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ECB Statement on Yorkshire Cricket Discipline Commission hearings

In response to media reports that three individuals have decided not to participate in the forthcoming Cricket Discipline Commission proceedings, the ECB has issued the following statement.

"Individuals are entitled to choose not to participate in the hearings if they wish, but the cases will still be heard in their absence and we are satisfied that the disciplinary process in this matter has been both rigorous and fair.

"The ECB's investigation and disciplinary process has been overseen by an

independent committee and specialist leading King's Counsel (K.C.).

“As with any case before the Cricket Discipline Commission, defendants are entitled to a fair hearing by an independent and experienced CDC Panel where they can call witnesses, and they can also challenge the evidence in support of the charge, including through cross-examination of the ECB's witnesses. It is entirely the decision of defendants if they choose not to take advantage of this opportunity.

“At the end of the hearing it is for the independent CDC Panel, not the ECB, to determine guilt or otherwise and any sanction.”

-ends-

Notes to editors

In coverage of this case, there has been significant misreporting over how the ECB's disciplinary process works. The process is as follows:

- The ECB, as the regulator of cricket in England and Wales, on receipt of a complaint looks into allegations about potential breaches of ECB rules and regulations. We investigate to gather all available evidence, after which the ECB considers whether there is a case to answer for any breaches 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.
- 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 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 Respondent who requested we also speak to them was also spoken to.
- Once we determined that there was a case to answer supported by evidence, we then laid charges in mid-June 2022. That was not a finding of guilt. We then prosecute the charges in disciplinary proceedings before the independent Cricket Discipline Commission panel, for which purposes a KC will

- represent the ECB at the hearing.
- Those charged have a right to a fair hearing and are free to call witnesses they wish to support their case. 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 investigation has been overseen by an independent sub-group of the Regulatory Committee.
 - The ECB's investigation has been thorough and complex, with the allegations covering a significant period of time and a number of witnesses and other individuals coming forward to share their own experiences and allegations.
 - The ECB has followed proper process throughout, including complying with its disclosure obligations and providing material to the relevant parties at the appropriate time.

Further information

- The independent panel of the CDC hearing this case is highly experienced. It is Chaired by Tim O’Gorman, Chair of the CDC, a lawyer and former professional cricketer. It also includes Mark Milliken-Smith KC, a highly-regarded and experienced lawyer, and Dr Seema Patel, a Senior Lecturer in Law who is an expert on discrimination in sport.

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