

ENGLAND AND WALES CRICKET BOARD – SAFEGUARDING REGULATIONS

1. Definitions and Introduction

1.1. For the purposes of these Regulations, capitalised terms shall have the following meaning:

- i. **Adult at Risk** means an adult who has need for care and support (whether or not the local authority is meeting any of those needs), is experiencing, or is at risk of, abuse and neglect; and as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it;
- ii. **Body** means any cricket associations or other cricket body (other than a Club or League) affiliated to, or officially recognised by, the ECB, any Professional County Club or any Recreational Cricket Board;
- iii. **Child** means anyone who has not yet reached their 18th birthday and the term “**Children**” is to be construed accordingly;
- iv. **Children’s Barred List** means the list of individuals who are barred from working or volunteering in Regulated Activity with Children, as maintained by the DBS;
- v. **Club** means any Professional County Club, the Marylebone Cricket Club, the National Counties Cricket Association, any National County Club, any Tier 3 County and any other team or club which is affiliated to the ECB, a Recreational Cricket Board or a League;
- vi. **Cricket Regulator** means the body responsible for investigating and prosecuting breaches of the ECB’s rules and regulations;
- vii. **Cricket Safeguarding Appeal Panel** means an appeal panel appointed by the ECB Board and administered by Sport Resolutions to consider appeals against any decision made by the Cricket Safeguarding Panel under these Regulations pursuant to the appeals procedure detailed in Regulation 11;
- viii. **Cricket Safeguarding Panel** means the independent safeguarding panel appointed by the ECB Board to consider safeguarding cases and make decisions in accordance with these Regulations;
- ix. **Cricket Safeguarding Panel Chair** means the chair(s) of the Cricket Safeguarding Panel, as appointed by the ECB from time to time, or their nominee;
- x. **Cricketer** means any cricketer who plays (or has applied or taken steps to play) for any Club;
- xi. **DBS** means the Disclosure and Barring Service;
- xii. **DBS Certificate** means the certificate issued by the DBS confirming the results of an Enhanced DBS Check;
- xiii. **Director of the Cricket Regulator** means the person appointed from time to time by the Regulatory Board as the lead executive of the Cricket Regulator;

- xiv. **ECB** means the England and Wales Cricket Board Limited, a company incorporated in England and Wales with company number 3251364;
- xv. **ECB Board** means the board of directors of the ECB;
- xvi. **Effective Date** means the date these Regulations come into full force and effect, being 3 March 2025;
- xvii. **Enhanced DBS Check** means an ECB Enhanced DBS check with a Children's Barred List check, which is required to be completed for any Participant wishing to undertake Regulated Activity;
- xviii. **Head of Safeguarding** means the person appointed from time to time as the lead executive of the Safeguarding Team (or their nominee);
- xix. **League** means any cricket league affiliated to, or officially recognised by, the ECB, any Professional County Club or Recreational Cricket Board;
- xx. **Material Change** means any change in the circumstances of an individual's case which, if known when the interim suspension was imposed or reviewed in accordance with Regulation 4, might have affected the decision to impose, or to not lift or modify (as appropriate), the interim suspension;
- xxi. **National County Club** means any National County Cricket Club which plays in the competitions organised by the National Counties Cricket Association;
- xxii. **Offence** means any one or more of the offences contained in the Schedules of the Criminal Justice and Court Services Act 2000 and any other criminal offence which reasonably causes the Head of Safeguarding to believe that the person accused of the offence poses or may pose a risk of harm to a Child or Children and/or Adults at Risk;
- xxiii. **Overseas Certificate of Good Conduct** means a criminal records' check in respect of a foreign jurisdiction;
- xxiv. **Participant** means each Cricketer, director, officer, employee, contractor, committee member or other member of the ECB or any Club, Body or League, registered agent, match official, coach, trainer, manager, doctor or other member of any Club's medical or support staff and any other person who has agreed in writing to be bound by these Regulations (whether that person is acting in a voluntary or paid capacity);
- xxv. **Private Information Panel** has the meaning given to it in Regulation 7.1;
- xxvi. **Professional County Club** means any of the clubs and/or companies from time to time listed in Schedule A to the ECB's articles of association and/or any county cricket club from time to time playing in the County Championship and/or the Tier 1 Competitions and/or the Tier 2 Competitions;
- xxvii. **Recreational Cricket Board** means a body designated as such which is responsible for the organisation of recreational cricketing activity and the development of Cricket generally within a county and such other areas (if any) as may be agreed by the ECB Board;

