

# **THE CROQUET ASSOCIATION**

Final report of the conclusions of the Appeal Panel in respect of a complaint by Jim Field (JF) alleging wilful disregard of the CA's Selection Policy (SP) in the selection of the English Team in the 2009 European Team Championships.

## **CONTENTS**

1. Introduction
2. The Appeal Panel's conclusions
3. Recommendations to Council

## **1. INTRODUCTION**

The Appeal Panel was appointed by the Honorary Secretary on behalf of the Executive Committee on 12 June 2009 to consider the above complaint; its members are Roger Bray, Andrew Hope and Colin Irwin.

In addition to evidence provided by the complainant, the Panel considered submissions from David Maugham and Chris Clarke. We thank them all for their contributions.

We are satisfied that there is no material dispute about the facts of the matter.

## **2. SUMMARY OF THE APPEAL PANEL'S CONCLUSIONS**

2.1 Before using the Appeal procedure a complainant is required to attempt to resolve the matter informally. Following the announcement on 27 May that Chris Clarke (CC) had been selected for the English Team (indeed, as its captain) in the European Team Championships, JF approached the Selection Committee (SC) Chairman, David Maugham, and thus did satisfy this requirement. The Panel also noted that the Chairman of the Management Committee, Barry Keen, tried unsuccessfully to negotiate an informal settlement and we thank him for his efforts.

2.2 CC readily admits that he notified his availability not by following the procedure specified in the SP (Section 5, paragraph 4), the basis of JF's complaint, but by sending an email to the SC Chairman. In doing the latter CC maintains that he was using "the usual channels" stipulated on page 22 of the 2009 Fixtures Book which he and others had been doing for many years. The Panel noted that the Fixtures Book, on page 27, also gives a summary of the SP and in particular the issue of availability, but does not specify the procedure for notification; however it does refer the reader to the full version of the SP on the CA website. We accept that CC acted in good faith in his

notification.

2.3 Although it is not stipulated in the SP, we believe that, in fairness to all parties, the SC should have acted on CC's informal notification of availability either by asking him to follow the SP procedure or by forwarding his notification to the CA Manager or the CA website, particularly as CC notified the SC Chairman well before the closing date.

2.4 Section 5 (paragraphs 2 and 3) of the SP states that "the website availability list ... will be treated as definitive" and that "failure to notify availability is treated as a statement of non-availability". In the present case it would seem absurd and unfair to treat CC as not available, yet that would seem to be the implication of the word "definitive". The present appeal is the first test of this wording and we find it wanting in clarity. It seems to be directed mainly at players who fail to notify their availability (at all) by the closing date. Without greater emphasis and consistency, in both the SP and Fixtures Book, the conclusion that a set procedure for notifying availability must be followed is debatable. Nevertheless a strict interpretation would rule out CC's mode of notification.

2.5 Whilst it is not within our remit to judge the quality or standard of the players on the website availability list, we do acknowledge that the SC does have the right to accept CC's informal notification of availability under Section 2 (paragraph 3) of the SP, viz. that "the Selectors are entitled to take whatever steps they think necessary to obtain an appropriate field". We therefore dismiss the appeal.

### **3. RECOMMENDATIONS TO COUNCIL**

3.1 The publication of the Selection Policy on the CA website has gone a long way to document that the CA operates an open and fair system, but it is not surprising that, with such sensitive issues as the selection and availability of players, there are shortcomings which are revealed only in practice. Moreover, in introducing new procedures, the CA needs to be vigilant in ensuring that clear and consistent instructions are given to players.

#### ***We recommend to Council that***

- Section 5 of the Selection Policy be clarified;
- wherever selection procedures are described and published, and in particular in the Fixtures Book, unambiguous and consistent instructions are given to players with regard to notifying their availability to play in an event;

3.2 The actions of the Selection Committee would not have been open to criticism if it had either (a) ensured that Chris Clarke's notification had been regularised, or (b) updated the published availability list when it had decided to recognise his availability.

***We recommend to Council that***

- Council and its committees and officers of the CA should be proactive in advising members of the CA to conform to CA policies and procedures, especially in the period following changes to them;
- the Selection Committee should add to the published availability list any additional player whom they treat as available for an event under the current policy.

3.3 We note that, in the absence of anything more specific, the panel hearing this appeal was appointed and acted in accordance with appeals panels for disciplinary and administrative appeals, as given in Appendix One of the CA's Constitution.

***We recommend to Council that*** it establishes procedures for appointing panels to hear appeals under Section 9 of the Selection Policy and the powers such panels will have.

Roger Bray  
Andrew Hope  
Colin Irwin

29 June 2009