

**APPEAL BOARD OF THE FOOTBALL ASSOCIATION**

**BETWEEN:**

**CHARLIE DICKENS**

**-and-**

**LYDD TOWN FC**

**Appellants**

**-v-**

**KENT FA**

**Respondent**

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**WRITTEN REASONS OF THE APPEAL BOARD**

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Appeal Board:	Gareth Graham (Chair)	Independent Legal Panel Member
	Alec Berry	Former Council Member
	Shaun Turner	Independent Football Panel Member
Secretary:	Jack Mason	FA National Secretary – Secretary
Present:	Ryan Smith	Representative for the Appellants
	Jonny Ricketts	Representative for the Respondent
Date:	6 May 2025	
Venue:	Held remotely via Microsoft Teams	

**Introduction**

1. The Appeal Board was appointed to determine an appeal by Charlie Dickens (“CJD”) and Lydd Town FC (“the Club”) against the decision of a Disciplinary Commission (“the Commission”) sitting on behalf of Kent FA (“the County FA”) on 7 April 2025.
2. No objection was raised concerning the composition of the Appeal Board.
3. In advance of the hearing, the Appeal Board was provided with two bundle of documents (of 76 and 118 pages respectively) that contained various documents including:

- 3.1. The Notices of Appeal;
  - 3.2. The Responses to the Notice of Appeal;
  - 3.3. Papers of First Instance; and,
  - 3.4. Results Letters and Written Reasons.
4. The Appeal Board convened on 6 May 2025. This is the Appeal Board's written decision, reached after consideration of the documentation placed before us. It is a summary. The fact that specific reference is not made herein to any part or aspect thereof does not mean it was not considered and given the appropriate weight. With the agreement of the parties, the Appeal Board has produced a single set of written reasons for this combined appeal.

## **Background**

5. CJD received a 3-match All Football suspension after he was charged with a breach of FA Rule E3 – Improper Conduct against a Match Official whilst playing for Egerton FC on 8 December 2024. The 3-match suspension was effective from 30 December 2024.
6. On 20 February 2025, the Appellants were charged with a failure to comply with a decision of the Association after CJD played in 7 games for the Club from 14 January to 19 February 2025 whilst he was serving that 3-match All Football suspension.
7. CJD was charged with a breach of FA Rule E10 (*Each Participant shall comply with a decision made pursuant to the Rules and regulations of The Association*) and the Club was charged with a breach of FA Rule E12 (*A Club shall do all things necessary to ensure that a Player associated with it complies with a penalty or order imposed pursuant to the Rules and regulations of The Association*).
8. The Appellants formally accepted the charges against them. They had both responded via Whole Game System ("WGS") on 3 March 2025 and had each requested a verbal plea in mitigation by Personal Hearing.

## **The Commission's Decision**

9. A hearing took place before the Commission on 7 April 2025. At the hearing CJD and the Club confirmed they accepted the charges. The Commission heard submissions from the parties before arriving at its decision as to sanction.

10. The Commission's Written Reasons ("the Reasons") set out the parties' submissions in the following terms:

*"10. The Hearing was attended by the Participants Charged, Bruce Marchant ("BM") representing Lydd, in his capacity as Club Secretary, and Ryan Smith, Manager of Lydd, who spoke on CJD's behalf. There were two questions to answer in this case, was CJD suspended and did Lydd play CJD whilst he was serving this suspension. Both accepted that the answer to each was yes, which led them to accepting the Charge.*

*11. Both claimed that they had no knowledge of the suspension, claiming no notification had been provided. As such they had not knowingly breached the F.A regulations. BM claimed that in his opinion there was a flaw in the system since the suspension was not clearly visible to him through the relevant F.A platforms.*

*12. They were aware that CJD was due to serve a 1 match suspension having accumulated 5 cautions in the season, and was the reason why he did not play in a fixture on the 5 January 2025. However, the system had not alerted them to the additional 3 match suspension. It only came to light when CJD was cautioned in a fixture on the 19 February 2025.*

*13. RS stated that the Secretary of Egerton F.C. had not contacted CJD regarding the Improper Contact charge raised against him, but he had been asked to pay a fine of £55.00, it was claimed that he did not enquire what this related to.*

*14. RS outlined that during the period of the suspension Egerton had suffered a number of postponements which had exacerbated the issue, in terms of the number of fixtures in which CJD played as a suspended participant."*

11. The Commission went on to consider its decision as to sanction. It noted the following factors:

*17. The Commission noted that Lydd operate in the National League System, as such the unintended consequences having been found to be in breach of F.A regulation, could be significant in terms of both League sanctions including points deductions. Despite this the Club had a duty to ensure that it complied with the relevant regulations, the number of fixtures played i.e. 7 was deemed excessive.*

*18. It was noted that the period awaiting completion of the of the three-match ban was significant but had allowed the Club and the player sufficient time to acknowledge their error.*

*19. As a consequence of this CJD had continued to play during the period of his suspension but had not served the three-match ALL Football ban originally levied against him. Which should be observed.*

20. The Commission noted that both had accepted their relevant charges, the points of mitigation were noted, and there was no previous record in terms of E10 and E12 sanctions against either party

21. As a consequence, the Commission unanimously found that the charge for breach of Rule E10 and E12, Compliance with Decisions including suspensions, was found **Proven**.

