

Discussion document on proposed changes to the NoSCA Disciplinary Process

Item	Current	Problem	Solution(s)
1 Make-up of Disciplinary Committee	Constitution Clause 7.2	Possibly too restrictive? In recent years member clubs have been happy to contravene this clause by electing the Reserve Match Secretary to the Committee.	Amend the constitution to reflect the wishes of members, whilst ensuring fairness in composition of Disciplinary Committee. Define their power to co-opt expertise and secure legal advice if deemed necessary
2 Duration of any bans (i.e. Weeks or Matches)	Nothing defined <i>(although CS Code of Conduct refers to bans in terms of weeks)</i>	'Weeks' may not always deliver the intended outcome as the NoSCA schedule does not always guarantee games every week (e.g. in a league with an odd number of teams or Cup semi-finals, etc.) 'Matches' may not always deliver the intended outcome:- Do Reserve matches count? Do representative matches count? Do Cricket Scotland competitions count? What happens to rain-off games? Are T20 games equivalent to a 'full' game?	I propose that all bans are issued in terms of 'weeks' (as per CS Code). However, the Disciplinary Committee and Appeals Panel must have the power to impose bans at specific times, to take account of the unique NoSCA playing schedules. <i>(see also Timing of Release of Decisions in (3) below)</i>
3 Timing of publication of Disciplinary Committee & Appeals Panel decisions	Nothing	Not always a full fixture card (see above) so can produce ineffectual bans. Notice of bans shortly before games is potentially unfair on Clubs & amateur players. Timing of the release directly affects the time available to appeal.	All decisions should be released on a Sunday evening, normally to take effect from the following day. However, this may be changed at the discretion of the relevant Committee or Panel to ensure the effect of any ban is as intended.
4 Timeframe to submit appeals	Nothing	Clause 7.3 is explicit about the time available to lodge complaints, however there is no such imposition for submitting appeals, which could result in protracted cases and could lead to the system being abused by an unscrupulous club.	Impose the same time limit on appeals as for lodging a complaint (i.e. Wednesday midnight following the decision being published).
5 Intent to Appeal	Nothing	Submitting an 'Intent to appeal' could be used by an unscrupulous club to its own advantage.	See (4) above. I propose that the full appeal must be received within 3 days of the decision being notified <i>(maybe along with a deposit - see (10) below)</i> .

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6	Information required in published decisions	Nothing	Possible inconsistencies between published decisions, which can lead to questions and challenges. Potential for misunderstanding by players and clubs.	Create a NoSCA template to be used for all Disciplinary & Appeals decisions. Decision must always include CS Code of Conduct offence reference (e.g. level 2.1) as well as player name, club, penalty imposed, effective dates, etc.
7	Scope of Bans	Nothing	It is currently unclear and undefined what games are covered by a ban (e.g. NoSCA Senior league only? All Senior competitions? All NoSCA competitions? Representative games? Cricket Scotland Competitions?)	Clearly define the scope of all bans. <i>I propose we include ALL NoSCA games (including representative matches) and also ALL Cricket Scotland competitions.</i> Consideration could also be given to liaising with ACA Grades and SPCU to include their competitions.
8	Appellants	Nothing	It is unclear who can lodge an Appeal to a decision taken by the Disciplinary Committee.	Define who is competent to lodge an appeal. <i>I propose that anyone involved in the original complaint AND the Executive Committee are allowed to lodge an appeal to a decision taken by the Disciplinary Committee.</i>
9	Disciplinary Procedure	Constitution Clauses 7.1 - 7.6	Lacks detail and is at odds with parts of the CS Code of Conduct	Create a new Disciplinary Procedures document to replace some of the Constitution and include all of the above.
10	Cost of Appeals	Nothing	Unscrupulous clubs could use the appeals process to their own advantage (e.g. to release a player for an 'important' game).	To deter frivolous appeals some associations charge a deposit (ACA = £50) which is returned at the discretion of the Appeals Panel. Do NoSCA need to adopt this policy?
11	Personal Hearings	Nothing	A player or club may wish to have a personal hearing and whilst accepting our geographical challenges, it may be appropriate (desirable?) to request a player attends a personal hearing, particularly for more grave issues.	Define the exact process involved in either party requesting a personal hearing.
12	Remit of Appeals Panel	Nothing	Lack of any detail means the current remit is open to misinterpretation.	Define exact remit (e.g. re-try full case or merely check that procedure was followed?) and confirm powers available.