



Cricket Scotland Match Officials Association Complaint Procedure December 2022

Cricket Scotland Match Officials Association (CSMOA) recognises that disputes will arise from time to time. CSMOA encourages open dialogue and mediation to resolve disputes informally wherever possible. Not every dispute is appropriate for or capable of being resolved by mediation. Each and every complaint will be considered in line with the CSMOA's policies and procedures, and outcomes will be determined on the specific circumstances and the evidence available.

Definitions:

- *Member(s)*: as per the CSMOA Membership database. Note, most references in this document to *Member* refer directly to the *Member* who is subject to the complaint/appeal.
- *in writing*: include, but not be limited to, email, publication on the Cricket Scotland Match Officials Association's website, or notification by post.
- *Complainer*: person bringing the original complaint (also see *Appellant* below)
- *Appellant*: person bringing the appeal
- *Respondent*: person responding to the appeal

1. Complaints & Appeals Procedures

- a) The Complaints & Appeals Procedure shall apply to *Members* of CSMOA only.
- b) Any or all proceedings arising from this Complaints & Appeals Procedure shall be confidential, unless otherwise directed by the Chair of any committee.
- c) For the avoidance of doubt, any committee set up to investigate a complaint, shall have no power to investigate matters prior to the formation of the Cricket Scotland Match Officials Association as per the CSMOA Constitution (2nd of December 2020) nor any matters which pre-date the complaint unless the member has been subject to previous determined complaints which are deemed to be relevant to the current complaint.
- d) All *Members* are always expected to uphold the Aims and Objectives of CSMOA, and any other relevant standards, policies or procedures published by the CSMOA Management Committee, including, but not limited to, the CSMOA Umpires Code of Conduct.
- e) If any *Member* is considered by the Management Committee to have:
 - i. brought CSMOA or the game of cricket into disrepute;
or
 - ii. has been the subject of a complaint that the CSMOA Management Committee deem of a serious nature,

that member shall be subject to the Complaints Procedure (Section 4), and if required, the Appeals Procedure (Section 6).

- f) Any complaint regarding the conduct of a *Member* must be lodged *in writing* to the Secretary of CSMOA within seven (7) days of the *incident*, unless exceptional circumstances exist.
- g) An *incident* is defined as the game in which the *Member* was officially appointed by CSMOA or if the *incident* arose outwith a game.
- h) Disputes relating to a decision given or action taken by the *Member* during a game (e.g. most onfield decisions) shall not be accepted, unless exceptional circumstances exist (see guidance document for more information).
- i) A complaint lodged with the Secretary must include the following items as a minimum:
 - i. Name of the CSMOA *Member* who is subject to this complaint;
 - ii. Date and/or time of the *incident*. If the *incident* occurred during a game, the over/ball it occurred in addition to date & time;
 - iii. Location of the *incident*;
 - iv. If the *incident* occurred during a game, the teams involved in the game and the competition/league and division.
 - v. Brief summary of the event during the *incident*, with particular reference to the words & actions of the CSMOA *Member* involved.
 - vi. Reference to how the CSMOA *Member* subject to the complaint has failed to uphold:
 - a) the Aims and Objectives of CSMOA (CSMOA Constitution);
 - b) the CSMOA Umpires Code of Conduct (note: currently only applicable to umpires);
 - c) or any other relevant standards, policies or procedures published by the CSMOA Management Committee (see CSMOA website)

The level of detail should be sufficient to enable the Secretary handling the Complaint to deem if the *Member* may have brought CSMOA or the game of cricket into disrepute, or the subject of the complaint is of a serious nature.

2. Complaints Chair/Committee Appointments

The Secretary shall be responsible for proposing to the Management Committee, a panel of *Members* from whom a Complaints Committee Chair and two panel members can be selected to sit on the Complaints Committee. The CSMOA Management Committee shall ratify all appointments to the Complaints Committee.

3. Appeals Chair/Committee Appointments

The Secretary shall be responsible for proposing to the Management Committee, a panel of *Members* from whom an Appeals Committee Chair and two panel members can be selected to sit on the Appeals Committee. The CSMOA Management Committee shall ratify all appointments to the Appeals Committee. The members of the Appeals Committee shall, wherever possible but not exclusively, consist of Members of the CSMOA Management Committee or other post holders. No *Member* who has sat on the original Complaints Committee regarding the same numbered complaint shall be appointed to the Appeals Committee.

4. Complaints Procedure

- a) If any *Member* is subject to the Complaints Procedure (see Section 1 above), the Secretary shall obtain, as soon as reasonably practicable, any evidence they believe will enable it to fully establish all of the facts relevant to the complaint.

This may include, but not be limited to, post-match reporting from all parties regarding the game concerned, statements from the captains, and/or witness statements from other players, spectators, or club officials.

- b) Once satisfied they have collected sufficient evidence such that a Complaints Committee would have sufficient knowledge facts of the case, the Secretary shall consider whether to:
- i. record the complaint and take no further action;
 - ii. refer the matter to mediation;
 - iii. refer the matter to a complaint hearing.

In all three instances above, the Secretary will notify the *Member* and the *Complainer* of the decision above and the subsequent procedures, if applicable. This decision shall not be regarded as an indication of the final outcome of any case, but rather an initial assessment to avoid spurious complaints that do not fit within the associated complaint guidance outlined by CSMOA (e.g. complaints regarding onfield decisions).

