

## **IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE**

In the matter of an appeal filed on behalf of Raceview F.C Ladies (hereinafter referred to as the Appellant) against a decision of the Northern Ireland Woman's Football Association (hereinafter referred to as the NIWFA or the Respondent) to elect not to postpone or change the NIWFA Division 4 Cup final from 31<sup>st</sup> August 2024 due to the Appellant's player unavailability arising from the fixture coinciding with the Royal Black Institution Parade occurring on the same date.

### Appeals Board

Mr Barry Finnegan (Vice-Chair)

Ms Rachel Best K.C

Mr David Lennox

### **Decision:**

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Tuesday 24<sup>th</sup> September 2024. It concerns an appeal brought on behalf of the Appellant against a decision reached by the Respondent's committee to proceed with the scheduled NIWFA Division 4 Cup Final on 31<sup>st</sup> August 2024 despite the Appellant indicating in written correspondence that they had a large number of players unavailable on this date.

Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the substantive appeal shall be upheld. The NIWFA Division 4 Cup Final should be rescheduled on a mutually convenient date following consultation between the Appellant and their cup final opponent.

### **Attendees:**

The Appellant was represented at the Hearing of this appeal by Jamie Mairs, Manager, Colum Reynolds Chair and Councillor Chelsea Harwood. They each gave evidence to the Appeals Board.

The Respondent was represented by Valerie Heron, Chairperson, Patricia McCullough, Vice Chair, David Heron, Committee Member and Colette Young, Secretary, all of whom also provided evidence to the Appeals Committee.

The Appeals Committee would like to express their gratitude for the helpful and informative manner in which all of the attendees conducted themselves during Hearing.

### **The Rules at Issue:**

This appeal does, in part, concern the interpretation and application of Article 7 (1) of the NIWFA League Rules which stipulates the following:

*"Any club refusing or failing to play the club against which it is drawn on the date fixed by the NIWFA Committee without sufficient reasons for doing so, shall be adjudged to have lost the tie and will be subject to a non-fulfilment fine as per NIWFA Tariffs."*

At various stages throughout the appeal hearing representatives from both the Appellant and Respondent also made reference to NIWFA League Rule 4.2 and specifically the following salient provisions:-

*“All NIWFA League matches shall be played on the dates scheduled at the commencement of the season, except:*

*i. When otherwise directed by the NIWFA; or when*

*ii. A club requests the deferral of a fixture for exceptional circumstances and this is agreed by the NIWFA”*

For the avoidance of doubt the Appeals Board wish to make it clear to both parties that they do not consider rule 4.2 to be of relevance in this appeal as the wording makes it expressly clear that this relates to league matches only.

**Facts:**

In addition to an examination of the relevant rules and the oral evidence submitted on behalf of the Appellant and Respondent, the Appeals Board noted the written submissions filed on behalf of both parties.

The Committee has made the following findings following a detailed analysis of the facts available:-

1. The Appellant was offered the opportunity to explain the core rationale surrounding their request to have the cup final moved. Mr Mairs explained this arose primarily due to the fact a large number of the Appellant’s players were unavailable on 31<sup>st</sup> August 2024 due to their participation in the “Black Saturday parade” held in Ballymena on the same date.
2. When asked for specific details as to how many players were unavailable and why this arose specifically in connection with the aforesaid event, Mr Mairs was provided with a screenshot of a spreadsheet by Ms Harwood, a copy of which was also made available to the Appeals Board and Respondent.
3. This spreadsheet had not been included nor referenced in the Appellant’s written submissions.
4. The document referred to a total of 19 players who would be unavailable due to participation in the Black Saturday parade through “church/cultural” participation, employment connected with this event and difficulties arising to secure childcare on this date. This left a total of 13 players, 10 of whom were unavailable for a variety of different reasons including injury, pregnancy, holidays and suspension.
5. When asked whether this document had been prepared at the time of the Appellant’s email communication with the Respondent Mr Mairs advised that it had. When asked why it had not been furnished upon the Respondent at the time, he advised that this was essentially an oversight on his part, and he felt that it may have been possible to convince the Respondent to reschedule the match without recourse to this document.
6. Mr Mairs provided an overview as to the timescales involved in attending this parade. He explained that he himself participates in a band and did not finish up at the event until 19.45pm on 31<sup>st</sup> August 2024. He adduced that this clearly would not have afforded him, nor other members attending the event, sufficient time to make their way to the allocated pitch at Ballyclare Comrades FC (Dixon Park) to play the final. He referred to this as “not being

feasible” even with the Respondent moving the fixture back to 8.00pm (previously allocated as a 7.00pm kick-off).

