



Investigations Guide – August 2024

1. Background

Cricket Victoria (CV)'s new Complaints and Resolution Policy has been developed to provide resolution options, one of which is Investigations.

This resource outlines some guidance for Investigations conducted in accordance with the Complaints and Resolution Policy. It is provided noting that every Investigation will have its own context, issues to explore and challenges that will require the investigator to adapt to accommodate. As such, this should be considered as a guide only, to tailor for each Investigation as is appropriate.

It may be appropriate to conduct an Investigation where, for example:

- a) children and young people are involved in a complaint or report and to convene a tribunal to determine the matter would be confronting or cause trauma to the child(ren) or young person(s) involved; or
- b) where there is a dispute of facts or witness accounts and in the opinion of the Complaints Manager, it is appropriate to have the matter investigated.

As with any complaint resolution process, where it involves children and young people, the process should be child-focused. A separate Child Focused Guide to Complaint Handling, has been produced to assist in this regard.

It is also critical that any Investigation and the matters the subject of the Investigation remain confidential throughout the Investigation process, in line with clause 12 of the Complaints and Resolution Policy.

2. Interpretation:

In this guide:

Complainant means the person who has made the allegation(s) against the Respondent.

Complaints Manager has the meaning provided in the Complaints and Resolution Policy and is the person appointed to manage the complaint or report (and facilitate its resolution) by the Victorian cricket organisation managing the matter to be investigated.

Complaints and Resolution Policy means the Cricket Victoria policy of that name as updated from time to time.

Decision Maker has the meaning provided in the Complaints and Resolution Policy and is the person appointed by the Victorian cricket organisation managing the matter to make decisions in relation to the resolution of complaints or reports it manages.

Investigator refers to the person conducting the investigation that has been appointed by the relevant Complaints Manager of the Victorian Cricket Organisation managing the complaint or report. This person should be unbiased and have no perceived or actual conflicts of interest in relation to the matter being investigated.

Investigation means the investigation being undertaken by the Investigator.



Respondent means the person responding to the allegation(s) made by the Complainant.

3. Brief to Investigator

The Complaints Manager may provide a written brief to the Investigator to confirm the terms of engagement and scope of the Investigator's role. This brief should:

- 3.1 refer to these guidelines as to how the Investigator is to conduct the Investigation;
- 3.2 request that the Investigator make findings on the 'balance of probabilities' standard of proof as to whether the allegations are:
 - a) Substantiated (there is sufficient evidence to support the allegation(s));
 - b) Unable to be substantiated or inconclusive (there is insufficient evidence to support the allegation(s) either way);
 - c) Unsubstantiated (there is insufficient evidence to support the allegation(s)); or
 - d) Mischievous, vexatious or knowingly untrue.
- 3.3 request that the Investigator prepare a clear, objective and unbiased report that uses headings and sub-headings. Sections of the report may include:
 - a) An **Executive Summary**;
 - b) The **Allegations** in question;
 - c) **Findings** in relation to the allegations;
 - d) **Evidence** referenced in relation to the findings made;
 - e) **Recommendations** relevant to the subject matter of the complaint or report; and
 - f) The **Methodology** used to conduct the Investigation.

4. Investigation Process

- 4.1 The Complaints Manager should notify the parties to the complaint or report that an Investigation will occur and provide details about:
 - a) the allegations being investigated;
 - b) who the Investigator is;
 - c) the timing of the process being undertaken; and
 - d) any other relevant matters.
- 4.2 The Complainant and the Respondent are entitled to have a support person present during any interview conducted in the Investigation, subject to that person never having been admitted to practice as a lawyer or barrister.
- 4.3 The Investigator may conduct interviews either in-person, via video conference or by phone.
- 4.4 The Investigator should document all interviews in writing.
- 4.5 The Investigator should interview the Complainant first to gather relevant facts and to ensure that the details of the allegations are clear. Should the Complainant refuse to be interviewed, the Investigator should provide the Complainant an opportunity to provide written, audio or video submissions and supporting evidence to the Investigator.



- 4.6 Following interview with the Complainant, the Investigator may interview relevant witnesses if the Investigator considers that that is necessary to finalise the detailed allegations to put to the Respondent.
- 4.7 Otherwise, the Investigator should convey the details of the complaint to the Respondent. The Respondent should be provided with sufficient information to enable them to respond fully to the allegations made against them.
- 4.8 The Investigator should then interview the Respondent. Should the Respondent refuse to be interviewed, the Investigator should provide the Respondent an opportunity to provide written, audio or video submissions and supporting evidence to the Investigator.
- 4.9 If, in process of the Investigation, there continues to be a dispute regarding the facts, then the Investigator should gather statements and/or conduct interviews with any relevant witnesses.
- 4.10 The Investigator should prepare the report of Investigation requested and provide that report to the Complaints Manager as soon as possible.
- 4.11 The Complaints Manager, once satisfied that the report prepared by the Investigator meets the brief provided, should provide the report to the Decision Maker of the relevant cricket organisation in question to enable the Decision Maker to make a decision regarding outcome(s).
- 4.12 No Investigation shall be invalidated by any irregularity in the appointment of an Investigator, or by any irregularity of the Investigator in applying the process in this guide.
- 4.13 No decision, act or omission of the Investigator shall be invalid merely because of a failure to comply with the procedure in this guide, or any other irregularity in the procedure in this guide, unless a person suffers substantial prejudice as a result of that failure to comply or other irregularity in procedure.