom we understand is the Appellant's uncle. The Respondent was represented by its Chief Executive Officer, Mr Pike. Mr Allen and his mother attended as observers.

5. The Appeal Board wish to thank Mr Walters-James and Mr Pike for their clear oral submissions. The Appeal Board found those submissions to be of considerable assistance.
6. The parties were orally informed of the outcome of the Appeal by the Appeal Board after it had retired to consider the matter, which outcome was confirmed in a Decision Letter sent by email by Mr Pallot on behalf of the Appeal Board. The Decision Letter is dated 6 March 2025 and confirms that the Appeal Board unanimously dismissed the appeal on all grounds, with the decision of the Commission to stand. It further identified that there would be no order as to costs, but the appeal fee is forfeited.
7. Regulation 26 of Section C – Appeals Non-Fast Track in the Disciplinary Regulations provides that in the case of an Appeal Board either the appellant or the respondent can request written reasons for the decision, provided that such a request is received within 3 business days of notification of the decision. Mr Pallot informed us on Thursday 6 March 2025 that such a request had been made.
8. This document contains the written reasons for the Appeal Board’s decision.

Appeal Board Role

9. Before turning to the substance of the matter, it is important to record that the Appeal Board reminded itself of its role before its deliberations. This role is enshrined in Regulation 12 in ‘Part C – Appeals, Non-Fast Track’ in the FA Handbook, which states:

“An appeal shall be by way of review on the 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 under paragraph 10 above.”

10. Accordingly, our role as an Appeal Panel is to assess the arguments presented, in the context of the permitted grounds of appeal and determine whether or not, on the basis of those arguments, the Commission got it wrong and not whether we agree or disagree with its decisions. In context, on the issue of finding the Charge against the Appellant proven we had to consider whether it was established that the Commission:

(a) Failed to give Mr Allen a fair hearing; and/or

(b) Came to a decision which no reasonable Disciplinary Commission could have come to.

And in the context of having found the Charge proven, on the issue of sanction, we have to consider whether the Commission:

(c) Imposed a sanction that was excessive.

11. We should add that in the Appellant's 'intention to appeal' document the only identified ground of appeal was that the Commission 'came to a decision to which no reasonable such body could have come.' In the Notice of Appeal, however, the Appellant advanced arguments on the 3 grounds identified above. In the Response to Notice of Appeal filed by the Respondent, it indicated:

"It is a matter for the Appeal Board to consider whether they wish to take failure to not record all Grounds in the Intention to Appeal, but the Respondent does not seek to make a submission."

12. In all the circumstances the Appeal Board allowed the Appellant to proceed on the basis of all the grounds identified in the Notice of Appeal. The Respondent had helpfully responded to all 3 grounds in its Response and did not suggest it was prejudiced in any way by such a course of action.

13. Returning to the role of the Appeal Board more generally, it is important to record that it is not our role or properly part of our jurisdiction conferred by the Regulations in The FA Handbook to reconsider the evidence and determine whether or not we might have come to a different conclusion. Rather, as stated, our role is to consider whether any of the Grounds of Appeal are established and, if so, to determine what power vested in us by Regulation 21 of The FA Handbook at 'Part C: Appeals – Non-Fast Track' we should apply.

Preliminary Matters

14. At the outset of the appeal, a couple of preliminary matters were addressed. The first was that the Respondent filed its Response to the Notice of Appeal a day out of time.

The Respondent had applied for an extension of time, which the Chair of the Appeal Board has power to grant pursuant to Regulation 14.

15. By a direction dated 21 February 2025 the Chair duly directed that the Appellant file any observations by 5pm on the 26 February to the Respondent's claim for an extension of time. No observations having been received the Chair indicated that the extension of time would be granted and the Response to the Notice of Appeal allowed to stand. Mr Walters-James at the outset of his submissions kindly confirmed on behalf of the Appellant that no objection was taken to that course.
16. The Chair had also directed on 21 February 2025 that if a video supplied on behalf of the Appellant relating to an incident in the Premier League was to be admitted as evidence in the Appeal, an application should be made pursuant to Regulation 10 by 5pm on 26 February. No such application having been made, the video was not admitted.
17. Lastly, also by the directions given on 21 February 2025, the Chair indicated that a copy of the Written Reasons of the Commission supplied on behalf of the Appellant which contained handwritten comments upon it, which were understood to be by or on behalf of the Appellant, had not been added to the Appeal Bundle. As was confirmed to Mr Walters-James at the outset of the appeal, the Commission's Written Reasons were their Written Reasons and if any points were to be taken on them for the purposes of the appeal, that was properly a matter of submission.

