

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION

BETWEEN:

MIA LOCKETT

Appellant

and

LONDON FA

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board (the ‘**Tribunal**’) was appointed to consider an appeal in accordance with The Football Association’s (the ‘**FA**’) Disciplinary Regulations – Appeals 2023/24 (the ‘**Appeal Regulations**’) brought by Mia Lockett (the ‘**Appellant**’) by an undated Notice of Appeal (the ‘**Notice**’).
2. By way of the Notice, the Appellant appealed against the decision of the Disciplinary Commission (the ‘**Commission**’) dated 28 December 2023, to sanction the Appellant to a six-match ban from all football activities, including a ground ban as from 21 December 2023 and a fine in the sum of £75.00. The Appellant was also ordered to complete an online FA Education course prior to the completion of the sanction.
3. The appeal was heard at 1pm on 19 February 2024 via Microsoft Teams (the ‘**Appeal Hearing**’). The Appellant attended along with Mr. Jatin Guntupalli, Assistant Club Secretary for Dulwich Hamlet FC. Mr. Guntupalli was there as an observer. The Respondent was represented by Mr. Jordan Crichlow (‘**JC**’), the Investigation Officer for the Respondent. Mr. Jack Mason, of West Riding FA – FA National Secretary, acted as the Secretary for the Appeal Hearing.
4. The Tribunal had before it (1) the papers before the Commission; (2) the Commission’s written reasons (3) the Appellant’s Notice and grounds of appeal; (4) the Respondent’s response; (5) the Appellant’s offence history
5. This document constitutes the written reasons for the Tribunal’s decision. The Tribunal considered the entirety of the materials that the parties put before it. If it did not explicitly refer to a particular point, document, or submission, it should not be inferred that it had overlooked or ignored it; as mentioned, the Tribunal considered the entirety of the materials put before it.

Background

6. On 26th September 2023, the Respondent charged the Appellant, a player of Dulwich Hamlet FC ('**DHFC**') with the following:
 - i. Charge 1: FA Rule E3 – Improper Conduct (Including foul and abusive language).
 - ii. Charge 2 - FA Rule E3(2) – Improper Conduct – aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.
 - iii. It was alleged that the Appellant used abusive an/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1, and it was further alleged that this was an aggravated breach as defined by FA Rule E3.2 because it includes a reference to colour. Specifically, this refers to the comment(s), "*Lol you monkey, shut up man*", or similar.
7. The above is alleged to have occurred during a match between DHFC and Ebbsfleet United Women First on 3 September 2023 (the '**Match**').
8. The Appellant denied all charges and a personal hearing was requested.
9. A Commission was convened to adjudicate this case on 18th December 2023 as a personal hearing. It was to be conducted "virtually" via Microsoft Teams (the '**Principal Hearing**').
10. The Commission determined that the Appellant did make the alleged comment[s] as set out in para. 6 (iii) above and found that the E3 and E3(2) Charges were both PROVEN.
11. The Commission decided that the appropriate sanction was as follows:
 - a) The Appellant serve 6 matches suspension from all football activities. This included a ground ban.
 - b) The Appellant is fined £75.00 (Seventy-five Pounds).
 - c) 9 Club penalty points shall be credited to the Appellant's Disciplinary Record.
 - d) The Appellant was to complete an online FA Education course prior to the completion of the sentence. Failure to do so would result in the Appellant remaining under suspension until such time as the online FA Education course has been completed.
12. The Appellant appealed the Commission's decision in an undated Notice of Appeal and Statement of Facts.

13. The Appellant sets out 1 ground of appeal, these being:

- i. The Commission came to a decision to which no reasonable such body could have come.

The Appellant's Submissions

14. The Appellant began by referring to her written submissions in the Appeal Bundle¹. She explained that Asenteni Charles ('AC') and the Appellant had 'history' in that they both played together in the same team – Billericay FC. The Appellant went on to say that she had taken AC's place in the team, and that AC had reacted badly to this - which resulted in her leaving the team.
15. The Appellant added that there had also been an altercation between the two players last season (22/23) which resulted in AC being removed from the pitch after a bad challenge on ML.
16. This information (as far as the Appellant was concerned) was completely disregarded by the Commission during the Principal Hearing.
17. The Appellant went on to state that the Commission cannot base its reasoning or decision simply on the basis that they found it strange that the Appellant and AC had not spoken at all during the Match. ML reiterated that the two players had never had a relationship whereby they would have spoken to each other.
18. The Appellant added that VEO footage also corroborates her statement that no conversation took place between the players at any time during the game. The Appellant was at pains to point out that the VEO footage disproves AC version of events
19. She (the Appellant) could not understand that the Commission's view that the witness evidence provided by Ryan Dempsey ('RD') (who was in the home dugout and on the same side of the pitch as the Appellant and AC in the first half) was not credible. RD had said that he did not hear any comments made or hear any remarks passing between the players, but yet this evidence was not credible.
20. This then goes to the heart of the Appellant's appeal in that no one had heard the remarks being made – even those in close proximity to the two ladies, i.e. the referee, coaches in the dug-outs or other players.
21. In this situation, it was solely one person's word against another.

¹ [..\Mia Lockett v London FA - Appeal Bundle.pdf](#) at p.18

22. Lastly, the Appellant referred the Tribunal to page 53 of the Appeal Bundle². She said that AC had previously (via a WhatsApp group that both the Appellant and AC were part of) made one accusation of racial abuse on the group chat. These referred to two separate incidents in different games.
23. The Appellant then raised the point that AC had claimed that she had also been racially abused whilst playing for Billericay Town FC reserves. The Appellant was of the opinion that this incident was reported, but nothing came of it for some unknown reason.

