

CA Complaints Procedure

Public consultation version

The aim of this Complaints Procedure is to provide a process that is fair, effective and efficient, through which valid complaints can be resolved concerning maladministration or breaches of the Association's Constitution, policies, regulations or other governance documents, or other acts which are injurious to the character or interests of the Association. It is the responsibility of all those involved to ensure that complaints are handled fairly, promptly and correctly. Where appropriate and practicable, complaints should be resolved in the simplest possible manner.

Section A: Complaints

1. Maladministration complaints

- 1.1 A maladministration complaint arises if an Individual Member, Member Club or Member Federation believes that they have been adversely affected by maladministration by the Council, the Executive Board, a Committee or an Officer of the Association, or someone purporting to act on behalf of those bodies, including a CA tournament official.
- 1.2 Maladministration includes a failure to follow correct procedure and typically involves:
 - 1.2.1 failing to take into account a factor that should have been taken into account; or
 - 1.2.2 taking into account a factor that should not have been taken into account; or
 - 1.2.3 making a decision that no reasonable body could reasonably have made.Maladministration does not include a properly made decision with which the complainant disagrees.
- 1.3 It is a condition of membership of the Association, for individuals, clubs and federations, that the procedure set out below, which includes provision for arbitration, is their sole remedy against the Association.

2. Conduct complaints

- 2.1 A conduct complaint arises if a complainant believes that the conduct of an Individual Member, Member Club or Member Federation is:
 - 2.1.1 in breach of the Association's Constitution, policies, regulations or other governance documents; or
 - 2.1.2 injurious to the character or interests of the Association.
- 2.2 A conduct complaint may be brought by either:
 - 2.2.1 an Individual Member, Member Club or Member Federation who believes that they have been adversely affected by the conduct alleged; or
 - 2.2.2 the Council, the Executive Board or a Committee.

Section B: Process

There are five possible stages but not all will necessarily apply depending on the nature of the complaint. Selection Appeals will not involve Stages 3 and 4. Appeals against expulsion will not involve Stages 1, 3 and 4.

1. Stage 1 - informal resolution

- 1.1 The complainant should first attempt to resolve the complaint informally by discussing it with the other party or parties involved or their representative. If this does not lead to a satisfactory outcome or if the nature of the complaint makes such an approach infeasible, the complainant should proceed to Stage 2.
- 1.2 If the complaint is resolved but its resolution has any direct or indirect implications for the Association, the complainant should inform the Honorary Secretary accordingly, in writing or electronically.

2. Stage 2 - referral and assessment of a formal complaint

- 2.1 Subject to paragraph 8.1, the complainant should inform the Honorary Secretary in writing or electronically about the complaint. The complaint should be made within a period of three months, beginning with the day on which the maladministration or conduct complained of occurred or, in the case of conduct which occurred over a period of time, within three months of the latest example.
- 2.2 When submitting their complaint, the complainant should explain the nature of their grievance and give details of the specific instance(s) of:
 - 2.2.1 the maladministration; or
 - 2.2.2 the conduct that is alleged to breach the Association's Constitution, policies, regulations or other governance documents; or
 - 2.2.3 the conduct that is alleged to be injurious to the character or interests of the Association.
- 2.3 The complainant should also describe in the same communication:
 - 2.3.1 the outcome they are seeking; and
 - 2.3.2 any attempt at informal resolution or explain why it was not attempted; and
 - 2.3.3 if the complaint has not been submitted within the three month time limit, the reason why.
- 2.4 If a formal complaint is received by another Officer, or Council, Executive Board or Committee member, it should be forwarded to the Honorary Secretary.
- 2.5 The Honorary Secretary should acknowledge the complaint and draw the complainant's attention to this procedure.
- 2.6 The Honorary Secretary shall assess the complaint and, if thought advisable or necessary, consult a Vice-President of the Association who is not connected with the complaint before deciding whether the complaint is admissible.
- 2.7 A complaint may be judged to be inadmissible if:
 - 2.7.1 it is made anonymously; or
 - 2.7.2 it relates to maladministration or conduct which occurred more than three months ago or, in the case of conduct which occurred over a period of time, if the latest example occurred more than three months ago; or
 - 2.7.3 it relates to a matter that has already been the subject of a complaint which has been resolved or is in the process of being resolved; or
 - 2.7.4 it has the nature of a purely personal dispute between two or more individuals which has no valid link with croquet; or
 - 2.7.5 it appears to be the sole concern of a Member Club or Member Federation; or
 - 2.7.6 it is vexatious, frivolous or otherwise unreasonable.
- 2.8 If a complaint is judged to be inadmissible, the Honorary Secretary shall inform the complainant, and give brief reasons for the decision. If the complainant is dissatisfied with a judgement of inadmissibility, they are entitled to request that the Honorary Secretary should refer the matter to the Chairman of Council whose decision shall be final.