Background

18. The Appeal Board confirmed at the outset of the hearing that it had read the entirety of the Appeal Bundle and had also viewed the relevant part of a video of the Match (as defined below).
19. The Appellant was charged ("**the Charge**") on 6 December 2024 with a breach of Rule E3, namely Improper Conduct against a Match Official (Including threatening and/or abusive language/behaviour), the details of which were described in the Charge in the following terms:

*“It is alleged that Cam Allen used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule 3.1 and it is further alleged this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that as Cam Allen left the field of play having been issued with red card he said to the Assistant Referee “F**k off too you cheating c**t, I’ll do you” or similar.”*

20. The events in question occurred on Saturday October 26 2024 during a Western Football League game between Shepton Mallet First and Barnstaple Town FC 1st (**“the Match”**).

21. A detailed analysis of the events is found in the Written Reasons of the Commission. In summary:

(1) The Appellant was dismissed for violent conduct in the 11th minute of the Match.

(2) Having remonstrated with the Match Referee, the Appellant then remonstrated with the Assistant Referee with whom the Match Referee had consulted before issuing the red card. The Commission noted the Appellant *“in general terms ... appeared argumentative and confrontational”*.

(3) There was an issue before the Commission as to the manner in which the Appellant left the pitch, but having left the field the Appellant passed the other Assistant Referee. That Assistant Referee’s statement said:

*“Following the sending off of the Home No 11 (Cam Allen), the said player was being walked off the pitch by the physio who had asked to go on to get the player to leave the field of [play] as he was refusing to leave, the home 11 then decided to tell me in no uncertain terms what he thought. He said you can “f**k off too you cheating c**t, I’ll do you out in the car park”.*

(4) It is evident from the Video that the Assistant Referee raised his flag moments after the Appellant had passed him to gain the attention of the Match Referee. His statement also states:

“Once the player had left the field of play I called the match referee (Zak Angell) over and told him what the home 11 had said, which he was going to add to his report.”

(5) The Match Referee's extraordinary incident report included the following words:

*"As he left the field of play, H11 was similarly aggressive towards the senior AR. The senior AR reported this to me before we restarted play and, at half time, said that these words included "You f***ing twat. You f***ing look at me like that again, I'll F***ing do you. You f***ing cheats."*

22. It was this last interaction with the Assistant Referee when walking off which, as is evident from the terms of the Charge, was central to it and gave rise to the allegation of Threatening Behaviour.

23. On this point, regulation 92 of Section 3: Provisions applicable to category 5, within the FA's Disciplinary Regulations provides for 'Offences against Match Officials' including:

"Threatening behaviour: threatening a Match Official (whether through words or actions and regardless of whether the Match Official believes that they have been threatened). Examples include, but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not ..."

24. Evidentially, at the hearing the Commission were faced with two unusual features, namely:

(1) The fact the Appellant had not provided a witness statement, or indeed any witness statements of others on his behalf; and

(2) The fact that neither Assistant Referee attended the Commission hearing.

25. On these issues, the Commission commented, at paragraph 11 of its Written Reasons:

"Cameron Allen and Nicola Higgs were informed by the Commission Chair, that only the Referee was in attendance as a County FA witness, and that the two Assistant Referees had declined to attend. It was explained that the evidence of written statements would in all probability carry less weight than the evidence from a live witness because cross examination of an absent witness was not possible. Cameron Allen and Nicola Higgs were informed that the Commission were not in possession of

any statement from Cameron Allen. Immediately Cameron Allen and Nicola Higgs responded by stating, in general and emphatic terms, that they did not feel it necessary to file any response to the charge because the written statements were inconsistent, untrue and unreliable (to summarise their contentions). Nicola Higgs was the more "Strident" in making her points, but Cameron Allen was clearly agreeing with her arguments and sentiments. By way of example, at one point, Nicola Higgs said that she knew that "you (The FA/the Commission) just want to get money out of players". Cameron Allen then interrupted saying "you just need to read the statements then we can agree to disagree and how have the hearing."."

