



APPEALS AGAINST DECISIONS OF A COUNTY FA DISCIPLINARY COMMISSION

Background

It is the stated policy of the International Football Authorities that the referee's decisions regarding facts connected with play are final. As a result, many National Football Associations do not allow any appeals against red or yellow cards.

The Football Association allows appeals against red cards because it recognises that evidence (particularly video evidence) sometimes shows that the referee has made a clear and obvious error. Video evidence also shows that such errors are extremely rare and that referees' decisions are correct in the large majority of cases.

As most games under the authority of County Football Associations do not have video available it is much harder for a player to prove that the referee has made such an error. Each case is considered by a County Disciplinary Commission and the referee's report normally forms the main evidence in support of the red card or other alleged offences.

The Process within a County FA

When your County first advised you of the charge against you it will have done so by sending documents to your Club Secretary. Within the documents is a form inviting you to accept the charge, or to not accept the charge and attend a personal hearing in front of a County FA Disciplinary Commission. If you accept the charge you can make a written plea for leniency which will be considered by the Commission without the need for you to be present.

It is your Club Secretary's responsibility to ensure that you see the form and that you complete it properly and sign it. Sometimes forms are not completed or signed properly but that is a matter for players to take up with their Club Secretaries as there is no provision in the Appeals Procedure for such events.

The FA Appeal Board

The FA Appeal Board will consist of members from the FA Council and will normally be chaired by a member of the FA's Judicial Panel, with experience of dealing with appeals at all levels of the game.

Your plea for leniency or your appearance at the County FA's Disciplinary Commission was your best opportunity to present your case. The FA's Appeal process is not designed for you to have a second chance to put your case just because you disagree with the County's decision or you want to try to put a better case than the one that you put to the County FA's Disciplinary Commission.

You can appeal on any, or all, of the grounds shown on the next page. The Appeal Board will review the County Disciplinary Commission's processes and decisions appropriate to your appeal and reach a decision, which is final and binding on all parties.



GROUND'S FOR APPEAL

There are five grounds on which you can base an appeal. They are listed in your County FA's handbook but, in summary, they are –

1. The Commission failed to give you a fair hearing.

2. The Commission failed to comply with the relevant Disciplinary Procedures

The procedures are designed to ensure that the County's Disciplinary Commission hears all the evidence on both sides of a case. The Commission is given some flexibility but if the procedures are not followed then, depending on the circumstances, an FA Appeal Board could decide that you did not receive a fair hearing.

If you did not request a personal hearing then it might be difficult for you to appeal successfully on Grounds 1 and 2 as you are unlikely to be aware of the procedures that were followed in your case.

3. The Commission reached a decision which no reasonable body could have reached.

Although you might not agree with the Commission's decision, the FA Appeal Board can only consider the evidence that was in front of the Commission and will decide whether or not the decision was reasonable, based on that evidence. You may need to show that the Commission missed some inconsistencies in the referee's evidence or that more weight should have been given to some aspects of your witnesses' evidence.

The referee will not be present at the appeal. If you have new evidence for the FA Appeal Board, you have to request permission to present it. It is unlikely that permission will be granted unless you are able to give a very good reason why it could not be presented to the County's Disciplinary Commission when your case was first heard. Even then, the Appeal Board might not allow the new evidence as the referee will not be there to respond.

4. Imposed a punishment, without reason, which did not conform to the recommendations.

5. Imposed an award, order or other sanction that is excessive.

The FA issues a Schedule Guide to Recommended Punishments which is shown in your County FA's handbook. If you received the punishment as shown in the guide you may find it difficult to prove that the punishment is excessive.

The Commission should have considered your previous 5 years' disciplinary record before deciding on your punishment. The Commission may reduce or increase the punishment depending on whether they consider the record to be exceptionally good or bad, and on the particular circumstances of the offence for which you were charged. Any reduction is likely to be small so you should think carefully before choosing to appeal solely for a reduction below the recommendations.