

**THE ENGLAND AND WALES CRICKET BOARD CHILD PROTECTION  
COMPLAINTS AND DISCIPLINARY PROCEDURE**

## INTRODUCTION

**The ECB is committed to ensuring that all Children and Young Persons<sup>1</sup> who participate in Cricket have a safe and positive experience.**

This document which is supplementary to 'Safe Hands - Welfare of Young People in Cricket Policy' sets out the procedures to be followed by the ECB whenever any enquiry and/or investigation is undertaken by it in relation to any concerns regarding:

1. child welfare or child protection,
2. alleged breaches of conduct (ECB Coaches Code of Conduct/Code of Conduct for all Cricket Staff and Volunteers).

The procedures are intended to provide a comprehensive, fair and equitable process for the purpose of any enquiry into any concerns or complaints received and will apply to all individuals working or participating within Cricket whether in a paid or voluntary capacity<sup>2</sup>.

So far as is practicable, confidentiality will be maintained at all times in respect of all those involved in any enquiries or investigations unless there is an overriding obligation in the interests of the safety or protection of young persons for such information to be shared with other interested parties<sup>3</sup>. Any such information shared shall be on a need to know basis only.

Awareness of an individual's behaviour and practices should be an intrinsic part of a standard supervisory process.

All matters relating to poor practice, emotional, physical, sexual abuse or neglect must be reported to the County/Club/League Welfare Officers and as soon as reasonably practicable thereafter to the ECB Child Protection Consultant (CPC) or his/her nominated deputy.

In the exercise of its duty of child welfare and protection, the ECB will normally place the details (name, date of birth and address) of any individual who is temporarily suspended or permanently disqualified onto the ECB CRB County Board Management System (CBMS). This is to make it available to Cricket Development Officers and County Welfare Officers for the purposes of enforcement and crime prevention.

The ECB shall not be liable to any suspended or disqualified individual, club or organisation for any loss, howsoever caused, whether direct, indirect, economic or consequential (including without limitation loss of profits, savings or opportunity) arising out of or in connection with such suspension and/or disqualification or under the ECB Complaints and Discipline Procedures.

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<sup>1</sup> Young persons in this document refers to those aged under 18 years

<sup>2</sup> The ECB will have jurisdiction to hear complaints in respect of: any ECB employees; any professional Cricketer or other person within Cricket who has agreed or is deemed to have agreed to comply with the ECB regulations or policies; and any person within Cricket who has agreed or is deemed to have agreed to comply with his/her County Board, League or Club policies (including the ECB's regulations and policies).

<sup>3</sup> Information will be shared with the ECB Child Protection Consultant and County/Club Welfare Officers as a matter of course. Any decision to temporarily suspend or permanently disqualify any individual will be communicated to all Counties in order to enforce the suspension and/or disqualification. The Identity of children will be protected where possible.

## **SECTION ONE - CHILD WELFARE & PROTECTION**

1. As part of the ECB's on-going commitment to Child Welfare and Protection it is a requirement of any 'relevant person'<sup>4</sup> involved or participating in Cricket to complete a Criminal Records Bureau (CRB) check.
2. The individual concerned will be given 14 days to complete and return an ECB CRB form. Failure to complete a check satisfactorily may result in further action being initiated.
3. The ECB requires that all ECB Affiliated<sup>5</sup>, Clubmark Clubs<sup>6</sup> and Leagues adopt and implement the ECB 'Safe Hands – Welfare of Young People in Cricket' Policy as amended from time to time.
4. All ECB Affiliated and Clubmark Clubs must nominate a Child Welfare Officer to advise and ensure that Child Welfare and protection is adhered to.
5. Subject to further inquiry in any individual case, it will be regarded as wrong and unacceptable for any person in a Position of Trust<sup>7</sup> with a person under the age of 18, to form any personal relationship of any kind with such person. Any person in a Position of Trust must declare any relationship of whatever nature to their Club's Welfare Officer or Club Officer with sufficient details thereof.
6. Concerns in relation to children may fall within one of two categories as follows:

### *6.1 CHILD WELFARE:*

Relate to concerns surrounding poor practice, bullying, grooming, harassment or emotional abuse, or where there is Social Services and/or Police involvement. Where Social Services or the Police are not already involved and the concerns or matters raised are such as to warrant their involvement, the ECB will notify them of the matters which have been brought to their attention. Upon such notification, the case file will be re-designated as a Child Protection Issue. The Club/County Welfare Officer or the ECB Child Protection Consultant (whichever is applicable) should immediately be informed with regard to the concerns raised.

