

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

HINDLEY JUNIORS 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 3 June 2024.
2. This hearing was conducted as a Personal Hearing (via videoconference).
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 Mr Kane Tack. The Respondent was represented by Mr Nick Frith.

The Hearing

5. The Respondent, on 3 June 2024, notified the Appellant of their decision that the Appellant was to be laterally moved from the North West Regional Women's Football League Division 1 South to the North West Women's Regional League Division 1 North for the 2024/25 season.
6. The Appeal Board, having taken into account the submissions of the parties' careful consideration, noted the following.

7. The Appeal Board thanks both parties for the manner in which they made their oral and written submissions.
8. The Appeal Board noted that the Appellant was appealing on the following grounds:
 - a. Failed to give the Appellant a fair hearing.
 - b. Came to a decision to which no reasonable such body could have come.
9. The Appeal Board unanimously dismissed the appeal on this ground.
10. 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, and the availability of an alternative solution proposed by the Appellant. 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.
 - c. 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 divisions and the Respondent must exercise objective discernment when placing a club, considering not only the club in question but also other

clubs affected by the allocation and the travelling required by all clubs in a particular division. Placing the Appellant club in the North West Regional Women's Football League Division 1 North was not perverse, irrational or wrong. To do otherwise would have risked preferring the Appellant's case over other clubs in a similar position.

- d. 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 in particular that passage stating:

“The Board, in consultation with the relevant Joint Liaison Committee, shall decide which Clubs shall be promoted into Tier 6 (and into which division at Tier 6), taking into account:

- (a) the travel requirements for the relevant Club as well as for the member Clubs of the division it will be joining;*
- (b) the number of vacancies after any relegation has occurred;*
- (c) any applicable ground grading criteria; and*
- (d) other published criteria for promotion pool applications”*

The Appeal Board scrutinized carefully the promotion of MSB Woolton to the North West Regional Women's Football League via the promotion pool, a move which had significantly contributed to the lateral move of the Appellant to North West Regional Women's Football League Division 1 North. The Appeal Board was ultimately satisfied that the application of the promotion pool criteria had been handled correctly by the Respondent and this had led to the constitution of the North West Regional Women's Football League at Tier 6, which was then divided into divisions North and South. One consequence of that promotion had been to require a lateral move and while the decision to move the Appellant laterally had not been the only solution, it was one of a number of reasonable solutions available to the Respondent. More importantly, the Appeal Board was not able to find that there had been an error in the application of the applicable Regulations.

- e. 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.

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

Paul Tompkins
Daniel Mole
Robert Purkiss MBE

25 June 2024