26. It is not apparent from the Written Reasons why the Assistant Referee's did not attend to give evidence and be cross examined. Unfortunately, Mr Pike was unable to shed any more light on this for the Appeal Board.

27. The Appeal Board noted that the detailed Written Reasons of the Commission identified the evidence the Commission had proceeded to consider, including hearing from the Match Referee initially before he had seen the video of the incident. Indeed, the Commission noted in its Written Reasons, when introducing the Match Referee's oral evidence:

"He said he had not seen the video of the match. The Commission Chair explained that he would be shown the video during his evidence but, in order to avoid any suggestion that his oral evidence would be tainted by, or tailored by, the video, he, the Referee, would be questioned upon his memory of events and his written statement before he was shown the footage."

28. The Written Reasons also record all the evidence the Commission considered in detail, both written and oral, which included the Appellant's oral evidence, notwithstanding that he had not filed a witness statement. The Appellant's evidence, as relevant to the alleged exchange with the Assistant Referee central to the Charge, was recorded in the Written Reasons in the following terms:

"Nothing was said that Cameron Allen could remember when he passed the Assistant Referee. He, Cameron Allen was "pretty calm" by this stage, having "got over" the red card and would not have felt any need to get into an argument with the Assistant Referee. He, Cameron Allen, agreed that the video showed the Assistant Referee with his flag up shortly after Cameron Allen would have passed by, but could think of no reason for the flag being raised."

29. The Commission then set out their conclusions on liability in detail, having deliberated, before they invited submissions on mitigation. The Commission found the Charge proven. In summary:

- (1) They refused to be drawn into a detailed forensic analysis of events before the interaction between the Appellant and the Assistant Referee which lay at the heart of the Charge, but did comment “*The behaviour and demeanour of Cameron Allen in the aftermath of the red card did support the view that Cameron Allen was capable of insulting the senior Assistant Referee.*”
- (2) They concluded that the Appellant’s behaviour in the hearing was consistent with someone who was prepared to take on authority and express his views vociferously.
- (3) Having determined the Appellant was capable of making the threats, they turned their attention to determining whether he actually did so at the Match.
- (4) The Commission noted there were differences in what the Assistant Referee had said in his statement was said and what the Match Referee had recorded as being told was said but equally noted that the words “I’ll do you” were common and amounted to a threat.
- (5) The Commission also noted that the language accompanying that threat was the sort of language that might be remembered in a ‘jumbled up’ way and that they did not expect a perfect fit in terms of the evidence.
- (6) The Commission then noted, with surprise, that the Appellant had not called any evidence from Club witnesses, despite the incident occurring within earshot of others. Having recorded the fact the Appellant considered there was no case for him to answer and therefore no need to call witnesses, the Commission says in its Written Reasons “*The stance taken by Cameron Allen was one which the Commission decided was unhelpful to his case on any view and thus were not convinced that this was the real reason for his failure to call witnesses to support him.*”

- (7) The Commission concluded that, on balance (having identified the standard of proof as being the balance of probabilities earlier in its Written Reasons), “*the evidence that Cameron Allen was responsible for a threatening remark and abusive language towards [the Assistant Referee] outweighed the evidence that such a remark was not said.*”
- (8) Importantly, in the Appeal Board’s view, the Commission said: “*The Commission took into account the fact that NS and MV [namely the Assistant Referees] did not attend the hearing and that their evidence was ‘hearsay’ when repeated by the Referee. Such evidence did not carry the same weight as that given by the Referee, but NS’s written report was to a great extent supported by evidence of the Referee and the video evidence – particularly the immediacy of the raising of the flag and the discussion with the Referee at the side of the pitch. The report by NS of a threat and abuse was also consistent with the Commission’s impression of the character of Cameron Allen as displayed on the video footage, and to a lesser extent, at the hearing itself. Further, the noticeable absence of witnesses who would have been very well able to assist Cameron Allen’s defence tended to suggest that the allegation was well founded.*”
- (9) The Commission concluded that it found that the Appellant had said “I’ll do you” to the Assistant Referee and accompanied what it concluded was a threat with the words “f**k off” and “you cheat” as well as finding that “other similar expletives were used in addition.”