### *6.2 CHILD PROTECTION*

Relate to concerns involving physical abuse, sexual abuse or neglect. This category will also include any matters which are the subject of civil or criminal investigation or proceedings and for the avoidance of doubt, any matters which are the subject of Social Services or Police investigation even where such investigation remains to be completed. The matter should immediately be referred to the Club/County Welfare Officer who in turn should notify the ECB Child Protection Consultant or his/her nominated deputy. In an emergency the Police or Social Services should be contacted directly and the Club/County Welfare Officer or ECB Child Protection Consultant informed of the contact as soon as reasonably practicable thereafter.

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<sup>4</sup> 'Relevant Person' is any person involved in Cricket who has or is deemed to have any contact whatsoever with a person under 18 years of age and includes any person directly employed by the ECB or offered employment by the ECB.

<sup>5</sup> Affiliated refers to any Club or League associated through membership whether directly or indirectly to the ECB.

<sup>6</sup> Clubmark Club refers to Clubs that have attained 'Sport England' accreditation standards as recognised as such by the ECB.

<sup>7</sup> Position of Trust applies to any individual in any occupation in Cricket that involves tutoring, mentoring, supervising or acting in loco parentis to a person under the age of 18.

7. In respect of any matter which is notified to the ECB which includes concerns which relate to matters which fall within either the Child Welfare or Child Protection category the ECB may, in order to ensure the welfare and safety of the young person or other young people within cricket, impose a temporary suspension upon an individual in respect of whom the concerns have been raised, pending the outcome of further enquiries and/or investigation.
8. Where a temporary suspension is imposed this will be a suspension from participation in any and all cricketing activities which will include but are not limited to the following activities: coaching, umpiring, scoring, chairmanship, presidency, managing teams, captaining, playing, secretarial functions, treasurer, patron, first aiding, grounds man, administrative duties, child welfare officer, general volunteering and any other activity relating to cricket where there is likely to be contact with young persons.
9. If any individual is temporarily suspended and during the course of the suspension the ECB is informed that a breach or abuse of the suspension is or has taken place, the individual will be given a written warning. Failure to adhere to the terms of the written warning may result in a permanent disqualification from any and all cricketing activities.

## **SECTION TWO - INITIAL ACTION & INVESTIGATION**

1. Upon the receipt of any concerns or complaints an investigation into the incident/disclosure may be necessary. This may take the form of a criminal investigation carried out by Police and/or Social Services and/or an independent investigation by the ECB. If an ECB investigation reveals a potential or actual breach of law then the ECB investigation will cease and a referral will be made to Police and/or Social Services.
2. The investigative process may fall within one of two categories and any or all of the following actions may be instigated :

### **2.1 Child Welfare**

2.1.1 An ECB investigation into the concerns may be actioned.

2.1.2 The individual concerned may be temporarily suspended from any and all cricketing activities under the auspices of the ECB pending the outcome of any investigation where such a suspension is deemed by the ECB to be warranted or necessary to ensure the welfare and safety of the Young Person involved and/or other Young Persons who come or may come into contact with the individual in question.

2.1.3 Any ECB membership and/or associated benefits may be temporarily suspended.

2.1.4 A Criminal Records Bureau check may be required of the individual.

2.1.5 The matter may be referred to the Referral Management Group (RMG) for consideration. (See Section 4)

### **2.2 Child Protection**

2.2.1 The concerns will be referred to the Police and/or Social Services for consideration as to whether a criminal/civil investigation into the allegation will be actioned. In addition the ECB reserves the right to action its own investigation.