- 2.9 If a complaint is judged to be admissible, the Honorary Secretary shall assess whether it is suitable for referral to:
- 2.9.1 a CA committee chairman; or
 - 2.9.2 a CA committee chairman followed, if necessary, to a mediator; or
 - 2.9.3 a mediator; or
 - 2.9.4 a Complaints Panel; or
 - 2.9.5 an Appeals Panel (if paragraphs 5.1.2 (Selection Appeals) or 5.1.3 (expulsion appeals) apply).

3. Stage 3 - referral to a CA committee chairman or mediator

- 3.1 **REFERRAL TO A CA COMMITTEE CHAIRMAN**
If paragraphs 2.9.1 or 2.9.2 apply, the Honorary Secretary shall inform the complainant and any respondent and brief the relevant chairman. The relevant chairman shall then discuss the complaint with the complainant and report the outcome to the Honorary Secretary. If the complaint is not resolved, the Honorary Secretary shall apply paragraph 2.9.3 or 2.9.4.
- 3.2 **REFERRAL TO A MEDIATOR**
If paragraph 2.9.3 applies, the Honorary Secretary shall ask the complainant and the other party or parties if they are willing to attempt to resolve the complaint by mediation. If all parties are willing, the Honorary Secretary shall offer them a list of three mediators from the Panel of Mediators [to be formed]. If the parties agree to a mediator, the complaint will be referred to the agreed mediator. If any party is not willing to participate in mediation, or the complaint is not resolved by mediation, the Honorary Secretary shall apply paragraph 2.9.4.

4. Stage 4 - referral to a Complaints Panel

- 4.1 Subject to paragraph 6, the Honorary Secretary shall convene a Complaints Panel by selecting three names from the Complaints Panel pool, which is appointed by Council and consists of suitably experienced members of the Association.
- 4.2 The Honorary Secretary shall ask one of those selected to chair the Complaints Panel and to conduct its proceedings in accordance with the procedure set out in paragraph 7 below.
- 4.3 A Complaints Panel is empowered:
- 4.3.1 in respect of a maladministration complaint, to make an appropriate recommendation to Council.
 - 4.3.2 in respect of a conduct complaint, to make a declaration, issue a warning, exclude players, teams or clubs from selection or participation in certain events, and suspend or terminate membership of the Association. If membership of the Association is terminated all subscriptions paid by the member shall be forfeited.
- 4.4 Any of the parties concerned may appeal against the decision of a Complaints Panel by informing the Honorary Secretary in writing or electronically of the matter that is the subject of the appeal within one month of the decision of the Complaints Panel. They must give details of why they consider the decision was wrong or procedurally unsatisfactory and what outcome they seek.
- 4.5 The Honorary Secretary shall assess the appeal and, if thought advisable or necessary, consult a Vice-President of the Association who is unconnected with the complaint before deciding whether the appeal is admissible.
- 4.6 An appeal may be judged to be inadmissible if:
- 4.6.1 it is lodged more than one month after the decision of the Complaints Panel; or
 - 4.6.2 it is vexatious, frivolous or otherwise unreasonable.
- 4.7 If an appeal is judged to be inadmissible, the Honorary Secretary shall inform the complainant, and give brief reasons for the decision. If the complainant is dissatisfied with a judgement of inadmissibility, they are entitled to request that the Honorary Secretary should refer the matter to the Chairman of Council whose decision shall be final.

5. Stage 5 - referral to an Appeals Panel

- 5.1 An Appeals Panel shall be convened in the following circumstances:
 - 5.1.1 in accordance with paragraph 4.4; or
 - 5.1.2 if the complaint is a Selection Appeal; or
 - 5.1.3 if the complaint is against the expulsion of an Individual Member from a Member Club or of a Member Club from a Member Federation.
- 5.2 Subject to paragraph 6, the Honorary Secretary shall convene an Appeals Panel by selecting three names from the Appeals Panel pool, which is appointed by Council and consists of current and past Presidents, Vice-Presidents and Chairmen of the Association and, where necessary, other suitable Individual Members.
- 5.3 The Honorary Secretary shall ask one of those selected to chair the Appeals Panel and to conduct its proceedings in accordance with the procedure set out in paragraph 7 below.
- 5.4 An Appeals Panel is empowered:
 - 5.4.1 to uphold or vary the findings and decisions of a Complaints Panel or, in the case of a maladministration complaint against Council, the Executive Board or a committee other than a Selection Committee, to make an appropriate recommendation to Council;
 - 5.4.2 in the case of a Selection Appeal, to uphold or set aside the decision of a Selection Committee and, if set aside, to remit the decision to the Selection Committee for reconsideration;
 - 5.4.3 to uphold or set aside the expulsion of an Individual Member from a Member Club or a Member Club from a Member Federation.
- 5.5 An Appeals Panel should only vary or set aside a decision if it finds that the decision-taker has:
 - 5.5.1 taken into account factors which should not have been taken into account; or
 - 5.5.2 failed to take into account factors which should have been taken into account; or
 - 5.5.3 taken a decision which, in the opinion of the Appeals Panel, no reasonable decision-taker could have taken.
- 5.6 If a party is dissatisfied with the way in which a decision of an Appeals Panel has been reached, they may refer the matter to arbitration by Sport Resolutions (UK), the trading name of The Sports Dispute Resolution Panel Limited, a company limited by guarantee registered in England and Wales under company number 3351039. It is a condition of membership of the Association, for individuals, clubs and federations, that any such arbitration shall be binding on all parties.

