

CRICKET DISCIPLINE COMMISSION

CHARGES BROUGHT BY THE ENGLAND AND WALES CRICKET BOARD ('ECB') AGAINST DANIELLE WYATT

Breach by Ms Danielle Wyatt of ECB Directives 3.3 and 3.4

I have been appointed to be the Adjudicator for the CDC under its Summary Procedure in respect of the above Breaches and herein confirm my decision.

The background

1. On the 9 August 2022, Ms Wyatt was charged by the ECB with a breach of ECB Directive 3.3, which states –

“No such person may conduct themselves in a manner or do any act or omission which may be prejudicial to the interests of cricket or which may bring the game of cricket or any Cricketer or group of Cricketers into disrepute.”

Ms Wyatt appeared in a photo with Ms Jones in fancy dress with blackface. It was captioned: “Caught the sun yesterday...#Carrabeannight#yehhhhman#latershanel”.

This, I find, was racist and discriminatory conduct.

The photo was posted on Instagram in 2013 and remained on the site until Ms Wyatt deleted it in April 2021 after a complaint by a member of the public to the ECB.

2. Ms Wyatt was also charged by the ECB with a breach of ECB Directive 3.4, which states –
“Each Participant is bound by and must comply with the ECB Anti-Discrimination Code”.

The failure to ensure the removal of the photo from the public domain until its removal in April 2021 constituted a breach of ECB Directive 3.4 because it was:

1. an omission which is likely to offend and/or insult and/or disparage and/or vilify any person or group of people in breach of paragraph 1.1 of the Code; and/or

2. an omission which might reasonably be deemed to discriminate against any person, or group of people based on a Protected Characteristic in breach of paragraph 1.2 of the Code.

3. Ms Wyatt has admitted these breaches.

4. The Sanctions available under the Summary Procedure are set out in Clause 6 of the CDC Regulations and allow any combination of the following:

“6.1 The Adjudicator may impose any one or more of the following sanctions under this summary procedure:

6.1.1 caution as to future conduct;

6.1.2 reprimand;

6.1.3 completion of any education/training programme/course (at the cost of the individual);

6.1.4 fine (not to exceed £2,000);

6.1.5 suspension for a maximum of 4 scheduled playing days of the right to participate in any Match(es);

6.1.6 alteration of the points awarded in respect of that Member's Match(es); and
6.1.7 a contribution to the costs and expenses incurred by the ECB in connection with the Charge, limited to £250.
6.2 Any fine and/or costs order imposed pursuant to Regulation 6.1 above shall be paid as directed by the Adjudicator. Written notification of any such fine and/or costs order (as applicable) shall be sent to the Respondent by or on behalf of the Adjudicator and such written notification shall specify the date by which full payment of the fine and/or costs order (as applicable) is required....”

5. I received and have considered submissions from the ECB and Ms Wyatt's legal representative.

6. I accept that –

Ms Wyatt promptly accepted the charges, apologised for her conduct and deleted the Instagram Post immediately on being informed about it.

The post was taken down in April 2021 when a member of the public complained about it. There had been no previous mention of the post.

There was no racist or discriminatory intent in posting that photo, nor was there in the blackface itself, and that Shanel Daly, the cricketer tagged in the post, did not take offence at the blackface or the post. It happened at an end of season fancy dress Jamaican themed party held in honour of Ms Daly in 2013. Ms Daly has confirmed her reaction in correspondence before me.

Ms Wyatt was no more than 22 years of age at the time, a student, not yet playing cricket professionally. She had not received any education about the issues involved in posing for, and then posting, such a photo.

Ms Wyatt, now a senior player in the England Women's squad, received PCA training in Equality, Diversity and Inclusion in March 2021. This was in addition to similar such courses undertaken through the ECB and at Club level.

She has recently captained the Falcons in the international Fairbreak Tournament (in Dubai) which was promoting equality in cricket on a world-wide scale.

References from Heather Knight, George Elwiss, Saba Nasim (Falcon's team manager) and Sophie Connor (Personal Development Manager at the PCA) are strongly supportive of Ms Wyatt's positive influence on players from different ethnicities and backgrounds.

This is also the only time Ms Wyatt has been involved in ECB Disciplinary proceedings.

7. As the ECB submits, the photo posted was plainly prejudicial to the interests of cricket, brought the game and Ms Wyatt into disrepute, and undermined the ECB's strategic objective of eradicating discrimination from the sport. However, and I agree, it is at the lower end of the spectrum of such cases.

Sanction

8. Ms Wyatt is reprimanded for her breach of ECB Directives 3.3 and 3.4.

9. I consider that it is inappropriate and unnecessary to require a further apology or to impose a fine, given the factors outlined in paragraph 6 above. There will be no costs order.

10. This decision should be published so as to emphasise that such inappropriate behaviour and subsequent posting on social media, however historical, will not be tolerated.

Chris Tickle, Adjudicator for the CDC
5 October 2022

The Cricket Discipline Commission operates at arm's length from ECB.
It administers cricket discipline covered by ECB's Rules, Regulations and Directives.