7. Mr Mairs advised that a number of players would attend a religious services following the main parade which would occur that evening and that a family-fun type event would be held throughout the day hence it was not simply a matter of several of the Appellant’s players, or their relatives, simply participating in the parade itself.
8. Ms Harwood explained that a further factor surrounding the non-availability of the Appellant’s players was that many of them had arranged to work on Saturday 31<sup>st</sup> August 2024 to coincide with this parade and associated events taking place. The arranging of work was done in the knowledge that the Appellant had not played in matches at the weekend throughout the season and Mr Mairs agreed by stating that the Appellant was taken by surprise when it was confirmed the cup final would be played on a Saturday.
9. The Appellant emphasised that it was not a matter of their players not wishing to participate in the final. They were very keen to do so, and Mr Mairs explained that his side had finished the league season undefeated and were anxious to participate in the league cup final.
10. Mr Mairs was asked about several items of email correspondence addressed to the Respondent to include his email of 26<sup>th</sup> June 2024 which referred to how *“a few girls are planning holidays and don’t want to clash”* as well as a further email of 3<sup>rd</sup> August 2024 which was in response to the Respondent’s notification email concerning the fixture date on 31<sup>st</sup> August 2024. The latter email stated that the Appellant *“have a big no. of girls unavailable due to Black Saturday and holidays being booked.”*
11. When asked why the latter email appeared to be giving equal footing to both the Black Saturday event as well as players having booked holidays Mr Mairs responded by stating that only four players were on holiday (including one attending an international boxing event) and the majority were unavailable due to participation in the Black Saturday event. It was not a case of both reasons equating to an equal number of absentees.
12. It was accepted by both parties that the Appellant participated in a semi-final against Belfast Ravens FC on 19<sup>th</sup> August 2024 and won that match meaning they qualified for the NIWFA Division 4 cup final.
13. This result triggered a flurry of further email correspondence with the Respondent on 22<sup>nd</sup> August 2024 (including a suggestion from the Appellant to play the final on 7<sup>th</sup> September) and on 26<sup>th</sup> August 2024. They were rebuffed by the Respondent on both occasions due to clashes with other scheduled events and a written response on 29<sup>th</sup> August 2024 is provided by Ms Young for the Respondent which stated that *“the NIWFA committee decision is that the match date cannot be moved”* with elaboration provided as to the various officials and professional staff booked in to attend on 31<sup>st</sup> August 2024.
14. The Respondent’s evidence was provided by Mrs Heron, Ms Young and Ms McCullough all of whom referred to the fact the tight scheduling in relation to the NIWFA cup finals was referenced in the Microsoft Excel Spreadsheet sent to participating clubs (league fixture schedule) on 4<sup>th</sup> March 2024, prior to the season commencing.

15. Ms Heron explained that one of the most significant issues encountered by the Respondent when scheduling such fixtures is that of pitch availability. The issue is even more pronounced when one considers that some of the clubs in Division 4 do not play matches on a Sunday for religious reasons.
16. Ms Young advised the committee that considerable efforts are undertaken by the Respondent to secure a pitch which is befitting of the occasion of a cup final and that the pitch at Ballyclare FC (Dixon Park) fit the bill in that respect.
17. Ms Best K.C sought to establish when the Respondent had held a committee meeting to discuss the issues raised in the aforementioned email correspondence. Ms McCullough accepted that a committee meeting had taken place however when asked when this occurred she indicated this may have been in and around 3<sup>rd</sup> August 2024 but appeared unsure as to the exact date.
18. When asked whether the Respondent's committee considered inviting the Appellant to attend this meeting to convey the difficulties they faced in terms of player unavailability Ms Young responded by stating the Respondent didn't feel this was necessary and that they wouldn't have considered such a course of action due to the sheer volume of clubs they must administer and the number of enquiries they tend to receive. Ms Heron indicated that she felt the Appellant "had addressed all the issues they wanted to in their email."
19. Upon enquiry by the appeals committee the Respondent were unable to confirm the exact composition of their committee members which came to the core decision to retain the Division 4 Cup Final date on 31<sup>st</sup> August 2024, nor did they produce any contemporaneous documentary evidence, such as meeting minutes, to elaborate on the decision-making process. It was unclear to the committee as to whether any such documentation had in fact been prepared.
20. Ms Heron provided evidence that whilst the Respondent have changed fixtures upon request in the past the Appellant "didn't give us clear extenuating circumstances" and the Respondent therefore "fell back" on Rule 7.1 to retain the final date on 31<sup>st</sup> August 2024.
21. When asked what circumstances the Respondent would have deemed sufficient to trigger a fixture change pursuant to Rule 7.1 Ms Heron responded that this could be a death of a teammate or close relative or if several players from one club were away on international duty with the national team.
22. Ms Heron confirmed that no previous requests had been received by the Respondent concerning rescheduling a fixture due to a clash with a Royal Black Institution Parade or other religious/cultural event (beyond that detailed in paragraph 19 above).
23. Mr Mairs advised that he felt the scheduling of the fixtures was "poorly organised" and the Appellant had genuine reasons concerning why a significant proportion of their players could not attend on the date in question. In response Ms McCullough for the Respondent raised a point concerning the Raceview Men's Football Team having advertised for a friendly on the same date and why this would have been any different to the lady's side.

