

Hockey Ireland (HI) Appeal Panel hearing the appeal by Lisnagarvey Hockey Club (LHC) regarding the decision of the HI Management Board (HIMB) regarding the EHF Competition Nominations

Appeal was heard at 1830hrs on 29 June 2020 via video link

Appeal Panel: - Richard Kendrick (RK) [Chair]; Ivy Dennis (IV); Crawford Tipping (CT)

For the Appellants: - Kyle Lunn (KL) [Chair LHC]; Gail Geddis (GG) [Vice-Chair LHC]; Jamie Millar (JM) [Club Secretary LHC]; Keith McGarry (KMcG) [Solicitor assisting LHC]

For the Hockey Ireland Management Board: - Eric Brady (EB) [Chair of HI Management Board]

All present were aware of the papers related to this appeal circulated by J. Pels, CEO of HI.

Summary of the Appeal Hearing

RK introduced the members of the panel and EB. KL introduced the LHC members. It was noted that JM and KMcG had voice link but were not visible. They were content to continue.

KL was then asked to present the LHC appeal.

He first asked if the HIMB were resisting the appeal. LHC felt that EB's letter to HIMB raised concerns regarding the procedures followed in reaching the Board's decision.

EB replied that the Board were not against LHC having the right to appeal. His letter of 2 June was as the result that he had concerns that there may have been errors of procedure in how HIMB had reached their decision at the Board Meeting of 5 May. That decision had been subjected to a vote. At the subsequent HIMB of 2 June the Board members felt they were content they had knowledge of the facts and, despite EB's concerns were happy with the process, felt the original decision should stand. It was felt that another vote was not required.

KMcG then asked to make the point that EB's letter was incompatible with the HIMB decision.

EB explained he had spoken to the letter at the meeting 2 June and that he felt the letter could have changed people's views for Men and Women. HIMB discussed the issue and felt clear on the facts. There was still a majority that the original decision should stand. All were asked if they felt they had been misled. This was not the case in their opinion. The changes on who could vote was decided that it had not affected the outcome, thus this was to stand.

RK asked why the incompatibility concerns when the matter had been discussed at a second occasion on 2 June.

KMcG said that the lack of references to considering alternative methods to inform the final decision at the 2 June meeting created difficulties with the procedures during the meetings.

EB pointed out his role at the appeal was to represent HIMB and to provide factual evidence. He wrote in good faith and the Board at the 2 June meeting felt his concerns didn't warrant a change in decision.

KL then continued with his appeal by way of a PowerPoint presentation. This has forwarded to all participants, and included J. Pels, CEO HI. This really summarises their grounds for the appeal. The text of these slides is included below.

Reason for the appeal

- 5th May HI Board decision on allocation of places for EHF competition in 2020/21 season
- **Working assumption / hypothesis:**
 - **Select the teams best placed at that time (i.e. 5th May) to represent Ireland**
- The decision is important for:
 - Ireland's position in European club competition
 - For the clubs involved
- Decision – select the 4th placed team in EYHL as number 1 representative for Ireland

The Decision

- Lisnagarvey believe this decision is:
 - Flawed & unjust (reasoning to follow)
 - Without reasonable rationale to support it
- Therefore it is not sound
- The outcome is unfair & detrimental to Lisnagarvey
- **Flawed:**
- There are several options that *could* have been used to determine the best placed team, but were not.
 - The only rationale given:

'A quick decision would at least put this one to bed'*

*Email from Chair of HI Competitions to HI Board members 16th April 2020

- Speed should not be the primary consideration
- Fairness & correctness should be at the heart of any decision
- **Unjust:**
- When the EYHL stopped:
- Clear gap
 - Between 1st & 2nd : 5 points + 2 games in hand
 - Between 1st & 4th : 8 points + 2 games in hand
- Head to head record between 1st placed and 4th placed teams:
 - 6-0
 - 4-3
- **Without reasonable rationale**

- Measures above were not used
- The reason given for not using them (that the season was declared ‘null and void’) is incorrect.
- Why is this incorrect?
 - Competitions Working Group & the HI Board had the discretion to use whatever reasonable measure they determine.
- Instead, a historic ranking was used.
- This cannot outweigh the merits of the objective measures above.
- Therefore the logic / rationale behind the decision is very unreasonable.

Conclusion

- 5th May – HI Board had to make the decision
- Over 60% games complete
- Head to head: 6-0, 4-3,
- % win ratio – LHC are top placed team
- The Competitions Working Group did not properly consider the question in hand.
 - i.e. not properly debated, no alternatives discussed
- The HI Board did not properly consider the question in hand
 - i.e. not properly debated, no alternatives discussed
- A very unfair & unjust decision resulted

KL continued that no clear reasons for using historic nominations were made. The decision to null and void the season without making it clear to the clubs the effect this would have on EHF nominations for the 20/21 EHF competitions placed LHC at a disadvantage. Sixty percent of games had been played and while a win percentage was acceptable for the provincial leagues, for no reason that they could find was this applied to the EHF nominations. In the Competitions Working Group’s emails there was no order of nominations until P. Derring writing that Three Rock Rovers should be 1 and LHC 2.

RK then asked the other LHC representatives if they had any further contributions. GG and JM had none. KMcG added that LHC believe that there was no rationale shown of who goes to Europe. Not only who goes but who is No.1 and No.2. KL went on to say that the communication saying that the European places will be decided at a later date at the time to “null and void” all results in EYHL meant that LHC were unable to be aware of the consequences of that. They would have appealed the “null and void” decision at that time. LHC also felt that there were conflicts of interest in those making the decisions. KMcG supported the disquiet they felt about the process. EHF left the selection of representatives to Europe to the National Governing Bodies. It was their discretion to decide. Some criteria should be used, but no rational or measurable factors appear to have been employed in HIMB reaching their decision to use the last season’s standings.

RK then asked EB for any further comments. EB explained that when the original decision to stop hockey leagues was made it was decided to pause on the European nominations decision and thus the two were not linked. [This was 25 March] This was a Board decision, though not his view at that time.

RK asked ID and CT if they had any further points to make. Both were content.

LHC representatives and EB left the video meeting.

Determination of the Panel

After further consideration of the above all the panel have determined that Lisnagarvey Hockey Club's Appeal should be upheld.

They felt that the HIMB did not clearly appear to consider alternatives to the selecting and order of the clubs to represent Ireland in the EHF Club Competitions in the 20/21 season. No reasons were given for deciding that the selections and positions of the teams of the previous season rather than giving consideration to alternative methods to try and reach the most equitable outcome. The decision that it was acceptable to use a mathematical model for the result for the provincial leagues, but not to the EYHL, is a weakness.

The separating of the decision to null and void the EYHL and the decision from the selection for Europe placed LHC at a disadvantage of considering appealing the null and void decision. All clubs were not aware of the consequence of this decision.

There was also disquiet expressed at EB's letter of concerns that proper procedures had not been followed. Their review of the correspondence and minutes did not allow the panel to find that proper procedures were followed.

The Panel determined that Lisnagarvey Hockey Club shall be given the first place in the nominations for European Club Competitions for the season 20/21.

This was a majority decision, one member having the opinion that HIMB should be asked to revisit their procedures and decisions as to their selections and order for European Club Competitions for that season.

This reflects the complexity of this matter in unprecedented times.

All agreed the appeal fee should be returned.

Richard Kendrick

Chair – This report has been agreed with Ivy Dennis and Crawford Tipping