Arguments/Grounds of Appeal - Liability

30. The first Ground of Appeal, namely that the Appellant did not receive a fair hearing with the Notice of Appeal asserting that “*The panel did not listen to or prove the misconduct*” was effectively abandoned by Mr Walters-James in his submissions when he said this allegation had come from ‘emotion’.
31. In so far as it was not abandoned the Appeal Board, in any event, considered there was no merit in the ground. It was plain that the Appellant had been heard and the Commission had listened to what the Appellant had said, including allowing him to give evidence.

32. Furthermore, in so far as it is suggested the Charge was not proven, as we shall detail below when considering the next ground of Appeal, the Commission weighed very carefully all the evidence before it, including the fact the Assistant Referee's statements were only in writing, before concluding that the Charge was indeed proven.
33. This ground of appeal appears to the Appeal Board to be based on no more than disagreement with the outcome of the Commission's findings, as distinct from addressing any arguments to us, as an Appeal Board, that there was not a fair hearing because the Commission got something wrong.
34. The focus of the appeal, on liability, was instead the ground of appeal that the Commission had come to a decision which no such reasonable body could have come to.
35. The written Notice of Appeal rather unhelpfully and intemperately said: "*The panel basically charged him with murder with no body.* More relevantly, it then said: *The evidence submitted by the club was ignored and the Referee was the only official to turn up and he aided Cam's case even stating that he had no doubt he would see Cam later in the season and had no issue with that, implicating he would not receive a ban.*"
36. Mr Walters-James presented the arguments on behalf of the Appellant in a calm and measured manner, for which the Appeal Board are grateful.
37. He suggested that whilst it was accepted that the Appellant pushed a player and was red carded for that offence, the evidence presented could not reasonably lead the Commission to have found that the Appellant was capable of making threats against the Match Officials. He made submissions to the effect that the Match Referee's evidence was consistent with this stance. Furthermore, Mr Walters-James, having admitted that the Appellant walked off slowly, submitted that the evidence before the Commission simply did not corroborate what the Assistant Referee had said, there being no basis for such a finding against a player whom, Mr Walters-James submitted, had a good disciplinary record.
38. We hope we do no disservice to Mr Walters-James' submissions on liability when we say we understood the thrust of them to be that that the Commission erred when it found that the interchanges with the Match Referee and the Commission itself evidenced an individual capable of making a threat and that when this is taken into account with the lack of the Assistant Referee attending to give evidence and be cross-

examined, including on the inconsistencies of wording in the various statements, the burden of proof on the balance of probabilities was not established.

39. However, the Appeal Board considered there was nothing in the submissions advanced by the Appellant, both in writing and orally, which began to suggest that the Commission came to a conclusion that no reasonable such body could have come to.
40. The Appeal Board were impressed with the detailed Written Reasons provided by the Commission which set out, step by step, the approach it took. Importantly, as Mr Walters-James correctly accepted, the written statement of the Assistant Referee which was central to the Charge, remained admissible notwithstanding the fact he did not attend to give evidence and be cross-examined. It was plain to the Appeal Board, as evidenced in the summary and citations from above, that this was a factor which was borne in mind by the Commission throughout.
41. Furthermore, having carefully considered all the evidence, including the Match Referee who was initially questioned without the benefit of having seen the video, the Appeal Board is quite satisfied that the Commission was quite entitled to reach the conclusion it did that the Appellant was someone who was capable of making threatening comments in the context of his sending off in the Match.
42. Indeed, the Appeal Board considered that it could not fault the approach of the Commission which led to its finding that the Charge was proven. Importantly, there was nothing the Appellant could point to which materially challenged the Commission's process or assessment of the evidence, over and above an inevitable disagreement with its conclusions.
43. We should add that in the Notice of Appeal, and to some extent orally, it was suggested the Commission had 'ignored the evidence of the club'. However, as was put to Mr Walters-James, the only evidence from the club was the submission of the video by the Club Secretary who also commented "*I did not witness this but the evidence is clear.*" She also commented that at no point was the Appellant led off the pitch, but that he left of his own accord when requested.

44. This evidence was not in the Appeal Board's view 'ignored'. Rather, in so far as it was the vehicle for providing the video, that video was plainly considered by the Commission. Aside from that, when commenting on what the video showed, it was an opinion on evidence the Commission were able to consider for themselves by viewing the video.
45. As such, as the only evidence from the club, it stands in stark contrast to the evidence which was not provided from Club witnesses, which the Commission considered was a point of some note, correctly so in the Appeal Board's view.

