

ENGLAND AND WALES CRICKET BOARD – DBS VETTING PROCEDURE

1. Introduction

- 1.1. The ECB is committed to ensuring that all Children and Adults at Risk who participate in cricket do so in an enjoyable and safe environment. Part of achieving this is the requirement for every individual that wishes to carry out a role in cricket that involves Regulated Activity to apply to the ECB for an Enhanced DBS Check.
- 1.2. This document sets out the process to be followed in relation to the assessment of any content disclosed on a DBS Certificate issued following an Enhanced DBS Check, and should be read in conjunction with the ECB Safeguarding Regulations.
- 1.3. This DBS Vetting Procedure ("**Procedure**") is in force from the Effective Date and applies to all Participants who are required to complete an Enhanced DBS Check in order to undertake Regulated Activity in cricket in England and Wales (referred to throughout this Procedure as "**Applicants**").

2. Definitions

- 2.1. For the purposes of this Procedure, capitalised terms have the following meaning:
 - i. **Application** means an application made to the ECB for an Enhanced DBS Check in respect of an Applicant;
 - ii. **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;
 - iii. **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;
 - iv. **Chair** means the person acting as the chair of the Vetting Panel from time to time;
 - v. **Child** means anyone who has not yet reached their 18th birthday, and the term "Children" is to be construed accordingly;
 - vi. **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;
 - vii. **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;
 - viii. **Cricket Regulator** means the body responsible for investigating and prosecuting breaches of the ECB's rules and regulations;

- ix. **Cricket Safeguarding Panel** means the independent safeguarding panel appointed by the ECB Board to consider safeguarding cases and make decisions in accordance with the ECB Safeguarding Regulations;
- 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. **ECB** means the England and Wales Cricket Board Limited, a company incorporated in England and Wales with company number 3251364;
- xiv. **ECB Board** means the board of directors of the ECB;
- xv. **ECB Safeguarding Regulations** means the document which sets out the procedures to be followed by the ECB in relation to any safeguarding concerns regarding a Child and/or Adult at Risk;
- xvi. **Effective Date** means 3 March 2025;
- xvii. **Enhanced DBS Check** means an ECB Enhanced DBS Check with a Children's Barred List check, which is required 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. **National County Club** means any National County Cricket Club which plays in the competitions organised by the National Counties Cricket Association;
- xxi. **Overseas Certificate of Good Conduct** means a criminal records' check in respect of a foreign jurisdiction;
- xxii. **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 this Procedure (whether that person is acting in a voluntary or paid capacity);
- xxiii. **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;

- xxiv. **Qualifying Offence** means any offence against a child, any sexual offence, any violent offence, any drug offence, any public order offence, any offence with an aggravated element, offences of cruelty against animals, offences of integrity and any barring information;
- xxv. **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;
- xxvi. **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 can be found at <https://www.ecb.co.uk/about/policies/safeguarding/safer-recruitment>;
- xxvii. **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;
- xxviii. **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;
- xxix. **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;
- xxx. **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;
- xxxi. **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;
- xxxii. **Vetting Officer** means the member of the Safeguarding Team with responsibility for reviewing content disclosed on DBS Certificates; and
- xxxiii. **Vetting Panel** means a panel of three persons convened to consider referrals made by the Vetting Officer regarding any content disclosed on an Applicant's DBS Certificate.

3. Process for obtaining an Enhanced DBS Check

- 3.1. An Application for an Enhanced DBS Check must be submitted to the ECB.
- 3.2. If the Application contains all of the necessary information, the ECB will submit the Application to the DBS. If an Applicant has lived outside of the UK for 3 months or

more in the 5 years before the date they applied for an Enhanced DBS Check, paragraph 4 will apply.

- 3.3. The DBS will then issue a DBS Certificate in respect of the Application. If the DBS Certificate does not contain any content, the Applicant will be permitted to carry out Regulated Activity and no further action is required.
- 3.4. If the DBS Certificate contains content, the Applicant must submit the DBS Certificate to the ECB for it to be reviewed in accordance with this Procedure. The Applicant is not permitted to carry out Regulated Activity until the DBS Certificate has been reviewed and approved in accordance with this Procedure.

4. Certificates of Good Conduct

- 4.1. If an Applicant has lived outside of the UK for 3 months or more in the 5 years before the date they applied for an Enhanced DBS Check, they must apply for an Overseas Certificate of Good Conduct from the relevant jurisdiction in respect of the period they lived outside the UK.
- 4.2. If an Overseas Certificate of Good Conduct is obtained and does not contain any content, this will be reviewed and approved by the ECB and the Application will be submitted to the DBS in accordance with paragraph 3.2.
- 4.3. If an Overseas Certificate of Good Conduct is obtained but contains content, it will be reviewed by the Vetting Officer to decide whether the Applicant should be referred to the Vetting Panel for further consideration. The same procedure as described in paragraphs 5.2 to 5.5 below will apply, save that references to “DBS Certificate” should be read as “Overseas Certificate of Good Conduct”.
- 4.4. Where the Vetting Officer refers an Applicant with an Overseas Certificate of Good Conduct to the Vetting Panel, the Vetting Panel will consider the content and decide whether, on the balance of probabilities, the information available to it indicates that the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk. If the Vetting Panel is satisfied that there is no indication that the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk, the Application will be submitted to the DBS in accordance with paragraph 3.2. If the Vetting Panel is not satisfied in respect of the same, it will not submit the Application to the DBS and may make further enquiries in accordance with paragraph 7.2. If following review of the additional information the Vetting Panel is satisfied that there is no indication that the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk, the Application will be submitted to the DBS in accordance with paragraph 3.2. If the Vetting Panel is not so satisfied, it will refer the Applicant to the Cricket Safeguarding Panel for a final decision on risk and any appropriate outcome, in accordance with Regulation 6 of the ECB Safeguarding Regulations. From this point on the ECB Safeguarding Regulations apply, and the Vetting Officer will update the Applicant accordingly.
- 4.5. If the Applicant is not able to obtain an Overseas Certificate of Good Conduct they will be asked to obtain references. In this situation the Vetting Officer will refer the Applicant to the Vetting Panel for further consideration. For the avoidance of doubt, the Vetting Officer also has the ability to refer such an Applicant to the Head of

