



Referrals Process Guide

What is the Referrals Process?

The referrals process is an independent investigative process that was set up following the publication of the “Changing The Boundaries” report, which identified hundreds of allegations of racism within cricket in Scotland.

How has the Referrals Process operated?

Harper MacLeod LLP, Bishop Lloyd and Jackson Solicitors and the charity Sporting Equals began examining the allegations. This part of the process has had overall oversight from **sportscotland**.

The process has involved examining the various allegations made, through investigation meetings with complainants, witnesses, and respondents. Support for complainants has been provided, where appropriate, by Running Out Racism. Support for respondents has also been provided.

Once all involved have given evidence and stated their points of view, cases have then been passed on to Cricket Scotland’s Board for analysis, with recommendations of further action or sanctions, where appropriate.

What happens next?

Thirty-three cases have now been passed to Cricket Scotland’s Board. These cases have generated recommendations and learnings for the governing body to action, but none of the cases were considered to require a Conduct In Sport Panel hearing or further sanctions.

Reports and recommendations on further cases have been handed over to the Cricket Scotland Board for examination. Some of these cases may require a hearing before the newly established Cricket Scotland Conduct In Sport Panel.

What is the Conduct In Sport Panel?

The Conduct In Sport Panel (CISP) is a group of independent professionals with expertise in various fields, all of whom have no current affiliation or conflicts of interest to Cricket Scotland. Each panel member has been selected following a transparent and robust interview process, which involved **sportscotland**. All panel members are volunteers and are not paid by Cricket Scotland.

The process of selecting panel members is detailed below:

- An advert inviting candidates to apply to join the Panel was posted in November 2022. Initial vetting of candidates was made by Harper MacLeod LLP. Applications were not taken further if the candidate:
 - Was currently involved with the referrals process,
 - Was currently a member of a Scottish cricket club,
 - Had posted recent social media activity in connection with the “Changing The Boundaries” report.
- Candidates moving forward were then interviewed by **sportscotland** and Cricket Scotland:
 - Interviews were competency based.
 - Candidates with current involvement in cricket in Scotland were ruled out at this stage.
- Appointments of successful candidates were then officially ratified by the Board.

The Conduct In Panel reviews any disciplinary cases put before them, including referrals, and adjudicates on these, as well as any appeals that may transpire from cases. Overseeing the Panel is Cricket Scotland’s Conduct In Sport Manager (CISM).

Who are the Panel members?

Below are the names of the current members of the Conduct In Sport Panel, all of whom have cleared for their names to be published by Cricket Scotland:

Kieron Blake
David Fiskien
Euan Gosney
Alastair Gray
Miriam Kimber
Christopher MacFarlane
Vincent McGovern
Jillian Merchant
Richard Pugh KC
Dilawer Singh MBE
Neeraj Thomas
Douglas Thomson
Mark Thorley
John Thorp
Claire Whitbread
Ross Yuill

The process to recruit members to the Conduct In Sport Panel is currently paused; future members will be appointed as and when required.

What happens when Referrals cases are handed to Cricket Scotland?

Below is a guide to how cases are handled once in the possession of Cricket Scotland (CS):

Stage One

- Cases are passed to the Chief Executive (CEO), who examines the case with the CISM.
- CEO and CISM evaluate if further action is required with the case being passed on to the CISP, or if the case is closed with recommendations to be implemented elsewhere.
- Once a referral is handed over that should proceed to a CISP, CS are obliged to let the defendant know of the charge within seventy-two hours. This is done initially by email, with a follow-up phone call where appropriate.
- The respondent has seven days to respond to the charge. If there is no response, panel rules dictate there is a conclusion the charge is accepted.
- Once the respondent replies, the CISM begins process of assembling a panel of three members to hear the case. A link to the CISP rules can be found [here](#), while a link to the flow chart detailing the disciplinary complaints process can be found [here](#).
- A panel hearing will take place regardless of whether the respondent rejects or accepts the charge put forward.

How is a panel for a case selected?

- Currently sixteen CISP members are available for selection. Three members will be chosen by the CISM to hear any case. The identity of the three panel members chosen for any case will always remain confidential.
- The CISM is under obligation to assemble a panel within fourteen days, except under exceptional circumstances.
- The makeup of each panel will be as diverse as possible and will be determined by the specifics of each case, for example geography, specialised knowledge, or availability.
- One member of the panel will be selected as the panel Chair.
- In the event of an appeal, a fresh panel will be assembled – no panel member can hear an appeal for a case they have sat upon.

Stage Two

- When a case sits to hear a charge that has been challenged, the respondent is allowed to make submissions. They can also call witnesses, provided they notify the CISM more than forty-eight hours prior to the hearing.
- Once the submissions are concluded, the panel will adjudicate. An oral decision can be made on the day and given to the respondent immediately, at the discretion of the panel.
- The respondent must be notified of the panel's decision and any potential sanction by the CISM (on behalf of the panel Chair) within ten working days.
- The respondent has the right of appeal on specific grounds (see CISP Rules 8.2); to do so, they must formally write to the Cricket Scotland CEO within seven days.
- If the respondent does not appeal, the CISM notifies the CEO the case is concluded.
- Complainants should be notified of the result within ten days.
- The CEO notifies the Board of the result of the case. Public communication of the outcome can then be made.