24. Mr Mairs and Mr Reynolds stated that the two entities are completely separate. The men's team play in Broughshane and the female team in Ballymena. Both sides have different club constitutions and code of conduct.
25. The appellant also raised that a number of Irish Premier Division matches had also been rescheduled from Saturday 31<sup>st</sup> August to Friday 30<sup>th</sup> August 2024 to accommodate players and staff attending the Black Saturday parades. These matches included Portadown v Linfield and Ballymena FC v Glenavon.

**Conclusions:**

26. In the present case the Appeals Board is satisfied that the Appellant had sufficient reason to request the Respondent to change the proposed date of the NIWFA Division 4 Cup final.
27. It is the Appeal Board's view that any application to postpone a match should be considered on their particular facts and on a case-by-case basis. Applications should only be granted where the impact of player unavailability arises due to exceptional circumstances and where the requesting club can demonstrate that they have taken all reasonable steps available to ensure sufficient player availability.
28. On this core evidential point, it is noteworthy that the Respondent did not challenge the Appellant's evidence concerning the non-availability of their players on the 31<sup>st</sup> August 2024 either in written submissions or oral evidence.
29. The Appeals Board would emphasise that the failure to appropriately engage with the Appellant via email communication to explore the issues raised by way of follow up questions, or invite the Appellant to a meeting, denied the Appellant an opportunity to adequately present their position. If facilitated, this would have ensured that the Respondent were in the most informed position to assess the virtues of the Appellant's application to postpone the fixture.
30. The Appeals Board understands that the Respondent must endure a significant body of work to organise these fixtures and ensure the entire process operates smoothly however this does not obviate their requirement to engage appropriately with their constituent clubs. This requirement extends to ensuring that if committee meetings are held to discuss relevant issues raised by clubs, particularly if such an issue involves participation in a cup final, that those issues are properly explored and, ideally, clubs are invited to be heard on the issue.
31. The Appeals Board is not satisfied that sufficient enquiries were made by the Respondent as to the issues raised by the Appellant, nor were the player availability issues considered adequately by the Respondent internally. It was unclear from the Respondent's evidence when exactly a committee meeting to address this issue had occurred, which committee members had participated and what the decision-making process had been in terms of considering whether the Appellant's request crossed the threshold of constituting a "sufficient reason" for postponement.
32. The fact that no minutes pertaining to this meeting had been made available to the Appeals Committee certainly did not assist the Respondent in this regard.

33. The impression formed by the Appeals Board during the Respondent's evidence was that as a suitable pitch had been identified to host the NIWFA Division 4 final on 31<sup>st</sup> August 2024 none of the Appellant's representations concerning player availability warranted further enquiry nor did there appear to be any willingness from the Respondent to consider rescheduling the fixture to midweek, or otherwise, in order to accommodate the Appellant's request.
34. The fundamental conclusions reached by this committee are that the Appellant had sufficient reason to request the postponement at first instance and that the Respondent had erred in not exploring the substantive request to a sufficient degree.
35. The Appeals Board take the view therefore that the appeal shall be upheld. The NIWFA Division 4 Cup Final should be rescheduled by the Respondent on a mutually convenient date following consultation between the Appellant and their cup final opponent.

Dated: 1<sup>st</sup> day of October 2024. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board