

In the matter of an appeal by Donaghadee Football Club against a decision of the Northern Amateur Football League made on 6th October 2020

Appeal Board – John Greer (Chair), Carley Shields, and John Taggart

This matter concerns an appeal under Article 14 of the IFA Articles of Association in respect of the non-completion of cup competitions under the auspices of the NAFL, their power to curtail these competitions and the manner in which they sought to do so. Despite being a relatively straightforward matter lengthy submissions and responses were entered by both parties. More succinct and focussed submissions would have been appreciated by the Appeal Board.

Whilst parties are entitled to know who is sitting on an Appeal Board the composition and method of selection of any Appeal Board is matter for the Appeals Committee, not the parties to any given appeal.

In light of the ongoing pandemic the Appeal Board were satisfied that it would be appropriate to deal with the matter by way of paper submissions.

Turning to the substance of the appeal, it is not necessary to determine whether the earlier League decisions hold up to scrutiny. The League opted to revisit the matter and made a fresh decision on 6th October which is the decision under appeal and as such we restrict our considerations to looking at that decision. Having satisfied ourselves through further enquiries that all other affected clubs were notified of the League's decision and have not sought to challenge that decision the Appeal Board will seek to provide some finality to the matter.

Having carefully considered all submissions the Appeal Board are satisfied that the League were empowered under their rules to make a determination on the continuation or otherwise of the various cups having themselves carefully deliberated on the matter. Whilst reliance on unrestricted enabling powers under Article 19 remains a matter of careful judgement which must withstand scrutiny, to deprive the League of the ability to make decisions (on foot of a right it has reserved itself) in response to the highly unusual and fast evolving circumstances in which we all find ourselves would be a perverse outcome. Importantly, the Appellant does not appear to take issue with the rationale for the decision, simply the League's ability to make it and how it was communicated.

When making this new decision the League should have communicated with all interested parties at the same time setting out the basis on which the decision was made and providing a clear rationale for the decision. If this required the League to wait until minutes were approved then they should have waited. The reason that the Appellant was communicated with separately to all other affected clubs who had a right of appeal against the League decision is unclear and has not been explained. Transparency and accountability are important and actions which undermine these principles should be avoided. The League has not demonstrated best practice in the outworkings of this decision and should take steps to ensure they have processes in place to prevent any repetition in the future when such important decisions are made. Had they communicated with member clubs more effectively this Appeal may have been avoided.

It is worth noting that the Appellant has suffered no prejudice due to the fact that they effectively preserved their position by lodging this appeal (notwithstanding that they should not have had to do so) and further that were the Appeal Board to insist upon the decision being recommunicated (as opposed to being re-made) it would be a fruitless exercise as the Appellant does not stand to benefit.

Whilst ultimately we believe the decision made by the League was sound, the Appeal Board can understand how, as an aggrieved party, the Appellant felt it was put in a position whereby it had no alternative but to bring this Appeal and accordingly the appeal fee should be returned to them.

IFA Appeal Board

16.11.20