

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

PREES U15 TIGERS (“the Club”) (Appellant)

-and

SHROPSHIRE FOOTBALL ASSOCIATION (“SFA”) (Respondent)

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

1. The Appeal Board conducted a hearing on Friday 2nd September 2022, to determine an appeal by the Appellant against a decision of the Respondent, dated 4th August 2022 notified by email of 10th August 2022.
2. This hearing was conducted by Microsoft Teams (video-conferencing).
3. The Appeal Board consisted of Mr Paul Tompkins (Chairperson), Mr Robert Purkiss MBE, and Mr Leon Bird.
4. Mr Shane Comb of Wiltshire FA and a member of the National Secretary Panel acted as Secretary to the Appeal Board.
5. The Appellant was represented by the attendance of Mr Alan Groom (“Mr Groom”), manager of the Club’s under 15s team with Ms Pauline Best observing.
6. The Respondent was represented by Mr David Simpson (“Mr Simpson”), chair of the original panel and chair of the SFA with Mr Mick Murphy, CEO of the SFA in attendance.

The Original Decision

7. The Respondent on 4th August 2022, made a decision on the application of the Appellant for permission to play outside its parent county of Shropshire for the 2022/23 season and to play in the equivalent Staffordshire League. This request was denied and the decision was communicated to the Appellant by the Respondent by email of 10th August 2022 sent to Mr Groom.

Hearing

8. The Appeal Board, having taken into account the submissions of the parties and having given the Appeal Bundle careful consideration, noted the following.
9. The Appeal Board thanks both parties for the manner in which they made their submissions.
10. The Appeal Board noted that the Appellant was appealing on the following grounds:
 - *That the Respondent had failed to give the Appellant a fair hearing*
 - *That the Respondent came to a decision to which no reasonable such body could have come.*
11. The Appeal Board dismissed the appeal on both grounds.
12. The Appeal Board reached this decision considering the following:
 - a. The following is a summary of the primary considerations of the Appeal Board, however the absence in these reasons of any particular point, or submission, should not imply that the Appeal Board did not take such point, or submission, into consideration when it considered the matter and reached its findings.
 - b. The Appellant is thanked for the manner in which they presented their appeal and the Appeal Board did consider all the implications that being denied permission to play outside its parent county might impose upon the Club but also considered the response of the Respondent to the appeal.

- c. However, the Appeal Board did not find a compelling argument from the Appellant as to why the Appellant should have been granted permission to play outside its parent county pursuant to the rules of the FA Women's Football Pyramid Regulations ("the Regulations") nor was the Appeal Board satisfied there was a sufficient argument that the decision of the Respondent was one that no other reasonable such body could have come.
 - d. With regard to the second ground of appeal the Appeal Board had to be satisfied that the decision-making process was fair and that on the materials before the Appeal Board their decision was in line with the Regulations when making that decision and concluded that it was.
13. An appeal under the Regulations and in accordance with FA regulations is by way of review, unless new evidence is admitted. It is not a second opportunity for the Appellant to present its case to a different tribunal if they do not like the original outcome.
14. So far as the appeal on the ground of failure to receive a fair hearing was concerned, the Appeal Board considered the process which had been followed by SFA and could find no fault in it.

The Appellant's case:

15. The Appeal Board noted the Appellant had won its county league at the appropriate age group for the past three or four seasons and Mr Groom and the players had sought a new challenge by playing what they perceived to be a stronger league. The Appellant had therefore engaged with Staffordshire Girls' League with a view to applying to join that league for the forthcoming season. It had not been Mr Groom's decision alone but was something which his girls had requested. In his request for permission to play outside Shropshire, sent to SFA on 18th July, Mr Groom had stated that "it isn't that much further than what they already travel". He also cited the new challenge his team was seeking.

16. SFA's Regulatory sub-committee met on 4th August and considered and denied the request. This decision notice was emailed to Mr Groom on 10th August 2022, quoting the applicable rules and explaining why the Club had failed to satisfy the required criteria.
17. The Appellant was appealing on the grounds that their playing record shows that the SFA does not provide football "in the same format" as the Club requires, an argument based on the perception that while SFA provides an appropriate age league for the club, the level of competition is below the standard the Club is seeking and by remaining in the Shropshire league the team would be playing weaker clubs.

