

**IRISH FOOTBALL ASSOCIATION
APPEALS COMMITTEE**

In the matter of an appeal by ROBERT FENTON against a decision taken by THE CHAIRMAN'S COMMITTEE OF THE IRISH FOOTBALL ASSOCIATION

Appeals Committee:

Emma McIlveen BL

Rachel Best KC

Carley Shields

DECISION

This is a decision of the IFA Appeals Committee which was reached following a Panel meeting which took place on 13th March 2024. It concerns an appeal brought by **ROBERT FENTON** ('the Appellant') against a decision reached by **THE CHAIRMAN'S COMMITTEE OF THE IRISH FOOTBALL ASSOCIATION** ('the Respondent').

Having regard to the reasons set out below, the unanimous decision of the Committee is that:

1. The appeal shall be dismissed for the reasons outlined below

Representations

1. Both parties agreed for this matter to be dealt with by way of written submissions.
2. The Panel wishes to express its gratitude to the parties for their helpful written submissions.

Issue under challenge

3. The Appellant challenges a decision of the IFA Board, acting through the Chairman's Committee, to suspend him from Council and the Disciplinary Committee until 31st May 2024 on a charge of breaching Article 17 and 21 of the Articles of Association in relation to telling a journalist that Glentoran had been fined £5,000 for supporter incidents arising out of a match between Crusaders and Glentoran at Seaview on October 28.
4. In a nutshell, the key issue for the Panel to decide is whether the sanction of suspension until 31st May 2024 was excessive.

Key background facts

5. On 17 November 2023, the Secretary of the Disciplinary Committee contacted the Company Secretary to advise that the Disciplinary Committee had met on 15 November to consider an issue of spectator misconduct at a Glentoran v Crusaders fixture on 28 October. It was determined at the meeting that Glentoran would be issued with a Notice of Complaint for a breach of Article 32 of the Disciplinary Code, with a sanction of £5,000 to be imposed.
6. It was the intention of the Secretary to notify Glentoran of the Notice of Complaint on 17 November however, on the evening of 16 November the Secretary received a telephone call from the Director of Communications to advise that he had been contacted by a journalist seeking comment from the Association, the understanding of

the journalist being that Glentoran was being sanctioned with a fine of £5000 in respect of spectator misconduct stemming from its recent fixture. Later that evening at 10.19pm, the Belfast Telegraph published a story confirming that Glentoran had been 'hit with a £5k fine'. The following morning, Glentoran's club secretary contacted disciplinary staff to query whether there was any substance to the article, given that they had received no formal notification of the sanction.

7. The Secretary advised that at the time of the enquiries, there had been no internal or external communication relating to the matter and the only individuals who had knowledge of the proposed sanction to be issued, were the Secretary and the members of the Disciplinary Committee who were present when the decision was made.
8. Following consideration, the Company Secretary regarded it as a matter that should be referred to the Board.
9. The Appellant was charged with a breach of Article 17 of the Articles of Association (bringing the game of association football into disrepute) and Article 21 of the Articles of Association (breach of the Code of Conduct). He received a Notice of Complaint informing him of this.
10. At a Disciplinary Committee meeting on 6 December 2023, the Appellant stated, "I hold my hands up, it was me"
11. The Appellant responded to the Notice of Complaint on 18 January 2024, admitting to a breach of confidentiality. The Appellant put forward his points in mitigation which the Committee considered at a meeting on 5 February 2024. The committee also took account of his longstanding contribution to local football and active membership of the IFA Council over many years.
12. The Committee determined that a suspension from his position on the Irish FA Council (and the Disciplinary Committee by extension) until the end of the 2023/24 season i.e. 31 May 2024, was reasonable and proportionate in the circumstances.