2.2.2 The individual concerned may be temporarily suspended from any and all cricketing activities under the auspices of the ECB pending the outcome of any such ECB and/or Police and/or Social Services investigation where such a suspension is deemed by the ECB to be warranted or necessary to ensure the welfare and safety of the Young Person involved and/or other Young Persons who come or may come into contact with the individual in question

### **SECTION THREE - CHILD WELFARE AND PROTECTION INVESTIGATIONS**

1. If an investigation is deemed necessary by the RMG and/or the ECB Child Protection Consultant the ECB will write to the individual concerned asking him to contact the ECB as soon as possible (this is to facilitate delivery of possibly sensitive material to an agreed address). Within seven (7) days, the ECB shall write further to notify him of the intention to investigate, the nature of the investigation and the reasons for this. If a temporary suspension has been imposed by the ECB in interests of child safety the individual will also be informed of this. (Note: only if notification would not jeopardise any Police and/or Social Services investigation or place any young person or young persons at risk.)
2. The individual who is the subject of the investigation may be temporarily suspended from all and any cricketing activities pending the outcome of an investigation if there is a need to ensure the welfare and safety of the young person or young persons involved or other young persons who come or may come into contact with the individual in question.
3. The ECB will appoint independent investigators to carry out any investigations. They will operate impartially and independently of the ECB Child Protection Consultant, the ECB and the RMG.
4. Once appointed, the Investigator shall contact the individual concerned direct to advise of their appointment. This contact should be made no later than seven (7) days after the ECB have written to the individual to notify him of the intention to investigate.
5. Any investigation will be conducted as promptly as possible. The individual concerned should however be aware that the length of the investigation will be dictated by the number and availability of persons to be interviewed or contacted.
6. During the investigation process there will be regular communication between the ECB Child Protection Consultant and the Independent Investigators, as well as the ECB Child Protection Consultant and the individual who is the subject of the investigation, as to the progress of the investigation.
7. The individual concerned should be updated in writing, as to the progress of the investigation as a matter of course at least every six (6) weeks.
8. The individual being investigated shall not approach, intimidate or influence any witness involved in the investigation.
9. The individual concerned will normally be interviewed at the end of the investigation.
10. Upon the conclusion of the investigation the investigator will present his findings to the ECB in the form of a written report and a decision will be made by the RMG in accordance with Section 4.

## **SECTION FOUR - REFERRAL MANAGEMENT GROUP (RMG)**

1. Upon receipt of the investigators report and/or any enquiry findings, the ECB Ethics and Compliance Manager will convene a meeting of the RMG to consider the report and other information relevant to the individual. The individual will be offered an opportunity to make a written submission to the RMG. Appointment to, membership of, and removal from the RMG is governed by the procedures in Appendix One.
2. The ECB Child Protection Consultant will ensure that the RMG are presented with the findings of the investigation and/or enquiry and any written submission from the individual to allow the RMG to consider the case presented to them.
3. The individual will be provided with a copy of the Investigator's written report and any other information which is to be put before the RMG unless to do so, in the view of the Ethics and Compliance Manager, would be prejudicial to the welfare and safety of the young person or young persons involved or other young persons who come or may come into contact with the individual in question. The individual will be given the opportunity to comment in writing on matters of fact and accuracy. Written submissions should be received no later than 7 days prior to the RMG meeting.
4. In respect of those cases which fall within either the *Child Welfare* or the *Child Protection* category or where the RMG believe that there is sufficient concern or comment in the investigators report to suggest that the individual poses a potential or actual risk if he was to work or come in contact with children or young people in Cricket then the RMG may reach any one or more or combination of the following decisions:
  - 4.1 No further action is to be taken;
  - 4.2 A more detailed investigation is required to be carried out;
  - 4.3 A referral is to be made to Police and/or Social Services;
  - 4.4 A risk assessment is to be carried out on the individual concerned, at their own expense, by a suitably qualified person. In this instance the RMG will consider if a temporary suspension is appropriate pending the outcome of any such investigation or may extend any existing suspension until the risk assessment is carried out. A time limit for compliance with any risk assessment should be agreed by the RMG;
  - 4.5 Recommend disqualification from participation in cricketing activities in part or in whole either indefinitely or for a specific period of time. If the disqualification is for a specific period of time the individual will be subject to a review by the RMG at the end of the period of disqualification;
  - 4.6 Permanently disqualify the individual from all or any cricketing activities where the individual's name is placed on the Sex Offenders Register by any Statutory Agency and/or Court;
  - 4.7 Provide a written conditional warning outlining the areas of concern or improvements required;
  - 4.8 Require the individual to undergo further training (e.g. a refresher coaching course - sports coach UK/ECB Good Practice and Child Protection Course, sports coach UK How to Coach Disabled People in Sport, sports coach UK - Equity in Your Coaching course);
  - 4.9 Require the individual to be supervised and/or work with a mentor permanently or for a period agreed by the RMG;
  - 4.10 Suspend or revoke the individual's Cricket Coaching Licence/Membership either indefinitely or for a specific period of time;
  - 4.11 Refer the individual to the ECB Discipline Committee or ECB Employees' Disciplinary Procedure;

