



# **GENERAL CONDUCT REGULATIONS (GCR) FREQUENTLY ASKED QUESTIONS LAST UPDATED IN APRIL 2022**

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## DEFINED TERMS USED IN THIS DOCUMENT HAVE THE MEANINGS SET OUT IN THE GCR.

### **Q1. When an umpire decides on the field about a Level 1 or Level 2 offence, how is this interpreted through the GCR?**

- A.** When an umpire decides there has been an on-field offence at Level 1 or Level 2, the umpire must complete a Disciplinary Report, make reasonable efforts to inform the individual (or their captain or a Club Official) before they leave the ground and submit the Disciplinary Report to the Disciplinary Officer of the Relevant Disciplinary Body. A template Disciplinary Report is included at Appendix 1 of the GCR. The Disciplinary Report should be completed and submitted irrespective of any immediate action the umpire may have taken on the field of play.

The Disciplinary Officer will then conduct any further investigation necessary to determine whether there is sufficient evidence to make a charge. Although this will depend on the level of detail provided in the Disciplinary Report, we would ordinarily expect the Disciplinary Officer to accept the determination of the umpire that there has been an on-field offence at Level 1 or Level 2. The Relevant Disciplinary Body may decide that on-field offences at Level 1 or Level 2 should be determined in accordance with the Summary Procedure, in which case it will be considered by a Disciplinary Chair. If the Relevant Disciplinary Body does not wish to utilise the Summary Procedure for such cases, it will proceed to a Disciplinary Hearing.

### **Q2. It has been custom and practice in some Leagues once a report/referral has been received, for clubs to be advised of the expected sanction against an individual/s if on the balance of probability, they have breached the regulations. The club then either agrees to ban the player/s for the expected period or if they disagree then the League further consider the case and make a determination. Can this practice continue?**

- A.** The GCR have been introduced to ensure consistency and fairness of process in the recreational game. Accordingly, the current practice of bargaining between a club and a league (which notably does not involve the individual who is subject to the charge) will be not permitted under the process in the GCR. However, clubs would be expected to accept any sanction imposed by a league acting as the Relevant Disciplinary Body.

### **Q3. What further support is ECB providing to Disciplinary Officers and Disciplinary Chairs for Leagues and Competition prior to the start of the season?**

- A.** The ECB is producing resources to be shared with the network to support the roll-out of the GCR, including this FAQ document. Whilst the ECB is not able to give detailed advice in relation to individual cases, the ECB will also be available to assist with general queries that arise before or during the season. If your Disciplinary Officers and Disciplinary Chairs feel they would benefit from specific training, please provide guidance as to what training is required and the ECB will look to put in place appropriate additional support.

### **Q4. How will ECB know that the GCR are being embedded and interpreted correctly during the season?**

- A.** The ECB will be seeking feedback from the network throughout the season and conducting a high-level audit into how the GCR have been embedded and interpreted at the end of the 2022 season. This process will also inform how the GCR are implemented, and amended if necessary, for the 2023 season onwards.



**Q5. We currently have a Disciplinary Committee, who consider each report and decide if there is a case to answer based on the evidence then agree the 'level' of sanction if case is proven. Under the GCR could this Committee structure work?**

**A.** Under the GCR, a member of your current Disciplinary Committee could act as a Disciplinary Chair (in respect of the Summary Procedure) or the Disciplinary Committee as a whole could act as the Disciplinary Panel. However, the Disciplinary Committee would be expected to comply with the procedural steps in the GCR, for example seeking a response from the individual charged and holding a Hearing in cases where the Summary Procedure is not adopted.

**Q6. Can we use other Leagues to handle appeals especially in complex or cross border cases?**

**A.** Yes, provided the league adopts the process in the GCR an Appeal Panel can be selected from another League if it is helpful to have specific expertise and/or resource assistance. However, this approach should be clearly documented so that it is clear to participants who will hear an appeal.