The Response:

18. The Respondent quoted regulations 12.1 and 12.2 of the Regulations:

12.1 Any clubs wishing to enter a girls' team into a league competition shall only do so if the league competition is sanctioned by the County Association with which the club is in membership. If the club is in membership of more than one County Association, the league competition must be sanctioned by the Club's Parent Association. This Regulation 12.1 applies to all new and existing teams, irrespective of whether a club has another team already competing in a league sanctioned by The Association or any County Association.

12.2 The following exceptions to the above regulation shall apply, and a team shall be permitted, for one Playing Season only, to compete in a league sanctioned by The Association or any County Association, regardless of whether the club is in membership of it, provided that the club can establish:

(a) the travelling required to compete in a league sanctioned by The Association or another County Association is significantly less onerous than the travelling that would be required to compete in the appropriate league sanctioned by the County Association with which it has membership (or its Parent Association, where applicable);

(b) there is no appropriate age group division in the league sanctioned by the County Association with which it has membership (or its Parent Association, where applicable) for the new team to compete in; or

(c) the league sanctioned by the County Association with which it has membership (or its Parent Association, where applicable) does not offer the format of football that the Club wishes the new team to compete in eg 11 v 11, 7 v 7. The County Association with which the Club is in membership, or the Club's Parent Association where applicable, shall decide, whether any one of the above exceptions applies and if so whether the team may compete in a league sanctioned by The Association or another County Association.

The County Association or Parent Association shall review this decision annually based on the exceptions set out in (a) to (c) above and having regard to the playing standard of the team, the development of girls football in the area, the league in which it has been given permission to participate and the league it would be required to participate in if it was required to play in a league sanctioned by the County Association with which it has membership or its Parent Association as appropriate.

Specifically, the SFA had not regarded the application as being “robust” and had therefore undertaken its own research into the application, including travelling distances. The SFA concluded that the mileage would have been greater in the Staffordshire league, notwithstanding the absence of mileage comparisons from the Appellant. This would have addressed the requirements of 12.2 (a) but the Appellant’s research had shown this ground not to have been met. The benchmark for satisfying 12.2 (a) was that travel to a different county would have to be “significantly less onerous” and this case was not made.

19. Had the SFA considered there was a convincing reason for a club playing out of the county the SFA would look to work with that club and in the past have directed clubs to the Central Warwickshire league as a much better fit for developing girls. The SFA did not see objective evidence to suggest that the Club was out of place in the Shropshire Girls’ League.

20. It was a question of fact that for the purposes of 12.2 (b) there was an appropriate age group in Shropshire in which the Club could play and also in the appropriate format (12.2 (c)). Furthermore the SFA had a duty to develop football within

the county and the departure of the Club would leave the Shropshire Girls' League weaker.

21. To its credit, the Respondent had not taken the point that the Regulations require any club resigning from a league to give notice of resignation by 31st March in any given year but had rather considered the welfare of the Club and its players when considering the Club's application to play outside the county.
22. In answer to the ground that the Appellant had not been given a fair hearing the Respondent stated that clubs are not invited to such hearings, which are undertaken by a Regulatory sub-committee after written submissions. The Club's email of 18th July had been brief so on 3rd August the SFA had invited further representations before the sub-committee met. A further email from the Club also dated 3rd August had added very little to the original email and had not given any further substance to the request such as providing a comparison of travelling distances and times.

The Decision:

23. The Appeal Board found that the Respondent had applied the Regulations correctly. For the purposes of the appeal, for the Respondent to have decided the Club's application to play outside the county in the way that it had was not a decision to which no reasonable such body could have come and therefore the appeal failed.
24. The Appeal Board considered the matter of costs and decided that there would be no order as to costs. The Appeal Board did not doubt the sincerity of the Club in its application and that to have imposed an award of costs would have been unfair and not in the interests of developing the game.
25. The Appeal Board order that the appeal fee be forfeited.
26. The Appeal Board's decision is final and binding.

Paul Tompkins
Leon Bird
Robert Purkiss MBE

7th September 2022