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ALAN BARBER CUP ARBITRATION PANEL

DECISION

Panel: Gareth Hoskins* (Chairman)
James Toop**
Laurie Brock**

* Appointed by EFA Chairman; present throughout the Final

** Chosen by Panel Chairman; neutral, experienced players who have played both of the pairs in question within the last two seasons

Observers: Mark Williams*** (Chairman Competitions sub-committee)
Richard Black***

*** Appointed by EFA Chairman

Introduction

1. On Sunday 24 February 2019, the 2019 Alan Barber Cup Final took place between the Old Salopians and the Old Harrovians. On court, the Old Salopians won 2-1 (winning second and third pairs). However, prior to the match starting, the Old Harrovians objected to the order of the Salopian pairs, arguing that their second pair was stronger than their first. The Harrovians did so pursuant to the following rules, which apply to each of the EFA's five principal team competitions, including the Alan Barber Cup (the *Barber Cup*):

Announcement of Pairs

Team captains shall exchange pairs no later than the agreed starting time of the match.

Pairs must be arranged so that the second pair is not stronger than the first pair, and the third pair is not stronger than the first or second pairs.

Procedure for complaints about the relative strength of pairs

A team captain may lodge an objection concerning the relative strength of the opposition's pairings only before the commencement of the match. No subsequent complaints can be considered.

The captain of the opposing team must specify which pair (or pairs) he considers to be in an unfair order.

The captain of the "offending" team may either:

- a) Stand by his original pairings, in which case the match is played with these pairings. If the "offending" team wins, the matter is referred to the Competition Organiser for arbitration. The complaint must be made in writing within seven days of the match.*
- b) Re-order his pairs to satisfy the opposing captain's complaint. Only complete pairs may be re-ordered not the composition of them. Once a team's pairings have been accepted by the opposing captain, no further alteration is allowed.*

2. Following the Harrovians' complaint, which was (appropriately) made before the start of the match, the Salopians declined to change their pairings, such that sub-paragraph a) above applied. As the matter has now been the subject of an official (written) complaint from the Harrovians, this panel (the **Panel**) has been convened to consider a single issue (the **Issue**), which is whether the Salopians' second pair (Ed Taylor and George Thomason) was stronger than their first pair (Rex Worth and Tom Cox). The Panel is entirely neutral in that none of its members has any affiliation with either club. This decision is that of the Panel alone and is final.

Preliminary points

The "Stronger" Threshold

3. The rule above simply states that a team's second pair must not be "*stronger*" than its first. However, there is always room for a measure of subjective disagreement and for performance fluctuations on any particular day, and we have very much in mind that, in order to decide against the Salopians, we need to be satisfied that their second pair was clearly (and not just arguably) stronger than their first.

4. On the other hand, it is important that the “stronger” threshold is not set too high and that, where it has been reached, the rule is actually enforced. At the higher levels of the game, it is obviously possible to have two very good pairs where the difference in ability is not major but the position is nevertheless that there is a clear difference (such that one pair would be expected to win most, albeit not necessarily all, best of five set matches between them). Setting the threshold too high, or showing too much reluctance to enforce the rule except in the very clearest cases, would risk robbing the rule of any real force and allowing clubs too much latitude.
5. Balancing these considerations, the “test” that has been used as a reference point for consideration of the Issue is whether, in the opinion of the Panel, George Thomason and Ed Taylor would win seven (or more) out of ten, competitive, five set matches played against Rex Worth and Tom Cox.
6. We add that it forms no part of the Panel’s role to consider whether or not, as the Harrovians allege, the Salopians *intended* to select a team with a stronger second pair than first pair. We are simply considering the question of whether, in our view, the Salopians’ second pair was, in fact, stronger than their first. We neither attempt nor intend to pass any judgment on whether the Salopians tried to gain an unfair advantage.

The Rankings

7. It is necessary to say something about the EFA rankings (the ***Rankings***), not least because this is a point that the Salopians rely on.
8. The Rankings were developed in order to improve the structure and transparency behind seeding decisions at the three major tournaments (the ***London***, the ***Northern*** and the ***Kinnaird***). They are based on recent performance at those three major tournaments (only), are used to seed those tournaments (only) and penalties are applied for non-attendance at those tournaments. Two particular points follow from this:
 - (1) First, the Rankings were brought in with a view to being applied (and are applied) in respect of the seeding for the three tournaments above only, and, at the present time at least, it is only results in those three tournaments (and not, for example, Division 1 or the Barber Cup) which contribute to the Rankings. Strictly, the Rankings are irrelevant to other competitions, including the Barber Cup.

