

B E T W E E N:

Benjamin Grenfell (Appellant)

-and-

Northamptonshire FA (Respondent)

DECISION RELATING TO APPEAL HEARING ON 11 FEBRUARY 2025

Appeal Board

- 1. Evans Amoah-Nyamekye (Chairperson) – Legal Panel Member**
- 2. Nolan Mortimer – Football Panel Member**
- 3. Billy Thomson – Former FA Council Member**

Panel secretary: Alastair Kay

SUMMARY OF DECISION

The Appeal Board are grateful to both Benjamin Grenfell (the appellant) and to Joe England (representing the Respondent) for both their written submissions and oral submissions.

On Thursday, 11 February 2025, this appeal was heard as a Personal Hearing, via video conference on Microsoft Teams.

The Respondent, on 13 December 2024, charged the Appellant with a breach of FA Rule E3 – Not acting in the best interests of the game. The Respondent, on 23 December 2024, notified the Appellant that the charge was found proven and the sanction imposed was a 2-match suspension from all football and football activities, a £30 fine and 7 penalty points.

The Appeal Board, having given the appeal bundle and oral representations careful consideration, made the following observations:

- a. *The Appeal Board thanks the parties for their oral and written submissions.*
- b. *The Appeal Board noted that the Appellant was appealing on the following three grounds:*
 - 1) *Failed to give that Participant a fair hearing*
 - 2) *Came to a decision to which no reasonable such body could have come*
 - 3) *Imposed a penalty, award, order or sanction that was excessive*
- c. *The Appeal Board, in relying on Regulation 4 of the General Provisions, allowed the appeal on the ground that the Appellant was not given a fair hearing.*
- d. *In order to give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the following:*
 - I. *The Charge is to be remitted back to the Northamptonshire FA for rehearing by way of Personal Hearing.*
 - II. *The new hearing must be conducted by a separate panel to that which completed the first instance hearing.*
- e. *There was no order as to costs and the appeal fee is to be returned.*
- f. *The Appeal Board's decision is final and binding on all parties.*

The reasons for the decision are stated in full below.

The following is a record of the salient points which we heard and is not intended to be and should not be taken as a verbatim record of the reasoning, submissions or evidence considered. These written reasons contain a summary of the principal evidence before the Appeal Panel and do not purport to contain reference to all the points made or considered, however the absence in these reasons of any particular point, piece of evidence or submission should not imply that the Appeal Panel did not take such point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, the Appel Panel carefully considered all the evidence and material in this matter.

INTRODUCTION

1. By a Misconduct Charge Notification dated 13 December 2024 (the “Charge Notification”) issued by Sporting Integrity Matters on behalf of Northamptonshire FA against Benjamin Grenfell (BG), a Manager of Oundle Town U8 White, was charged with a breach of FA Rule E3 – Improper Conduct (not acting in the best interests of the game).
2. Details of the Charge for a breach of FA Rule E3 referred to the allegations that during the Fixture, the Manager of Oundle Town withdrew their players from the pitch, causing the match to be abandoned.
3. The charge was found proven by a Disciplinary Commission on 13 January 2025.
4. The Commission having considered the charges proven imposed a 2-match suspension from all football and football activities, a £30 fine and 7 penalty points.
5. Prior to the hearing the Judicial Panel Chair allowed an application by the Appellant to set the sanction aside pending the outcome of the Appeal.

THE ISSUES TO BE DETERMINED ON APPEAL

6. Principally there were three (3) grounds of appeal issues which required determination at the hearing:
 - I. Did the Appellant get a fair hearing;
 - II. Did the Disciplinary Commission come to a decision to which no reasonable such body could have come and/or
 - III. Imposed an award or sanction that was excessive.

THE RELEVANT FA RULES

The relevant FA Rules

DISCIPLINARY REGULATIONS NEW EVIDENCE

10. *“The Appeal Board shall hear new evidence only where it has given leave that it may be presented. An application for leave to present new evidence must be made in the Notice of Appeal or the Response. Any application must set out the nature and the relevance of the new evidence, and why it was not presented at the original hearing. Save in exceptional circumstances, the Appeal Board shall not grant leave to present new evidence unless satisfied (i) with the reason given as to why it was not, or could not have been, presented at the original hearing and (ii) that such evidence is relevant. The Appeal Board’s decision shall be final. Where leave to present new evidence has been granted, in all cases the other party will be given an opportunity to respond.”*

H. APPEALS TO AN APPEAL BOARD

H1 There shall be a right of appeal to an Appeal Board under the Rules and regulations of The Association only where the Rules and regulations of The Association expressly provide for such an appeal or in any other case where The Association, acting by the Chief Executive Officer (or his or her nominee), agrees to an appeal taking place.

