



Cricket Scotland

Governance Review

March 2023

This report captures the key conclusions following the governance review that Cricket Scotland was to commission following the “Changing the Boundaries” report.

Harper Macleod LLP
March 2023

Introduction & overview

1. The governance of cricket in Scotland must change. This is the widely held belief across the sport. The belief has long been held. No person has suggested otherwise.
2. Significant change will:-
 1. improve the governance of the sport – how decisions are made and how the sport is regulated, with sharing of good practice, rules and decisions;
 2. guard against the failings of the past arising once more (most readily a disconnect between those in control and the membership; a lack of supervision and regulation leading to complaints of racism and EDI failures; leading to Plan4Sport's Report and conclusions as to institutional failings);
 3. empower the grassroots of the game by strengthening the regions, clubs, players and volunteers;
 4. boost development;
 5. help spur significant new commercial interest in the game;
 6. attract new participants; and
 7. revitalise a sport with a long history and a passionate membership in Scotland.
3. Change required is readily achievable.
4. There is no clear, dominant, entity, leading cricket in Scotland and there is, as a result, no clear singular cascade of a vision, strategy and operational plan to implement all that is required to govern – to manage, develop and improve the sport.
5. There must be seen to be one Board that leads, that regulates and governs. One Board must exist to set strategy and be accountable, ensuring that the failings and difficulties recently identified in the Changing the Boundaries report are addressed, learned from and ultimately not repeated.
6. There is eminent merit in moving to one corporate vehicle. Having CSL (the recognised SGB) and CSCL is unnecessary. One corporate vehicle for cricket in Scotland is sufficient.
7. This governance review must produce a revised structure that ensures a world class sustainable organisation with consideration of the Laws of Cricket, finance, good behaviour, health and safety requirements, anti-racism and EDI standards and initiatives are cascaded, supported, observed and enforced throughout the game, with stronger support to regions, clubs, players and volunteers, throughout the game.
8. The current iteration of the Board of CSL must be the core group of appointments who CS should look to, to lead cricket in Scotland through the forthcoming months and years. The Board may be expanded and people may replace current incumbents in due course, but the Board of CSL as the Board of the SGB is the Board to lead this development.
9. There is a shortage of sports-focussed sub-committees, helping to develop and modernise the sport. The adoption of better, appropriately skilled, sub-committees, supporting one lead Board, can help achieve better governance within the sport as a whole.

Presently

10. CSCL is the parent company (limited by guarantee) owning CSL. CSCL's members comprise full members and personal members (a closed category). Full members are "*Scottish Cricket Clubs, Scottish Cricket Districts, Scottish Leagues and Associations*" (article 24) (and that have undertaken the formalities of membership). CSL is the SGB. It is not widely recognised as the SGB.
11. CSCL's articles require a large board (16+ people). This is excessively large by modern governance standards.
12. The sub-committees in place (audit; nominations and remuneration; risk) comprised persons from each of the two different entities. Cross-pollination occurred in other committees and initiatives.
13. There may have been other committees, groups and meetings taking place within CS to talk about cups, or running of leagues at regional levels, but there is no clear and prominent sports focussed committees feeding into the SGB board (CSL) and helping to create and cascade policy, drive development, raise standards, raise participation and help govern.
14. League management groups; the competitions management group; CSMOA; CSCA; have all performed important roles within the sport (and will continue to do so), but these entities have operated largely separately and without formal connection to the SGB Board (CSL).
15. Past attempts to understand and delineate the responsibilities of CSL and CSCL have led to a detailed division and interwoven structure between CSL and CSCL. We acknowledge that this was both overly complex but also a recent exercise with no time to bed in.
16. Cricket in Scotland has in the region of 130 clubs and in the region of 8,000 participants. Two separate entities with separate responsibilities that overlap and intertwine in appointing people and having separate responsibility is unnecessary.
17. A minimum of 23 people in elected or appointed positions as Board members of CSCL and CSL is excessive and inefficient.
18. Subscriptions from clubs are paid into CSCL. These are used to meet the very limited costs of CSCL and then passed on to CSL.
19. The sources of finance for CS are, broadly speaking, understood to be fourfold:-
 1. **sportscotland** investment
 2. ICC funding – (i) core; (ii) competitions; (iii) high performance award
 3. Subscriptions
 4. Commercial income
20. A snapshot of aspects of expenditure, from October 2020, provides an illustration of operational areas of CSL, including development (1/6th); clubs & competition (1/50th); performance pathway (1/10th); regional competitions (1/33rd); high performance (1/3rd); and administration (1/6th).