- xxviii. **References** means any references obtained in respect of an Enhanced DBS Check where an Overseas Certificate of Good Conduct cannot be obtained;
- xxix. **Regulated Activity** means the statutory definition of the term in the Safeguarding Vulnerable Groups Act 2006 (as amended from time to time). A list of the relevant cricket-related roles that are capable of including Regulated Activity can be found at: <https://www.ecb.co.uk/about/policies/safeguarding/safer-recruitment>;
- xxx. **Regulatory Board** means the non-executive group with oversight of the Cricket Regulator;
- xxxi. **Safeguarding Partners** means any organisation named in s.11 of the Children Act 2004 or Part 2 of Working Together;
- xxxii. **Safeguarding Team** means the team within the Cricket Regulator which is, amongst other things, responsible for investigating any concerns regarding the safety or wellbeing of Children and/or Adults at Risk;
- xxxiii. **Safe Hands Policy** means the ECB's safeguarding policy and any supplementary guidance. A copy is available at www.ecb.co.uk/safeguarding;
- xxxiv. **Tier 1 Competitions** means any women's domestic cricket competitions designated by the ECB as being a "Tier 1" competition, which, as at the Effective Date, includes the T20 Blast Women's Competition and the One Day Cup Women's Competition;
- xxxv. **Tier 2 Competitions** means any women's domestic cricket competitions designated by the ECB as being a "Tier 2" competition, which, as at the Effective Date, includes the T20 Blast Women's League 2 and the One Day Cup Women's League 2;
- xxxvi. **Tier 3 Competitions** means any women's domestic cricket competitions designated by the ECB as being a "Tier 3" competition, which, as at the Effective Date, includes the T20 Blast Women's League 3 and the One Day Cup Women's League 3;
- xxxvii. **Tier 3 County** means a Recreational Cricket Board which (i) operates in a county without a Professional County Club and (ii) runs a team which participates in the Tier 3 Competitions;
- xxxviii. **Vetting Officer** means the member of the Safeguarding Team with responsibility for reviewing content disclosed on DBS Certificates;
- xxxix. **Vetting Panel** means the panel convened to consider any content disclosed on the DBS Certificate of those Participants that are required to complete an Enhanced DBS Check; and
- xl. **Working Together** means the statutory guidance "Working Together to Safeguard Children" published from time to time by the Department for Education in England. In Wales this term should be taken as referring to the Social Services and Wellbeing (Wales) Act 2014 and Wales Safeguarding Procedures 2019.

- 1.2. The ECB is committed to ensuring that all Children who participate in cricket do so in an enjoyable and safe environment.
- 1.3. This document is supplementary to the Safe Hands Policy. It sets out the procedures to be followed by the Cricket Regulator in relation to any concerns regarding a Child and/or Adult at Risk. The ECB requires that all Clubs, Recreational Cricket Boards, Bodies and Leagues, at all levels of the game of cricket, adopt and/or implement (as appropriate) the Safe Hands Policy and these Regulations as amended from time to time.
- 1.4. These Regulations are intended to provide a comprehensive, fair and equitable process for the purpose of any enquiry into concerns regarding the safety or protection of a Child and/or Adult at Risk. At all stages of these Regulations, the Key Principles set out in Regulation 2 below will apply. These Regulations come into full force and effect from the Effective Date and supersede and replace all previous versions, including the Child Safeguarding Complaints and Disciplinary Procedure (save where fairness requires that any provision of a previous procedure be applied).

2. Key Principles

2.1. A Child centred approach

A Child centred approach is fundamental to safeguarding and promoting the welfare of every Child. The voice of the Child will be taken into account in the application of these Regulations, where appropriate after consultation with, and obtaining the consent of, the parent(s) or carer(s) (as applicable) to ensure that this is achieved in an appropriate manner.

2.2. The Welfare Principle

The welfare of a Child is of paramount importance. Working Together places specific responsibilities on sports organisations in respect of safeguarding Children: all sports organisations are required to have effective safeguarding arrangements in place and are required to work collaboratively with other organisations in line with any national and local safeguarding arrangements. Paid and volunteer staff need to be aware of their responsibilities for safeguarding and promoting the welfare of Children and how they should respond appropriately to concerns.

In line with principles of making safeguarding personal, where applicable Adults at Risk will also be at the centre of the safeguarding process and their views, wishes, feelings and beliefs will be taken into account in any decision making.

2.3. Safeguarding is everyone's responsibility

Everyone who works with a Child and/or Adult at Risk has a responsibility to keep them safe. Where concerns are identified, everyone has a role to play in sharing information and taking prompt action. Any safeguarding concerns must be shared following the procedure detailed in the Safe Hands Policy at the earliest possible opportunity and in any event within one working day. A failure to share such concerns may be considered a breach of these Regulations.

2.4. ECB Responsibility

The ECB Board has the ultimate responsibility for ensuring that safeguarding arrangements and procedures are in place for cricket that comes under the auspices of the ECB. This includes having in place a system and procedure for

receiving concerns, investigating such concerns, and making decisions regarding these.

The Regulatory Board oversees this work on behalf of the ECB Board. The ECB and Regulatory Board ensure that sufficient resource and expertise is available to, and within, the Cricket Regulator to conduct this work.

2.5. Cooperation and Information Sharing with statutory agencies

The ECB is required to comply with Working Together and work in partnership with Safeguarding Partners to enable them to carry out their duties to investigate concerns and to protect Children from harm in accordance with the relevant legal framework, data protection law and regulations in force in England and Wales at any time. The ECB is also committed to complying with the governmental guidance issued in July 2018 entitled "Information Sharing - advice for practitioners providing safeguarding services to Children, young people, parents and carers". This guidance makes clear that information sharing is essential for effective safeguarding and promoting the welfare of Children and young people, and details best practice principles for sharing information.

