

**IRISH FOOTBALL ASSOCIATION
APPEALS BOARD**

In the matter of an appeal by LINFIELD FOOTBALL CLUB (“Linfield FC”) against a decision taken by THE IFA DISCIPLINARY COMMITTEE

Appeals Board:

Emma McIlveen BL

Rachel Best KC

David Lennox

LINFIELD FC were represented by **Stuart Gilmore (Director), Roy McGivern (Chairman) & Nick Campbell (General Secretary)**

THE IFA DISCIPLINARY COMMITTEE were represented by **Ms. Elaine Kirk (Vice Chair of the Disciplinary Committee), Miss Maura Denny (Discipline Manager) and Andrew Johnston, (Head of Competitions & Football Governance) (only in attendance for part of the meeting).**

DECISION

This is a decision of the IFA Appeals Board which was reached following a hearing which took place on 7th August 2024.

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

The appeal shall be upheld in favour of Linfield FC.

Background

1. This is an appeal brought by **Linfield FC** against the decision of the IFA Disciplinary Committee of 7th of June 2024.
2. The relevant background is as follows:
 - a. On the 21st of March 2024, Linfield attended a sanction only disciplinary hearing regarding alleged breaches that occurred during the club’s fixture against Coleraine FC on the 16th of February 2024. According to the written outcome of this hearing, Linfield FC received the following sanction:
 - i. Stadium ban on Linfield FC’s home spectators for the club’s next two Sports Direct Premiership home fixtures, which was to be limited and admitted as follows:
 1. Closure of the West Stand “The KOP” of the National Football Stadium at Windsor Park
 2. Home fans ticketing allocation will be limited to season ticket holders and club members only
 3. Restricted away fans ticketing allocation which will also be limited to away season ticket holders and club members (where applicable only)
 - ii. “Additionally, Linfield FC were also to have a one match stadium ban on any spectators attending home matches suspended until 31st December 2024. This suspended sanction may be implemented with immediate effect if another incident of spectator misconduct occurs before 31st December

2024’

- b. The relevant decision under challenge for the purposes of this appeal is the decision dated **7th June 2024**. This is the decision of the Disciplinary Committee following a hearing on 5th June 2024 scheduled to determine whether there were breaches of Article 27.5 and Article 32.1 of the IFA Disciplinary Code in relation to incidents that occurred during the club’s fixture against Cliftonville on Saturday 4th May 2024 (the IFA Cup Final). The outcome can be summarised as follows:

ALLEGED BREACH	NATURE OF BREACH	OUTCOME	SANCTION
27.5- Discrimination	Singing sectarian chanting; specifically, “f*uck the Pope and the IRA” was sung during the fixture	Upheld	£1000
32- Spectator Conduct	Use of pyrotechnics on two occasions	Upheld	£1500

The Disciplinary committee also decided to “activate” the suspended sanction contained in the 21st of March 2024 decision. The basis for this decision was recorded as:

“7. Furthermore, the Committee determined that the infringements and circumstances of spectator misconduct are sufficient to trigger the activation of the suspended sanction issued to Linfield in correspondence dated Thursday 21 March 2024:

“One match stadium ban on any spectators attending home matches suspended until 31st December 2024. This suspended sanction may be implemented with immediate effect if another incident of spectator misconduct occurs before 31st December 2023”

The Committee informed Linfield that the one match stadium ban on any spectators attending a home match, will be applied to the first NIFL Sports Direct Premiership home fixture of the 24/25 season. For the avoidance of doubt, this means the match will be played without home or away spectators”

3. All parties agreed that the key issue in this appeal was the proportionality of the sanction imposed upon Linfield FC. Specifically, whether the Disciplinary Committee were correct to activate the “suspended sanction” upon them.