6. Panel membership

- 6.1 Anyone who might reasonably be believed to be personally involved in a complaint or to have a close association with any of the parties shall be excluded from selection for a Complaints Panel or an Appeals Panel.
- 6.2 In particular:
 - 6.2.1 if the complaint involves a member of a Member Club, or a Member Club itself, any current or former member of the Member Club; or
 - 6.2.2 if the complaint involves a Member Federation, any current or former member of the Member Federation; or
 - 6.2.3 if the complaint involves the Council, Executive Board or a Committee, any current member of those bodies; or
 - 6.2.4 if paragraph 4.4 applies, any member of the relevant Complaints Panel.
- 6.3 The Honorary Secretary shall consult with the parties when making the selection to ensure that there are no grounds in this paragraph that might invalidate the panel.

7. Conduct of a panel hearing

- 7.1 The panel should seek to consider and decide the complaint or appeal as soon as possible after it has been convened.

- 7.2 The panel chairman is empowered to direct either:
- 7.2.1 that there will be a physical or virtual meeting of the panel attended by the parties; or
 - 7.2.2 with the consent of the parties, that the complaint will be assessed on the basis of written representations supported, if necessary, by direct communication with the parties at different times.
- 7.3 The panel chairman should ask the parties to submit a statement of their case in writing or electronically and is entitled to ask either party for further information or to seek information from elsewhere. Such information shall be shared with all the parties.
- 7.4 The parties should be given a full opportunity to make their case and explain their actions and decisions. They are entitled to be accompanied and to be represented by a third party.
- 7.5 The panel shall decide matters in dispute on the balance of probabilities.
- 7.6 The panel is entitled to reach a decision by a simple majority.
- 7.7 The panel chairman should communicate the decision of the panel in writing or electronically to the parties and the Honorary Secretary as soon as possible. The parties to a Complaints Panel referral should be informed of their right under paragraph 4.4. The parties to an Appeals Panel should be informed of their right under paragraph 5.6.
- 7.8 Where appropriate, the Honorary Secretary shall publish the outcome of a maladministration complaint.

8. General

8.1 CONFLICT OF INTEREST

In the event that a complaint concerns the Honorary Secretary, the complainant should inform the Chairman of Council instead of the Honorary Secretary who shall appoint another person to discharge the Honorary Secretary's function in the Complaints Procedure.

8.2 ANONYMITY

In the absence of exceptional circumstances, such as a complaint about alleged bullying, the identity of the complainant will be communicated to the respondent(s) if the complaint is deemed to be admissible under paragraph 2.6 above.

8.3 WITHDRAWAL OF A COMPLAINT

A complainant is entitled to withdraw their complaint at any stage of this Complaints Procedure but should inform the Honorary Secretary of the reason in writing or electronically. Failure to do so may be taken into account when considering if any future complaint from the complainant is vexatious, frivolous or otherwise unreasonable (see paragraph 2.7.6 above).

8.4 RECORD-KEEPING

All documentation relating to a complaint shall be retained by the Honorary Secretary on a strictly confidential basis.

Appendix

Text for inclusion in CA Constitution

8. Complaints Procedure

The Complaints Procedure is published by Council with the aim of providing a process that is fair, effective and efficient, through which valid complaints can be resolved concerning maladministration or breaches of the Association's Constitution, policies, regulations or other governance documents, or other acts which are injurious to the character or interests of the Association. It is the responsibility of all those involved to ensure that complaints are handled fairly, promptly and correctly. Where appropriate and practicable, complaints should be resolved in the simplest possible manner. This procedure represents the sole remedy of Individual Members against the Association.

CA Complaints Procedure Working Group

Gabrielle Higgins, Stephen Mulliner (chairman), Jonathan Powe, Ian Vincent

24 January 2021