

THE CROQUET ASSOCIATION

Conclusions of the Appeal Panel in respect of an appeal by Chris Clarke (CC) regarding the team the CA Golf Croquet Selection Committee (GCSC) selected to represent England at the World Golf Croquet Team Championship 2012 (WGCTC)

CONTENTS

- 1 Introduction
- 2 The complaints
- 3 Summary of the Appeal Panel's conclusions
- 4 Recommendations

1 INTRODUCTION

The Executive Committee convened the Appeal Panel on 16 July 2012 to consider CC's appeal against the process by which the England team was selected. Its members are Quiller Barrett, Don Gaunt and Jonathan Isaacs.

The appeal had to comply with Section 9 of the *CA Selection Policy and Procedure* (CASP), dated 17 October 2009:

“Selection decisions are only subject to appeal if it is alleged that there was a wilful disregard of this policy or procedure. There is no appeal against decisions about individuals taken in good faith, even if made on the basis of incorrect information. Selections will stand while any appeal takes place and will only be overturned if held by the appeal panel to be unsustainable.

“Appeals will be dealt with as appeals alleging maladministration under clause 8(b) of the CA Constitution, except that the panel shall have the additional power to set aside any selection made and direct that selection should proceed according to this policy.”

In addition to evidence provided by the complainant, the Panel considered submissions from the GCSC: Stephen Mulliner (Chairman), Timothy King, Chris Sheen, John Spiers and Dick Strover. We thank them all as well as Ian Vincent, CA Hon Secretary, who guided us through the appeal procedure.

Before using the Appeal procedure a complainant is required to attempt to resolve the matter informally and we are satisfied that this requirement was met by CC. We thank all those who were involved.

2 THE COMPLAINTS

CC stated that there were multiple failures by the GC Selection Committee and that some

of these failures were wilful. He claimed that from his initial application to play in this event, the Chairman of GC Selectors had no intention or desire to select him and that there was a policy to favour younger players.

CC told us that his main Appeal document shows:

1. That the world numbers 12, 22, 28 and 51 were selected ahead of the world number 3.
2. That despite his requests, no indication was given to him that he needed to play more in order to be selected.
3. That he was discriminated against due to his geographical location.
4. That he had played substantially more croquet in the 8 months prior to selection than one of the players selected.
5. That the Chairman of Selectors sent out misleading or incomplete information.
6. That he was discriminated against due to his age.
7. That the Selection Committee decided it knew more about his health than either himself or medical experts.
8. That the Chairman of Selectors misrepresented the views of the selection committee.
9. That he was discriminated against due to his relationship with the Chairman of Selectors.
10. That the Chairman of Selectors promised to send out information and then failed to do so.
11. That his current performance level means that failing to select him is unsustainable.
12. That the selectors failed to follow CA policy by failing to “select the team most likely to **WIN**”.

3 THE APPEAL PANEL’S CONCLUSIONS

We decided it was important for us to clarify the meaning of the first two sentences in Section 9 of the CASP (quoted in our Introduction). We referred to the minutes of the Council meeting in March 2008 when the CASP was discussed and we noted that Council intended appeals could only be made against the process, not the outcome, of

selection. We concluded that if selectors followed the policy and procedures correctly when taking a decision, this could not be appealed against even if it was based on incorrect information.

Most of the allegations made by CC concern matters that are not referred to in the CASP. We decided to test them against two criteria that are covered in the CASP: that a fair selection process should be carried out and that the sole aim is to select from the best available players a team that is most likely to win the event (the latter policy was not specified for this event in the CASP but was agreed by both parties to be appropriate). To uphold the appeal we would have to satisfy ourselves that the GCSC had wilfully disregarded these policies.

We asked the GCSC to respond to CC's appeal documentation which was extensive and they did this. The GCSC asserted that it had followed the CASP and had used adequate procedures to reach its decision. They pointed out that while the selection decision itself was not a matter for appeal, they had not selected CC because (a) he had not provided recent evidence of current form against top-class GC singles opposition and (b) it would be necessary to play a fifth player in the England team to mitigate the risk of CC's back problem recurring during the event. They had concluded that the England team most likely to win the event was one of four strong players who could play on all seven days.

The whole of the GCSC's response, which in turn was very extensive, was copied to CC and he, in turn, sent us further comments which were copied to the GCSC. The CASP states that no minutes of Selectors' meetings are kept or published. We asked the GCSC and CC questions to clarify some matters and they answered these.

We paid particular attention to whether there had been any wilful disregard of the policy to act fairly when selecting a team that is most likely to win the event. We recognised that Appeal Panels may not second-guess the GCSC's selection and so the composition of the team is not subject to appeal if the GCSC followed the policy in good faith. Our sole concern was whether there had been any deliberate unfairness to CC in the process of making the selection. We decided there had not.

We had replies from all members of the GCSC individually and these, together with the whole body of evidence we looked at, satisfied us that the GCSC has not wilfully disregarded the CA Selection Policy and Procedure. **We therefore dismiss the appeal.**

We conclude by wishing the England team every success in the GC World Team Championship.

4 RECOMMENDATIONS

We recommend to Council and its relevant committees:

4.1 **Selection administration**

More attention should be paid to Selection administration. The majority of appeals to the CA concern selection procedures and administration. We think it would help if those responsible monitored and updated more frequently the relevant policies, procedures and information on the CA website.

4.2 The CA Selection Policy and Procedure

The CASP was last revised in October 2009 and it should have been updated. Prior to the selection for the GCWTC the GCSC was remiss in not proposing to Council a specific selection policy for the event so that Council members would have had an opportunity to consider this and amend or endorse it.

The CASP should now be reviewed and updated prior to selection for the next MacRob. It contains sections about specific AC and GC selections, but it also includes more general matters such as Sections 2 and 9. It needs to be clear who is responsible for the whole of the document.

Consideration should be given to including a clause in the CASP that players who wish to be selected must, at the time of submission of their availability, state if there is any doubt about them being fit enough to be available for all matches in the relevant tournament.

When revising the CASP particular attention should be given to the wording in Section 9: it needs to be crystal clear. We question the advisability of including the phrase “even on the basis of incorrect information” and of requiring appellants to allege wilful disregard of the policy and procedure. In our view the word ‘wilful’ has the unintended consequence that when an Appeal Panel considers an appeal, the integrity of the Selection Committee will be questioned – and they are the hardworking volunteers who the CA relies on. If the word ‘wilful’ was omitted it would still allow Appeal Panels to decide and report on the degree of wilfulness (if any) they found.

After the CASP has been revised it should be published in the Gazette as well as on the CA website, with an accompanying article putting it into context.

Quiller Barrett
Don Gaunt
Jonathan Isaacs

11 August 2012