**Q7. Can we as a CCB expect more reports/referrals in 2022?**

**A.** The purpose of the GCR is not to generate more referrals but to ensure that a consistent process is followed when referrals are received. However, as the GCR address off-field offences (such as a breach of the ECB Anti-Discrimination Code) it is possible that a CCB will receive more referrals during the 2022 season.

**Q8. Who prosecutes the case when the club play in a cross-border league or competition?**

**A.** The relevant league or competition will be responsible for the disciplinary process.

**Q9. Can we send an extract of the GCR as part of the Charge Letter as opposed to the 28 pages of the GCR?**

**A.** Yes, provided the extracts address all aspects of the disciplinary process which apply to the person charged.

**Q10. Does an appeal under the GCR conclude the matter, or is there any further right to appeal (to the ECB or otherwise)?**

**A.** Any decision of an Appeal Panel is final and binding and there is no further right of appeal. The ECB will seek feedback from the network following the 2022 season on whether a further level of appeal to an external body would be welcomed.

**Q11. Why have the GCR been published so late?**

**A.** Much like the rest of the cricket network, the ECB has been balancing a number of competing priorities during the pandemic. Once the GCR had been finalised, the ECB conducted consultation exercises with the network and received substantial feedback which it has sought to incorporate (wherever possible) into the finalised GCR. After the finalised GCR has been approved by the ECB, the ECB has then facilitated various discussions with the network to support the implementation of the GCR.

**Q12. Why do the GCR not apply to the recreational game as a whole?**

**A.** The ECB intends to implement the GCR to the recreational game as a whole from the 2023 season. As part of a gradual approach, the GCR will be implemented at the top end of the game for the 2022 season before rolling out the GCR to the whole of the recreational game from the 2023 season onwards. This will also enable the ECB to assess whether any changes to the disciplinary process are required and what support clubs and leagues may need. Although the GCR will only be mandatory at the top level of the game for the 2022 season, all recreational clubs and leagues are strongly encouraged to abide by its procedures in readiness for the 2023 season.

**Q13. Who has responsibility for hearing appeals to cases?**

- A. The GCR have been amended following feedback from the network which suggested that having fixed jurisdiction for cases would not offer sufficient flexibility to allow County Cricket Boards or Premier Leagues across the country who currently operate different models successfully. The revised GCR therefore state that County Cricket Boards or Premier Leagues can decide who has responsibility for conducting the disciplinary process and dealing with appeals and may delegate responsibility in relation to some, or all, categories of cases arising under the GCR, provided that the relevant body complies with the requirements in relation to the disciplinary and/or appeals process as set out in the GCR.

**Q14. Does the organisation that a County Cricket Board or Premier League delegates authority to have to accept responsibility for the disciplinary or appeal process?**

- A. Yes, they would need to accept that responsibility and the relevant County Cricket Board or Premier League would retain overall responsibility for ensuring that the process in the GCR is complied with.

**Q15. What is meant by the suggestion that a County Cricket Board or Premier League may wish to “compile a list of Disciplinary Chairs”?**

- A. If the County Cricket Board or Premier League elects to operate the Summary Procedure, decisions will be made by a single Disciplinary Chair. The County Cricket Board or Premier League should therefore compile a list of individuals who can fulfil this role in appropriate cases.

**Q16. What is meant by the suggestion that a County Cricket Board or Premier League may wish to “convene a meeting with Disciplinary Officers and Disciplinary Chairs” to agree plans for the season?**

- A. The ECB anticipates that it may be helpful for relevant individuals at a County Cricket Board or Premier League to share knowledge and ensure everyone is as clear as possible on their roles and the procedures involved. This may also identify further questions that the ECB may be able to assist with in advance of the season.

