

APPEAL BOARD OF THE FOOTBALL ASSOCIATION

BETWEEN:

LINCOLN BELLETT (Appellant)

-and-

ESSEX FA (Respondent)

WRITTEN REASONS OF THE APPEAL BOARD

Appeal Board: Sally Davenport (Chair) – Independent Legal Panel Member

Kristian Jones – Independent Legal Panel Member

Royston Schafer – FA Council Member

Secretary: Shane Comb – FA National Secretary, Wiltshire FA

Date: 9 December 2024

Venue: Held remotely via Microsoft Teams

INTRODUCTION

1. The Appeal Board was appointed to determine an appeal by Lincoln Bellett (“the Appellant”) against the decision of a Disciplinary Commission (“the Commission”) sitting on behalf of Essex FA (“the Respondent”). No objection was raised concerning the composition of the Appeal Board.

2. The Appeal Board had before it a bundle (“the Appeal Bundle”), which contained the following documents:
 - Notice of Appeal
 - Response to Notice of Appeal
 - Papers of First Instance
 - Participant Offence History
 - Results Letter and Written Reasons

3. This document summarises the reasons for the Appeal Board’s decision.

BRIEF BACKGROUND FACTS

4. At the relevant time the Appellant was a player with Lawford Lads FC (“Lawford”). On 21 September 2024 Lawford played a match (“the Match”) against Great Bradfords FC Firsts (“Great Bradfords”). After the Match the referee submitted an extraordinary incident report form, reporting on an incident involving the Appellant (“the Incident”) as follows:

“After the final whistle, lawford players approached the club assistant referee, in regards to an earlier decision, which did not go Lawford way. Their were words exchanged between the assistant from Great Bradfords who I believe to be Alfie Sutton and the lawford player Lincoln Bellett, and then I have seen the lawford player raise his fist and make a connection to the lower part of the chin with Alife Sutton, I did check on the Great Bradfords assistant and their was no bleeding etc, I also feel their wasn’t much force used when he connected with Alfie.

I therefore dismissed the player after the final whistle for violent conduct towards my club assistant”.

5. The Respondent investigated the Incident and obtained further information from the referee, together with statements from the Appellant, a Lawford player and a Lawford spectator. It also corresponded with Great Bradfords. Great Bradfords did not provide any statements, but did provide video footage of the Incident (which could not be used in the disciplinary proceedings because it had expired before it could be viewed).

6. By letter dated 7 November 2024 (“the Charge Letter”) the Respondent charged the Appellant with using violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 (“the Charge”). It was further alleged that this constituted attempted assault against a match official as defined in The FA Regulations. The specific allegation was that following the full time whistle the Appellant was seen by the match official to approach the club assistant referee from Great Bradfords and strike and/or punch him or similar, resulting in a red card for violent conduct.
7. On 12 November 2024 Lawford submitted a response through The FA’s Whole Game System (“WGS”) accepting the Charge and asking that the matter be dealt with by correspondence. Lawford also submitted an email in support of the Appellant, stating as follows:

“This behaviour is out of character for Lincoln who simply reacted by pushing someone away due to comments being made about his family, he fully regrets his actions and even apologised on the day.

Lincoln owns his own business creating bespoke fitness and diet plans for people, this speaks volumes of Lincoln’s good nature as he is always on hand to help people improve themselves.

As stated in referee Matt Jarvis’s statement there was not much force used in the push to the great Bradfords substitute / assistant referee, I feel that he may not have thought much of the incident given he didn’t wish to make a statement of what happened and great Bradfords failed to provide any further witness statements from anyone, they even had to be chased by the investigators for statements due to not replying. This shows to me that the incident was deemed something of nothing where things got unnecessarily heated. To which I’m sure both parties regret their actions.

Lincoln has been a player at lawford since the age of 6 playing youth football right up to under 18s and from there progressing to the senior section. Having a very positive run in the reserves team over the past 2 seasons, receiving call ups to the first team on many occasions.”

FIRST INSTANCE DECISION

8. A Disciplinary Commission (“the Commission”) consisting of a Chair sitting alone dealt with the Charge at a hearing on 13 November 2024. The Chair considered all the evidence and

found the case against the Appellant proven by admission. The Chair was advised that there were no proven misconduct charges against the Appellant in the last five years and then went on to consider the mitigating and aggravating factors applicable to sanction, as she was required to do. Having done that, she imposed the minimum permitted sanction for an offence of attempted assault against a match official, namely an immediate suspension from all football and footballing activity for three years. The Appellant was also ordered to complete a face-to-face education workshop and Lawford was given nine penalty points. A letter confirming the outcome was sent to Lawford on 14 November 2024 (“the Outcome Letter”). Written reasons of the Commission dated 13 November 2024 (“the Written Reasons”) were also provided.

9. Following receipt of the Outcome Letter, a Notice of Appeal was submitted on the Appellant’s behalf.

THE APPEAL REGULATIONS

10. Regulation 2 of the Appeals – Non-Fast Track Regulations (“the Appeal Regulations”) sets out the grounds upon which a participant may appeal a first instance decision. They are:

“... the body whose decision is appealed against:

2.1 failed to give that Participant a fair hearing; and/or

2.2 misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision; and/or

2.3 came to a decision to which no reasonable such body could have come; and/or

2.4 imposed a penalty, award, order or sanction that was excessive.”

