

B E T W E E N:

DANIEL WILLS (Appellant)

-and-

HAMPSHIRE FA (Respondent)

DECISION RELATING TO APPEAL HEARING ON 25 MARCH 2025

Appeal Board

- 1. Evans Amoah-Nyamekye (Chair)**
- 2. Alec Berry**
- 3. Robert Purkiss**

SUMMARY OF DECISION

The Appeal Panel are grateful to both Daniel Wills and to Hampshire FA for both their written submissions.

On Thursday, 25 March 2025, this appeal was heard as a Non-Personal Hearing, via video conference on Microsoft Teams.

The Respondent, on 31 January 2025, charged the Appellant with breaches of FA Rule E3 - Improper Conduct (including foul and abusive language) and FA Rule E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability. The Disciplinary Commission, by written reasons dated 10 March 2025, found the charges proven and imposed a 6- match suspension, 7 Club penalty points and ordered the Appellant to complete an online education course.

The Appeal Board, having given the appeal bundle and written representations careful consideration, made the following observations:

- a. *The Appeal Board thanks the parties for their written submissions.*
- b. *The Appeal Board noted that the Appellant was appealing on the following ground:*
 - 1) *Came to a decision to which no such reasonable body could have come to.*
- c. *The Appeal Board unanimously dismissed the appeal on this ground.*
- e. *There was no order as to costs and the appeal fee is to be returned.*
- f. *The Appeal Board's decision is final and binding on all parties.*

The reasons for the decision are stated in full below.

The following is a record of the salient points which we heard and is not intended to be and should not be taken as a verbatim record of the reasoning, submissions or evidence considered. These written reasons contain a summary of the principal evidence before the Appeal Panel and do not purport to contain reference to all the points made or considered, however the absence in these reasons of any particular point, piece of evidence or submission should not imply that the Appeal Panel did not take such point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, the Appeal Panel carefully considered all the evidence and material in this matter.

INTRODUCTION

1. Daniel Wills was charged by letter dated 31 January 2025 with:
 - I. E3.1 - Improper Conduct (including foul and abusive language)
 - II. E3.2 - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.
2. The case relates to allegations that Daniel Wills, a coach from Bursledon, made a sexist comment towards players from Bursledon. Words allegedly used are "it is like having a couple of girls at the back!" and/or "It's like playing with two girls at the back!". Or Similar.
3. The club responded to the charge via the whole game system, the case along with all documents was presented to The National Serious Case Panel on the 10th March 2025 as a Personal Hearing, this case was part of a consolidated hearing.
4. The Commission having considered the charges proven and imposed a 6- match suspension, 7 Club penalty points and ordered the Appellant to complete an online education course.

THE ISSUES TO BE DETERMINED ON APPEAL

5. . Principally there were one (1) ground of appeal issues which required determination at the hearing:
 - I. Did the Commission *come to a decision to which no such reasonable body could have come to?*

THE RELEVANT FA RULES

The relevant FA Rules

H. APPEALS TO AN APPEAL BOARD

H1 There shall be a right of appeal to an Appeal Board under the Rules and regulations of The Association only where the Rules and regulations of The Association expressly provide for such an appeal or in any other case where The Association, acting by the Chief Executive Officer (or his or her nominee), agrees to an appeal taking place.

H2 There shall be no right of appeal to an Appeal Board under the Rules and regulations of The Association where an appeal has been heard by the Premier League, or the EFL, or an Affiliated Association in respect of a decision of a Competition, or in respect of decisions arising out of competitions of Affiliated Associations where the rules and regulations provide that such decisions are final.

H3 An Appeal may be made only by:

H3.1 the person or body who is the subject of the original decision appealed against;

H3.2 The Association; or

H3.3 in respect of certain decisions made under and prescribed by the Anti-Doping Regulations, FIFA, WADA, or the NADO.

H4 An appeal shall be dealt with under the relevant regulations of The Association from time to time in force.