Points advanced

13. The Appellant argues:
 - a) His appeal is by way of mitigation as sanction was excessive
 - b) He accepted he was responsible
 - c) The information was destined for the public domain
 - d) At no stage was any conversation, individual views or voting patterns amongst members of the committee divulged
 - e) What he did was give a newspaper a heads up on their rivals
 - f) In hindsight, he accepts he should not have done this
 - g) He does not accept that it brought IFA into disrepute or seriously damage its reputation in the public eye
 - h) He did not benefit in any capacity from his actions and regrets Glentoran found out about the fine through the media
 - i) His conduct will not happen again
 - j) He feels he has been given a red card for what at best, is a yellow card offence

14. The Respondent responded as follows:

- a) The sanction is excessive in relation to the offence committed/ it was not a serious breach:** As previously stated, the Committee considered this to be a serious offence which warranted either suspension or expulsion, as is within their powers under Article 17 AoA. Not only had the appellant breached the confidentiality of the Disciplinary Committee but his actions had also impacted the reputation of the wider Association, in particular with its member Glentoran FC who were understandably aggrieved at the situation. It should also be noted that the Association receives substantial public funding and provides a key service to the community as the body solely responsible for the administration and development of Association Football throughout Northern Ireland. Both the public and the Association's members are entitled to expect the highest standards of conduct from members of the IFA Board and its committees. The Appellant holds a significant position within the Association's governance structures and high levels of integrity, confidentiality and discretion are expected at all times. Unfortunately, on this occasion the Appellant's conduct has fallen short of what is expected.
- b) The Appellant didn't deny his actions and confirmed that it would not happen again:** The Committee took account of the Appellant's early admission and apology when determining the sanction
- c) The information was destined for the public domain:** The Respondent accepts that details of the club, breach and sanction would have been published on the Association's website on 17 November, however at this stage disciplinary staff would have taken all of the necessary steps in advising the parties concerned. It should be noted that there is no timescale as to when a club should be advised of a decision (provided it is within 21 days from the time the incident is reported to the Secretary of the Disciplinary Committee) therefore, the assumption that the club would have already been aware of the charge the following morning is an unfounded one. Regardless of the above, the Appellant should have been aware of his obligations under the Code of Conduct and Code of Ethics to ensure confidentiality at all times.
- d) The information was a statement of fact and in the Appellant's view, was not confidential information that was never to be revealed under any circumstances:** Article 13.5 AoA (Disciplinary Committee) is very clear on this point and states that "each member of the Disciplinary Committee shall hold in confidence all matters discussed at meetings of the Committee."
- e) No discussions or detailed comment took place with outside parties, other than to advise them to contact the IFA for details:** This point is not accepted. The journalist who contacted the Director of Communications for information was aware of the club and sanction concerned.
- f) Bringing the game into disrepute is not appropriate:** Article 17.2 provides that the Board shall be the sole judge (and shall be unfettered in its judgment) as to what brings the game of association football into disrepute and what constitutes loyalty, integrity and sportsmanship. The Chairman's Committee, acting on behalf of the Board, considers the disclosure of confidential information to have brought the game into disrepute. In any

event, the appeal appears to relate to the sanction only therefore this point is largely irrelevant.

Findings

15. The Panel carefully considered all the submissions and evidence before it.
16. Article 17.1 of the Articles of Association provides that where a person has breached or caused or contributed to a breach of the Articles or brings the game of Association Football into disrepute, that person shall be liable to expulsion, suspension, fine and/or such other penalty or sanction as the Board may think fit.
17. The Panel noted that the Appellant signed the Code of Conduct and Code of Ethics on 5 June 2023, ahead of the 2023/24 season, as is required. The Panel further noted The Appellant should have been aware of his obligations under the Code of Conduct and Code of Ethics to ensure confidentiality at all times.
18. When the situation is considered as a whole, the Panel agrees that the sanction was reasonable and proportionate for the following reasons:
 - a) The Respondent was correct and within their powers to consider this to be a serious offence which warranted either suspension or expulsion.
 - b) The appellant accepted he breached the confidentiality of the Disciplinary Committee.
 - c) The Panel agrees that his actions also impacted the reputation of the wider Association. Both the public and the Association's members are entitled to expect the highest standards of conduct from members of the IFA Board and its committees
 - d) The Appellant holds a significant position within the Association's governance structures and high levels of integrity, confidentiality and discretion are expected at all times.
 - e) The Respondent was correct to find that the Appellant's conduct in relation to this incident has fallen short of what is expected.
- a) The Respondent clearly took account of the mitigation put forward by the Appellant

Conclusion

19. For the reasons stated herein, this appeal is dismissed and the decision reached by the Respondent is accordingly upheld.

Dated: 13 March 2024



Emma McIlveen BL
Chair of the Appeals Committee