2.6. Cooperation and Information Sharing with other Sports and other organisations.

The ECB is committed to working with all partner agencies and other organisations that may work with Children and Adults at Risk. The Cricket Regulator will, where necessary, share information with, or seek information from, other agencies including, but not limited to, statutory organisations, other sports organisations, voluntary sector organisations, private organisations and others.

2.7. Jurisdiction

These Regulations apply to, and the Cricket Safeguarding Panel and Cricket Safeguarding Appeal Panel have jurisdiction to consider referrals and appeals in respect of, any Participant and any other individuals working or participating in any way in cricket in England and Wales, whether in a paid or voluntary capacity including with any Club, Body, League, other partner organisation of the ECB or otherwise.

2.8. The No Delay Principle

The Safeguarding Team will take all reasonable steps to complete an investigation in a timely manner, although other processes (such as police investigation and local authority processes) may cause delay and take precedence. Any such delays will not affect the Head of Safeguarding's right, acting on behalf of the Director of the Cricket Regulator, to impose interim suspensions in appropriate circumstances in accordance with Regulation 4 below nor orders by the Cricket Safeguarding Panel and Cricket Safeguarding Appeal Panel.

2.9. Fair Process

These Regulations will be implemented in accordance with the principles of fair process and natural justice. All concerns will be taken seriously and responded to promptly, fairly and appropriately.

2.10. Non-discrimination

These Regulations apply in respect of concerns relating to every person irrespective of their age, disability, gender reassignment, marriage or civil

partnership status, maternity, pregnancy or breastfeeding status, race, religion or beliefs, sex, social status or sexual orientation.

2.11. Wellbeing of the individual

Notwithstanding the principle that the welfare of the Child is paramount, the Cricket Regulator will also take reasonable steps to consider the wellbeing of the individual about whom concerns have been raised, and who is subject to these Regulations.

2.12. Complaints against a Child

In the event that the Participant against whom a complaint is made is a Child, the "Welfare Principle" also applies. The Cricket Regulator will ensure that the processes set out within these Regulations will take into account the Child's welfare, including (as and when appropriate) involving the Child's parent or carer and any relevant statutory agencies. It will also be appropriate to ensure separate consideration is given to the welfare of both Children in such cases.

2.13. Confidentiality

So far as is practicable, confidentiality will be maintained at all times in respect of all those involved in any investigation unless there is an overriding legal obligation, or it is in the interests of the safety, protection or welfare of a Child and/or Adult at Risk for such information to be shared with other parties (in accordance with principles 2.5 and 2.6 above). Any information which is shared will be necessary for the proper application of these Regulations and in accordance with the relevant data protection law, statutory guidance and regulations in force in England and Wales at the relevant time.

2.14. Standard of Proof

The decision-making standard for all cases under these Regulations will be the civil standard of on the balance of probabilities. This may mean that a matter that has not been criminally prosecuted, or which has been prosecuted but concluded in a criminal court with a 'not guilty' verdict, will still be considered pursuant to these Regulations.

2.15. Limitation of liability

The ECB will not be liable to any suspended or disqualified Participant, other individual, Club, Body, League or other 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 (as applicable) or under these Regulations.

3. Referrals

- 3.1. Any concerns regarding the welfare or safety of a Child and/or Adult at Risk must be reported to the appropriate Club Safeguarding Officer, County Safeguarding Officer or the Safeguarding Team at the earliest possible opportunity and in any event within one working day of such concerns coming to the Participant's attention.
- 3.2. Concerns regarding the welfare or safety of a Child and/or Adult at Risk which arise in relation to any content disclosed on an individual's DBS Certificate or Overseas Certificate of Good Conduct or References may be referred by the

Vetting Officer to the Safeguarding Team for consideration under these Regulations.

- 3.3. Upon receipt by the Safeguarding Team of any referral under Regulation 3.1 or 3.2, the Safeguarding Team will consider whether any further investigation and/or referrals to statutory or other organisations are required.