Regulation 14 *The chairman of an Appeal Board may upon the application of a party or otherwise, 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;

14.3 instructing that a transcript be made of the proceedings;

14.4 ordering parties to attend a preliminary hearing;

14.5 ordering a party to provide written submissions.

The decision of the chairman of the Appeal Board shall be final.

A - GENERAL PROVISIONS

4 The bodies subject to these General Provisions are not courts of law and are disciplinary, rather than arbitral, bodies. In the interests of achieving a just and fair result, procedural and technical considerations must take second place to the paramount object of being just and fair to all parties.

APPEAL BOARD DECISIONS

General

19 A decision, order, requirement or instruction of the Appeal Board shall (save where to be made under the Rules by the Chairman of the Appeal Board alone) be determined by a majority. Each member of the Appeal Board shall have one vote, save that the Chairman shall have a second and casting vote in the event of deadlock.

20 The Appeal Board shall notify the parties of its decision to the parties as soon as practicable in such a manner as it considers appropriate; and unless it directs otherwise, its decision shall come into effect immediately.

21 The Appeal Board shall have power to:

21.1 allow or dismiss the appeal;

21.2 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;

21.3 remit the matter for re-hearing;

21.4 order that any appeal fee be forfeited or returned as it considers appropriate;

21.5 make such further or other order as it considers appropriate, generally or for the purpose of giving effect to its decision.

21.6 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.

22 Decisions of the Appeal Board shall be final and binding and there shall be no right of further challenge, except in relation to appeals:

22.1 to CAS brought by FIFA or WADA pursuant to the Anti-Doping Regulations; or

22.2 concerning the amount of costs any party is ordered to pay by the Appeal Board (which is considered in paragraph 24 below).

Other Costs

23 Any costs incurred in bringing, or responding to, an appeal shall normally be borne by the party incurring the costs. In exceptional circumstances the Appeal Board may order one party to pay some

or all of the other party's costs. Such costs will not include any legal costs. Any applications for such costs must be made at the Appeal Board and must include details of the exceptional circumstances.

24 An appeal against only the quantum of costs ordered to be paid shall be heard and determined by either:

24.1 a single person appointed by Sport Resolutions (UK) (or a similar independent body as determined by The Association from time to time). That person shall decide all matters of procedure for how such an appeal will be conducted; or

24.2 where the appeal proceedings relate to a decision of an Affiliated Association; or a league operating at Step 5 or below of the National League System; or a league operating at Tier 3 and below of the Women's Football Pyramid, it shall be determined by the Judicial Panel Chairman, who shall decide all matters of procedure for how the appeal will be conducted.

Guidance: with regard to costs appeals under Paragraph 24.2, the Judicial Panel Chair may invite submissions from the National Game Disciplinary Chair (as defined in the National Game Chair Terms of Reference) when determining the matter.

Written Decision and Written Reasons

25 As soon as practicable after the hearing, the Appeal Board shall publish a written statement of its decision, which shall state:

25.1 the names of the parties, the decision(s) appealed against and the grounds of appeal;

25.2 whether or not the appeal is allowed; and

25.3 the order(s) of the Appeal Board.

26 The Appeal Board shall, upon the request of the appellant or the respondent (such request to be received at Association within three Business Days of the date of the notification of the decision), give written reasons for the decision.

THE APPEAL PANEL

6. The following members were appointed to hear the case were:

- 1. Evans Amoah-Nyamekye (Chair)**
- 2. Alec Berry**
- 3. Robert Purkiss**

The Secretary to the appeal panel was Conrad Gibbons to whom we are grateful for his assistance.