21. CSL's Board is now recognised as leading cricket in Scotland. This has been partly due to the recent pandemic, bringing the sport closer to CSL's Board as the SGB, but mainly due to the events of the past nine months and steps taken to rapidly address the issues identified.
22. There is no cohesive set of rules and regulations binding together all of cricket in Scotland. There is a consistency of approach to certain matters, such as a Code of Conduct and match-day disciplinary matters. This is a useful example of an area that could be expanded and aspects elevated to be administered by the SGB under a national arrangement.
23. Regions do much at a local level to develop the game. CSL development staff run various significant development initiatives. A structured and coordinated approach needs to be taken, cascading down from the SGB, to deliver greater administrative support and support for the volunteers in the regions. This should be seen as a target to deliver, in due course, by a newly constituted SGB following on from this governance review.
24. Better support will aid the regions to improve and develop all aspects of the game not alone, but in line with the centrally conceived and coordinated policy set by the SGB Board (which before now is not prevalent in many areas).
25. There is insufficient cohesion in various important areas central to the sport, with insufficient evidence of:-
 1. A platform for domestic cricket to be focussed upon, promoting consistency, coordinated fixture lists, development opportunities, education, training, coaching and officiating improvements
 2. A standardised and coordinated set of standards, ethics and regulations throughout the sport, to help knit the sport together with agreed values reflected in a rulebook, whether in relation to anti-racism and EDI or standards relating to club organisation and membership as listed above more generally.
 3. An anti-racism and EDI platform cascading throughout the game, providing the standards for compliance, education and improvements (nb. a Board EDI Sub-committee and Anti-racism and EDI Advisory Group are now in place).
 4. A focus on female cricket and separately youth and young people's cricket, with appropriate investment and development initiatives.
 5. Broader public engagement, with there being an absence of appropriate coordinated efforts to deliver initiatives to engage more broadly with key third parties, to help obtain support for cricket, be it with Scottish Government, developers, registered social landlords and local authorities, in relation to the provision of sports facilities and cricket facilities. This of itself may be an important measure within an EDI strategy to help to address socio-economic disadvantage.
 6. EDI being consciously considered in decision-making, when key decisions were being thought through and made.

7. A “handbook” or equivalent publication. Various websites offer helpful information, but reflective of a disjointed governance structure, there is no coherent handbook, or equivalent, as a single source for obtaining useful information including guidance on who to contact for support, guidance and to bring forward complaints, or ideas, or to otherwise engage with the SGB; rules and regulations; signposting for further support around education, training and development (whether in relation to EDI, volunteering, coaching, development, etc).
 8. Timeous, regular, publication of minutes of Board and sub-committees.
26. Addressing some of this through the expansion of the existing sub-committee structure, will help with this cohesion. There should be further consideration through a consultation process as to what sub-committees are established and how they will interact to effectively run the sport and the organisation going forward. For example, thought should be given to how to manage and promote club and grassroots, high performance, equality diversity and inclusion, sports regulation, in addition to the pre-existing requirements for audit, risk, remuneration and nomination.
 27. Clubs pay a subscription. This should be revisited. There is no individual subscription / membership fee as there are with other sports. There is no player registration and subscription / fee model, unlike in other countries in membership / associate membership of the ICC. Less than £20,000 is generated presently. In comparable / other countries, ICC report that fees and subscription yield circa £150,000. The vast majority of sports in Scotland have subscription on an individual basis, ranging from less than £10 per annum to as much as £65 per annum (per person).
 28. There is no SGB player registration. This should be corrected to help rules cascade, compliance promoted, development analysis and data capture. It will help, support and protect all members as well as supporting commercial marketing opportunities; grant aid applications; ECB & ICC engagement. It is also essential, if you are to aspire to improve and grow your sport, as you will be able to properly measure participation.
 29. A subscription payable to the SGB can be a powerful connection between the individual and the SGB. It can also enable the SGB to establish and maintain a direct authority over the individual. It can also motivate the SGB to deliver to the individual; they are the paying customer.
 30. This payment also links to the notion of one entity being the SGB; enhanced communication; enhanced transparent board and sub-committee activity; enhanced knowledge of the support and activity made available by the SGB for cricket in Scotland; and with a clear thread linking the paying participant and the SGB.