4. Interim Suspensions

- 4.1. The Head of Safeguarding has the power, acting on behalf of the Director of the Cricket Regulator, to impose an interim suspension on any individual to whom these Regulations apply:
- i. upon receipt by the Safeguarding Team of any referral in accordance with Regulation 3 or other information which identifies that an individual has been charged with an Offence, is the subject of an investigation by the police, Children's Services or any other authority relating to an Offence or which causes the Head of Safeguarding to reasonably believe that a person poses or may pose a risk of harm to a Child and/or Adult at Risk; or
 - ii. in circumstances where in their reasonable view it is necessary or desirable to impose an interim suspension to allow the conduct of any investigation.
- 4.2. An individual may be suspended from participating in any or all cricketing activities under the auspices of the ECB, for such a period and on such terms and conditions as the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator considers appropriate, pending further investigation. This may include, but is not limited to, the following activities: playing, managing, coaching, umpiring, scoring, holding any club office or role, first aiding, providing physiotherapy, massage or medical services, talent scouting, ground keeping, volunteering and/or any other activity relating to cricket (including attending any cricket match).
- 4.3. If the Head of Safeguarding considers that it is necessary and/or appropriate to seek further information from the individual in order to assess whether an interim suspension should be imposed they may request such information from the individual, and such information must be provided in accordance with the deadline set by them.
- 4.4. Where an interim suspension is imposed in accordance with Regulation 4.1, the individual will be notified in writing by the Safeguarding Team.
- 4.5. An individual who has been issued with an interim suspension may request that the Cricket Safeguarding Panel review the interim suspension and consider whether it is appropriate for the interim suspension to remain in place. If an individual exercises this right they will be invited to provide any written representations they wish the Cricket Safeguarding Panel to consider, and the Safeguarding Team will be entitled to submit a written reply. The interim suspension will be reviewed by the Cricket Safeguarding Panel in accordance with the process described at Regulations 6.2 to 6.4 as soon as reasonably practicable in all the circumstances of the case. The interim suspension will remain in place pending consideration by the Cricket Safeguarding Panel.
- 4.6. At least 7 days before it meets to review the request to review the interim suspension the Cricket Safeguarding Panel will be provided with: (i) all relevant information upon which the Head of Safeguarding relied when imposing the interim

suspension (ii) any written representations submitted by the individual and (iii) any written reply submitted by the Safeguarding Team.

- 4.7. The Cricket Safeguarding Panel may ratify, modify or lift any interim suspension, or make any other decision it considers appropriate.
- 4.8. The Cricket Safeguarding Panel will also have the power to review the interim suspension at any time (in accordance with the process at Regulations 6.2 to 6.4) if there is a Material Change in the circumstances in which the order was made.
- 4.9. Unless Regulation 4.10 applies, all interim suspensions will be reviewed by the Cricket Safeguarding Panel at the first opportunity following the expiry of 6 months from the date of the initial interim suspension being imposed in accordance with Regulation 4.1 and at 12-month intervals thereafter, unless the individual suspended can demonstrate to the satisfaction of a Cricket Safeguarding Panel Chair that there has been a Material Change since the date of the last review, in which case the Cricket Safeguarding Panel will review the interim suspension sooner in accordance with Regulation 4.8. No interim suspension will last beyond the final determination of any related case.
- 4.10. Where an interim suspension has been imposed and the individual has (i) indicated that they do not intend to participate in cricket in the future, (ii) not engaged with the investigation process or (iii) been placed in custody, the interim suspension will not be reviewed. If the Safeguarding Team receives information which affects or undermines the basis for the interim suspension having been imposed, the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator will arrange for the interim suspension to be reviewed by the Cricket Safeguarding Panel as soon as reasonably practicable.
- 4.11. If the Safeguarding Team is informed that an individual has breached the terms of an interim suspension, the individual will be issued with a written warning requiring immediate compliance with the terms of the interim suspension. If the breach is sufficiently serious, the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator may refer that individual to the Cricket Safeguarding Panel for consideration of whether any additional action or sanctions are appropriate.
- 4.12. Where the Cricket Safeguarding Panel reviews an interim suspension in any of the circumstances permitted by this Regulation 4, its decision will be final and there will be no right of appeal for either party under Regulation 11.
- 4.13. Where an interim suspension has been imposed in accordance with Regulation 4.1 but on conclusion of the Safeguarding Team's investigation the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator decides that, pursuant to Regulation 6.1(i), the case should be closed with no further action taken, the interim suspension will automatically lift upon notification to the individual of the outcome of their case.

5. Investigation process

- 5.1. Subject to Regulation 5.2, the Safeguarding Team will advise the individual in writing of the nature of the concerns that have been raised and state its intention to investigate those concerns.
- 5.2. The police, local authority or another agency may request that information regarding concerns is not shared with the individual until such time as they deem fit, for example where notification may jeopardise a police investigation, or may place a Child, Adult at Risk or other person at risk of harm. The Safeguarding Team is usually required, as a matter of law, to comply with any such request.

- 5.3. The Safeguarding Team will carry out any investigation into the matters addressed in the referral but reserves the right to appoint an independent safeguarding consultant, or other professional or expert, to assist in the conduct of any investigation.
- 5.4. During the course of the investigation the Safeguarding Team:
- i. will request the individual's account of the matter. The individual concerned may be invited to attend one or more interview(s) during the course of the investigation, which will usually only occur once any concurrent criminal or other statutory agency investigation or process has concluded;
 - ii. may request any such further detail, explanation or clarification of the matters in question as may be required; and
 - iii. may discuss the case with statutory agencies and any other relevant organisations, in which case the Safeguarding Team may, in appropriate circumstances, inform the individual.
- 5.5. The investigation will be conducted as promptly as possible. The length of the investigation will depend on a number of factors, including the number and availability of the persons to be interviewed or contacted, the involvement of statutory agencies and the individual's cooperation. It will not always be possible to provide a clear timescale for completion of an investigation.
- 5.6. During the investigation process, periodic updates regarding the progress of the investigation will be provided by the Safeguarding Team to the individual being investigated.
- 5.7. The individual must not discuss the case with, intimidate or influence any witness involved in the investigation or any potential witness.

