

IRISH FOOTBALL ASSOCIATION

APPEALS COMMITTEE

In the matter of an appeal by SHANKILL JUNIORS / CRAIG FLECK ('the Appellants') against a decision made by the NATIONAL LEAGUE DISCIPLINARY PANEL OF THE N.IRELAND YOUTH FOOTBALL ASSOCIATION ('the Respondent').

Appeal Board

Steven Keenan

Kieran McMahon

Stephen Shaw

Attendees:

1. The Appellant was represented by Jamie Bryson, Craig Fleck and Samuel McGaw.
2. The Respondent was represented by Paul Alexander and Peter McKenna.
3. The Panel wishes to express its gratitude to the parties for their attendance at the hearing and for their submissions.

Background

Glentoran FC & Academy made a complaint following an alleged illegal approach for one of their 2012 players by the Shankill Junior 2012s Head Coach, Mr Fleck.

Subsequently a meeting took place having been called by the National League Disciplinary Panel of the Respondent on 17 February 2025 to address this particular issue.

Paul Alexander who attended the Appeal hearing on behalf of the Respondent, as noted above, was sitting on this particular National League Disciplinary Panel.

Shankill Juniors were represented by William Cowan, the Club Secretary and Craig Fleck at this meeting.

Glentoran 2012/U13 were represented by Stephen Lowry (Academy Director), David Fitzsimmons (representing 2012/U13 team) and a parent.

Following the conclusion of the meeting a letter was sent to both Shankill Juniors and to Glentoran FC

& Academy dated 20 February 2025 which addressed the following points in summary of the meeting:

- William Cowan of Shankill Juniors acknowledged that Shankill Juniors were trying to get a grasp on some of the rules and maybe were a bit naive regarding the process governing the transfer of players.
- Player A was registered with Glentoran 2012 (U13) team and a request to transfer to the Appellant's 2012 team via COMET was accepted by IFA COMET administration on 17/1/25.
- The Panel queried Glentoran as to why they did not object to the transfer if they did not agree. Glentoran accepted they did not challenge the transfer due to a possible mix up or lack of communication.
- Shankill Juniors had thought as the parent wanted his son (Player A) to join the club, that was a sufficient reason.
- Shankill Juniors following the Incident sent a memo to coaches regarding the process and procedures in requesting transfers.

The National League Disciplinary Panel came to the decision that although Glentoran did not challenge the transfer request on COMET for Player A to join Shankill Juniors, the onus was on Shankill Juniors to make initial direct contact with Glentoran requesting possible transfer.

The National League Disciplinary Panel referred to a breach of Rule 4(i) and subsequently decided to impose a 4-match ban on Mr Fleck and £25.00 fine on Shankill Juniors.

Appeal

The Appellants on the 23 February 2025 took steps to Appeal this decision as per their entitlement under Article 14 of the Irish Football Association's Articles of Association.

Grounds of Appeal

Upon consideration of the Appellant's grounds of Appeal, the Appeal Board would summarise as follows:

- The pleaded rule has not been breached

There was a focus on the fact that the Respondent had erred in basing their decision on what the Appellants would suggest was the incorrect Rule, Rule 4 (i), with the Appellants suggesting that the correct Rule which should have been considered should have been Rule 5 (d) (ii).

The Respondent on the morning of the appeal hearing served a copy of their National League Rules 2024-2025. The Respondent acknowledged that they had pleaded the incorrect rule i.e.

Rule 4 (i); however they did not agree with the Appellants' analysis that the intended rule that they were referring to was Rule 5 (d) (ii). The Respondent pleaded that the rule they were actually referring to was Rule 5 (i):

"In all cases relating to the registration of players, clubs are obliged to make initial personal contact with the Club of the player they wish to sign and not unsettle any player by use of peer pressure or any social media, including but not exclusive to, Facebook, LinkedIn, Twitter, text, or email. Failure to comply with the conditions laid out in this rule will result in disciplinary action".

The Respondent added that their failure to set out the correct rule was an administration error, due to the fact that the content of Rule 5 (i) had in fact been Rule 4(i) in the previous season's rules.

The Appellants during their submissions had also suggested that the process about contacting a club via email to express their interest in a player was essentially addressed by the Comet procedure due to the fact that this actually dispatches a direct email to the club from which a transfer is requested.

The Respondent suggested that the rules set out the requirements that the team seeking to obtain the transfer of a registration of a player from another team should first contact the club secretary via email. This does not refer to the use of the Comet procedure.

- The Rule is invalid

The Appellants in their written submissions suggested that as "Player A" is a minor he can neither be bound by his signature to the club he presently is with nor can the fact that this contractual relationship have the effect of placing obligations upon third parties including those which carry the threat of disciplinary sanction.

The Respondent did not offer any views in respect of this argument nor did the Appellants focus on same within their oral submissions before the Appeals Board.