12. The Commission then set out its decision as to sanction as follows:

22. The sanction range for breaches of FA Rule E10 and E12 in the National League System is,

<i>Club (E12)</i>	<i>Participant (E10)</i>
<i>Low - £0 - £40</i>	<i>Low - £0 - £25, 1-2 Matches</i>
<i>Mid - £40 - £125</i>	<i>Mid - £15 - £40, 2-4 Matches</i>
<i>High - £75 - £200</i>	<i>High - £20 - £50, 3-5 Matches</i>

22. In consideration of all the circumstances, the Commission placed the sanction in the “Mid” range for both charges. Having considered the offence history and given credit for the mitigation:

22.1 Lydd are fined £50.00, including 5 Club Disciplinary Points

22.2 CJD to serve a 4-match suspension, fined £40.00, with 5 Club Disciplinary.

## **The Appeal**

13. The Appellants appeal against the decision of the Commission on two grounds, namely that the Commission:

13.1. Failed to give the Participant a fair hearing; and/or

13.2. Imposed a penalty, award, order or sanction that was excessive.

### **Ground 1: Failed to give the Participant a fair hearing**

14. The Appeal on this limb was put by CJD on the basis that the Commission had told the parties that it did not want to “talk about the Whole Game System and its failure in the system” and had “failed to take into consideration that...Egerton FC admitted they had not informed [CJD] at all of the misconduct charge so [CJD] did not fail to comply with an order of the association.”

### **Ground 2: Imposed a penalty, award, order or sanction that was excessive**

15. Both Appellants asserted that the sanction imposed by the Commission was excessive.

15.1. CJD asserted that the sanction was excessive when taking into account that he did not know he had received the 3-match All Football suspension. He also asserted that the sanction was inconsistent with other such sanctions.

15.2. The Club asserted that the sanction was excessive because it did not know of CJD's 3-match All Football suspension and, given the lack of its knowledge, the absence of wilful misconduct, and the significant financial strain the penalty would cause, the sanction ought to be reduced to £0 and 0 disciplinary points.

### **The Appeal Hearing**

16. Mr Smith, on behalf of both Appellants, helpfully expanded the appeal by way of oral submissions. He said that the first the Club knew of CJD's 3-match suspension was on 20 February 2025. By then, the player had already played in 7 matches for the Club. He said that Egerton had not informed CJD of the 3-match ban. Mr Smith said that the Club had not been notified of the 3-match sanction via WGS (as would normally happen) and, when logging onto WGS, the Club's dashboard did not show it either. Mr Smith accepted that the Club had a duty to ensure it complied with the relevant regulations but, in circumstances where the Club had not done anything wrong and was entirely unaware of CJD's suspension, the sanction imposed by the Commission was excessive.

17. Mr Ricketts, Kent FA's Football Services lead, provided an equally helpful response by way of oral submissions. He noted that the Commission's decision did not make a finding against the Appellants as to intention or knowledge, and said that the sanction imposed on the Appellant's fell within the 'mid' category which could not be said to be excessive in circumstances where the player, CJD, had played in 7 games for the Club when he ought not to have done.

18. Mr Ricketts noted that Kent FA did not have any ability to manipulate what was shown to the Club on the Club's WGS dashboard. He told the Appeal Board that CJD had been charged with misconduct for an incident that occurred whilst playing for Egerton, following which the charge had been accepted. A hearing was held on 17 December 2024 in relation to that matter at which CJD had received a 3-match All Football ban. The decision had been put onto WGS in the early hours of 18 December 2024.

19. In relation to the disciplinary points the Appellants had received, Mr Ricketts submitted that 5 penalty points was the lowest possible sanction that could have been given by reference to the sanction table on page 216 of The FA Handbook.

## Decision

20. The *Appeals – Non-Fast Track Regulations* (“the Appeal Regulations”) set out the provisions relating to appeals in cases such as this. Regulation 2 of the Appeal Regulations contain the grounds upon which Participants may appeal against a first instance decision. This includes the two grounds relied upon by the Appellants in this appeal, namely, that the Commission:

20.1. Failed to give the Participant a fair hearing; and/or

20.2. Imposed a penalty, award, order or sanction that was excessive.

21. Regulation 21 of the Appeal Regulations sets out the powers of the Appeal Board. Here, the Appellants submitted that the Appeal Board ought to impose a lesser sanction than that which the Commission had imposed.