6. Referral to the Cricket Safeguarding Panel

- 6.1. On conclusion of the investigation, the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator will review the information gathered and may:
- i. decide that no further action is required because they do not consider that the individual poses or may pose a risk of harm to Children and/or Adults at Risk, in which case the case will be closed and any interim suspension lifted in accordance with Regulation 4.13;
 - ii. make any further enquiries that they consider necessary;
 - iii. refer the case back to the relevant Club Safeguarding Officer or County Safeguarding Officer; or
 - iv. refer the case to a Cricket Safeguarding Panel if they consider that the individual poses or may pose a risk of harm to Children and/or Adults at Risk.
- 6.2. If the case is referred to a Cricket Safeguarding Panel, the Cricket Safeguarding Panel will consider the case as soon as reasonably practicable, which will usually be at its next meeting unless its case list is already full or that date would not give sufficient time for either party or the Panel to properly prepare. In particularly urgent or complex cases, the Cricket Safeguarding Panel may convene an exceptional meeting outside of its usual meeting schedule to consider the case.

- 6.3. A Cricket Safeguarding Panel will be formed to attend each meeting which will comprise a legally qualified chair and at least two other members, one of which will be a safeguarding expert.
- 6.4. The individual will be advised of the identity of the members of the Cricket Safeguarding Panel. If the individual wishes to object to the appointment of a Cricket Safeguarding Panel member on the basis of a conflict of interest that party must, as soon as reasonably practicable, submit in writing to the Safeguarding Team the basis of that objection. The chair of the Cricket Safeguarding Panel (unless the chair is the subject of the objection, in which case a member of the Regulatory Board), will determine whether there is a real or perceived conflict of interest and will, if necessary, request that a replacement member be appointed to the Cricket Safeguarding Panel.
- 6.5. The Safeguarding Team will compile and provide to the individual all relevant information gathered during the investigation, which may include a report from the Head of Safeguarding containing their assessment of the risk that they consider the individual poses or may pose and which identifies the factors relied on in reaching that assessment, as well as any recommendations on the appropriate outcome under Regulation 9.1. In exceptional circumstances (as set out in Regulation 7 below) certain material may be shared with the Cricket Safeguarding Panel that is not shared with the individual.
- 6.6. The individual will then be given an opportunity to submit written representations and any supporting documentation.
- 6.7. If the individual has raised any new issues or disputed any factual points in its written representations submitted under Regulation 6.6, the Safeguarding Team will have the opportunity to submit a written reply.
- 6.8. At least 7 days before it meets to consider the case, the Cricket Safeguarding Panel will be provided with a copy of all documentation referred to at Regulations 6.5 to 6.7.
- 6.9. The Cricket Safeguarding Panel will determine all procedural matters for the conduct of the hearing, including requiring more information from either the Safeguarding Team or the individual. Unless the Cricket Safeguarding Panel, in its sole discretion, allows or requires the Safeguarding Team and/or the individual to submit any oral evidence (or a representative of the individual to submit oral representations on their behalf), the Cricket Safeguarding Panel will only consider the documentation referred to at Regulations 6.5 to 6.7. Such discretion will only be exercised by the Cricket Safeguarding Panel where fairness requires it.
- 6.10. Where the Vetting Panel refers an individual to the Cricket Safeguarding Panel for a final decision on whether the person concerned poses or may pose a risk of harm to Children and/or Adults at Risk, the procedure in Regulations 6.2 to 6.9 above shall apply.

7. Referral to a Private Information Panel

- 7.1. In exceptional circumstances, the Safeguarding Team may make an application to a Private Information Panel, which will be convened by a Cricket Safeguarding Panel Chair for this purpose, for permission to submit information and/or material(s) to the Cricket Safeguarding Panel that have not been shared with the individual.

- 7.2. An application to a Private Information Panel may be made by the Safeguarding Team where it considers that the information and/or material(s) concerned should not be sent to the individual because revealing it may:
- i. create a risk of harm to any person(s);
 - ii. prejudice an ongoing police or other statutory agency investigation; or
 - iii. amount to a criminal offence or otherwise be unlawful.
- 7.3. If the case is referred to a Private Information Panel, one of the Cricket Safeguarding Panel Chairs will appoint at least two other members to form a Private Information Panel to consider the matter. Each Private Information Panel will include at least one safeguarding expert and a legally qualified chair. No member of the Private Information Panel may act, or have acted, as a member of the Cricket Safeguarding Panel in the same case.
- 7.4. The Safeguarding Team will give written notice to the individual of its application to the Private Information Panel unless to do so may in itself cause risk of harm to any person(s), prejudice an ongoing police or other statutory agency investigation and/or the sharing of the material may constitute a criminal offence or be otherwise unlawful.
- 7.5. Where notice is given, any reply by an individual must be passed to the Private Information Panel for consideration.
- 7.6. The Private Information Panel may allow the application, if it considers that the information and/or material(s) concerned should not be sent to the individual because revealing it may result in the consequences described in Regulation 7.2, or reject the application if it does not. The application may be rejected in whole or in part. The Private Information Panel will also consider whether any of the material should be shared with the individual in a redacted or summarised form.
- 7.7. Where the Private Information Panel directs that information should be withheld, the situation will be kept under review whilst the case is ongoing and until the conclusion of any appeal. If the circumstances identified in Regulation 7.2 no longer exist, the Safeguarding Team will refer the matter back to the Private Information Panel to determine whether the information should be provided to the individual.

