

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL  
ASSOCIATION

BETWEEN

BARKING FC

Appellant

and

THE FA WOMEN'S FOOTBALL PYRAMID PROJECT TEAM

Respondent

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DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

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1. The Appeal Board conducted a hearing on Monday, 24 June 2024, to determine an appeal by the Appellant against a decision of the Respondent, dated 3 June 2024.
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 Glenn Moulton. Mr Nathan Greenslade, the Judicial Services Administrator, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Mr Keith Whittington. The Respondent was represented by Mr Nick Frith, with Ms Julie Syer observing.

**The Hearing**

1. The Respondent, on 3 June 2024, notified the Appellant of their decision that the Appellant was to be laterally moved from the Eastern Region Women's Football League Premier Division to the London and South East Regional Women's Football League Premier Division for the 2024/25 season.
2. The Appeal Board, having taken into account the submissions of the parties and having given the Appeal Bundle careful consideration, noted the following.

3. The Appeal Board thanks both parties for the manner in which they made their submissions.
4. The Appeal Board noted that the Appellant was appealing on the following ground:
  - a. Failed to give the Appellant a fair hearing.
  - b. Imposed a penalty, order, award or sanction that was excessive.

While acknowledging these two grounds of appeal, the Appeal Board also explained to the Appellant that the more appropriate ground for appeal was that the Respondent “*had come to a decision to which no reasonable such body could have come*”, a ground which had not been pleaded, but which was inferred in the appeal notice and which the Appeal Board would consider. There was no objection from the Respondent who was prepared for such arguments to be made in any event.

5. The Appeal Board unanimously dismissed the appeal on these grounds.
6. 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. On considering the ground of appeal that the Respondent had come to a decision to which no reasonable such body could have come, the Appeal Board took careful consideration of the Appellant’s geographical location, likely mileage to be travelled in the forthcoming season, the time it was likely to take for such journeys and the availability of an alternative solution proposed by the Appellant. The Appellant was particularly concerned at the time it would take to cross the Dartford crossing, in addition to the toll to be paid in both directions, and to use the M25, something that would be necessary for most away matches.

- c. By way of response, the Respondent explained that it had considered this specific move at its allocations committee meeting. The Appellant's arguments were understood but did not in themselves demonstrate that the decision to allocate the Appellant to London and South East Regional Women's Football League Premier Division for the forthcoming season was either wrong or, at least, so unreasonable that no reasonable such body could have come to it. The perspective of the Respondent was nationwide when populating the various leagues and moving clubs has an implication on many other clubs and can have a knock on effect for other leagues.
- d. The Appeal Board reminded itself that it is unable to impose its own preferred solution in such cases and is only empowered by the FA Appeal Regulations to review the original decision of the Respondent. This ground for appeal only allows the Appeal Board to intervene when it considers the Respondent has come to a decision to which no reasonable such body could have come.
- e. When looking at league allocations objectively, the Appellant finds itself in a location where it is a club close to the border of two possible leagues and the Respondent must exercise objective discernment when placing clubs. Placing the Appellant club in the London and South East Regional Women's Football League Premier Division was not perverse, irrational or wrong. To do otherwise could have overridden the principle of objectivity and fairness when applying the Regulations and would have risked preferring the Appellant's case over other clubs in a similar position. The Respondent had to consider the integrity of the FA Women's Football Pyramid. Therefore the Appeal Board is unable to find that that the allocation of the Appellant to London and South East Regional Women's Football League Premier Division for season 2024-25 is a decision to which no reasonable such body could have come.
- f. On considering the ground for appeal that the Respondent had imposed a penalty, award, order or sanction which was excessive the Appellant accepted that their appeal was on the basis that the consequences of the allocation would have an excessively adverse impact upon the Appellant and these arguments underpinned the appeal on the ground that the

decision on allocation was one to which no reasonable such body could have come. For that reason, the Appellant did not need to address the Appeal Board separately on this ground.

- g. On considering the ground for appeal that the Respondent had failed to give the Appellant a fair hearing, the Appeal Board noted the procedure which had been followed with consultation commencing in late March 2024 and the constrained timetable under which the Respondent has to work to compile league allocations in good time for the next season. The procedure followed had been in line with the required Regulations. The Appellant had been afforded the opportunity to comment on its anticipated position of the forthcoming season and should have been aware from its location that there was always a risk of a lateral move. Therefore the Appeal Board could not find that the Respondent had erred.

7. The Appeal Board considered the matter of costs and decided that there would be no order as to costs.
8. The Appeal Board order that the appeal fee be forfeited.
9. The Appeal Board's decision is final and binding.

**Paul Tompkins**  
**Glenn Moulton**  
**Robert Purkiss MBE**

24 June 2024