The Future

One corporate entity is best

31. There is no need to continue with CSL and CSCL. Slimming CSCL and/or redesigning the interaction between the two entities could have an attraction but it is not as beneficial as moving to one entity, with one clear Board leading the SGB and driving the sport forward, with a direct accountability to the membership. The business and assets of CSL should be transferred into CSCL. The membership ownership model is not disturbed. It is strengthened by moving all into the member owned entity, CSCL.
32. The articles of CSCL would be recast; the Board fundamentally altered; repopulated and the subsidiary (CSL) left as a shell, or voluntarily struck off the register. This is not a major exercise.
33. The Board of CSL would drop into lead CSCL (which may be renamed). The Board could then be reframed:-
 1. The Board would be Chair led, by the existing chair of CSL.
 2. There would be no President on the Board as that position should be honorary and attend meetings in an observational capacity, to remove the strictures of fiduciary duties, and be properly representative of an elected role.
 3. Independent directors, with specialist and/or different skills to benefit the board are in place (x4) (2 being presently filled)
 4. There would be no parent company nominated directors, there being no parent company.
 5. Member elected directors (x1 or x2) may be worthwhile considering adding to the Board, to give a member elected presence.
34. The expanded Board must remain nimble, focussed and able to drive the sport forward. Independent directors and member elected directors must bring specific skill sets that are to align to the strategy and needs of the sport and pay some regard to the sub-committee structure recommended. Recruitment should follow best practice in encouraging a diversity of individual to take up these roles and assist Cricket Scotland to attain the diversity targets required of it.
35. Constant appraisal and reflection of the Board is important for good governance. A particular focus would be required for all to focus on the important work to be undertaken to build and take forward the sport as a whole.
36. It is worth addressing that there is a concern at present in sports governance that there is a tension between Boards being too remote from memberships with “independent expert” directors, against elected members being put in post without necessary skill set to align to the needs of the sport, or based on manifesto promises not consistent with the sport’s overall strategy. An expanded board, as suggested above, can bridge this tension by ensuring that nominations for election are not simply due to a proposer, seconder and vote. It would be open to the Board to seek nominations with specific skills and experience to be matched, to ensure that the Board (and so the sport) benefits from said alignment. Consideration could be given to gender balance and diversity considerations. Ultimately the matter is one to be provided in or further to the articles.

37. The full members of CSCL are described by reference (article 24) as “*Scottish Cricket Clubs, Scottish Cricket Districts, Scottish Leagues and Associations*”. There are in addition “*Personal Members (including Life Members)*” and “*Honorary Members*”. Full members having voting rights (article 39) whereas Personal Members and Honorary Members do not.

Steps to take and areas to further address

38. Consultation and engagement with the cricket community should take place on the principle of a single entity structure as recommended, as well as on the sub-committees that will be required to support this.
39. The SGB Board should be supported by cricket focussed sub-committees, populated with a mix of individuals; from within cricket; persons from outwith the sport and who have specialist knowledge. Sharing and learning from other sports may be useful and is not uncommon with other SGBs.
40. The Board should have a Board member link into each sub-committee, either as chair or as vice-chair, or appointed member. This creates an accountable link.
41. Best practice can be observed and embedded in respect of recruitment to these sub-committees; a strong anti-racism and EDI focus needs to be observed in steps taken to populate with correctly skilled people.
42. Searching far and wide; encouraging participation; ensuring open recruitment is possible; encouraging participation in recruitment from under-represented groups; all should be advanced.
43. Whilst amplifying domestic cricket (linking into the Board of the SGB) our view is that you need to draw the regions, CSMOA and CSCA closer and establish a stronger regulatory relationship with each of these entities, and a more evident authority over each of these. The SGB must have an overall authority, whilst ultimately allowing those entities to continue to operate, and improve, with the support of the SGB and a coordinated sport.
44. An annual domestic game conference, established by the SGB for the regions and clubs would be very helpful to illustrate the activities and support for the regions and clubs and help empower those entities to improve, to raise standards and support volunteers, whilst maintaining the role of regions to work to develop the game in a coordinated and supported way.
45. Adopting the correct amendments to articles, together with introducing the appropriate rules and regulations, to form in essence a governance handbook, will ensure that there is a clear presentation of how cricket in Scotland operates. In time, mandated policies / regulations can be developed and published by the SGB in all key areas to encourage improved club environments:-
1. safeguarding including approach to PVG
 2. EDI policies including an EDI champion in each club
 3. a welfare officer in each club
 4. adherence to the code of conduct published by the SGB
 5. collection and passing on of individual subscriptions
 6. player registration
 7. only registered players to play