8. Relevant factors for consideration

- 8.1. In assessing whether an individual poses or may pose a risk of harm in accordance with Regulations 6.1 or 6.10, the Cricket Safeguarding Panel may consider any of the following non-exhaustive list of factors (as appropriate in the circumstances of the particular case):
- i. whether the offence, behaviour or other matters revealed are relevant to the individual's role in cricket;
 - ii. the seriousness of any offence, behaviour or other matter revealed;
 - iii. the length of time since the offence, behaviour or other matter occurred;
 - iv. the number of times the offence, behaviour or other matter has occurred and whether there is a pattern of offending behaviour or escalation of behaviour or other relevant matters;

- v. any expert or professional views about this type of offence, behaviour or other matter revealed which have been provided to the Cricket Safeguarding Panel;
- vi. any legal or other restriction or requirement;
- vii. whether anybody was harmed and the extent of the harm suffered;
- viii. the vulnerability of any person who suffered harm;
- ix. whether the individual was, or was perceived to be, in a position of power, influence and/or trust in relation to anybody who was harmed or adversely affected by their behaviour;
- x. whether the individual has accepted responsibility for the offence, behaviour or other matter revealed, and whether remorse has been expressed or demonstrated;
- xi. whether the individual's circumstances have changed since the offence, behaviour or other matter revealed, and whether the changed circumstances indicate a change in the level of risk;
- xii. the circumstances surrounding the offence, behaviour or other matter revealed and any explanations offered by the individual concerned;
- xiii. the current age of the individual and age at the time of the incident;
- xiv. the level of predictability or unpredictability in the situation;
- xv. what involvement the individual seeks in cricket;
- xvi. the capacity of the environment where the individual would be operating to manage any risk;
- xvii. the expressed view of any statutory or other agency involved in the assessment or management of the individual;
- xviii. the individual's compliance and/or cooperation with the Safeguarding Team in accordance with any investigation under these Regulations;
- xix. any breach of suspension and/or failure to adhere to the terms of a written warning submitted under Regulation 4.11 above; and
- xx. any other relevant information.

9. Potential outcomes

- 9.1. Having reviewed all relevant information, where the Cricket Safeguarding Panel decides that an individual concerned poses or may pose a risk of harm to Children and/or Adults at Risk, the Cricket Safeguarding Panel will decide what steps can be taken to manage that risk (including, where appropriate, taking a decision that the risk cannot be managed within the game of cricket). The Cricket Safeguarding Panel may make any decision(s) that it considers appropriate and proportionate to the risk identified, including but not limited to a decision that:
- i. no further action is required;
 - ii. in respect of a referral from the Vetting Panel, an individual's Enhanced DBS Check will be completed (with or without conditions) or refused;

- iii. further enquiries should be made;
 - iv. the individual's interim suspension imposed in accordance with Regulation 4 should be lifted;
 - v. a forensic social work or psychiatric risk assessment be carried out by a suitably qualified person;
 - vi. a written warning be issued identifying the areas of concern or improvements required;
 - vii. the individual be required to undergo appropriate training;
 - viii. the individual be required to work with an approved mentor;
 - ix. the individual be required to be monitored or supervised when carrying out all or any specific cricketing activities or Regulated Activity for such period and on such terms and conditions as the Cricket Safeguarding Panel considers appropriate;
 - x. the individual be suspended from all or any specific cricketing activities (or carrying out Regulated Activity) for such period and on such terms and conditions as the Cricket Safeguarding Panel considers appropriate; and/or
 - xi. any other decision which the Cricket Safeguarding Panel considers appropriate having regard to the circumstances of the case.
- 9.2. The Cricket Safeguarding Panel has the power to direct the Safeguarding Team or the individual concerned to pay the costs of (i) the other party and/or the Cricket Safeguarding Panel and/or (ii) facilitating any decision or order made by the Cricket Safeguarding Panel in accordance with Regulation 9.1. However, the Cricket Safeguarding Panel will only exercise its discretion to make a direction under Regulation 9.2(i) in exceptional circumstances.
- 9.3. Any decision of the Cricket Safeguarding Panel will be made by a majority vote. In the event of a tie, the Cricket Safeguarding Panel Chair will have the casting vote.

