

Matter: Appeal – E3 and E20 Improper conduct
Ref: 12091438M and 12091433M
Panel date: 19 May 2025

**Dorking Wanderers Youth and
Richard West (Appellants)
and
Surrey FA (Respondent)**

Judicial Panel Members:

Miss N Zulfiqar (Independent Chair)
Mrs Harrop-Griffiths (Independent member)
Mr R Purkiss (Independent member)

Decision:

We considered the additional video footage submitted on behalf of the Appellants.

We admit the response to the appeal by the Respondent despite it being sent late.

Dorking Wanderers Youth - We dismiss the appeal.

Richard West – The appeal on the ground that the sanction was excessive is successful. We dismiss the appeal on the remaining grounds.

Richard West shall serve a five (5) match ground ban.

The fine £60 and club penalty points remain unchanged.

Our reasons are below.

1. Summary of background

- 1.1. On 13 February 2025 the Respondent charged the Appellant Richard West with a breach of FA Rule E3 – Improper conduct (including violent conduct and threatening and/or abusive language / behaviour). The charge was denied on 18 February, and Mr West requested that the case was dealt with on the papers.
- 1.2. Also on 13 February 2025, the Respondent charged the Appellant club, Dorking Wanderers Youth (the club) with a breach of FA Rule E20 – failed to ensure directors, players, officials, employees, servants, representatives attending any match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative. The charge was denied on 19 February and the club requested that the case was dealt with on the papers.
- 1.3. Other charges were raised against the opposition club and a player that were consolidated with the above charges against the Appellants. A disciplinary panel convened to hear evidence in relation to some of the other charges and to consider the allegations in respect of the Appellants on the papers.
- 1.4. The disciplinary panel convened on 10 and 18 March 2025 (in relation to all four participants) and found the charges proven against Mr West and the club. Mr West was given a seven-match ground ban from 7 April 2025 and fined £60. The club was warned

as to its future conduct and fined £65. A total of 15 penalty points were imposed on the club.

2. The appeal

- 2.1 The club and Mr West were informed of the outcome on 25 March 2025. On 27 March Paul Whitelock, the Youth Chairman of the club notified Judicial Services of an intention to appeal. Both our bundles refer only to case ref: 12091438M as the subject of the appeal. However, we note that on 31 March 2025 the Judicial Services team confirmed it had received notice of an intention to appeal both decisions (case ref: 12091433M and 12091438M).
- 2.2 On 1 April 2025 the Respondent was sent the notice of appeal and asked to provide its response together with the paperwork relied on by the disciplinary panel. David Miller from Surrey FA replied on 23 April 2025 providing the paperwork and links to videos it had received during its investigation. We shall refer to these below.

The grounds for the appeals

- 2.3 Both decisions are appealed on the same grounds, and we note the representations are the identical. The grounds relied on are that the disciplinary panel:
- 2.3.1 failed to give the participants a fair hearing and/or
 - 2.3.2 misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision and/or
 - 2.3.3 came to a decision to which no reasonable such body could have come and/or
 - 2.3.4 imposed a penalty, award, order or sanction that was excessive.
- 2.4 Specifically, the reasons given for appealing are:
- 2.4.1 Failed to give a fair hearing: vital video evidence was not considered. This proved Mr West was attacked and the only person restrained was the perpetrator. They saw players/spectators talking to each other and the referee. VEO footage was stopped six minutes before the end of the game.
 - 2.4.2 Misinterpreted or failed to comply with rules: 'Video evidence not used and or invited the coach that took these videos therefore could not give evidence.'
 - 2.4.3 Came to a decision to which no reasonable body could have come: the same reasons 'as above.'
 - 2.4.4 Excessive penalty or sanction: Mr West was attacked and the video evidence would have shown this. He had marks on his face and lost a tooth. He did defend himself pushing the attacker away. He ended up in hospital and was asked by the police about whether he wanted to press charges. He is being punished for volunteering and getting assaulted. Vital video evidence was not used.
- 2.5 The notice of appeal refers to video footage that was submitted to the Respondent and not used. It is therefore not new evidence. It is stated that the hearing was flawed as vital evidence was disregarded due to a technicality that is unclear. Both Appellants feel let down by a process that was unfair and not properly followed. They say the sanctions imposed are unfair and unreasonable as the correct process was not followed.
- 2.6 It is stated that leniency was shown towards a player and the opposition club. Crucial evidence proving Mr West was punched was not considered and there is additional

footage showing a coach was condoning a player's aggressive behaviour while being restrained.

- 2.7 The Appellants say the decision is flawed due to 'incomplete evidence review' and this evidence may have altered the outcome.

Response from the Respondent – Surrey FA

- 2.8 Its response to the appeal grounds is limited to brief factual information about the charges raised and the outcome (page 12 of our bundles). There is no specific response to the grounds of appeal.
- 2.9 In relation to the video footage the Respondent in its email sent on 23 April 2025 said one video was sent by the club during the investigation. Other videos sent in a separate link were submitted by the club after the charges were raised so they were not served on the other participants, and presumably not included in the bundle considered by the disciplinary panel.