11. Regulation 12 of the Appeal Regulations states:

“An appeal shall be by way of a review on documents only. The parties shall however be entitled to make oral submissions to the Appeal Board. Oral evidence will not be permitted, except where the Appeal Board gives leave to present new evidence under paragraph 10 above.”

12. Regulation 21 of the Appeal Regulations sets out the powers of the Appeal Board, including the power to allow or dismiss the appeal and the power to exercise any power which the body against whose decision the appeal was made could have exercised.

THE APPELLANT’S CASE

13. The Notice of Appeal indicated that the Appellant relied on one of the four grounds of appeal cited in paragraph 10 above, namely that the Commission had imposed a penalty, award, order or sanction that was excessive.

14. The assertion that the sanction was excessive was expressed in the following terms:

“The club and Lincoln feel this sanction is excessive due to that this was a club assistant referee, he had no injuries and didn’t submit a statement to assist with the charge assuming he felt that it was not necessary, it is also worth noting that the referee reported in his statement not much force was used based on what he see.

It is also felt that Lincoln’s mental health needs to be considered that such a lengthy ban would be detrimental to his mental health, given that this lad lives and breathes football. Not being able to play due to a silly mistake in pushing someone away which he has shown remorse for and under the circumstances that had been explained in the statements provided.”

THE RESPONDENT’S RESPONSE

15. The Respondent sent a short email on 20 November 2024 (“the Response”), stating that the Written Reasons provided sufficient commentary as to how the decision on sanction had been reached.

DECISION

16. The Appeal Board noted that there was no suggestion in this case that the Appellant had been unaware of the Charge or of the potential sanctions. Nor had he suggested that the process had been in any way unfair. It noted that the Appellant had admitted the Charge, even though his account of events differed from that of the referee. It had been open to him to deny the

Charge and test the evidence. It was clear from the Written Reasons that the Chair had reviewed all the evidence before finding the Charge proven on the basis of the Appellant's admission. It was equally clear that the Chair had properly considered all relevant aggravating and mitigating factors when making her decision on sanction. They included the points mentioned in the Notice of Appeal about minimal force, the lack of a statement from the Great Bradfords assistant referee and the Appellant's apology. Those factors had led the Chair to impose the minimum sanction open to her, namely a three-year ban. There was therefore no merit in the argument that the sanction was excessive.

17. The Appeal Board noted the comment in the Notice of Appeal regarding the impact on the Appellant's mental health of the lengthy sanction. No medical evidence was provided in support of this assertion, but even if it had been, the Appeal Board would not have been able to disapply the sanction guidelines. It had no power to reduce the sanction below the mandatory minimum.
18. The Appeal Board accordingly dismissed the Appellant's appeal. It ordered that the appeal fee be forfeited. The decision of the Appeal Board is final and binding and there is no further right of challenge.

COSTS

19. The Appeal Board then moved on to consider whether it should make a costs order against the Appellant. It took the view that this was an appeal that had had no reasonable prospect of success from the outset, for the reasons outlined above. Furthermore, given that the Appellant was made aware of the sanction range (three to five years with a recommended entry point of four years) in the Charge Letter, viewed objectively he should have reasonably known or appreciated that he had already been given the lowest possible sanction. The Appeal Board was therefore minded to make an order for costs against the Appellant. Before doing so, it invited submissions from the Appellant.
20. The Appellant made submissions in the following terms:

“We believe the appeal cost should be forfeited as everyone is entitled to an appeal, an appeal fee has been paid and that should be the end of it.

Also, it is worth noting that although it is in the documentation sent over about the appeal process it can be very easily missed, as we did and this should be outlined more clearly when starting the appeal process.”

21. The Appeal Board does not accept that everyone is entitled to an appeal. The Outcome Letter made it clear that the appeal process is not an opportunity to have a case reheard. There were no valid grounds for appeal in this case and the Appellant should have realised that when considering whether to appeal. The Appeal Board therefore concluded that a costs order was appropriate. It considered the Appellant’s submissions, and the factors listed in the cost orders guidelines. The lack of merit in the appeal was a key factor in both the decision to impose costs and the amount of those costs. The Appeal Board did not agree that it should not order costs or should reduce the amount of the costs order due to a lack of understanding of the process. The Appellant had confirmed that the documentation provided to him did make it clear that an Appeal Board has the power to make a costs order. The onus is on an Appellant to familiarise himself with the Appeal Regulations. In this instance the Appellant was supported by Lawford, who should also have taken the time to understand the Regulations. The Appeal Board did not consider that the forfeiture of the appeal fee was a sufficient sanction, noting also that the Appellant had not had any financial penalty imposed at first instance.

22. The Appeal Board noted that for players of clubs outside the NLS, the appropriate costs range was £25-£100. The Appellant did not provide any information regarding his means and ability to pay. Taking all of the factors referred to in paragraph 21 above into account, the Appeal Board decided that a proportionate costs order would be £75. Payment must be made to The FA within 35 days of the date of notification of these Written Reasons. If the Appellant fails to pay within this time period, this will result in an automatic increase of 25% of the amount due; failure to then pay within a further 35 days will result in an automatic suspension from all-football activity. The decision of the Appellant as to the quantum (amount) of the costs order only may be appealed to the Judicial Panel Chair.

Sally Davenport

Kristian Jones

Royston Schafer

13 December 2024