10. Communication of decisions

- 10.1. Decisions will be communicated to the parties in writing as soon as reasonably practicable, and usually within 10 calendar days.
- 10.2. The Cricket Safeguarding Panel's decision will be shared with the individual's County Safeguarding Officer and the Cricket Safeguarding Panel may direct that appropriate and proportionate disclosure of its decision should be given to other third parties, such as any person who raised a concern about the welfare or safety of a Child and/or Adult at Risk, and/or the individual's Club or other relevant organisations.
- 10.3. Nothing in this Regulation 10 will prevent Cricket Safeguarding Panel decisions and/or other relevant information from being communicated to other appropriate third parties in accordance with the Key Principles set out in Regulation 2 above.
- 10.4. Individuals must comply with the terms of any decisions imposed on them under these Regulations. If any individual fails to comply with a decision of the Cricket Safeguarding Panel, the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator will have the power to impose an interim suspension and/or

may refer that individual back to the Cricket Safeguarding Panel for consideration of whether any additional sanctions are appropriate.

- 10.5. All Participants, Clubs, Bodies and/or Leagues must comply with the terms of any decisions reached under these Regulations.

11. Appeal process

- 11.1. The Safeguarding Team and the relevant individual will have the right to appeal against any decision made by the Cricket Safeguarding Panel under these Regulations pursuant to the appeals procedure detailed in this Regulation 11. For the avoidance of any doubt, this appeals process is intended to be and will be construed as being an arbitral process for the purposes of the Arbitration Act 1996.
- 11.2. A decision of the Cricket Safeguarding Panel will remain in force pending final determination of any appeal by the Cricket Safeguarding Appeal Panel.
- 11.3. In order to validly lodge an appeal, the appealing party (the “**Appellant**”) must lodge a notice of appeal which complies with the requirements of Regulation 11.4 with the Safeguarding Team by email to safeguarding@cricketregulator.co.uk within 14 calendar days of the decision which is being appealed being sent to the Appellant by email or received by recorded delivery (where applicable). If the Appellant does not lodge a compliant notice of appeal within this timeframe, the appeal will not be considered by the Cricket Safeguarding Appeal Panel. If there is any ambiguity regarding whether an appeal has been validly lodged, a chair of the Cricket Safeguarding Appeal Panel will be appointed to determine this. The chair of the Cricket Safeguarding Appeal Panel will make such determination within 14 calendar days of their appointment and such determination will be final and binding and not capable of appeal.
- 11.4. A notice of appeal must:
- i. record the decision which is being appealed;
 - ii. identify the ground(s) of appeal, in accordance with Regulation 11.5;
 - iii. contain a statement of any facts, laws or rules relied upon and any supporting documentation; and
 - iv. save where the Appellant is the Safeguarding Team, be accompanied by an appeal administration fee of £125.
- 11.5. Valid grounds of appeal (available to either party) are that:
- i. the Cricket Safeguarding Panel came to a decision to which no reasonable body could have come;
 - ii. there was a serious procedural irregularity which caused the decision to be unjust;
 - iii. there was an error of law which caused the decision to be unjust;
 - iv. there is fresh evidence (in which case the particulars must state why the evidence could not be presented at the original hearing and is, or would have been, material to the decision); and/or
 - v. the sanction imposed was manifestly excessive (in respect of an appeal by a Respondent) or unduly lenient (in respect of an appeal by the Safeguarding Team).

- 11.6. If an appeal has been validly commenced in accordance with Regulation 11.3, a Cricket Safeguarding Appeal Panel of three members will be formed to consider the matter. Each Cricket Safeguarding Appeal Panel will include at least one safeguarding expert and a legally qualified chair.
- 11.7. The Appellant will be advised of the identity of the members of the Cricket Safeguarding Appeal Panel. If the individual wishes to object to the appointment of a Cricket Safeguarding Appeal Panel member on the basis of a conflict of interest that party shall, as soon as reasonably practicable, submit in writing to the Safeguarding Team the basis of that objection. The chair of the Cricket Safeguarding Appeal Panel (unless the chair is the subject of the objection in which case a member of the Regulatory Board), will determine whether there is a real or perceived conflict of interest and will, if necessary, request that a replacement member be appointed to the Cricket Safeguarding Appeal Panel.
- 11.8. Unless otherwise directed by the Cricket Safeguarding Appeal Panel, the parties will make written submissions to the Cricket Safeguarding Appeal Panel as follows:
- i. the respondent will serve a written response to the notice of the appeal on the Appellant and the Cricket Safeguarding Appeal Panel within 14 calendar days of the notice of appeal being lodged; and
 - ii. the Appellant will serve any written reply to the response on the respondent and the Cricket Safeguarding Appeal Panel within 7 calendar days of the response being lodged.
- 11.9. The chair of the Cricket Safeguarding Appeal Panel will decide the time, date and place of the Cricket Safeguarding Appeal Panel hearing subject to:
- i. the requirement that the hearing take place as soon as reasonably practicable after the notice of appeal and the response to that notice have been received; and
 - ii. the ability of the Cricket Safeguarding Appeal Panel to, where it deems it appropriate, and having heard any representations in respect of it, hear the cases of more than one individual in the same proceedings.
- 11.10. The chair of the Cricket Safeguarding Appeal Panel will inform the parties of the time, date and place of the Cricket Safeguarding Appeal Panel hearing and inform the parties that they are required to attend the hearing and entitled to be legally represented. Save in cases of particular urgency, this notification will be in writing.
- 11.11. The Safeguarding Team will compile all relevant papers for the Cricket Safeguarding Appeal Panel and ensure that (subject to Regulation 7) both parties have copies of all papers put before the Cricket Safeguarding Appeal Panel at least seven calendar days before the Cricket Safeguarding Appeal Panel considers the appeal.
- 11.12. The Cricket Safeguarding Appeal Panel may determine its own procedure and deal with the appeal in any way it sees fit, consistent with a fair and just consideration of all grounds of appeal. For the avoidance of doubt:
- i. the parties will have no right to a complete rehearing of the case, and the Cricket Safeguarding Appeal Panel will confine its review to the grounds of appeal only;