**Q17. Are County Cricket Boards required to ensure that clubs embed the GCR?**

- A. The County Partnership Agreement requires County Cricket Boards to ensure that each league and club which operates under its jurisdiction implements and enforces the GCR. However, as explained during the network implementation sessions, the ECB is adopting a phased roll-out of the GCR. Accordingly, for the 2022 season County Cricket Boards are merely required to adopt the GCR in respect of their own disciplinary processes and ensure that Premier Leagues have adopted the GCR. Any participant in a County Cricket Board competition should also be made aware that the process in the GCR will apply in respect of any disciplinary process they are subject to. Where a County Cricket Board has delegated responsibility for particular types of cases to clubs, they must also ensure that those clubs adopt the process in the GCR.

**Q18. Which clubs are required to adopt the GCR?**

- A. Clubs are not required to adopt the GCR in respect of their own disciplinary processes for the 2022 season, unless they have accepted responsibility for particular types of cases from either County Cricket Boards or Premier Leagues. However, they will be required to submit to disciplinary processes under the GCR which are carried out by County Cricket Boards or Premier Leagues and accept any sanctions imposed under those processes.

**Q19. Do all suspensions need to be reported to the ECB?**

- A. Suspensions should be reported to the ECB if the Relevant Disciplinary Body is aware that the cricketer is registered with a First-Class County, Regional Host or Hundred Team so that the ECB can consider whether any further disciplinary action is necessary under the CDC Regulations. Suspensions should also be reported to the ECB if the Relevant Disciplinary Body is aware that the cricketer participates in any ECB competitions, so that any suspension can be applied in the relevant competition (if necessary).

**Q20. Do all suspensions imposed by a league need to be reported to a County Cricket Boards?**

- A.** Suspensions imposed by a Disciplinary Chair, Disciplinary Panel or Appeal Panel should be reported to a CCB if the league is aware that the cricketer participates in any CCB competitions, so that any suspension can be applied in the relevant competition (if necessary).

Decisions made by a league acting as an Appeal Panel should also be provided to the Disciplinary Officer of the relevant County Cricket Board to which the league is affiliated. If the league is not affiliated to a County Cricket Board, there is no reporting obligation (save for in the scenario outlined above).

**Q21. Should County Cricket Boards and Premier Leagues publish the amended version of the GCR which they adopt on their website in order to bring participants' attention to it?**

- A.** Yes, the ECB recommends that County Cricket Boards and Premier Leagues publish the GCR on their website. We would also recommend, wherever possible, that those participating in competitions run by County Cricket Boards and Premier Leagues are provided with a copy of the GCR or that the relevant competition rules are amended to make specific reference to the GCR so that participants know what disciplinary process will apply.

**Q22. Is it fair (or appropriate) for one Disciplinary Officer to make decisions about whether to bring a charge under the GCR? What role should the Disciplinary Officer have in determining whether the charge is proven?**

- A.** In order to reduce the burden on one individual, County Cricket Boards and Premier Leagues can appoint multiple Disciplinary Officers if they have a sufficient number of people available to carry out this role. The role of a Disciplinary Officer is to decide whether to bring a charge and then take responsibility for the administrative side of the disciplinary process, whereas the role of a Disciplinary Chair or Disciplinary Panel is to determine whether the charge is proven. The GCR provide for a single Disciplinary Officer to carry out that role in relation to a specific case to increase efficiency, particularly as the majority of disciplinary cases are at the lower end of offences and will be heavily reliant on the umpire's report. If the County Cricket Board or Premier League appoints multiple Disciplinary Officers, a Disciplinary Officer who has not been involved in the decision to charge may act as the Disciplinary Chair or form part of the Disciplinary Panel if that is considered appropriate by the relevant organisation. However, the Disciplinary Officer who has taken the decision to charge should not then be involved in determining whether the charge is proven.