H2 There shall be no right of appeal to an Appeal Board under the Rules and regulations of The Association where an appeal has been heard by the Premier League, or the EFL, or an Affiliated Association in respect of a decision of a Competition, or in respect of decisions arising out of competitions of Affiliated Associations where the rules and regulations provide that such decisions are final.

H3 An Appeal may be made only by:

H3.1 the person or body who is the subject of the original decision appealed against;

H3.2 The Association; or

H3.3 in respect of certain decisions made under and prescribed by the Anti-Doping Regulations, FIFA, WADA, or the NADO.

H4 An appeal shall be dealt with under the relevant regulations of The Association from time to time in force.

Regulation 14 *The chairman of an Appeal Board may upon the application of a party or otherwise, give any instructions considered necessary for the proper conduct of the proceedings, including but not limited to:*

14.1 extending or reducing any time limit;

14.2 amending or dispensing with any procedural steps set out in these Regulations;

14.3 instructing that a transcript be made of the proceedings;

14.4 ordering parties to attend a preliminary hearing;

14.5 ordering a party to provide written submissions.

The decision of the chairman of the Appeal Board shall be final.

A - GENERAL PROVISIONS

4 The bodies subject to these General Provisions are not courts of law and are disciplinary, rather than arbitral, bodies. In the interests of achieving a just and fair result, procedural and technical considerations must take second place to the paramount object of being just and fair to all parties.

APPEAL BOARD DECISIONS

General

19 A decision, order, requirement or instruction of the Appeal Board shall (save where to be made under the Rules by the Chairman of the Appeal Board alone) be determined by a majority. Each member of the Appeal Board shall have one vote, save that the Chairman shall have a second and casting vote in the event of deadlock.

20 The Appeal Board shall notify the parties of its decision to the parties as soon as practicable in such a manner as it considers appropriate; and unless it directs otherwise, its decision shall come into effect immediately.

21 The Appeal Board shall have power to:

21.1 allow or dismiss the appeal;

21.2 exercise any power which the body against whose decision the appeal was made could have exercised, whether the effect is to increase or decrease any penalty, award, order or sanction originally imposed;

21.3 remit the matter for re-hearing;

21.4 order that any appeal fee be forfeited or returned as it considers appropriate;

21.5 make such further or other order as it considers appropriate, generally or for the purpose of giving effect to its decision.

21.6 order that any costs, or part thereof, incurred by the Appeal Board be paid by either party or be shared by both parties in a manner determined by the Appeal Board.

22 Decisions of the Appeal Board shall be final and binding and there shall be no right of further challenge, except in relation to appeals:

22.1 to CAS brought by FIFA or WADA pursuant to the Anti-Doping Regulations; or

22.2 concerning the amount of costs any party is ordered to pay by the Appeal Board (which is considered in paragraph 24 below).

Other Costs

23 Any costs incurred in bringing, or responding to, an appeal shall normally be borne by the party incurring the costs. In exceptional circumstances the Appeal Board may order one party to pay some or all of the other party's costs. Such costs will not include any legal costs. Any applications for such costs must be made at the Appeal Board and must include details of the exceptional circumstances.

24 An appeal against only the quantum of costs ordered to be paid shall be heard and determined by either:

24.1 a single person appointed by Sport Resolutions (UK) (or a similar independent body as determined by The Association from time to time). That person shall decide all matters of procedure for how such an appeal will be conducted; or

24.2 where the appeal proceedings relate to a decision of an Affiliated Association; or a league operating at Step 5 or below of the National League System; or a league operating at Tier 3 and below of the Women's Football Pyramid, it shall be determined by the Judicial Panel Chairman, who shall decide all matters of procedure for how the appeal will be conducted.

Guidance: with regard to costs appeals under Paragraph 24.2, the Judicial Panel Chair may invite submissions from the National Game Disciplinary Chair (as defined in the National Game Chair Terms of Reference) when determining the matter.

Written Decision and Written Reasons

25 As soon as practicable after the hearing, the Appeal Board shall publish a written statement of its decision, which shall state:

25.1 the names of the parties, the decision(s) appealed against and the grounds of appeal;

25.2 whether or not the appeal is allowed; and

25.3 the order(s) of the Appeal Board.

26 The Appeal Board shall, upon the request of the appellant or the respondent (such request to be received at Association within three Business Days of the date of the notification of the decision), give written reasons for the decision.

THE APPEAL HEARING

1. The Board composition

7. The Panel is grateful to both parties for their review of the disclosure from panel members. The parties agreed that all panel members were able to sit on the panel impartially. The parties noted and agreed and there was no perception of a conflict of interest.