THE APPEAL HEARING

THE APPLICATION

The Grounds of Appeal

7. In summary the Appellant presented a 22 paragraphed response spanning over 9 and half pages. It must be stressed that the Appeal Board is not an opportunity to rehear or present evidence already considered at the initial hearing.
8. However in summary the written appeal application Mr Wills states: *'the commission failed to acknowledge, or highlight the falsified allegations. Mr. Wills is concerned the false allegation towards himself for the comment 'Man up & get on with it' supposedly said in an aggressive manner is a targeted, fabricated allegation. Mr. Wills is concerned that Mr. Atherton had wilfully mislead the FA by signing the Hampshire FA witness statement declaration. Mr. Wills questions how the commission can come to an outcome, as outlined in the commission's report. Upon careful consideration and review of the written statement provided by Ms. Manser, it has been established that Ms. Manser falsely accused Mr. Wills of saying, "Man up and get on with it." This was proven in relation to the allegation assigned by the commission to Mr. Berry under claim 12065322M, where Mr Simon Berry was found not guilty during the hearing, due to the comment being made from him to his son. Not only did Ms. Manser falsify her allegation, but she also further fabricated the statement. The proven statement directed towards Mr Simon Berry was, "You need to man up." The addition of "get on with it" towards an injured Bursledon player introduces perceived aggression and improper conduct which was told to have been allegedly said by Mr. Wills. Furthermore, during the hearing, Ms. Manser orally extended her statement to include, "Is someone going to make a challenge?" within the alleged comment 'it's like having girls at the back'. This additional commentary was not present in her written statement. This has parallels to the extension of proven fabrication in claim 1. Throughout the*

available evidence, including the commission's written reasons and the written statements provided by all parties, including the match official, there was no reference, evidence or support for the allegations made by Ms. Manser against Mr. Wills. Ms. Manser's claim that "everyone would have heard it" when accusing Mr. Wills of saying, "It's like playing with girls at the back" further highlights that why in all other reports, including the match officials have there been no supporting claims to this allegation. Ms. Manser's credibility is questionable, given the facts and information drawn from this case. Mr. Wills asserts that no reasonable body could have arrived at such a decision based on the evidence presented.'

Respondent's response

9. In response the Respondent states

'The Commission's decision was that Daniel Willis was found proven of the Charge on the evidence produced and read (I can confirm that all documents were available to the panel when they made their decision, and these were available on the whole game system. Taking into account the participants previous record, the panel imposed a suspension of 6 Match Ground Ban from all football and football activities including training, W.E.F. 10/03/2025; 7 PPTS.'

THE APPEAL BOARD'S CONCLUSIONS

10. The Appeal Board concluded that the County Football Association discharged their obligations without fault.
11. The Appeal Board concluded that the original Commission was entitled to come to the conclusions that they came to given the evidence presented at the original hearing.
12. The Appellant was able to present his case to the original Commission and was simply not able to persuade the original Commission of his version of events.
13. The sanction given to the Appellant was the minimum 6 matches, this cannot be criticised.
14. The Appeal Board concluded that on the grounds presented there was no merit in the appeal application presented.

ANSWERS TO THE ISSUES TO BE DETERMINED

15. Principally there was one (1) ground of appeal which required determination at the appeal hearing:

- I. Did the original Commission come to a decision to which no such reasonable body could have come to.? **Answer NO.**

THE FINAL DECISION'S OF THE APPEAL PANEL

16. The Appeal Board, having given the appeal bundle and written representations careful consideration, made the following observations:

- a. The Appeal Board thanks the parties for their written submissions.*
- b. The Appeal Board noted that the Appellant was appealing on the following ground:*
 - i) Came to a decision to which no such reasonable body could have come to.*
- c. The Appeal Board unanimously dismissed the appeal on this ground.*
- d. There was no order as to costs and the appeal fee is to be returned.*

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

18. Decisions of the Appeal Panel shall be final and binding and there shall be no right of further challenge, except in relation to appeals:

- I. to CAS brought by FIFA or WADA pursuant to the Anti-Doping Regulations; or
- II. concerning the amount of costs any party is ordered to pay by the Appeal Board.

Signed The Commission:

THE COMMISSION

- 1. Evans Amoah-Nyamekye (Chair)**
- 2. Alec Berry**
- 3. Robert Purkiss**

31 March 2025