Key points advanced

4. Linfield FC advanced the following points:
- The sanction was punitive;
 - The sanction was entirely perverse and inconsistent with previous Disciplinary Committee guidance that Linfield FC would not receive significant sanctions provided that Linfield FC appropriately managed and restricted spectator

attendance. In this regard, they specifically pointed to comments which Chair of the Disciplinary Committee had made during the March 2024 hearing. They described this hearing as “collaborative” and stated that their understanding of the outcome was that if Linfield FC continued to act against sectarianism, this would be factored into any future breach which may occur. It was therefore not appropriate for them to appeal the outcome of the March 2024 hearing and/or sanction.

- c. There was an unrestricted sale of tickets for the IFA Cup Final (the match in question) which was facilitated by the IFA through Ticketmaster. Linfield FC therefore had limited control over who was purchasing tickets for the Final and consequently over who exactly was attending the game. They maintained that this undermined the power of Linfield FC to effectively manage and comply with the sanction imposed in March.
 - d. The Disciplinary Committee should have exercised their discretion to impose a more moderate sanction.
 - e. Linfield FC pointed to the significant efforts that the Club had made to address sectarianism which included:
 - i. Investing a 6-figure sum on increased security;
 - ii. Banning spectators;
 - iii. Education initiative;
 - iv. Steps to educate the spectators including videos which included Chair of Club & Jamie Mulgrew;
 - v. Social media campaigns;
 - f. Linfield FC indicated a willingness to build upon above effort.
 - g. Linfield FC encouraged the Appeals Board to consider the impact of the activation of the suspended sanction on the club’s season ticket holders and the finances of the club. With regards to finance, Linfield FC indicated that they estimated they had lost approximately £50,000 at the “Larne” game. They further estimated that they would lose a further £10,000- £20,000 if the activated suspended sanction was allowed to stand. They also pointed to the reputational damage being caused by the match bans as “good” fans felt they were being punished for the actions of a small minority.
 - h. “Good” supporters feel that they are being punished for actions that they played no part in.
 - i. Linfield FC expressed a willingness to accept a varied/less severe suspended sanction.
 - j. Reference was made to principles of natural justice, the overriding objective and consistency within the Disciplinary Rules.
 - k. They had complied with the sanction imposed upon following the March 2024 disciplinary hearing
 - l. They did not challenge the £2500 of fines received because of the sectarian chanting & spectator conduct at the IFA Cup Final.
5. The Disciplinary Committee advanced the following points:
- a. They primarily relied upon the contents of the decision dated 7th June 2024;
 - b. It is not appropriate for the Appeals Board to have a rehearing/examine the decision of 21st March 2024;
 - c. This appeal should be limited to the issue of sanction and particularly the activation of the suspended sanction;
 - d. The Appeals Board were encouraged to carefully review the exact wording of the suspended sanction;
 - e. They had the power to activate the suspended sanction given the fact that the June hearing involved another incident of spectator misconduct which occurred before 31st December 2024;

- f. This was a “strict liability” situation;
- g. Financial implications for the club are not a defence.

Findings

6. The Appeals Board carefully considered all information and submissions before it and make the following findings.
7. From the outset, the Appeals Board wish to acknowledge that combating sectarianism, particularly within the football environment in Northern Ireland is an important but challenging endeavor. Significant efforts have already been made by the IFA to address this issue, including the development of various equality strategies. While these initiatives have laid a solid foundation, it is crucial for the IFA to continually evaluate and enhance their approach to ensure inclusivity and fairness within the sport, particularly on the issue of sectarianism.
8. Within the context of this appeal, we wish to further acknowledge Linfield FC’s commendable efforts to address sectarianism. The Appeals Board were impressed by the actions they presented and the commitment they have shown. The Appeals Board encourage Linfield FC to continue building upon these initiatives and encourage other clubs to do likewise.
9. It is unfortunate that despite such efforts, a minority of spectators continue to engage in sectarian singing during games. This behavior is unacceptable. It is important that decisive action is taken against these individuals and that a clear message is sent to all fans that sectarianism will not be tolerated in football in Northern Ireland.
10. The Appeals Board closely examined the context of this appeal and specifically considered the fairness of the sanction imposed upon Linfield on the 7th of June 2024.
11. In doing so, the Appeals Board found:
 - a. The suspended sanction provides: “This suspended sanction may be implemented” ;
 - b. The suspended sanction therefore contained a discretion;
 - c. The basis of how this discretion was applied was not set out in the decision outcome of June 2024;
 - d. The June decision does not explain in sufficient detail why the suspended sanction was activated;
 - e. The IFA Disciplinary Code does not contain any specific guidance in relation to activation of suspended sanctions OR sanction guidance generally. These are significant gaps that need to urgently be addressed.
 - f. In line with the principles of natural justice, the decision maker should have clearly outlined their reasoning as to why they were activating the suspended sanction. They also should have detailed the factors which they take into consideration. This was not done.
 - g. Given the significant financial impact on the Club, the situation should have been considered as a whole.
12. Moreover, in the specific circumstances of this case, the Appeals Board were of the view that the decision to activate the suspended sanction was disproportionate. Key factors