The Respondent's Submissions

24. The Respondent, through its representative, JC, directed the Tribunal to page 14 of the Appeal Bundle³
25. In that sense, JC reminded the Tribunal that the Commission had felt that AC was a very credible witness. AC was convinced that the Appellant had used a discriminatory word towards her otherwise she wouldn't have attempted to attack her during the game.
26. JC acknowledged that it was a case of one person's word against another and hence, why the Respondent made sure that both witnesses were available to give evidence.
27. It was clear from the VEO footage that the crowd was noisy and that comments could or could not be heard. However, it was also clear that AC had become mentally distressed by the incident and furthermore, this has to be viewed subjectively as people react in different ways to this type of verbal abuse.
28. JC did acknowledge that AC couldn't recall where or exactly when the comments were made during the Match. However, JC did add that the account of AC does refer to specific comments in the first half and in the second half. On those points he directed the Tribunal to the bundle.⁴
29. Both parties were allowed any closing remarks and submissions before the Tribunal retired to determine this matter. The parties were placed in the virtual waiting room.

Further Questions from the Tribunal

30. As an initial point, the Tribunal discussed why nothing more had come of the other accusations of racial abuse made by AC as set at paragraphs 22 and 23 above.

² Ibid at p.53

³ Ibid at page 14.

⁴ Ibid at page 38.

31. Before considering anything further, the Tribunal requested that the parties (the Appellant and JC) re-join the Appeal hearing from the waiting room.
32. The Appeal Board asked further questions of the Appellant regarding her Personal Hearing Evidence Statement⁵ and, in particular, in relation to two separate incidents of racial abuse purportedly made against AC on two separate occasions whilst on the field of play.
33. JC was unable to shed any further light on these accusations as one of the incidents purportedly happened whilst AC played for Billericay FC, which is in a different County FA and, as such, he was not privy to any such information.
34. The Appellant reiterated that these racial abuse incidents had been brought up previously by AC in a WhatsApp group that both ladies were a part of. The Appellant added that was willing to share these group messages with the Appeal Board, but this was declined.
35. Nevertheless, it struck the Appeal Board that the Commission must have been aware of this information during the Principal Hearing and, if so, why wasn't this tested further, (or at all).
36. At this point, the Appeal Board was satisfied that it had received enough information from the parties and thereafter retired again to deliberate.

Determination

The Commission came to a decision that to which no reasonable such body could have come.

37. The Tribunal considered the Appellant's and Respondent's submissions at length in relation to the above ground.
38. The Tribunal acknowledged that the Commission had had the benefit of hearing both the Appellant and AC in person during the Principal Hearing. It also acknowledged that this matter was, in essence, one individual's word against another.
39. Nevertheless, there was a concern that the Commission had overlooked crucial elements of both oral and witness evidence as submitted by the parties during the Principal Hearing or had attributed less weight than it should have to certain key elements of this evidence.
40. Firstly, the Tribunal was concerned that no one had heard the remarks being made – even those other players, referee or coaches in close proximity to the two players during the Game.

⁵ Ibid at p.53

41. Further, that AC could not state exactly where on the pitch or exactly when during the game the remarks had been made.
42. Moreover, there was evidence to suggest that ‘bad blood’ had existed between the two players.
43. In addition, it appeared that the Commission had only formally reviewed the VEO⁶ at the point where the players were leaving the field of play and, even then, the Appellant’s view was that there was no opportunity for interaction between the two players.
44. The above is contrary to the Commission’s written reasons⁷ in that they state that:

“In regard to the extract of the game referred to by ML, the panel reviewed the footage again at the point of concern raised by ML as AC exited the pitch for the halftime break. There was nothing untoward in the panel’s observance of her actions, to suggest that AC was disingenuous in her expressed distress.”

45. The Tribunal noted that AC had stated⁸ that the Appellant had made comments to her at some points during the first and second half. However, no reference was made to any verbal or physical abuse made by the Appellant towards AC at half time, and certainly not when the players were exiting the pitch.
46. This being the case, the Tribunal found it troubling and confusing as to why this was the only element of the video formally recorded as being viewed by the Commission.
47. The Tribunal found the Appellant to be a compelling and credible witness. It was clear that she had studied and had ‘time marked’ the whole video of the game to refute the allegations being made about positions, interaction, niggling comments and behaviour.
48. The Tribunal took all of the above into account when considering this ground of appeal. The Tribunal also reminded itself that the test to be applied when deciding such matters is ‘*on the balance of probabilities*’ as to whether an incident or incidents was/were likely to have occurred or not.
49. It was clear to the Tribunal that there appeared to have been gaps, errors and omissions in the manner in which the Commission had reviewed and challenged the evidence presented.
50. Notwithstanding, the Tribunal was also mindful that this matter fell to the Commission to be decided on the basis of one person’s word against another and, on that basis, the Tribunal had not had the opportunity or benefit of hearing or testing oral submissions from AC.

⁶ Ibid at p. 43 and 44

⁷ Ibid at p.14

⁸ Ibid at p.38

51. Nevertheless, after considering the above, the Tribunal upheld the Appeal on the ground applied.
52. In order to give effect to this decision, the Tribunal, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, ordered the following:
- a. Remit the charges to a rehearing, heard by a fresh Disciplinary Commission, at the earliest available opportunity.
 - b. The sanction is to be stayed pending the findings of the new hearing.
53. There was no order as to costs and the appeal fee is to be returned to the Appellant.
54. The Tribunal's decision is final and binding on all parties.

David Winnie
Gordon Mellis
William Thomson
26/02/2024
