



Mar 31, 2023 12:06 BST

ECB responds to Yorkshire Cricket Discipline Commission decisions

The ECB notes the publication today of the Cricket Discipline Commission (CDC) Panel's decisions in relation to the ECB's charges against Yorkshire County Cricket Club and seven individuals. The independent Panel has made its decisions following the hearing that took place between 1 and 7 March 2023.

The CDC Panel's decisions come following a long, complex and detailed investigation which saw Yorkshire CCC admit four charges of breaching ECB Directive 3.3*, including a failure to address systemic use of racist and/or

discriminatory language over a prolonged period and a failure to take adequate action in respect of allegations of racist and/or discriminatory behaviour. In addition, Gary Ballance admitted liability in response to the charge against him for his use of racially discriminatory language.

In the CDC Panel's decisions published today:

- Each of Tim Bresnan, John Blain, Andrew Gale, Matthew Hoggard and Richard Pyrah have been found liable for a breach of ECB Directive 3.3 for their alleged use of racist and/or discriminatory language after the CDC Panel considered evidence presented in support of and against the individual charge brought against each of them; and
- Michael Vaughan has been found not liable for a breach of ECB Directive 3.3 for his alleged use of racist and/or discriminatory language after the CDC Panel considered evidence presented in support of and against the charge brought against him.

The decisions are the conclusions of an independent panel consisting of Tim O'Gorman, Chair of the CDC, Mark Milliken-Smith KC and Dr Seema Patel.

Richard Thompson, ECB Chair, said: "This has been an incredibly challenging period for our sport, but one we must all learn from in order to make cricket better and more inclusive. When Azeem Rafiq spoke out about his time in cricket, he exposed a side of our game which no one should have to experience. We are grateful for his courage and perseverance.

"Given the nature of these cases, they have taken a clear toll on everyone involved. There now needs to be a time of reconciliation where, as a game, we can collectively learn and heal the wounds and ensure that nothing like this can ever happen again.

"This has been the most complex and thorough regulatory investigation and disciplinary process that the ECB has ever conducted. It covered emotive allegations spanning a period of nearly 20 years with rigour and diligence and was overseen throughout by industry-leading KCs and three very experienced independent members of a sub-group of the Regulatory Committee. I would like to thank the CDC Panel and all those involved in working on these important proceedings.

“The decisions published today are the findings of an independent CDC Panel, reaching its own decisions based on the evidence before it, and it is now for the Panel to determine what sanctions are appropriate where charges have been admitted or upheld. Having only received the decisions today, we will need time to consider them carefully.

“At its best, our sport is one that brings people together and connects communities. It is now time, as we also prepare to receive the report of the Independent Commission for Equity in Cricket, to work together to continue, expand and accelerate the work that is under way to change for the better, so that we can make cricket the UK’s most inclusive sport.”

Notes to editors

A breach of ECB Directive 3.3 is conduct which is improper or which may be prejudicial to the interests of cricket or which may bring the ECB, the game of cricket or any cricketer into disrepute.

Charges were brought under this Directive, rather than the ECB Anti-Discrimination Code, which was not in force at the time of the alleged offences.

The disciplinary process:

- The ECB, in its capacity as regulator of cricket in England and Wales, looks into allegations of potential breaches of ECB Rules and Regulations. We investigate to gather available evidence, after which the ECB assesses that evidence and considers whether there is a case to answer for any potential breach of the ECB’s Rules and Regulations. If so, where appropriate, charges are brought by the ECB in disciplinary proceedings before the independent Cricket Discipline Commission. This is not a finding of guilt and the assessment of whether a charge should be brought is different to the decision the CDC Panel has to make at a hearing.
- The investigation has had thorough oversight from three very experienced independent members of a sub-group of the Regulatory Committee, chaired by the highly regarded independent member Nic Coward.
- We had a team of around 15 internal and external lawyers and

other people involved, including Kate Gallafent KC and Jane Mulcahy KC, two of the most experienced specialist KCs in sports regulatory cases.

- In this case, the ECB's investigation involved a combination of speaking to and/or exchanging written correspondence with a significant number of potential witnesses and other individuals with relevant information, as well as obtaining documentary and other evidence from a variety of sources.
- The ECB wrote to individuals to give them an opportunity to respond in writing before any charge was filed. Any individual respondent who requested that we also speak to them was also spoken to.
- Once we determined that there was a case to answer supported by sufficient evidence, we then laid charges in mid-June 2022. That was not a finding of guilt. We then prosecuted the charges in disciplinary proceedings before the independent CDC Panel, for which purposes a KC represented the ECB at the hearing.
- Those charged by the ECB have a right to a fair hearing and are free to call witnesses, submit documents and present evidence as they wish in order to support their defence. It is for the independent CDC Panel to determine whether, on the basis of the evidence presented both in support of and against the charge at a hearing, they find that the relevant organisation/individual has breached the relevant ECB Rules and Regulations.
- The ECB's investigation has been thorough and complex, covering a period of nearly 20 years, involving many different allegations, with many individuals coming forward to share their own experiences.
- The ECB has followed proper process throughout in accordance with its legal obligations with expert KC advice, including complying with its disclosure obligations and directions of the CDC Panel to provide material to the relevant parties at the appropriate time.

Further details:

- This is by some way the most complex regulatory investigation and disciplinary process that the ECB has ever undertaken.
- The ECB Integrity Team, with expert external legal support, investigated a significant number of allegations made by Azeem Rafiq and others over a 9 month period, prior to charges being

filed in mid-June 2022.

- We contacted over 90 witnesses, potential witnesses and potential suspects.

The CDC findings are available here: <https://resources.ecb.co.uk/ec...>

Where charges are upheld or admitted, sanctions available to the CDC Panel are outlined in section 8 of the CDC Regulations

here <https://resources.ecb.co.uk/ecb/document/2020/08/13/2b19260e-5dd4-4503-b700-14d52120cf7c/Cricket-Discipline-Commission-Regulations-July-2020-VF.pdf>

You'll find all ECB Media Releases and associated resources on our [Newsroom](#) >

Contacts



Kate Miller

Press Contact

Director of Communications

media@ecb.co.uk



Jonathan Reed

Press Contact

Head of Media & Publications

media@ecb.co.uk

+44 (0) 7525 596 621



Chris Tuttlebee

Press Contact

Corporate Communications Lead

chris.tuttlebee@ecb.co.uk

+44 (0)7824 551713



ECB Press Office
media@ecb.co.uk