which the Appeals Board have found persuasive and accordingly have informed this decision include:

- Primarily, the lack of control which Linfield FC had over spectators during the IFA given the lack of control over Ticketmaster sales;
- The contentious nature of the IFA Cup Final, specifically the fact that it was a Linfield vs Cliftonville game;
- The level of fines already paid by Linfield FC;
- The proactive actions taken by Linfield FC to address sectarianism & the cost of same;
- Linfield FC's attitude to the disciplinary action taken, notably their acceptance of the issue of sectarianism and their decision not to challenge the level of fines imposed;
- The impact of the sanctions already served by Linfield FC;
- The consideration for fans who have not engaged in such conduct and the impact which a ban from the first game of the season would have upon them;

13. The Appeals Board considers the fines of £2500 a sufficient sanction considering the nature of the allegations and context of the disciplinary charges.
14. Consideration was given to varying the sanction, but it was deemed inappropriate in all of the circumstances, particularly given the efforts that Linfield FC have made.

Recommendations

15. The Appeals Board makes the following recommendations to the Disciplinary Committee:
 1. Serious and urgent consideration should be given to the introduction of sanction guidance to ensure consistency and fairness in disciplinary decisions.
 2. It may also be beneficial to consider a more structured approach to decision-making. This could involve outlining the charges, summarising the main points advanced on behalf of the team/club, highlighting any relevant context, referencing any applicable rules/guidance, and identifying any aggravating and/or mitigating factors which impact upon sanction.
16. The Appeals Board makes the following recommendations to the IFA:
 - a. The IFA should enhance support for clubs in their efforts to eradicate sectarian behaviour. This could include providing resources, education, and training programmes (potentially mandatory) to help clubs address and prevent such conduct effectively.
 - b. The IFA should consider including a warning against the use of racism and sectarianism within their pre-match information. This would serve as a proactive measure to remind spectators of the importance of respectful behavior and the consequences of engaging in discriminatory conduct.
 - c. The IFA needs to stay informed about any live sanctions and collaborate closely with clubs to ensure the full implementation of the Disciplinary Committee's findings. This includes monitoring compliance and offering assistance where needed.

- d. There is a need for a coordinated approach, ensuring that all stakeholders, including clubs, governing bodies, and community organisations, work together to tackle sectarianism comprehensively and consistently.

Conclusion

17. For the reasons stated herein, this appeal is upheld.
18. This means that the decision to activate the suspended sanction is overturned.
19. There will accordingly be no restriction imposed upon Linfield FC spectators attending the first home fixture of the 24/25 season.
20. We trust that spectators will take note of this decision and recognise the financial impact that sectarian behavior can have upon their clubs. Such conduct will not be tolerated, and it is imperative that all fans contribute to fostering a respectful and inclusive environment within football across Northern Ireland.

Dated: 7th August 2024



Emma McIlveen BL
Chair of the Appeals Board