THE APPLICATION

The Grounds of Appeal

8. **In relation to not having a fair hearing the Appellant's written application states in summary:** *'I called Northamptonshire County FA on Friday 20th December to inform them I was unable to respond to the discipline being imposed on Ben Grenfell. I wanted to respond "Not Guilty" and that we wanted a personal hearing. I explained that the system was constantly producing an error when pressing submit. I explained to Ben at Northamptonshire County FA that the response was needed by COB 20th December, and he explained he did not know how to fix it but would find out and come back to me. I never received this call/email and by COB on Monday 23rd December the hearing had already been heard even though we were unable to submit our response.*
9. In oral evidence the Appellant made it clear that this was still the position as per the written application.
10. **In relation to came to a decision to which no reasonable such body could have come the Appellant's written application states in summary** *'This case 12007870 has been heard and Ben Grenfell has received a 2 match ban for abandoning the game due safety concerns on his players. At no point was Ben aggressive, offensive, violent or threatening so I do not understand how the result of a 2 match ban has been reached and how this result is at all appropriate for the offence that he is being accused of.*
11. In relation to imposed a penalty, award, order or sanction that was excessive Appellant's written application states in summary *'The reason why it would be substantially unfair not to alter the original decision is because the team are going to lose their coach for 2 matches when all he was doing was looking out for the safety of the children on the pitch'.*

Respondent's response

12. In response the Respondent states

*'On 23rd December, Oundle Town contacted Northamptonshire FA to express their surprise at receiving an outcome to a hearing that they had intended to plead "not guilty" to and request a personal hearing. I took details from Oundle Town, and they confirmed that they had telephoned Northamptonshire FA on Friday 20th December, which was the deadline day, to inform us of an issue regarding the system not allowing them to respond to the case online. Upon checking the call records, and the recording of the call itself, it became clear that the staff member who took the call in the office at Northamptonshire FA had not resolved the situation adequately, which led to Oundle Town not having the opportunity to have their response to the charge recorded, and their request for a personal hearing granted. Northamptonshire FA believes that this administrative error by the staff member has resulted in Oundle Town **not having the opportunity to have a fair hearing**. Northamptonshire FA acknowledges that this level of customer service is not acceptable, and will be picking up this internally.*

NEW EVIDENCE UNDER REGULATION 10

13. There was an application to present new evidence by the Appellant who stated that the reason why this was not presented before the original body who made the decision was because the call to Northamptonshire County did not take place until after the decision was made. The Appellant further stated the reason why the new evidence is relevant was because it proved that they were unable to submit their response of pleading '*not guilty and apply for a personal hearing*'.
14. The content of the call was accepted and considered by the Respondent to be accurate.
15. The Appeal Board accepted the evidence and noted the contents of the recording as corroborating the Appellant's version of events,
16. The Appeal Board also noted that the call was consistent with the Respondent's response.
17. The new evidence persuaded the Appeal Board that there was an administrative error which led to the Appellant not having a fair hearing.

THE APPEAL PANELS REASONS

18. The Panel concluded that the County Football Association discharged their investigation without fault.
19. However, it is clear from the response that there were clear '*administrative error by the staff member has resulted in Oundle Town not having the opportunity to have a fair hearing*'.

Fair Hearing

20. The Panel considered Regulation 4 of the General Provisions in the context of achieving the paramount object of being just and fair to all parties.
21. The Panel concluded that the Appellant on the evidence presented during the hearing:
 - i. did confirm that they had telephoned Northamptonshire FA on Friday 20th December, which was the deadline day, to inform them of an issue regarding the system not allowing them to respond to the case online..

IN THE MATTER OF THE APPEAL BOARD

- iii. Did not have the opportunity to respond to the allegations.
- iv. Did not '*participate*'; in the original proceedings.

22. Therefore the Panel concluded that the Appellant did not have a fair hearing. To this extent the appeal is upheld.

23. Given the conclusion for ground one (1) of the appeal, ground two (2) and ground three (3) does not require determination.

ANSWERS TO THE ISSUES TO BE DETERMINED

24. Principally there were there (3) grounds of appeal which required determination at the hearing:

- I. Did the Appellant have a fair hearing? **NO**, and
- II. Did the original Commission come to a decision to which no reasonable such body could have come? ***In light of above no determination required.***
- III. Did the Commission impose a sanction that was excessive? ***In light of above no determination required.***

The first ground of Appeal having been successful the Appeal Board did not consider the other lines of Appeal and pass no comment on the reasonableness or penalty of the original decision.

THE FINAL DECISION'S OF THE APPEAL PANEL

25. The Appeal Board, in relying on Regulation 4 of the General Provisions, allowed the appeal on the ground that the Appellant was not given a fair hearing.

26. In order to give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the following:

- I. The Charge is to be remitted back to the Northamptonshire FA for rehearing by way of Personal Hearing.
- II. The new hearing must be conducted by a separate panel to that which completed the first instance hearing.

27. There was no order as to costs and the appeal fee is to be returned.

28. The Appeal Board's decision is final and binding on all parties.

Signed The Commission:

Evans Amoah-Nyamekye (Chair)

Nolan Mortimer

Billy Thomson

20 February 2025