- c) Where the Secretary refers the matter to mediation, the mediation shall be conducted separate to and independently of the Complaints Procedure.
- i. The Secretary shall appoint an independent *Member* or other appropriate person, to mediate between the parties;
 - ii. The mediation process shall be a confidential process between the mediator and the parties. No content of a successful or unsuccessful mediation shall be used in this or any future case;
 - iii. The mediator will be entitled to review and obtain all necessary information for them to conduct a proper and thorough review;
 - iv. In the event that mediation resolves the issue(s), the appointed mediator shall report this to the Secretary, which will be formally recorded;
 - v. If mediation is unsuccessful, then the mediator will report this to the Secretary to enable further action(s) to be undertaken by a Complaints Committee.
- d) Where it is decided that a complaint should proceed to a hearing (either immediately after conducting the investigation or after unsuccessful mediation), the Secretary shall be responsible for forming a Complaints Committee (as per Section 2 above).
- e) The Secretary shall be responsible for arranging a meeting(s) with the appointed Complaints Committee to present the evidence collected during the initial investigation.
- f) The Complaints Committee, once satisfied they have sufficient knowledge of the facts of the case, shall then instruct the Secretary to arrange the complaint hearing at a suitable date time and place (including online video conferencing) convenient to the Committee and the *Member*. If there are reasonable grounds, the hearing may be delayed, at the discretion of the Complaints Committee Chair.
- g) The *Member* may produce an initial statement to the complaint, which may be amended if further cogent evidence is received.
- h) Thereafter, the *Member* may:
- i. Submit written statements to the hearing;
 - ii. Attend the hearing to state their case;
 - iii. Be represented or assisted by a colleague; and
 - iv. Call witnesses (prior notice will be required)
- i) Any *Member* involved in a complaint hearing, in any capacity, shall be responsible for their own costs and other expenses.
- j) The case shall be decided on the balance of probabilities.

- k) The outcome of any hearing, including any penalties (as outlined in Section 5), will be pronounced in a written decision as soon as possible after the hearing. In addition to the parties involved in the complaint, the decision will also be intimated to the CSMOA Management Committee. Any parties involved, but not in attendance at the hearing, will be notified of the outcome, including any penalties, as soon as practicable. Records of the complaint, investigation, hearing & outcome/penalties will be kept by the Secretary.
- l) If deemed appropriate by the Complaints Committee, the decision, or any relevant parts thereof, may be communicated to the *Members in writing* or published publicly on the CSMOA website, in full form (redacted or not) or in a summary form.

5. Penalties

The Complaints Committee shall determine what penalties should be imposed on any *Member* found to be in breach of CSMOA's policies and procedures, and where required the Committee shall decide the period of time the penalty is to be served, and additionally how long the determination shall remain on the record of the *Member*. The penalties shall normally be the following;

- i. No further action;
- ii. Reprimand/caution;
- iii. Compulsory attendance at a training and/or development session or course;
- iv. Demotion;
- v. Suspension from appointment to specified cricket matches for a specified period;
- vi. Suspension from membership for a specified period;
- vii. Expulsion from membership for a specified period, up to and including life;
- viii. Or other penalty, as deemed appropriate.

6. Appeals Procedure

- a) If any party, who have been involved in a complaint hearing, believe they have grounds for appeal against either the determination or any penalty imposed, they shall have the right to submit an appeal. Appeals shall not be founded on the facts of the case as specified by the Complaints Committee in their written decision, unless wholly exceptional circumstances exist, but may be based on procedural or legal grounds.
- b) The party submitting any appeal must do so *in writing* to the Secretary of CSMOA:
 - i. within seven (7) days of the written decision of the Complaints Committee being notified (as defined in Section 4) and,
 - ii. stating the grounds for the appeal, and
 - iii. lodge a deposit of £100 with CSMOA via the Secretary.
- c) The Grounds of Appeal must include sufficient information to identify the decision appealed against, and shall consist of brief, specific, numbered propositions stating the grounds on which it is submitted that the appeal should be allowed and a party who has lodged Grounds of Appeal shall not be allowed to argue any ground which is not mentioned in those Grounds of Appeal unless it is given leave to do so.
- d) The submitted grounds of appeal must be notified *in writing* to all parties within 7 days of receipt from the Appellant.
- e) The Secretary shall be responsible for arranging an appeal hearing at a suitable date, time, and place (including online video conferencing) convenient to the Committee, the appellant and respondent. If there are reasonable grounds for

- so doing, the hearing may be delayed, subject to the discretion of the Appeals Committee Chair.
- f) The appellant shall attend the hearing and make representations related to the grounds of appeal submitted previously. The Respondent may attend the hearing and make representations in response to the submitted grounds of appeal. Any party to the appeal process may be represented or assisted by a colleague.
 - g) If the appellant seeks to lead new factual evidence, such evidence must be produced at the same time as lodging the ground of appeal (Clause 6b ii), together with an explanation to explain why that evidence was not previously available. No new evidence will be allowed unless exceptional circumstances exist.
 - h) The Appeals Committee shall have the power to:
 - i. affirm the decision of the Complaints Committee;
 - ii. recall the decision of the Complaints Committee and substitute any other decision which would otherwise have been open to the Complaints Committee to impose;
 - iii. recall the decision of the Complaint Committee and remit to the Complaints Committee with a decision for reconsideration on such grounds as to the Appeals Committee shall seem proper;
 - iv. recall the decision of the Complaint Committee and remit to a differently constituted Complaints Committee for reconsideration;
 - v. recall the decision of the Complaint Committee and remit to the Complaints Committee with a decision to consider additional evidence;
 - vi. make any other decision which in the opinion of the Appeals Committee is necessary.
 - i) The Appeals Committee shall have absolute discretion as to whether the appellant's deposit shall be returned or retained by CSMOA. Normally the deposit will only be returned if the appeal is wholly successful.
 - j) The decision of the Appeals Committee shall be binding and final on all parties with no further right of appeal.