**Q23. Is the template Charge Letter (in Appendix 2) applicable for all types of offences?**

- A.** Yes, the template Charge Letter is intended to be applicable for all types of offences, but it includes wording for both cases proceeding via the Summary Procedure and cases to be determined at a Hearing. For example, there is reference to the application of Regulation 24, which is wording that will only apply if the case is proceeding to Hearing. The template Charge Letter is intended to provide the minimum relevant information to a person who has been charged. County Cricket Boards and Premier Leagues can however amend the template Charge Letter to provide additional information which it considers is appropriate.

**Q24. What evidence must be provided to the individual charged?**

- A.** If the only evidence is the umpire's report, which will be the case for the majority of lower-level offences, this is all that needs to be provided. If the Disciplinary Officer has collated additional evidence, for example witness accounts which support or undermine the umpire's report (or written complaint), which will be provided to the Disciplinary Chair or Disciplinary Panel when considered the charge then this should also be provided to the individual.

**Q25. Can the template Disciplinary Report (at Appendix 1) be amended?**

- A. The template Disciplinary Report is intended to contain the minimum relevant information in relation to the reporting of a disciplinary issue by an umpire. County Cricket Boards and Premier Leagues can however amend the template Disciplinary Report to provide additional information which it considers is appropriate. Additional pages may also be used if necessary.

**Q26. Can County Cricket Boards and Premier Leagues stipulate that fixed sanctions (not set out in the GCR) will be applicable to certain offences?**

- A. The purpose of the GCR is to provide consistency in the disciplinary process across the recreational game. The GCR therefore stipulates standard sanctions to be imposed for on-field offences. These standard sanctions can only be departed from in specific cases where the Disciplinary Chair or Disciplinary Panel has considered applicable aggravating and/or mitigating factors and considers that the standard sanctions set out in the Sanction Guidelines of the GCR would not be appropriate. However, County Cricket Boards and Premier Leagues cannot automatically fix sanctions for categories at a different level from those stipulated in the GCR.

**Q27. Will the ECB provide County Cricket Boards and Premier Leagues with a Word version of the GCR so that they can amend and/or supplement provisions of the GCR in the version of the GCR that they adopt?**

- A. A Word version has been included as part of the resources provided to County Cricket Boards and Premier Leagues.

**Q28. We would like to amend and/or supplement provisions of the GCR, as permitted by the document. What might the finalised version of the GCR that we adopt look like?**

- A. The ECB is adopting a version of the GCR for the purposes of disciplinary processes in ECB recreational cricket competitions. This version of the GCR has been included as part of the resources provided to County Cricket Boards and Premier Leagues to help provide clarity on what a finalised version of the GCR could look like.

**Q29. Why is the definition of Relevant Criminal Offence so broad?**

- A. The purpose of the requirement to report a Relevant Criminal Offence is to ensure that any offence which could have safeguarding implications in respect of children or adults at risk is reported and can be subject to consideration by an appropriate person. As explained in the guidance notes to the GCR, Relevant Criminal Offences should be reported to the Club Safeguarding Officer and will only be escalated to the County Safeguarding Officer if the Club Safeguarding Officer considers that necessary.

Whilst the most obvious categories of offence which could have safeguarding implications are offences against a child or sexual offences, a number of other offences could give rise to transferable risk which may impact the suitability of an individual to come into contact with children via cricket - in particular given that cricket is an open age sport. The definition of Relevant Criminal Offence therefore includes additional categories of offence which the ECB safeguarding team consider may affect assessment of risk in relation to an individual.

**Q30. Is the offence of bringing the game into disrepute intended to stifle criticism of the ECB or other cricket organisations?**

- A. This is not the purpose or intention of this provision. We note that in the professional game, there is a separate offence of making statements which are prejudicial to the interests of the game of cricket but this has not been replicated in the GCR. "Bringing the game into disrepute" is a common offence in a sports disciplinary context and is generally used to capture conduct which does not fall neatly into the more specific disciplinary offences but which nevertheless lowers the reputation of the sport in the eyes of the public.

