

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

EPSOM AND EWELL FC

Appellant

and

THE FA WOMEN'S FOOTBALL PYRAMID PROJECT TEAM

Respondent

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

1. The Appeal Board conducted a hearing on Tuesday, 25 June 2024, to determine an appeal by the Appellant against a decision of the Respondent, dated 31 May 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 Daniel Mole. Mr Nathan Greenslade, the Judicial Services Administrator, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Mr Craig Hayman. The Respondent was represented by Mr Nick Frith.

The Hearing

1. The Respondent, on 31 May 2024, notified the Appellant of their decision that the Appellant's application for promotion to the Southern Region Women's Football League for the 2024/25 season was unanimously rejected.
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 grounds:
 - a. Failed to give the Appellant a fair hearing.
 - b. Misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision.
 - c. Came to a decision to which no reasonable such body could have come.
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, willingness to relocate, and the availability of an alternative solution proposed by the Appellant. The Appellant club was ambitious, successful, having dropped only five points all season, had recruited players strongly and was keen to progress through the Tiers by whichever route was available. There was a danger that without promotion, players could lose interest and seek other opportunities to play at a higher level than Tier 7, where the Appellant was due to play next season.
 - c. By way of response, the Respondent explained that it had considered this specific move at its allocations committee meeting but the Appellant was looking to play outside its designated geographical catchment area.

The Appellant's comparisons had provided different perspectives on their situation but did not in themselves demonstrate that the decision not to allocate the Appellant to Southern Region Football League at Step 6 was either wrong or, at least, so unreasonable that no reasonable such body could have come to it. The Respondent was tasked with populating leagues by means of a set of rules designed to preserve the regional integrity of the Women's Football Pyramid and these had been applied correctly.

- d. Where a club is champion of a Tier 7 league that club is entitled to promotion to Tier 6 as of right and the Respondent must allocate those clubs in accordance with criteria, bearing in mind the nationwide nature of the Women's Football Pyramid. Only then are clubs wishing to be promoted but who have not won their league considered, through a promotion pool. The Respondent will only consider clubs in the promotion pool to their appropriate regional league at Tier 6, which in the case of the Appellant was the London and South East Football League, at which there were no vacancies.
- e. The case of two clubs located locally to the Appellant and also geographically located in Surrey, as is the Appellant, but who already play in the Southern Region Football League was considered. Woking and Abbey Rangers historically had each achieved promotion as Tier 7 champions, unlike the Appellant, so had been entitled to promotion.
- f. 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.
- g. The decision not to allow the Appellant promotion to the Southern Region Football League was not perverse, irrational or wrong. To do otherwise could have overridden the principles under which the leagues are populated at Tier 6 on a nationwide basis and would not only have departed from the criteria but 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 the denial of the request of the Appellant for promotion to the Southern Region Football League 2024-25 is a decision to which no reasonable such body could have come.

- h. 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 and the Appellant had been afforded the opportunity to seek promotion in the correct way. Therefore the Appeal Board could not find that the Respondent had erred.
 - i. On the ground that the Respondent had misinterpreted or failed to comply with the rules and/or Regulations of the Association relevant to its decision the Appeal Board considered the Women's Football Pyramid Regulations carefully so far as they apply to promotion between Tiers 6 and 7 and found there had been no error in the application of those Regulations.
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
Daniel Mole
Robert Purkiss MBE

25 June 2024