3. Reasons

- 3.1 We met as an appeal panel on 19 May 2025 and considered the application on the papers. We decided to dismiss the appeal in respect of the club and to partially allow Mr West's appeal.
- 3.2 We reminded ourselves that we were reviewing the decision of the disciplinary panel. This means that we should only interfere with it if it falls outside the bounds of reasonable decision making. We are not considering the matter afresh and we cannot substitute our own decision for that of the disciplinary commission just because we may disagree with it. We must also consider the fact that the disciplinary panel heard from Mr West (and others) and had the opportunity to question him regarding the incident. It assessed the reliability and credibility of their evidence.
- 3.3 The reasons for our decision are:

New evidence

- i) We agreed to accept the video evidence and considered it. The disciplinary panel were not aware of its existence. Had they been aware, they had a discretion to admit it. Although the bundle was served on the Appellants, they did not raise the omission of the videos in their representations. In the interests of fairness, we decided to accept the videos and viewed them. They consisted of short extracts of conversations between two coaches, presumably after the confrontation.

Fair hearing / The panel came to a decision which no reasonable body would have come to.

- ii) It is not our role to replace the decision of the disciplinary panel with our own decision. We have reviewed the reasons, which we accept are brief in some parts. However, the decision is not outside the bounds of reasonableness.
- iii) **Mr West:** Although Mr West denied the allegation against him and requested it was dealt with on the papers, he did in fact give evidence to the disciplinary panel. He was called as a county witness in relation to an allegation he made

against a player. We noted that Mr West gave evidence about what happened, and the disciplinary panel considered this when deciding the charge against him and also a player. The reasons state at paragraph 15.2.3 that Mr West gave evidence for a 'significant amount of time in order for his version of events to be established.'

- iv) At paragraph 13.2 of its decision the disciplinary panel concluded that Mr West used violent conduct towards a player. They explained their reasons in paragraphs 15.2.6 and 15.2.7, referring to the evidence of the referee and the coach. They concluded this evidence was corroborated.
- v) The disciplinary panel also referred to video footage of the incident involving Mr West which showed 'the linesman grabbing a player' and they ended up on the floor. It did not show the player striking the linesman.
- vi) We have considered the additional video footage provided by the club and Mr West. It consists of short conversations between two coaches, presumably after the incident. Statements are being made by the Dorking Wanderers coach to the opposition coach. The opposition coach accepts some responsibility on behalf of his team. However, the video footage does not prove, as submitted, that Mr West was attacked and the only person restrained was the player. They are conversations that happened between two individuals, and it is not clear from the extracts what specific incident they are discussing. Even if it was clear, the extracts in the videos are bare statements and insufficient for us to interfere with the decision of the disciplinary panel. Put simply, what is being said in these videos is not proof of anything.
- vii) The evidence was assessed to the correct standard of proof and the charge was found proven. For these reasons we do not consider that the decision in respect of Mr West was unfair or unreasonable.
- viii) **The club:** In relation to the club, no specific reasons are provided about why the E20 decision against its players and officials is unfair or unreasonable. The club's main focus is on the video footage, presumably proving that its players/officials were not engaged in improper conduct. It states the video evidence was not admitted and therefore the coach that recorded it could not give evidence. We do not accept this. The club was asked to provide statements from anyone attending the game. It did so. It had the opportunity to obtain a statement from its coach and chose not to do so.
- ix) Although the reasons at paragraph 15.2.8 of the decision could have been more detailed, it is apparent that the panel considered the evidence in the bundle and decided that players from both teams were involved in a mass confrontation. There is evidence of pushing and shoving from both sides and the referee was considered an impartial witness. We do not find any reason to interfere with the decision of the disciplinary panel.

Misinterpretation of the FA rules

- x) The same reasons are given on behalf of the club and Mr West in support of this ground, namely that the video footage was not included in the evidence. The disciplinary panel was unaware of the additional video footage. It did not misinterpret any rules, and no specific rule and/or how or why it has been misinterpreted is referred to in the appeal grounds. We decided to accept the

additional video footage. We therefore dismiss this ground of appeal for both appellants.

Excessive sanction.

- xi) **The club:** We do not find the sanction was excessive. The panel could have elaborated on its reasons by identifying aggravating and mitigating factors for the sanction. It referred in paragraph 17.2 to assessment of the incident as low to medium and that it considered the aggravating and mitigating factors. None were specifically identified. However, for the club the decision refers to the previous record which is extensive, and it was fined £65. This is reasonable and we can find no reason to interfere with this sanction.
- xii) **Mr West:** No specific aggravating and mitigating factors were identified for imposing the seven-match ground ban. We reviewed these and considered the aggravating factors were that Mr West was acting in an official capacity and that it was a youth game. Mitigating factors were that it was not premeditated and Mr West has a clear disciplinary history.
- xiii) Given that the disciplinary panel assessed the incident as low to medium, with which we agree, we decided that the sanction was excessive. We reduce the ground ban to five matches. The fine remains at £60 as this is consistent with the low to medium range of fines.

3.3 The remainder of the appeal grounds are dismissed.

3.4 There is no order as to costs and the appeal fee is forfeited for the club.

3.5 As Mr West's appeal is partially successful, his appeal fee is to be reimbursed.

3.6 Our decision is final and binding on all parties.

Miss N Zulfiqar (Chair)
21 May 2025