**Q31. Why should a club be held responsible for serious, collective or repeated breaches of the GCR?**

- A. Clubs are ultimately responsible for the conduct of their members and participants and have a responsibility to the sport to ensure that their conduct meets appropriate standards. Clubs will be informed about any sanctions imposed upon their participants and where this identifies particular behavioural issues, would be expected to take steps to improve behaviour within the club. The ECB therefore considers it appropriate for there to be a mechanism for clubs to be sanctioned if there are repeated breaches of the GCR by their participants. However, it will be a matter for the relevant disciplinary body to determine whether it is appropriate to issue a charge against a club and the club can also respond to that charge setting out the steps it has taken to prevent breaches of the GCR and why it would not be reasonable in the circumstances for them to receive any significant sanction.

**Q32. How should the implementation of the GCR and its impacts be explained to participants?**

- A. The network has been aware for the last few seasons that the GCR would be implemented and that this might impact individual disciplinary processes. The ECB has also consulted with stakeholders within the network in relation to the GCR over the last six months. We therefore hope that some participants in the network will already be aware that there will be changes going forwards. The ECB has also set out in the introduction to the GCR the rationale for the GCR being introduced, which it may be helpful to refer to in any discussions.

**Q33. Why does the GCR include a right of appeal where the decision was against the weight of the evidence?**

- A. This mirrors the equivalent provision in the disciplinary regulations which are in place for the professional game and we should note that the ECB does not receive significant numbers of appeals under this ground of appeal. The ECB's Discipline Regulations and Guidelines for non-First-Class County cricket did not contain any specific grounds for appeal, and it was therefore considered helpful to stipulate specific grounds of appeal in the GCR.

**Q34. What breaches of Law 41 would constitute "Off Field Conduct" (see para 9(h))?**

- A. We have reviewed Regulation 9, paragraph (h) further, and it is right that Law 41 relates to on-field conduct and not off-field conduct. This paragraph is therefore incorrect and should not be an off-field offence. We will remove this from the GCR for the 2023 season.

**Q35. Can the ECB make changes to the wording of the GCR before the season commences to reflect any feedback from cricket organisations?**

- A. The GCR have already been approved by the appropriate regulatory bodies of the ECB and there will not be an opportunity for further changes to be made to the GCR before the season commences. The ECB did conduct consultation with various stakeholders before the GCR were finalised and made a number of significant changes to the GCR to reflect the feedback which was received. The ECB will also reflect on any feedback received during the 2022 season to inform any changes to the GCR for the 2023 season.

**Q36. Can the implementation of the GCR be delayed until the 2023 season?**

- A. The GCR will be implemented for the 2022 season. We appreciate that you would have preferred more time to consider the GCR and how it affects your disciplinary processes. However, given the broad range of approaches to the disciplinary process and outcomes and sanctions which are currently applied in the recreational game, the ECB feels that it is important for them to be delivered for this season. We are confident that they will be delivered effectively throughout the game.



**Q37. Can a player or club be required to cover the costs at first instance hearings?**

- A. Unless the Disciplinary Panel directs otherwise, the parties will bear their own costs of preparing for and attending a hearing. However, the Disciplinary Panel may choose to make a costs order in appropriate circumstances.

**Q38. How should we deal with a player or club who rejects a sanction which has been imposed using the Summary Procedure on the basis that they consider there to be a conflict of interest?**

- A. When the Summary Procedure is adopted, the player or club will be informed in advance who the Disciplinary Chair will be and will be given the opportunity to object to the Disciplinary Chair on the basis of a conflict of interest in advance. If the player or club does not raise an objection in advance but seeks to do so after the Disciplinary Chair has considered the case, the sanction should be imposed unless the Disciplinary Officer considers that there is a clear conflict of interest and good reason why this was not raised by the player or club in advance.