Appeal against sanction

46. The third Ground of Appeal relates to sanction, not to the finding the Charge was proven. In its Written Reasons, having determined the Charge was proven the Commission invited oral submissions addressed to mitigation before considering the appropriate sanction.
47. The Commission, in their paragraph 17, state that they "*were further assisted by consulting the FA Rules and Regulations 2024/2025, which, at Regulation 97 set out prescribed sanctions in respect of...*" a breach of Rule 3.1. – Improper Conduct, threatening behaviour towards a Match Official.
48. It falls to be noted that in the Charge itself, dated 6 December 2024, it was clearly stated:

"If this charge is accepted, or denied but found proven, the Commission will refer to The FA Sanction Guidelines and relevant FA Regulations when deciding on the sanction. They will also take account of any mitigating or aggravating factors. The Commission may deviate from the sanction guidelines where necessary, but where a mandatory minimum sanction is stated in FA Regulations, they cannot go below this.

The relevant sanctions are listed below: - Suspension from all football activities for a period of between 112 days and 182 days.

The recommended entry point, prior to considering any mitigating or aggravating factors is 147 days."

49. In what the Appeal Board considered to be impeccable reasoning the Commission noted these provisions from The FA Handbook, before identifying one aggravating feature and one mitigating feature, each in the Commission's view equating to a 14-day adjustment in the appropriate sanction such that they cancelled each other out. As such the Commission applied the recommended entry point of 147 days as an appropriate suspension. The suspension was said to apply to playing, acting as a Match Official, coaching, ground venue/ban and administration. The Appellant was also fined £100 and Shepton Mallett F.C. were given 7 penalty points.

50. In the Notice of Appeal, the Appellant states:

“Given there was no evidence, the sanction is worse than Prem League players who blatantly are caught verbally, racially abusing officials and players. No consideration to how Cam will pay the fine as he has no other income than the one he gets from football and is a father of two young children.”

51. In his oral submission on behalf of the Appellant, Mr Walters-James identified that the Appellant had already served a 10-game ban from the game he cares deeply about. He also submitted, without referring the Appeal Board to any copy of any previous decision, that the largest sanction he could find for a breach of Rule E3.1 on the FA Disciplinary website was a 6-match suspension imposed in April 2024.

52. Unfortunately, it appears there as a complete failure on the part of the Appellant to understand The FA Disciplinary Regulations, notwithstanding they were clearly identified in both the Charge itself (as recited above) and also by the Commission in their Written Reasons.

53. The sanction to be imposed in the event of the Charge being proven was, as the Commission correctly identified, by reference to the prescribed sanctions identified in Regulation 97 of Section 3 of the Disciplinary Regulations. The references on behalf of the Appellant to sanctions in higher steps in the football pyramid, where sanctions are applied in terms of games as opposed to days was mistaken.

54. More importantly, it failed to address a ground of appeal which said that the Commission in this case applied an excessive sanction, notwithstanding the prescribed sanctions.

55. In the circumstances, the Appeal Board concluded that in respect of sanction, the Appellant had simply misunderstood and/or not properly read the applicable Regulations.

56. In any event, the Appeal Board is completely satisfied that the Commission impeccably applied the prescribed sanctioning guidelines and that their decision could not be faulted. The Appeal Board notes there was no substantive argument that whilst the recommended entry point was 147 days, the minimum sanction was 112 days and a sanction at or toward that would have been more appropriate. Such an argument would face the inevitable difficulty of being outside the scope of reasonable disagreement, such that any Appeal Board could be persuaded the entry point sanction was 'excessive', but in this case there were no realistic grounds to support such an argument in any event.

Conclusion

57. For the reasons stated above, the Appeal Board unanimously:

- (a) Dismisses the appeal on all the grounds advanced.
- (b) Orders, pursuant to Regulation 21 of the Appeals – Non-Fast Track Regulations, that the decision of the Commission stands.
- (c) Determines that there be no order as to costs, save that the appeal fee is forfeited.

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Christopher Stoner K.C.

As Chair and on behalf of the Appeal Board

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March 2025.