



Cricket Scotland Complaints Policy & Procedure

Updated March 2023

1. Introduction

- 1.1 There may be times when an individual or organisation wishes to raise a complaint in relation to a person, Club, Cricket Scotland member, someone or some other body within cricket, or in respect of Cricket Scotland itself.
- 1.2 This policy describes the procedure for raising a complaint to Cricket Scotland and sets out how complaints will be investigated and responded to.
- 1.3 As will be explained, some complaints will be considered and may be put before the Conduct in Sport Panel. Others may be more appropriate to be determined by Cricket Scotland.

2 Objectives

- 2.1 The object of this policy is to ensure all persons in cricket, in Scotland, feel informed and able to bring forward any complaint, in order to ensure that cricket in Scotland knows of and addresses concerns arising in our sport. In turn, it is hoped, that the cause for concern can be identified, wrong behaviours identified and removed from the sport.
- 2.2 This policy outlines a procedure which will provide access to overall justice through fair, consistent, impartial and independent decisions in the determination of complaints.
- 2.3 The complaints procedure also seeks to ensure that decisions are reached in a timely manner for all involved.
- 2.4 This policy should be read in conjunction with the Cricket Scotland Code of Conduct and the definitions therein, as well as associated rules, sanctioning guidance and general guidance made available by Cricket Scotland.

3 Policy Statement

- 3.1 This procedure is specifically to bring forward allegations of unacceptable conduct, or where there is a concern as to some form of wrongful behavior or wrongful decision-making.
- 3.2 This procedure will signpost how to bring to Cricket Scotland's attention the concern in question and explain how Cricket Scotland will then take forward the concern.

4 Scope of the Policy

- 4.1 This policy explains the approach of Cricket Scotland on receipt of a complaint from any person who has a complaint in connection with the game played under the jurisdiction of Cricket Scotland. It is open for use in respect of any person or body who is under the jurisdiction of Cricket Scotland (and Cricket Scotland itself). Therefore this policy applies to complaints in respect of any person or body who is connected to Cricket Scotland. This shall include, without limitation, whether directly through one of its membership categories, or through those bodies, people who participate in the game as members of, or otherwise playing for clubs,

club officials, officials, committee members, employees, contractors, volunteers, coaches in domestic league cricket, persons who are appointed by regional associations and/or associations and/or leagues (and those regional associations and/or associations and/or leagues) and whether arising in any respect in connection with cricket in Scotland under the jurisdiction of Cricket Scotland, including directly and indirectly, with national competitions, regional competitions, or any other cricket / cricket connected activity. .

- 4.2 This policy continues to apply even to those who are no longer under membership or otherwise connected to the game in Scotland, provided that they were under the jurisdiction of Cricket Scotland as at the date of the alleged incident.
- 4.3 The decisions reached using this policy shall be observed and applied by all.
- 4.4 Rules for competitions are covered separately by Regional League Associations and Cricket Scotland Competitions Management Group as amended from time to time. Issues arising within those competitions may tend to be determined by those bodies, but matters of sufficient seriousness, or when Cricket Scotland otherwise determines, may be considered and advanced further to this policy.

5 CISM

- 5.1 The CEO shall appoint a person to be the Conduct in Sport Manager (CISM).
- 5.2 The CISM shall implement and administer this policy in accordance with, where required, the direction and/or guidance of the CEO. Relevant investigative/determinative panels (including the Conduct in Sport Panel) and/or persons appointed to investigate any matter arising further to this policy may assist.
- 5.3 The CISM may delegate any function in a particular complaints case to another suitable person.
- 5.4 The appointed CISM having an interest in a matter to be discussed must declare that interest as soon as they are aware of it and must have no involvement in capacity as a secretary during the transaction of that business.

6 Complaints

- 6.1 It is important to acknowledge that where concerns or issues first arise, it may be appropriate for persons and bodies to seek to identify if a concern or issue could be discussed and resolved through informal means, which may include informal dialogue, with goodwill, and with a sense of proportionality. However, often, serious matters cannot be resolved in such ways. This policy points to being used for more serious matters, those matters that are not appropriate for informal dialogue, or where informal dialogue does not succeed and the issue or concern remains. In such circumstances, to bring forward under this policy and become a "Complaint" the issue and/or concern shall typically be in respect of:
 - 6.1.1 Any breach of Cricket Scotland governance rule or regulation or

any other behaviour alleged to be contrary to the interests of Cricket Scotland as a whole;