- (2) Secondly, the Rankings are based not just on performance in, but also attendance at, those three tournaments - the intention is to provide a measure of reward for those who participate in these tournaments regularly as against those who do not (and vice versa). The Rankings cannot, therefore, be looked at as a straight or guaranteed indicator of relative ability between players. They will serve as such an indicator in many cases, but a very good player who participates in major tournaments only rarely (particularly in recent years) may well have a relatively low ranking which does not reflect his actual ability, or even not be on the ranking list at all. Indeed, even in the three major tournaments, the seeding committee retains (and has, on occasion, exercised) a discretion to overturn the Rankings in appropriate cases (where one or both players in a pair does not have a ranking).
9. As a result, as the Salopians were expressly told on the day of the Final, a team cannot simply rely on or point to the Rankings in support of the order of their pairings in team competitions such as the Barber Cup, and nor are the Rankings in any way determinative of the Issue. The Rankings do not remove the need for a team to think carefully about whether their pairings are correctly ordered.
10. The position in this regard is especially clear in this case because, although the Salopians refer to the Rankings as they stood on 30 January 2019, George Thomason's ranking had in fact expired (such that he did not have a ranking) by the time of the Final. This is precisely the situation in which, as noted above, even in one of the three major competitions, the seeding committee would have had a discretion as to the seeding of the respective pairs.

The Final Itself

11. One of the arguments made by the Harrovians is that the relative performance of the two Salopian pairs *in the Final itself* demonstrates that Ed Taylor and George Thomason were the stronger pair, and indeed that they are the Salopians' best two players. We do not, however, think it appropriate to afford very much weight to the performance of the players in the Final itself when reaching our decision. This is because two of the Panel were not present at nor (therefore) watched the Final. They would therefore be reliant on second-hand evidence as to the relative performance of the two pairs, which would not be an appropriate or sound basis for reaching a

decision, particularly where the two Salopian pairs were, of course, playing two different Harrovian pairs.

The Issue

12. Having made those preliminary observations, we turn to the Issue. In doing so, we do not necessarily address every single point made in the teams' detailed arguments, but we have carefully considered these and taken everything into account.
13. The Harrovians argue that Ed Taylor is the Salopians' best player. We agree, and note that this appears to reflect the view of the Salopians themselves, because in every Division 1 or Barber Cup match in (at least) the last two years, when Ed Taylor has been available and part of the Salopian team, he has played at first pair (no other Salopian player has played at first pair with the same consistency). Furthermore, Ed Taylor is the only member of the current Salopian team to have reached the Kinnaird semi-final, and has done so in two of the past three seasons. The conclusion above is also supported by the playing experience of two members of the Panel in particular.
14. In these circumstances, the Salopians' decision can only be justified if George Thomason is clearly a weaker player than Rex Worth and Tom Cox, and by a margin greater than (or at least equal to) the extent to which Ed Taylor is stronger.
15. We do not think that he is. George Thomason may not have enjoyed the same level of recent major tournament success as Rex Worth and Tom Cox, but this in itself carries only very limited weight given that he has not even entered those tournaments. His level of performance in those matches he *has* played in, in the past 12 months or so especially, has been high (we return to this below).
16. We add that we do not necessarily agree with the Harrovians that George Thomason is the Salopians' second best player, and nor do we need to go that far. It is sufficient that we do not think that he is clearly a weaker player than Rex Worth or Tom Cox. In that regard, we do note however that George Thomason has, in Salopian Division 1 and Barber Cup matches in the past two years, featured at first pair far more consistently than Tom Cox or Rex Worth:

Thomason: Played 16, first pair 12 (75%)

Worth: Played 9, first pair 2 (22%)

Cox: Played 20, first pair 5 (25%)

