

IN THE APPEAL OF:

DEAN MCMANUS (the appellant)

9th May 2024

The Panel

Rossano Scamardella K.C. (Chair)

Simon Parry

Roger Burden

Secretary

Conrad Gibbons – Senior Judicial Services Officer

The Representation

Mark Thompson for Mr McManus

Jonny Ricketts for Kent F.A. (the respondent)

INTRODUCTION

1. On the 12th March 2024, the respondent charged the appellant with;
 - i. Misconduct for a breach of FA Rule 3 – Improper Conduct against a match official (including foul and abusive language). This involved repeated use of abusive language, such as ‘*cheating cunt*’, ‘*you are cheating under 9s*’ and ‘*you are an embarrassment and not fit to referee*’. This was charge one.
 - ii. Misconduct for a breach of FA Rule 3 – Improper Conduct, Assault of a Match Official. This involved Mr McManus assaulting the referee by spitting in his face. This was charge two.

2. Kent F.A. received a response to the charges on the 18th March 2024, which indicated that the appellant denied both charges. The appellant requested that the hearing be dealt with in his absence at a correspondence hearing.
3. The Football Association National Serious Case Panel Disciplinary Commission, sitting on behalf of Kent County Football Association, sat on the 22nd March 2024, and heard the matter on the papers submitted by the parties. The allegations were denied.
4. In a full and reasoned written ruling, Lea Taylor (sitting alone), set out the findings, and both charges were proved to the requisite standard.
5. For charge one, the appellant was suspended for a period of five matches (ground ban) and for charge two, Mr McManus was suspended from all football activity for a period for seven years and six months. In addition, Mr McManus was ordered to complete an education programme before the suspension has been served.

THE FACTUAL BACKGROUND

6. On the 25th February 2024, Clive Lidster, officiated a match between Cliffe Woods Colts under 9s and Ditton Minors under 9s, in the Maidstone Invicta Primary League, under 9 Shield.
7. During the first half of the match, players, officials and some spectators thought Cliffe Woods Colts had scored a goal, the match referee disagreed and no goal was awarded. The reaction to this decision, particularly by the appellant (the assistant manager of Cliffe Woods Colts under 9s) was abusive, foul-mouthed, and ultimately violent.
8. The referee was subjected to a tirade of foul-mouthed abuse including '*cheating cunt*', '*not fit to ref*' '*embarrassment*' '*you are cheating under 9s*'. The appellant was shown a red card for his behaviour and shortly after, and whilst still abusing the referee, the appellant spat directly into his face. Even after the incident, the appellant continued to abuse the referee, whilst sitting on a playground stool, smoking a cigarette.

THE APPEAL

9. The appellant's grounds of appeal were that;
 - i. The commission failed to give him a fair hearing.
 - ii. The commission came to a decision to which no reasonable body could have come.
10. It is worthy of note that the appellant did not formally challenge the sanction imposed upon him.

DETERMINATION

11. The Appeal Board reminded the appellant's representative at the beginning of the hearing for the need to focus with specificity on the grounds of appeal. It was made plain that a rehearsal of arguments on the facts were neither helpful nor productive.
12. The appellant did not seek to argue against the finding that he was guilty of charge one, nor did he complain about the sanction. The focus of the hearing was on charge two.
13. In respect of charge two, the Appeal Panel unanimously dismissed the appeal, as wholly without merit, for the following reasons;

Fair Hearing

- i. It was the appellant's choice to deny himself the opportunity for a personal hearing.
- ii. The written reasons demonstrate a measured, balanced, and comprehensive analysis of the facts of the allegations.
- iii. There is no evidence whatever that the hearing was conducted unfairly, nor could the appellant point to any unfairness.

iv. This ground of appeal was devoid of any merit.

Came to a decision to which no reasonable body could have come.

- i. The complaints made by the appellant focussed on the factual findings of the commission of first instance, and did not address with clarity, the ground of appeal.
- ii. There was a regrettable focus by the appellant on a perceived pre-existing bias by the referee against his team. The Appeal Panel did not find any evidence to support this nor was it felt to be a helpful approach.
- iii. The findings made at first instance followed a comprehensive and balanced analysis of the available evidence.
- iv. It is often the role of the first instance panel to decide which version of events they favour, and in this instance the assessment of the evidence was entirely a matter for Lea Taylor. This included an assessment of the reliability of the witness testimony.
- v. Having conducted the thorough assessment of the evidence, the findings of fact at paragraph 44 and 45 of the written reasons were all proper conclusions that a reasonable body could have reached.
- vi. This ground of appeal was devoid of any merit.

Sanction

- i. The appellant did not lodge a ground of appeal against the sanction imposed upon him, but for the sake of completeness, I address it in this document.
- ii. The sanctions imposed on both charges followed meticulous consideration of the sanctions guidelines for offences of this type. This included an assessment of the aggravating and mitigating features of each allegation.

- iii. There can be no complaint whatever about either sanction imposed upon the appellant. As with the assessment of the evidence and factual findings, the issue of sanction was dealt with impeccably.

CONCLUSION

14. For the reasons set-out above, Mr McManus's appeal was dismissed. Whilst we understand that the imposition of such a lengthy ban from football activity is disappointing to Mr McManus, there can be no complaint.

Rossano Scamardella K.C.

28th May 2024.