6.1.2 Breach of the Cricket Scotland code of conduct, equality policy, welfare policy, or any other code, rule or policy published from time to time by Cricket Scotland or that is otherwise adopted by Cricket Scotland;

6.1.3 Any alleged breach of any other policy of Cricket Scotland or any other body to which Cricket Scotland may be affiliated with or a member of and to which the party is expected to comply;

6.1.4 Any applicable in-competition offending or out-of-competition offending that amounts to misconduct of a more general nature;

6.1.5 Any conduct which may be alleged to be wrongful and likely to bring cricket in Scotland into disrepute or is considered to be detrimental to the best interests of cricket in Scotland and/or the development of the interests of cricket in Scotland;

6.1.6 Conduct by any person or body who is subject to this Complaints Policy & Procedure and that amounts to a breach of the same;

6.1.7 Any other matter of sufficient seriousness to warrant a request to Cricket Scotland to consider the same.

6.2 Certain types of Complaints made to or by Cricket Scotland may be subject to specific measures in how they are dealt with. These include:

6.2.1 Any Complaint that amounts to or is connected to a breach of any relevant anti-doping rules shall ordinarily be referred to UKAD; however a Complaint can still be investigated and/or taken further to this policy should it be considered appropriate (whether in substitution or in addition to action by UKAD)

6.2.2 Any Complaint may be pursued notwithstanding that a separate criminal investigation and/or criminal proceedings may be ongoing.

6.3 Complaints may be initially presented to Cricket Scotland by:

6.3.1 Any person;

6.3.2 A parent or guardian on behalf of a Participant under the age of 16;

6.4 It should be noted, for the avoidance of all doubt, that

6.4.1 General members of public may also make a complaint to Cricket Scotland (whether with regards to the conduct of participants either in, or out, of competition, or otherwise); and

6.4.2 Cricket Scotland may initiate consideration and/or investigation of any Complaint of its own volition and without third party referral.

6.5 If a person has a complaint to make regarding the interpretation or application of a Club's constitution or Club's rules, that complaint should ordinarily be made to the Club.

7 Complaints Involving Child Abuse or other Criminal Offences

- 7.1 If the Complaint involves child protection, vulnerable group protection or other alleged criminal offences, Cricket Scotland asks that a complainer act without delay and refer the matter to Cricket Scotland without delay. Serious matters of this nature need urgent action. If a Complaint of this nature becomes known of but is not referred to Cricket Scotland, that of itself may be grounds for a complaint to be made against the individual who did not bring the matter to the attention of Cricket Scotland. The Cricket Scotland Child Wellbeing & Protection Officer should be notified and immediately upon doing so (or at the same time) the CEO and CISM should be informed. These individuals will first consider the matter and determine how Cricket Scotland will begin to act on receipt of the complaint. For such cases, the initial contact need not be in writing.
- 7.1 Upon receipt by Cricket Scotland of:
 - 7.1.1 Notification that an individual has been charged with an offence; or
 - 7.1.2 Notification that an individual is the subject of an investigation by the police, social services or any other authority relating to an offence; or
 - 7.1.3 Other evidence which causes the Cricket Scotland Child Wellbeing & Protection Officer to reasonably conclude that an individual may be suspected of having committed an offence, the CEO may consider such evidence, and if so inclined, impose upon the individual an interim suspension from any event or activity promoted or authorised by Cricket Scotland or any body directly or indirectly affiliated or connected to Cricket Scotland, wherever held or wherever so located.
- 7.2 In reaching their determination as to whether an interim suspension should be imposed the CEO shall give consideration to, inter alia, the following factors:
 - 7.2.1 Whether a child or children or young persons(s) is/are or may be at risk;
 - 7.2.2 Whether a member of a vulnerable group may be at risk;
 - 7.2.3 Whether the allegation(s) is/are, or are likely to be, of a serious nature; and
 - 7.2.4 Whether a suspension is necessary or proportionate to allow conduct of any investigation (by Cricket Scotland or any other authority or body) to proceed unimpeded.
- 7.3 For the avoidance of any doubt, no part of this section 8 shall prevent Cricket Scotland from taking such additional action as it may choose, including to put a complaint before the Conduct in Sport Panel and commence CISP proceedings.