Safeguarding and/or the Safeguarding Team as described in paragraph 5.5 (where references to “DBS Certificate” in that paragraph should be read as “references”).

4.6. Following an Applicant’s referral under paragraph 4.5, the Vetting Panel will consider any references the Applicant is able to obtain and decide:

- i. whether it has sufficient information to determine whether the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk; and/or
- ii. whether the references indicate that the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk.

If the Vetting Panel is satisfied that it has sufficient information and there is no indication that the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk, the Application will be submitted to the DBS in accordance with paragraph 3.2. If the Vetting Panel is not satisfied in respect of the same, it will either seek further information from the Applicant or not submit the Application to the DBS.

5. Review by the Vetting Officer

5.1. Every DBS Certificate issued to an Applicant that contains content and is submitted to the ECB in accordance with paragraph 3.4 will be reviewed by the Vetting Officer to decide whether the Applicant should be referred to the Vetting Panel for further consideration.

5.2. If any content disclosed on an Applicant’s DBS Certificate amounts to a Qualifying Offence, the Vetting Officer will refer the Applicant to the Vetting Panel in accordance with paragraph 6 below.

5.3. If the content disclosed on an Applicant’s DBS Certificate does not amount to a Qualifying Offence, but the Vetting Officer considers that the Applicant poses or may pose a risk of harm to Children or Adults at Risk, the Vetting Officer will refer the Applicant to the Vetting Panel in accordance with paragraph 6 below.

5.4. If the content disclosed on an Applicant’s DBS Certificate is not a Qualifying Offence and the Vetting Officer does not consider that the Applicant poses or may pose a risk of harm to Children or Adults at Risk, the Applicant is permitted to carry out Regulated Activity and will be informed accordingly.

5.5. Upon reviewing any content disclosed on a DBS Certificate, the Vetting Officer may refer the Applicant to the Head of Safeguarding and/or the Safeguarding Team in order to request:

- i. the imposition of an interim suspension under Regulation 4 of the ECB Safeguarding Regulations; and/or
- ii. that a formal investigation be commenced under the ECB Safeguarding Regulations.

If the Applicant is referred to the Head of Safeguarding and/or the Safeguarding Team, the ECB Safeguarding Regulations will apply and the Vetting Officer will update the Applicant accordingly.

6. Referral to Vetting Panel

- 6.1. If the Vetting Officer refers an Applicant to the Vetting Panel, the Vetting Panel will consider that referral as soon as reasonably practicable, which will usually be at its next meeting.
- 6.2. Every meeting of the Vetting Panel will be chaired by the Chair, who will appoint two other members to attend each meeting. Each Vetting Panel will include at least one member that has experience of the criminal justice system. The Vetting Officer may provide administrative and such other support to the Vetting Panel as the Chair requires, but will not sit as a member of the Vetting Panel.
- 6.3. The Vetting Panel will be provided with all the information about the Applicant that was available to the Vetting Officer, and may also take into account any information about the Applicant that has previously been considered by the ECB and/or Cricket Regulator as part of a prior DBS vetting process or any process under the ECB Safeguarding Regulations (or their predecessor).

7. Assessment by Vetting Panel

- 7.1. The Vetting Panel will consider, on the balance of probabilities, whether the information available to it indicates that the Applicant poses or may pose a risk of harm to Children and/or Adults at Risk.
- 7.2. Where the Vetting Panel requires further information in order to reach a decision on the risk that the Applicant poses (or may pose), it will request that the Vetting Officer makes further enquiries including but not limited to interviewing the Applicant, requesting references and/or contacting statutory agencies and other relevant organisations.
- 7.3. If having considered all the information before it the Vetting Panel concludes that a risk of harm may exist, it will refer the Applicant to the Cricket Safeguarding Panel for a final decision on risk and any appropriate outcome, in accordance with Regulation 6 of the ECB Safeguarding Regulations. From this point on the ECB Safeguarding Regulations apply, and the Vetting Officer will update the Applicant accordingly.
- 7.4. If the Vetting Panel does not consider that the Applicant poses (or may pose) a risk of harm to Children or Adults at Risk, the Applicant is permitted to carry out Regulated Activity and the Applicant will be updated accordingly. Such approval may be accompanied by recommendations as to further steps the Applicant, their Club or the County Safeguarding Officer should take.
- 7.5. Any decision of the Vetting Panel will be made by a majority vote. In the event of a tie, the Chair has the casting vote.
- 7.6. Any decision made by the Vetting Officer or the Vetting Panel under this Procedure is final and there is no right of appeal against it.

8. Confidentiality

- 8.1. So far as is practicable, confidentiality will be maintained at all times in respect of any content disclosed on a DBS Certificate 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. Any information which is shared will be necessary for the proper application of this Procedure and in accordance with the relevant data protection law, statutory guidance and regulations in force in England and Wales at the relevant time.