- 4.12 Extend the period of any temporary suspension until such time as the individual concerned has complied with any training, supervision or mentoring that he is required to undergo;
  - 4.13 Require the individual concerned to undergo or complete a probationary period;
  - 4.14 Refer the individual to the appropriate statutory agency including, and not limited to, the Protection of Children Act 1999 List, the Protection of Vulnerable Adults Scheme (Care Standards) Act 1989;
  - 4.15 Reach any other decision which the RMG feel is appropriate having regard to the circumstances of the case.
5. Upon the conclusion of the RMG meeting the agreed decision of the RMG (with supporting reasons) will be communicated in writing within seven (7) days to the individual and their Club/County Welfare Officer. The individual will also be advised of their right of appeal against any decision made and the time limits for doing so, namely within fourteen (14) days from the date of notification of the RMG decision.
  6. If the individual fails to comply with decisions of the RMG further action may be instigated.
  7. All Cricket Clubs and/or relevant League(s) shall comply with the terms of any decisions reached by the RMG and/or ECB. This may include a temporary suspension or permanent disqualification. If any Club and/or League fails to adhere to the terms of such disciplinary action then the ECB reserves the right to take appropriate action. This may include without limitation, suspension or removal of that Club and/or Leagues affiliated to the ECB and/or Clubmark status and any other financial benefits and/or incentives provided therein.
  8. The decision of the RMG shall be communicated to a senior official e.g. Chairman, County/League/Club Welfare Officer, who is responsible for the County/League/Club Organisation within which the complaint was received for the purpose of enforcement.
  9. Where the matter disclosed/referred to relates to any Club, County Board or the ACU&S, that body shall be responsible for implementing the decision of the RMG and any other applicable sanctions.

## **SECTION FIVE - APPEALS AND APPEAL HEARINGS**

1. All individuals have a right to appeal the decision of the RMG by giving written notification with reasons to the ECB within fourteen (14) days of receiving notification of the RMG decision.
2. All Appeal hearings will follow the procedures set out in Appendix Two to these rules.

## **APPENDIX ONE - REFERRAL MANAGEMENT GROUP**

1. The Chief Executive of the ECB shall appoint the members of the RMG. The Chief Executive shall only appoint an individual if he considers that the appointee is suitably qualified and experienced.
2. The RMG will operate independently of the ECB Board. However individual members of the RMG may be members of the ECB Senior Executive or members of the ECB Board.
3. Meetings may be held by telephone or decisions taken by a written resolution, signed by at least three members. A quorum of persons for decision-making purposes with regard to any action initiated is three. Where necessary, the Chairman of the RMG shall have a casting vote in decision making.
4. The ECB Chief Executive may appoint an alternate member of the RMG who may be a member of the ECB Senior Executive or the ECB Board, including himself, who will act as a temporary member for the purposes of a meeting, if insufficient members are unable to attend a meeting for quorum purposes but a case needs to be considered for the purposes of child protection.
5. A member of the RMG may resign having given written notice to the ECB Chief Executive. This will have immediate effect.
6. The Chief Executive may give written notice to a member of the RMG removing them with immediate effect. A member shall be removed from the RMG if they have been found to have committed a Child Welfare or Child Protection offence.