**Q39. On what basis can a club or player successfully argue that an individual has a conflict of interest and should not be involved in deciding their case?**

- A. Broadly speaking, a conflict of interest arises when an individual finds themselves in a decision-making situation and their personal interests conflict with their official responsibilities in making that decision. This creates a risk that the individual's judgment will be compromised. What will constitute a conflict of interest will depend on the specific circumstances of the case and the relationships between the Disciplinary Chair, or member of the Disciplinary Panel, and the parties to the case. However, this may include the decision maker having a close personal or family relationship with one of the parties (whether the respondent, the victim, a witness or an umpire) or having a professional or business interest or role within cricket which would be affected by the decision.

**Q40. If the club evades a disciplinary process so that it takes longer than a week, is the offending player allowed to play until it is resolved?**

- A. As the disciplinary charge will be brought against the player themselves, it is their primary responsibility (i.e. not the responsibility of the club) to ensure that they respond to the charge in a timely manner and comply with any timetable set by the Disciplinary Panel Chair. In exceptional circumstances, the Disciplinary Panel Chair may suspend an individual from participating in cricket until the Hearing has concluded. If so, the individual must be given the opportunity to give written submissions on why it would not be appropriate for them to be suspended. As the allegation is unproven at this point, suspension pending a hearing is only likely to be appropriate in cases involving serious allegations where it would bring the game of cricket into disrepute for the individual to be allowed to participate in cricket while the disciplinary process is ongoing.



## QUESTIONS RELATING TO DATA PROTECTION

**Q1. Can we send an extract of the Privacy Notice as part of the Charge Letter as opposed to the whole of the Privacy Notice?**

**A.** No, the Privacy Notice should be included in full as an enclosure (or attachment if sent by email).

**Q2. Can the ECB provide County Cricket Boards and Premier Leagues with advice in relation to their Privacy Notices?**

**A.** The ECB has prepared a template Privacy Notice which County Cricket Boards and Premier Leagues can amend as applicable for their organisation. If a County Cricket Board or Premier League already has a Privacy Notice in place, it may instead choose to amend that Privacy Notice to refer to the collection and processing of personal data in relation to the disciplinary process (where necessary). However, as each organisation bears responsibility for complying with its own data protection responsibilities and may collect, store and use data in different ways, the ECB is not able to provide a one size fits all Privacy Notice or advise on the contents of specific Privacy Notices.

**Q3. The Disciplinary Report (at Appendix 1) refers to the Privacy Notice being provided to each person whose personal data is recorded on the form. Is this feasible?**

**A.** In the majority of cases, the only person whose personal data will be recorded on the form is the person charged. Where the Disciplinary Report contains the personal data of other people, in order to comply with data protection responsibilities they should also be provided with the Privacy Notice. It does not matter who serves the Privacy Notice or whether it is served in advance of the Disciplinary Report being completed, so the Relevant Disciplinary Body can choose to: (i) ask umpires to provide a copy of the Privacy Notice to each individual mentioned in the Disciplinary Report at the time it is completed; (ii) ask the Disciplinary Officer to serve the Privacy Notice on the relevant individuals within a month after the event; or (iii) serve the Privacy Notice on any relevant participants who are likely to be named in a Disciplinary Report before a disciplinary issue is raised (for example by providing it to players at the point of their registration with the relevant cricket organisation or for the competition). The latter approach may help to ease the administrative burden. However, in instances where a person's personal details are included in the form, and they haven't been provided with a copy of the Privacy Notice previously (for example if a spectator was a witness and wasn't aware of the Privacy Notice), they would need to be provided with a copy of the Privacy Notice at the time (or within a month after) to ensure compliance with the Relevant Disciplinary Body's data protection obligations.

**Q4. Will the ECB monitor who has received Privacy Notices?**

**A.** The ECB has provided guidance to assist cricket organisations in complying with their own data protection responsibilities but will not be monitoring who has sent and received Privacy Notices or seek to sanction cricket organisations who have not provided Privacy Notices to individuals whose personal data they are processing.