8 Making a Complaint and Complaints Procedure

- 8.1 With the exception of 8.1, to present a concern and/or issue that may be the subject of a Complaint to Cricket Scotland, the concern and/or issue should be set out in writing and sent to the CISM at the Cricket Scotland registered address, either by hand, post or email to complaints@cricketscotland.com

- 8.2 To assist Cricket Scotland, the written notification of Complaint should include:
- 8.2.1 The ground(s) of Complaint;
 - 8.2.2 The basis for the Complaint;
 - 8.2.3 The person or party complained of;
 - 8.2.4 What, if anything, has been done to attempt to resolve the Complaint informally if appropriate;
 - 8.2.5 A list of the witnesses to the matters complained of (if known);
 - 8.2.6 A list of all documents produced in support of the Complaint (if any); and
 - 8.2.7 Any documents produced in support of the concern and/or issue amounting to the Complaint.
- 8.3 To assist Cricket Scotland to look at a notification most effectively, the written notification (under 8.2 above) should be sent to the CISM to be received not later than 28 days after the incident which gave rise to it. For the avoidance of doubt, the late presentation of a notification (under 8.2 above) shall not prevent consideration and/or action but the decision as to whether it need be acted on shall be at the discretion of the CISM and/or CEO and the decision in this regard (whether of the CISM or the CEO) is final and there shall be no right of appeal.
- 8.4 On receipt of a Complaint, it shall be at the sole and unfettered discretion of Cricket Scotland (whether through the CEO and/or CISM) to decide whether a Complaint is:
- 8.4.1 Investigated further; and/or
 - 8.4.2 A decision be made for alternative dispute resolution to be pursued by the parties; and/or
 - 8.4.3 Referred to be brought further to the Conduct in Sport Rules; or
 - 8.4.4 Considered and a response provided by the CISM and/or CEO (whose response shall be finding and binding on all parties); or
 - 8.4.5 Rejected and no further action be taken
- 8.5 In deciding what to do with a Complaint, Cricket Scotland shall be entitled to take into account any issue that they consider relevant and may make any assessment or determination that they consider appropriate including (without limitation) assessing the possible validity of the Complaint and whether the Complaint appears to be unjust, malicious, vexatious or unreasonably brought, or appears to be unfounded or wholly unfounded.
- 8.6 No person shall complain to Cricket Scotland, the CEO and/or the CISM, make any other protest or otherwise seek to put pressure on the CEO and/or the CISM in relation to the decision to bring, or not bring, a Complaint or any other decision made further to 9.4. Acting contrary to this rule may amount to misconduct further to this policy and may result in a Complaint.
- 8.7 If the Complaint is rejected, Cricket Scotland shall be under no obligation to notify the party against whom a Complaint was initially made either

that a Complaint had been made to Cricket Scotland or that it was rejected. Whilst Cricket Scotland shall apply suitable discretion and confidentiality in considering matters further to this policy, Cricket Scotland shall not be under any form of confidentiality obligation merely by receipt of a request for the same.

9 Investigation

- 9.1 Cricket Scotland may appoint a suitable investigator to consider any notification of a concern and/or issue and/or notification of a Complaint. The Investigator may be internal (e.g. staff member) or external to Cricket Scotland, including a panel member selected from the CS Conduct in Sport Committee.
- 9.2 The Investigator shall be entitled to conduct such investigation into a Complaint as the Investigator sees fit and all persons and parties subject to the procedures shall cooperate fully with the same. Failure to co-operate may amount to misconduct.
- 9.3 The Investigator will typically inform the Complainer that they are dealing with the matter and inform that typically the details of the application will be disclosed to the Respondent at some point. They may also inform the Respondent that they are the subject of an application, provide an outline of the allegation, identify who made the complaint (if necessary) and seek a brief response to the complaint. Such response should include a brief factual response to the allegation.
- 9.4 The Investigator will, when conducting an investigation, seek to ensure that they are thorough, proportionate, relevant and fair to all parties. Contact with the Complainer, the Respondent and all witnesses will usually be via telephone and/or email and/or zoom/teams/facetime⁰ but may be meetings in person. The Complainer, the Respondent and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying signed statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information.
- 9.5 On completion the Investigator may choose to make recommendations and report to Cricket Scotland (via the CEO and/or CISM) as to what, if any, steps and/or process should next be taken. Appropriate communication shall then be conveyed to the Complainer / Respondent etc.

10 Anti-racism and EDI

- 10.1 Should the raising of any issue and/or concern however formal or informal (whether in the making of any Complaint or otherwise) note racism and/or otherwise concern racism and/or any element of EDI, Cricket Scotland shall ensure that on receipt of such information, the EDI manager will receive an internal written notification.
- 10.2 The EDI manager shall independently keep a note of receipt of that information, shall monitor and/or be kept apprised of what Cricket Scotland

does in relation to the same, and shall in due course independently record the outcome to that Complaint.