17. The Salopians argue that Tom Cox and Rex Worth are a very established pair (as indeed they are) - they emphasise that Fives is a pairs game and that Rex Worth and Tom Cox's detailed knowledge of each other's games and experience of playing together regularly over more than four years means that, as a pair, they were better placed to perform (and to be taken as stronger) than Ed Taylor and George Thomason.
18. The problem with this argument is that on every occasion in the past two years that the Salopians have fielded a team in either Division 1 or the Barber Cup containing:
 - (i) George Thomason and Ed Taylor as a pair; and
 - (ii) Tom Cox and Rex Worth as a pair, Thomason and Taylor have played above Cox and Worth. There have been three such occasions, including recently (and, we reiterate, no occasions in which the pairs have played (as pairs) in the opposite order):
 - (1) Division 1 match versus Old Olavians (29 January 2018)
 - (2) Barber Cup Final 2018 versus Old Olavians (18 February 2018)
 - (3) Division 1 match versus Old Millhillians (5 December 2018)
19. The Salopians' arguments neither acknowledge nor engage with this important point. They do not, for example, explain that (or why) their view has and/or circumstances have changed since as recently as 5 December 2018.
20. The same point arises in relation to the Salopians' related argument that they had significant doubts about George Thomason's lack of match hardness, proven performance, ability to perform in high level (and high pressure) matches etc and that that is why he and Ed Taylor were not selected at first pair. Division 1 league matches and (especially) the 2018 Barber Cup Final are self-evidently high level (and high pressure) matches and the Salopians adopted the opposite approach on those occasions (and see above as to the overall consistency with which George Thomason has featured at first pair). Again, the Salopians have not explained why these concerns over George Thomason's form, match hardness etc suddenly troubled them in a way they evidently did not (or did not to the same extent) before, and it is fair to say that we find these concerns unconvincing in any event, given the above.
21. Whilst we agree that George Thomason and Ed Taylor are not nearly as established a pair as Tom Cox and Rex Worth, we do not accept that they have played together so little that George Thomason would need time to "*get used to*" Ed Taylor's game, or that playing them together really represented a "*true gamble*" as to whether they would "*gel in the heat of battle*" (as the Salopians suggest). George Thomason and

Ed Taylor have played together in seven Division 1 matches over the past two seasons, as well as two Barber Cup matches (including the 2018 Final). They are very far from being a “scratch” pairing.

22. Further, we do not agree with the Salopians’ argument that George Thomason and Ed Taylor have played together “*with little success*”. They have won all three of the first pair Division 1 matches they have played this season, and their performance in the 2018 Barber Cup Final was impressive, albeit in defeat (12-15, 11-13, 6-12). Although we do not regard it as (in itself) determinative in circumstances where the matches took place a year ago, we do note and agree with the Harrovians’ observation that their performance in the 2018 Final was significantly better than that of Tom Cox and Rex Worth against the same opponents (one of whom is a member of the Panel) only two weeks later (5-12, 5-12, 4-12). Certainly, the results of those matches do not contradict our view that George Thomason and Ed Taylor are the stronger pair.
23. The Salopians further refer (albeit only “*incidentally*”) to a practice match on 20 February 2019 in which Ed Taylor and George Thomason lost to Chris Hughes and Sam Welti. However, we understand that this “match” comprised only a single set; the Panel are unanimously of the view that only best of five set matches in a competitive fixture are of any real relevance as an indicator of relative ability.

Conclusion

24. We are conscious that decisions like this necessarily involve some subjectivity, but we unanimously consider that, overall, the evidence and our experience suggest that George Thomason and Ed Taylor are sufficiently clearly a stronger pair than Tom Cox and Rex Worth as to put the Salopians in breach of the rule quoted above.
25. We are fortified in this conclusion by the fact that this has, in recent times, evidently reflected the Salopians’ own view. The facts are that the 2019 Barber Cup Final was the first time in (at least) the last two years that:
 - (1) Ed Taylor had not (when available) played at first pair; and
 - (2) George Thomason and Ed Taylor had played (as a pair) below Tom Cox and Rex Worth (as a pair).
26. As already noted, the Salopians’ written arguments do not address these facts, and we did not find their arguments compelling enough to displace them.

27. Accordingly, and with regret, because this is no way for a tournament like the Barber Cup to be decided, the “on court” result of the Final must be overturned and the 2019 Barber Cup awarded to the Harrovians.
28. This decision is not to be taken as meaning that it is *never* appropriate for a team to field its best player other than at first pair. There may well be circumstances in which it will be clear from looking at *both* players in the respective pairings that their collective ability means that the pairings are nevertheless appropriate. Our view is simply that, in this case, that was not so.
29. Finally, we reiterate that, as explained in paragraph 6 above, we are not making any judgment on the intent of any team to gain an unfair advantage. Our job was solely to establish whether, in this particular case, a team’s second pair was stronger than its first, and we consider that it was.