- Proportionality

The Appellants sets out within their final ground of their appeal, that even if the rule that the Respondent had used when deciding to discipline the Appellants was correct, the sanction of a four-game suspension in respect of Mr Fleck was disproportionate. They also argued that there was an absence within the rules of sanction guidance, which leaves the door open for varying penalties, applied inconsistently.

The Respondent acknowledge that they do not have any written sanction guidance and the decision to provide a 4 game ban for Mr Fleck and a £25 fine for the club was taken by the National League Disciplinary Panel who sat on the 17 February 2025.

Findings

Upon review of all the evidence available, the Appeals Board's findings can be summarised as follows:

- The Appeals Board accept that an administration error was made by the Respondent in quoting Rule 4 (i) when it should have been Rule 5 (i);
- The content of Rule 5 (i) and Rule 5 d (ii) are both relevant to the subject issue given their wording:

Rule 5 d (ii)

"If a Team seeks to obtain the transfer of a registration of a player from another Team, they shall first contact the Club Secretary, via email that holds the player's registration (the transferring club) and request the consent of the transferring club to the transfer. If a transfer on COMET is not confirmed by the releasing club within seven days, The League can action the transfer for the player to move after the 7th day has passed, subject to the two-player rule as per Rule 5 d (i)."

Rule 5 (i):

"In all cases relating to the registration of players, clubs are obliged to make initial personal contact with the Club of the player they wish to sign and not unsettle any player by use of peer pressure or any social media, including but not exclusive to, Facebook, LinkedIn, Twitter, text, or email. Failure to comply with the conditions laid out in this rule will result in disciplinary action".

- The Appeals Board noted at the initial disciplinary hearing that the Appellant club acknowledged they were "naive in dealing with this matter and furthermore they were not fully aware of the rules governing transfer of players.
- It was also noted that the Appellant club had sent a memo to coaches regarding the process and procedures in requesting transfers after the subject incident.
- The Appeals Board did ask Mr Fleck who was in attendance at the Appeal Hearing and who had been in attendance at the initial meeting on 17 February 2025 if he had any comments to make on the content of the correspondence that had been sent to both clubs or indeed the memo sent to all coaches; however he could not recall anything further to add to the evidence before the Appeals Board.
- The Appeals Board noted the lack of minutes from the National League Disciplinary Panel

meeting and when asked about the availability, the Respondent confirmed no formal minutes of the meeting were available.

- Rule 5 (d) (ii) does set out that there is a request that the team seeking to obtain the transfer of a registration of a player from another team, shall first contact the club secretary via email that holds the player's registration and request the consent of the transferring club to the transfer. This email request as per the rules does not involve the use of Comet at this stage of the process.
- The Appeals Board did not believe that the subject Rules were invalid based on their interpretation of same.
- The lack of any written guidance regarding sanctions in respect of breaches of the rules was noted as was the lack of detail regarding the rationale has to how the Disciplinary Panel arrived at a 4 match suspension for Mr Fleck and the £25.00 for the Appellant club; albeit upon review of the Appellants submissions, there did not appear to be any formal challenge of the £25.00 fine. The focus was on the 4 match suspension of Mr Fleck.
- The Appeals Board did note that Player A did partake in training with the Appellant club before his transfer had taken place. The details provided were that Player A trained on 6 January 2025, while the Comet request regarding transfer was not actioned until 17 January 2025.

Appeal Outcome:

Under Article 14(6)(f) of the IFA's Articles of Association the Appeals Board has decided as follows:

1. The Appellant club acknowledged at the National League Disciplinary Panel meeting that they had been naïve about the rules of governing the transfer of players; however they took steps after the subject incident to update all coaches regarding the process and procedures in requesting transfers moving forward. The Appeals Board acknowledged this proactive step by the club in looking to address all future transfer requests in line with the Rules of the Respondent.
2. The Respondent failed during their written submissions or indeed their oral submissions to provide any rationale behind their decision to impose a 4 game suspension upon Mr Fleck in respect of the subject incident. The Appeals Board felt based on the evidence before them that the 4 game suspension imposed upon was disproportionate and will be rescinded.
3. The Appeals Board accepted that there was again a failure during the written and oral submissions by the Respondent to explain the rationale behind the £25.00 fine; however the Appeals Board have unanimously decided that the fine will remain in place due to the fact that the Appellant club allowed Player A to train with their club prior to the transfer taking place which is a breach of Rule 5 d and furthermore insurance coverage for Player A would not have extended to training with the Appellant club as it had not been sanctioned by the Respondent or the player's registered club.

In summary:

1. Mr Fleck's 4 game ban suspension is rescinded
2. The £25.00 fine imposed on the Appellant club remains in place.

Dated 9 April 2024

Appeals Board