- 10.3 The EDI manager shall be consulted in relation to any element of any Complaint concerning racism and/or EDI, for any specialist knowledge, guidance and/or advice, as may be required, in relation to any investigation and/or any determination as to what to do in respect of the complaint (within Cricket Scotland). This specialist opinion shall be considered. For the avoidance of doubt this does not extend to the Conduct in Sport Panel, although they may choose to seek the specialist opinion of the EDI manager in any given matter.

11 If Alternative Measures Pursued

- 11.1 11.1 The Complaint may be considered (by Cricket Scotland) to be appropriate for a form of alternative dispute resolution which may include (without limitation) mediation or arbitration or some other form of procedure to seek a resolution to the matter. Cricket Scotland shall be under no obligation to offer any alternative measures. If any party offered the same refuses the offer or to follow the same, Cricket Scotland shall be under no obligation to do any more with the matter.
- 11.2 Cricket Scotland shall be under no obligation to meet any cost in connection with any alternative measure proposed.

12 If Put to the Conduct in Sport Panel

- 12.1 If the Complaint, following investigation, is to be put before the Conduct in Sport Panel, the CISM shall take the matter forward and commence Conduct in Sport proceedings.
- 12.2 No person shall be entitled to insist that a matter is put to the Conduct in Sport Panel.

13. If Rejected

- 13.1 If the Complaint is to be rejected (and/or no further action taken) the CISM shall ordinarily:
- 13.1.1 Notify the Complainer that no further action shall be taken and provide brief reasons for this decision; and
- 13.1.2 Take no further action.
- 13.2 Cricket Scotland's decision shall not be capable of appeal but the decision can be reviewed by the Investigator if new evidence comes to light and is presented to the CISM.
- 13.3 A decision to not proceed with a Complaint shall not preclude the CEO from taking that Complaint further at a later date.

14. Miscellaneous

- 14.1 This is a policy and procedural guide which can be replaced or revised at any time. It will take effect on being published by Cricket Scotland and any revisions shall take effect at the time of publication.
- 14.2 In the event of any perceived or actual conflict between the terms of this policy and any other policy, procedure, rules, regulations or articles published by Cricket Scotland, Cricket Scotland shall determine which to apply, acting in good faith and in the interests of cricket.
- 14.3 In the event of any perceived or actual conflict between the terms of this policy and any other policy, procedure, rules, regulations or constitution of any regional association or other association, Cricket Scotland shall determine which to apply, acting in good faith and in the interests of cricket.
- 14.4 In the event of unforeseen circumstances or a matter not provided for herein, Cricket Scotland shall determine the matter, acting in good faith and in the interest of cricket.

15. Definitions

“Articles of Association” mean the written rules regarding the running of Cricket Scotland which can be found on the Cricket Scotland website or at Companies House;

“the Board” means the board of Directors of Cricket Scotland which shall comprise all of the Directors from time to time, as constituted in accordance with these Articles;

“CEO” means Chief Executive Officer of Cricket Scotland at the relevant time, or the person performing an equivalent function if there is no chief officer at the time, or their duly appointed deputy;

“Club” means a club which is a member of Cricket Scotland having paid any and all subscriptions, and as further defined in the Articles of Association;

“CISM” is Conduct in Sport Manager;

“Complaint” and “Complaints” shall be a complaint as set out as per this policy;

“Complainer” means the person or body who brings the Complaint to Cricket Scotland;

“Conduct in Sport Panel” means the panel appointed by Cricket Scotland;

“Investigator” shall mean the person appointed under paragraph 10.1 of the Complaints Procedure;

“Respondent” means the individual or body against whom a Complaint has been raised;

“Cricket Scotland” is the National Governing Body for Cricket in Scotland;

“Welfare Officer” is the current postholder, or equivalent, responsible for ensuring safeguarding, welfare and child protection policies and processes are robust and fit for purpose for Cricket Scotland.

16.Further Reading

- Cricket Scotland Code of Conduct
- Cricket Scotland EDI Policy
- Cricket Scotland Social Media Policy for Participants
- Cricket Scotland Child Protection Policy

This Policy is approved by the Cricket Scotland Board of Directors who will consider proposals for additions and/or amendments on an ongoing basis.