## **APPENDIX TWO - RULES FOR THE ECB APPEALS PANEL UNDER THE ECB CHILD PROTECTION COMPLAINTS AND DISCIPLINARY PROCEDURE**

The following Rules (“the Rules”) shall govern the procedure for the hearing of any appeal under the ECB’s Child Protection Complaints and Disciplinary Procedure which forms part of these Rules.

### **1. The Tribunal and Jurisdiction**

- 1.1 Any dispute submitted to the ECB Appeals Panel shall be decided by a Panel (“the Panel”) consisting of not less than three individuals (“the Panel Members”) who shall be drawn from members of the ECB’s Standing Appeals Panel for Child Protection or elsewhere. The ECB’s Standing Panel Appeals Panel for Child Protection consists of at least four independent suitably qualified individuals who are appointed by the ECB Chief Executive to hear such Appeals. Each Panel shall choose its own Chairman and shall decide its own rules and procedures as appropriate in accordance with the principles of natural justice. None of the Panel Members shall be from or connected with the County Board or Membership Body of the Applicant (applicable as appropriate).
- 1.2 The Panel may decide by majority on its own jurisdiction and in the event of an appeal being decided by majority in favour of the Applicant, the Panel shall restore eligibility at such time and subject to such conditions and/or impose such penalty as it considers appropriate.
- 1.3 The Appeal shall be conducted in accordance with natural justice and be subject to these Rules and governed by English Law.

### **2. Request for Appeal**

- 2.1 If any party wishes to instigate an appeal pursuant to the ECB Procedure, that party (“the Applicant”) must submit to the Chief Executive of the ECB a written request for an appeal (“the Appeal”) containing the following details:
  - (a) the name and address of the Applicant (and of any representative); and
  - (b) a brief statement describing the grounds that the Applicant wishes to use to appeal his/her sanction imposed by the RMG.
- 2.2 This request for appeal must be submitted within fourteen (14) days of the notification of the original decision that is being appealed.
- 2.3 Within no later than three (3) days from receipt of the request for Appeal the ECB will notify the applicant of the identity of the Panel Members appointed from the ECB’s Standing Appeals Panel for Child Protection or elsewhere as per paragraph 1.1 above.
- 2.4 If any party intends to challenge the appointment of a Panel Member that party shall, within seven (7) days of notification by the ECB of the appointment of the Panel Members, submit in writing to the ECB the reasons why that party is challenging the appointment of any particular Panel Member. Unless the challenged Panel Member withdraws or the other party agrees to the challenge, the Chairman of the Panel (unless it is the appointment of the Chairman that is challenged in which case the ECB, acting through its Chief Executive, shall decide), shall decide on the challenge

and shall if necessary request a replacement Panel Member from the ECB's Standing Appeals Panel for Child Protection or elsewhere.

- 2.5 If any Panel Member, after appointment to the Panel dies, refuses, or in the opinion of the Chairman becomes unable or unfit to act, the Chairman shall request the ECB's Ethics and Compliance Manager to appoint another Panel Member to the Panel in his/her place.

### **3. Communications**

- 3.1 The parties shall communicate through the ECB offices at Lord's. Multiple copies of all correspondence and documents should be sent at the same time for the Panel Members and the other party to the appeal.
- 3.2 All communications shall be delivered or sent by first class post, fax or email to the parties at the addresses notified to the ECB.

