

IN THE MATTER OF A FOOTBALL ASSOCIATION  
APPEAL BOARD

BETWEEN:

SCOTT BANKS

and

KENT COUNTY FOOTBALL ASSOCIATION

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WRITTEN REASONS AND DECISION OF THE APPEAL BOARD

FOLLOWING THE HEARING ON 9 MAY 2025

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1. These are the written reasons for a decision made by an Appeal Board (“the Board”) which sat via video conference on 9 May 2025.
2. The Appeal Board members were Mr. Simon Parry, (Chairman, and Independent Legal Panel Member), Mr. Glenn Moulton (Independent Football Panel Member) and Mr. Paul Richardson (Independent Football Panel Member).
3. Richard Pallot of the Cornwall FA acted as Secretary to the Board.

#### CHARGE AND FIRST INSTANCE PROCEEDINGS

4. By letter dated 24 February 2025 Kent FA (“the Respondent”) charged SB (“the Appellant”) with a breach of FA Rule E3 - Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
5. The matter had been investigated by the Respondent FA and a bundle of evidence prepared. The Respondent relied on the Reports and further information from the three Match Officials and correspondence from the Appellant's club, New Romney FC ("NRFC"). For the purposes of this Appeal, it is not necessary to rehearse the evidence, save for the information provided by NRFC. That was contained within an email from Darren Heales of NRFC which confirmed that Appellant was wearing the number 12 shirt. It went on to say "*In response from Scott, he remembers bumping into the*

*officials in the tunnel when returning to the changing room. The tunnel at Folkestone by the officials (sic) changing room is very tight. No club officials saw the incident so cannot comment further. The lack of him asking to be let through has not help (sic)".*

6. In response to the Charge a response was received on the Whole Game System from NRFC dated 5 March 2025. It accepted the Charge and requested that it be dealt with by way of a paper hearing.
7. Thereafter, the Respondent convened a Disciplinary Commission on 17 March 2025. A National Serious Case Panel Chair, Alban Brahim, determined the case sitting alone. In the Written Reasons of the same date the Chair found the case proven and proceeded to sanction the Appellant.
8. The Appellant was sanctioned with an immediate suspension of 357 days from all football activity (which included an uplift of 30 days to give effect to the off-season period), the completion of a face-to-face FA education programme, a fine of £150 and 8 penalty points imposed on NRFC.

#### APPEAL PROCEEDINGS

9. By written Notice (undated), the Appellant seeks to challenge the original decision. The available Grounds of Appeal to an Appellant are set out in the FA Disciplinary Regulations at Section C2. The grounds are that the body whose decision is appealed against:
  - a) failed to give that Participant a fair hearing; and/or
  - b) misinterpreted or failed to comply with the Rules and Regulations of The Association relevant to its decision; and/or

- c) came to a decision to which no reasonable such body could have come; and/or
  - d) imposed a penalty, award, order or sanction that was excessive.
10. The following is a summary of the principal submissions provided to the Board. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point or submission should not imply that the Board did not take such point or submission into account when the members determined the matter. For the avoidance of doubt, the Board carefully considered all the evidence and materials provided to it.
11. The Appellant commendably focussed his grounds of appeal and relies on the first of the available grounds of appeal alone, namely that he was denied a fair hearing. In his written Notice, the Appellant set out his complaint which, in essence, was that the guilty plea was entered by NRFC without his knowledge or instruction. The first that he knew of the case being found proven and the sanction imposed was when he received the Decision Letter dated 20 March 2025.
12. The Respondent provided a written response to the Notice of Appeal dated 22 April 2025. That response was drafted by Mark Bright, Football Services Officer (Discipline) and who appeared before us. The Respondent submits that the Disciplinary Commission proceeded on the basis of the information before it, i.e. a guilty plea, and that no fault could be attributed to either the Respondent or the Commission.

## APPEAL HEARING

13. The Appellant presented his Appeal to us in person. We are grateful for the focus and clarity of his submissions, amplifying the points raised in his Notice. Mr Bright similarly amplified the Respondent's written submissions succinctly, for which we are equally grateful.
14. The chronology of events is central to our determination of this Appeal. Having heard the submissions of the Appellant, we are entirely satisfied that he was made aware of the Referee's report by NRFC in February 2025 at some point after the fixture on 15 February. We accept that he was told of the Charge on 4 March 2025, the day before NRFC responded to the Charge. We accept that when notified of the Charge the Appellant did not expressly inform NRFC that he wished to plead guilty. Indeed, we accept his submission that he did in fact tell them that he wanted to appeal against it. We note that the Appellant mistakenly uses the word "appeal" when referring to what was his desire to contest the Charge by way of a not guilty plea. Further, we accept that the first the Appellant knew of the finding against him and sanction was on or around 20 March 2025.
15. The Board is unanimous in its view that the Disciplinary Commission proceeded on a false premise, namely that the Appellant had accepted the Charge. In forming that view, it is important to observe firstly that there can be absolutely no criticism of the Respondent and their conduct of the disciplinary process. Similarly, there can be no criticism of the Disciplinary

Commission itself, which determined the proceedings entirely in accordance with the proper procedures for a guilty plea case. The Written Reasons of the Commission, both in terms of liability and sanction, are unimpeachable. Indeed, the Appellant does not seek to criticise them in any way.

16. The Board is satisfied that this Appellant was denied the opportunity to put his case as he wished to do. No fault can be attributed to him, the Respondent or the original Commission. We therefore allow this appeal on the single ground that the Appellant was denied a fair hearing.
17. We quash the decision in respect of both liability and sanction dated 17 March 2025. We direct that the Appellant's case be remitted to the Respondent FA who will convene a fresh Disciplinary Commission to hear the case. The Appeal Fee shall be returned to the Appellant. We make no order as to costs.

### OBSERVATION

18. In allowing this appeal, we note that this case is another example of an increasing frequency of cases where Appellants assert that their cases were dealt with in their absence and without their knowledge. In some cases that will be true, in others it is merely a false attempt to challenge an adverse outcome. The grassroots football disciplinary system relies on club secretaries to discharge the responsibilities of informing a Participant of a charge and responding on their behalf. Whilst we acknowledge that

grassroots club secretaries are in the main volunteers, giving of their time and skills freely. The vast majority of them discharge their responsibilities with care and diligence, but some do not. In our judgment this is a case where the Appellant's club did not do so. In that failure, they put this Appellant at risk of a significant and substantial ban from football. It seems to us that the FA should consider the possibility of changing the grassroots disciplinary systems so that the responsibility for accepting or denying charges rests on the person charged rather than club secretaries.

Mr. Simon Parry (Chairman)

Mr. Glenn Moulton

Mr. Paul Richardson

19 May 2025