8. clubs to have/publish a constitution
 9. insurance requirements
 10. observance to H&S principles
46. Creating this stronger affiliation will engender greater compliance with the rules, regulations and authority of CS as SGB; it will help to deliver the promotion of young talent development, diversity and female participation. It will help ensure that the risk of racism and non-adherence to EDI best practice is minimised.

Foundations exist

47. Regulatory authority and the ability to influence and empower all entities within cricket in Scotland under CS is present but much work can be done to build out a strong SGB and strong sport, that is fair, equitable, anti-racist and adheres to best practice in EDI. A stronger SGB and sport will see increased investment, participation and outside interest.
48. Improved focus on domestic cricket, appropriate sub-committees advising one Board, into which the interests of the regions and clubs are interwoven, with improved and additional rules and regulations stitching the sport together, will best support the game. In turn, this will improve the regions and better support volunteers to help drive the sport forward.
49. Critically, better build out from the SGB Board, with a clear thread through to the grassroots, with transparent decision-making, will guard against the difficulties of the past repeating. There will be a far better structure to deliver and for the sport to adhere to best practice including in both anti-racism and EDI more generally.
50. You have the foundations to build upon in key areas.
1. A revitalised SGB Board (CSL's new board).
 2. An anti-racism and an EDI strategy, sub-committee and advisory group is in place.
 3. A successful, well-regarded, safeguarding program (which over time can become mandatory and morph to a club licensing / assurance program (supported by the SGB)).
 4. Moving to a Conduct in Sport panel with jurisdiction over the sport for all higher-level matters, delivering consistent and authoritative decision-making. This is underway.
 5. The genesis of a domestic cricket body/committee is present.

Concluding summary

51. The SGB should use CSCL as the corporate vehicle and one company, one Board and one pyramid structure adopted.
52. The existing SGB Board (in CSL) be the Board to take forward the sport (dropping, along with the business and assets of CSL) into CSCL. The membership structure and ownership is not diluted; it is enhanced through simplification and direct correlation between Board and members.
53. The Board is adjusted, retaining an independent skills focus, but with an honorary president observing and possibly 1 or 2 members elected on (but skills aligned).
54. Sub-committees support the Board. The detail to what sub-committees, the composition and terms of reference for each, is to be set by the Board and to align to strategy; ultimately strategy is aligned to member need.
55. Best practice recruitment be applied to attract diversity and strength of application / appointment to these sub-committees. Skills-based alignment to appointments.
56. The SGB governs by regulating, supporting and cascading down through the sport, to grassroots as well as maximising performance on a national and international stage.
57. Enhanced information and support within the regional associations and clubs is made available.
58. Individuals participating in cricket register and subscribe. Individuals, through their clubs and regional associations, hold the Board to account to deliver on the strategy and deliver for the sport.

Appendix

Acronyms used in this report

CS	Cricket Scotland
CSCA	Cricket Scotland Coaches Association
CSCL	Cricket Scotland Council Limited
CSL	Cricket Scotland Limited
CSMOA	Cricket Scotland Match Officials Association
ECB	England and Wales Cricket Board
EDI	Equality diversity and inclusion
H&S	Health and safety
ICC	International Cricket Council
PVG	Protection of vulnerable groups
SGB	Scottish Governing Body

SPO/0010/604689/BC