### **Ground 1: Failed to give the Participant a fair hearing**

22. In relation to the first ground of appeal, namely that the Appellants had not had a fair hearing, the Appeal Board noted that the basis upon which this ground of appeal had been advanced was that the Commission had not been interested in any purported failures of the WGS. The Appeal Board considered this element of the appeal with care. The Appeal Board noted that there was no evidence of a system failure in the WGS, either before the Commission or before the Appeal Board. As such, any assertion that the Commission had failed to give the Appellants a fair hearing by failing to have regard to any purported system failure had to be viewed in the context of there being no evidence of such a failure. It was little more than a bald assertion.

23. Further, it was of note that the Appellants had accepted the charges against them before the Commission and, in so doing, had accepted failing to comply with a decision of the Association. Any assertion to the Commission that the Appellants were unaware of CJD’s 3-match ban as a result of a system failure ran contrary to the Appellants’ acceptance of the charge. Even if the Commission had informed the Appellants that it did not want to hear submissions on any (unsupported) assertion of a system failure, the Appeal Board considered that the Commission would have been entitled to focus on matters that were relevant to the sanctioning exercise it had to carry out.

24. In so far as any lack of knowledge of the 3-match ban was relevant to sanction, the Commission was plainly cognisant of the point and included it in its decision at paragraph 11. In all the circumstances, the Appeal Board concluded that the first ground of appeal was not made out and dismissed the appeal.

**Ground 2: Imposed a penalty, award, order or sanction that was excessive**

25. In relation to the second ground of appeal, that the sanction imposed on the Appellants was excessive, the Appeal Board also dismissed this element of the appeal. Both CJD and the Club had accepted the charges against them and thus fell to be sanctioned by the Commission. Whilst the Appellants maintained that they were not aware of CJD's 3-match suspension, the Commission had recorded this assertion in its reasons but had concluded that the Club had a duty to ensure it complied with the relevant regulations. The Appeal Board considered this to be a conclusion to which the Commission had been entitled to reach.
26. In assessing the seriousness of the offending, the Commission had placed the sanction in the "mid" category for both CJD and the Club. Whilst the rationale provided by the Commission was not detailed, the Appeal Board noted that the Commission had taken into account the potential consequences of not adhering to The FA regulations and the fact that the number of fixtures played by CJD was excessive (i.e. 7 games). Taking into account all the circumstances of the case, and notwithstanding the repeated assertion by CJD and the Club that they were unaware of CJD's 3-match ban, the Appeal Board concluded that the Commission was entitled to place the sanction in the "mid" category. The Appeal Board considered this to be a conclusion to which the Commission had also been entitled to reach.
27. The Appeal Board looked carefully at the sanctions available to the Commission. For CJD, the Commission had the discretion to impose a fine between £15 to £40 and a suspension of between 2 to 4 matches. The Commission elected to impose a sanction at the upper end of the "mid" range (i.e. £40 and a 4-match suspension). For the Club, the Commission had the discretion to impose a fine between £40 to £125. The Commission imposed a sanction towards the lower end of the "mid" range (i.e. £50). The Commission provided no reasoning as to why a distinction appeared to have been made between the level of offending by CJD compared to the level of offending by the Club. However, taking into account that it was CJD who had brought about this situation by his misconduct towards a match official whilst playing for a different club, that he ought to have known of his consequential 3-match ban, and the fact that the Club was placed into this situation by CJD, the Appeal Board concluded that the Commission had been entitled to draw such a distinction and find that CJD's culpability was greater than that of the Club. The Appeal Board concluded that the Commission's decision to impose a £40 fine and a 4-match suspension on CJD and to impose a fine of £50 on the Club could not be said to be excessive in the circumstances.
28. In relation to the disciplinary points imposed by the Commission, the Appeal Board had regard to the table set out on page 216 of The FA Handbook. The Appeal Board noted that penalty points are incurred by a player or club for each cautionable offence, each sending-off offence, and each proven Charge during a playing season. For any Proven Charge, a player or club incurs between 5 to 10 penalty points (at the discretion of a Disciplinary Commission). In this case, the Commission had exercised its discretion to impose

5 penalty points against each Appellant. Given that this represented the lowest permissible number of penalty points, the Appeal Board concluded that the sanction could not be said to be excessive.

29. In all the circumstances, the Appeal Board concluded that the sanctions arrived at by the Commission were proportionate and could not be said to be excessive.

### **Conclusion**

30. The Appeal Board therefore dismissed the appeal on the two grounds appealed.

31. The Appeal Board made no order as to costs. The appeal fee is to be forfeited.

32. In order to give effect to this decision, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, the Appeal Board ordered the decision and sanctions of the Commission should return into effect as of its decision letter dated 6 May 2025.

Gareth Graham (Chair)

Alec Berry

Shaun Turner

12 May 2025