- ii. the Cricket Safeguarding Appeal Panel will have sole discretion to determine whether the parties will be permitted to submit any (and if so, what) oral evidence at the hearing;
 - iii. the Cricket Safeguarding Appeal Panel will be permitted to proceed in the absence of any party, unless it is satisfied that there are reasonable grounds for the failure of the party to attend;
 - iv. the Cricket Safeguarding Appeal Panel will be permitted to have regard to any documents put before the Cricket Safeguarding Panel, transcripts of evidence and/or submissions before the Cricket Safeguarding Panel and decisions made by the Cricket Safeguarding Panel; and
 - v. any decision of the Cricket Safeguarding Appeal Panel will be made by a majority vote. In the event of a tie, the chair of the Cricket Safeguarding Appeal Panel will have the casting vote.
- 11.13. The Cricket Safeguarding Appeal Panel will have the power to allow or dismiss the appeal and to exercise the same powers as were available to the Cricket Safeguarding Panel hearing the case, as set out in Regulation 9. In deciding whether to allow or dismiss the appeal, the Cricket Safeguarding Appeal Panel will consider whether the grounds of appeal have been made out and the overarching need to protect Children and Adults at Risk. The Cricket Safeguarding Appeal Panel also has the power to direct that the case be remitted for re-hearing by a new Cricket Safeguarding Panel. For the avoidance of doubt, any measures originally imposed by the Cricket Safeguarding Panel can be increased, reduced, removed or otherwise varied by the Cricket Safeguarding Appeal Panel.
- 11.14. Any decisions by the Cricket Safeguarding Appeal Panel will be final and binding and there will be no further right of appeal.
- 11.15. Decisions will be communicated to the parties and the individual's County Safeguarding Officer in writing and written reasons for the decision will be communicated to the parties as soon as reasonably practicable. Decisions will be shared with the individual's County Safeguarding Officer and the Cricket Safeguarding Appeal Panel may direct that appropriate and proportionate disclosure of its decision should be given to other third parties, such as any person who raised a concern about the welfare or safety of a Child and/or Adult at Risk, and/or the individual's Club and/or other relevant organisations. Any decision will specify the date by which any costs ordered by the Cricket Safeguarding Appeal Panel must be paid.

12. Agreed outcomes

- 12.1. Notwithstanding any other provision of these Regulations, at any time after the Head of Safeguarding has referred a case to the Cricket Safeguarding Panel but before the Cricket Safeguarding Panel has begun its deliberations, it will be open to the parties to agree outcomes in accordance with this Regulation 12 in order to avoid the need for the matter to be substantively determined by the Cricket Safeguarding Panel.
- 12.2. In appropriate cases, the Head of Safeguarding acting on behalf of the Director of the Cricket Regulator may make an offer to an individual on a "without prejudice" basis to accept any of the outcomes listed in Regulation 9.1 that the Head of Safeguarding considers appropriate, provided that the individual also accepts that they pose (or may pose) a risk of harm. Any offer made to the individual will not

delay proceedings or otherwise impact either party's rights before the Cricket Safeguarding Panel.

- 12.3. If the individual accepts the offer made under Regulation 12.2, it will be evidenced in writing in a form determined by the Head of Safeguarding (including the third parties, if any, that the agreed measures or outcomes can be disclosed to). The terms of the agreement will be provided to the Cricket Safeguarding Panel Chair, along with sufficient information to enable the Cricket Safeguarding Panel Chair to properly consider whether the terms of the agreement are appropriate in the circumstances of the case, and the Cricket Safeguarding Panel Chair will consider whether to approve the agreement. If the Cricket Safeguarding Panel Chair is not willing to approve the agreement, the case will be referred to the Cricket Safeguarding Panel to consider in accordance with Regulation 6.
- 12.4. If the Cricket Safeguarding Panel Chair approves the agreement, the case referral will be withdrawn without requiring determination by the Cricket Safeguarding Panel and:
 - i. the Safeguarding Team will inform the County Safeguarding Officer of the agreed measures or outcomes, and disclose the agreed measures or outcomes to other third parties as provided for in the agreement;
 - ii. the individual waives their right to appeal or otherwise challenge any aspect of the agreement, whether under Regulation 11 or otherwise; and
 - iii. any failure by the individual to comply with the terms of the agreement will result in the Head of Safeguarding on behalf of the Director of the Cricket Regulator having the power to impose an interim suspension and/or refer that individual to the Cricket Safeguarding Panel for consideration of whether any further action or sanctions are appropriate.