### **4. Conduct of the Proceedings**

- 4.1 The Panel shall conduct the proceedings of the appeal in such manner as it considers fit in accordance with the ECB's Procedure and may follow any procedure agreed by those attending (the parties) if it is in the Panel's opinion fair and practicable so to do.
- 4.2 Unless otherwise agreed or decided by the Panel under its discretion as set out in Rule 4.1, the parties shall make written submissions to the Panel as follows:
- (a) the Applicant shall, within fourteen (14) days of receipt of notification from the Ethics and Compliance Manager of the appointment of the Panel, file a statement of claim ("the Statement of Claim") with the ECB setting out in as full detail as possible, any facts, law or rules on which the Applicant is relying, and the relief it claims;
  - (b) the ECB may, within fourteen (14) days of receipt of the Statement of Claim file a response ("the Response") stating in as full detail as possible any facts, law or rules in the Statement of Claim which the Respondent admits or denies, on what grounds, and on what other facts, law or rules it relies. The Response will be served on the Applicant by the ECB Ethics and Compliance Manager; and
  - (c) within seven (7) days of receipt of any Response, the Applicant may file with the ECB a reply to the Response ("the Reply").
- 4.3 The time limits set out in Rule 4.2 may be extended or reduced by agreement between the parties and the Panel. In the absence of agreement, the Panel may on the application of one party in an emergency situation, direct that the time limits set out herein may be reduced and a hearing held forthwith or may be extended.
- 4.4 Each party must submit at the same time as submission of the Statement of Claim, Response or Reply copies of all documents on which the party concerned relies unless the document has been previously submitted by any party.
- 4.5 The Panel may proceed with the appeal and make the decision and/or award even if the Respondent has failed to serve a Response or if the Applicant fails to serve a Reply.

- 4.6 The Panel shall first consider written submissions by or on behalf of the Applicant and shall, where possible, render its decision based on those submissions. If the Panel is not minded to allow an appeal based on written submission or if requested by either party the Panel shall request the parties to appear in person and/or be represented before it.

## **5. Hearings**

- 5.1 The Panel shall fix the date, time and place of any hearings in the appeal and shall give the parties as much notice as practicable of the date, time and place of any hearings and all such hearings shall be in private unless the parties agree otherwise. The minimum notice of such a hearing will be twenty one (21) days unless there is express agreement between the parties to reduce this notification time period.
- 5.2 All written submissions must be with the Panel Members at least seven (7) days before the hearing.
- 5.3 The individual concerned is entitled to be supported at the Hearing by a colleague. There is no right to legal representation but the Panel would ordinarily permit the individual concerned to be legally represented. The ECB must be notified of the intention to have legal representation present no later than seven (7) days prior to the hearing. The attendance or otherwise of the legal representative will not generally be accepted as a reason to fix a date by reference to the availability of legal representatives and/or postpone a hearing.
- 5.4 The appeal will be heard de novo.

## **6. Witnesses**

- 6.1 The parties must notify the Panel and other parties as soon as practicable and within any time limits set by the Panel of the identity of any witnesses they wish to call, and, if the Panel requires it, each party shall disclose the subject matter and content of the evidence on which each such witness will be relying and how that evidence relates to the points at issue.
- 6.2 The Panel may question a witness at any stage and shall control the questioning of a witness by the other parties at all times in accordance with applicable rules on fairness and natural justice.

## **7. Experts**

- 7.1 The Panel may, provided it shall have notified the parties, appoint one or more experts to report to the Panel on specific issues and may require a party to give such an expert any relevant information or to produce, or to provide access to, any relevant documents, goods or property for inspection by the expert.
- 7.2 The Panel may (unless the parties shall otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and/or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Panel or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

**8. Decisions and Awards**

- 8.1 The Panel shall decide on any issue by a majority and if the Panel fails to reach a majority decision on any issue, the Chairman of the Panel shall have a casting vote. The decision and/or award shall be in writing and shall be dated and signed by the Panel, and shall unless otherwise agreed by the parties be accompanied by brief summarised reasons on which it is based. The decision of the Panel shall be final and binding on the parties.
- 8.2 The Panel may confirm any decision made by the RMG or vary it, or reverse it or increase it or reach any such other decision as it feels is appropriate in all the circumstances.
- 8.3 The Panel will notify the parties of the decision and/or award of the Panel within seven (7) days of any hearing (or in the event of there being no hearing, within fourteen (14) days of receipt of all pleadings) and the Panel will at the same time provide the parties with a copy of the written decision.

**9. Costs**

Each party will bear its own costs for the Appeal preparation which includes attendance for any hearing so required.

**10. General Rules**

If a party proceeds with an appeal notwithstanding the fact that a provision of, or requirement under, these Rules has not been complied with without promptly stating its objection that party shall have waived its right to object.