



IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ENGLAND AND WALES CRICKET BOARD PROFESSIONAL CONDUCT REGULATIONS 2023

Before:

Richard Whittam KC
Sarah Crowther KC
Yasin Patel

BETWEEN:

CRICKET REGULATOR

and

RESPONDENT 'A.B.C.'

DISCIPLINARY TRIBUNAL DECISION

EXECUTIVE SUMMARY

1. The Respondent admitted five breaches of Regulation 3.3 of the ECB Professional Conduct Regulations 2003, namely that he engaged in inappropriate and sexualised messaging, including sending images of his erect penis, to more junior female members of staff at a CCC. On one occasion he attempted to kiss one of the more junior members of staff.
2. In advance of the hearing, supported by the PCA, the Respondent had sought expert help and had engaged in remedial education.
3. The sanction is a suspension from any Coaching Activity or any Matches for a period of 9 months. The sanction is divided into two parts: six months of the suspension is back dated to the date of the charge letter; three months of the sanction is suspended for 12 months from the date of this decision.

EXPLANATION

4. This is a summary of the decision of the Cricket Discipline Panel.
5. For the reasons set out in §§39-45, exceptionally, the full decision is not to be published.

INTRODUCTION

6. At the outset of the hearing, the Chair confirmed that the members of the Disciplinary Tribunal had read all the material that had been provided to them. Further, the Chair observed:
 - 6.1. These were disciplinary proceedings and not safeguarding proceedings. The safeguarding proceedings had been stayed pending the disciplinary process.
 - 6.2. In the context of this case there was little between the parties on the facts. Whether or not a victim was vulnerable in any legal sense, one victim was vulnerable because of her personal circumstances. The Respondent knew that. Although the Respondent was not in a formal position of trust with regard to either victim, he was considerably older than both victims and there was a clear imbalance between his position the CCC and the respective position of both victims. In those circumstances the Disciplinary Tribunal did not need to hear any evidence from the victims.
 - 6.3. The two issues to be decided were:
 - 6.3.1. What the appropriate sanction was, and
 - 6.3.2. Whether the decision should be made public.

THE RELEVANT EVIDENCE

7. The summary of the relevant evidence set out below is sufficient to identify the facts that are relevant to the sanction imposed. They are set out in a short summary to avoid the risk of identifying either victim and to avoid identifying the Respondent.
8. The Respondent began messaging Victim 1. Details of the messages were set out in the exhibits. He engaged in inappropriate and sexualised messaging with Victim 1. Further, the Respondent sent a photo of his erect penis under clothing to Victim 1. Victim 1 asked the Respondent to stop, which he did. Some days later, the Respondent sent Victim 1 a further message of a sexualised and inappropriate nature.
9. Victim 2 was much younger than the Respondent and he occupied a far more senior position than she did at a CCC.
10. Victim 2 had to interact with the Respondent because of her work.
11. A month or so after meeting, the Respondent sent a picture of his erect penis to Victim 2. She did not respond. A few days later the Respondent sent two further pictures of his erect penis to Victim 2.
12. The Respondent asked Victim 2 to check the changing rooms to see if any rubbish was left. Whilst in the changing room the Respondent made an inappropriate attempt to kiss Victim 2, who pulled away.
13. The Respondent was dismissed because of his conduct. He has not been employed in cricket since then.
14. The Respondent was interviewed by the Cricket Regulator. He made limited admissions to the allegations that were put to him.
15. The Respondent was charged with five breaches of Regulation 3.3 of the Professional Conduct Regulations 2023. The Respondent accepted those breaches in advance of the hearing.
16. The Respondent was not subject to an interim suspension.

SUPPORT AND EDUCATION SOUGHT BY THE RESPONDENT

17. The Respondent was supported by the Professional Cricketers Association. He had counselling with a Psychotherapist and Systemic Practitioner. Also, he was first seen by a Consultant Sports Psychiatrist. In addition, he received support through his General Practitioner.
18. The Respondent completed courses on sexual harassment and professional boundaries.
19. In short, the Respondent saw the Psychotherapist and Systemic Practitioner over many months. The Respondent fully engaged in the sessions. However, he lost weight and appeared distressed in the sessions. Concerns were raised about his mental state.
20. The Respondent was seen on by a Consultant Sports Psychiatrist. The Respondent was open and candid. He described a few-month history of moderately severe depressive symptoms with some associated risk factors.
21. It is clear that the support of the PCA and then sessions with the Psychotherapist and Systemic Practitioner have been of considerable help to the Respondent.

SUBMISSIONS

22. Prior to submitting written submissions as to sanction the Cricket Regulator sought the permission of the Chair of the Cricket Discipline Commission to make reference to additional details that are not contained in the publicly available decision of the CDC in *England and Wales Cricket Board Limited and Coach A* dated 31 July 2024.
23. That issue was addressed in the written direction prior to the hearing in this case.
24. As a matter of principle, the default position of the Cricket Discipline Panel (“CDP”) is that all material made available to the Chair of the CDP and the Disciplinary Tribunal appointed to determine a case should also be available to the Respondent and their representative(s). That is what happened in this case.

25. In any event, the decision in *England and Wales Cricket Board Limited and Coach A* was of little assistance. Each case turns on its own facts, and the content of the full decision did not purport to set out any principles to be applied to future cases.
26. The Cricket Regulator submitted that an immediate suspension from any Coaching Activities and or Matches was appropriate, with a further, lesser period, to be suspended, and the Respondent should complete an appropriate educational course that addressed professional boundaries.
27. On behalf of the Respondent, it was submitted that he had apologised for his misconduct and had expressed genuine remorse. Further, he had lost his employment in cricket and had not worked since his summary dismissal. Emphasis was placed on his acceptance of the charged breaches and, whilst not detracting from his misconduct or its impact on the victims, the devastating impact of his misconduct on his mental health and his family. In addition, the Respondent had voluntarily undertaken remedial education.
28. It was conceded that a sanction of a suspension from cricket was appropriate, with it being backdated and any outstanding period being suspended. Further, a financial sanction would be inappropriate.
29. The Respondent addressed the Disciplinary Tribunal. He gave a credible and genuine account of his remorse. He repeated his apology to those affected by his conduct. He described how difficult the last months had been and thanked, in particular, the PCA for its support. In addition to the courses that he had been on, he had worked with a former professional sportswoman to understand the impact of unsolicited explicit messages. He hoped that now he was emerging as a better person. He had a greater understanding of workplace boundaries, the misuse of social media and what amounted to sexual harassment.

DECISION

30. The misconduct was serious. It involved two victims over a period of months. The conduct included the use of social media to express sexual ideations and to send images. The Respondent knew of the particular vulnerability of Victim 1 and

exploited it. Whilst he was not in a formal position of trust to either victim, there was a clear imbalance in his favour given his superior employment position and because of his age. The conduct admitted by the Respondent has no place in modern society and no place in the cricket environment. Women who participate in cricket in any way must be able to do so in a safe and inclusive environment.

31. The starting point for the sanction in this case was somewhere in the bracket of 12-18 months.
32. The Disciplinary Tribunal considered whether there were any aggravating features present. It is important not to 'double count' features that may be thought to be aggravating features that are features that went to the assessment of the seriousness of the misconduct. The Disciplinary Tribunal concluded that in this case there were no aggravating features over and above the features that went to the assessment of the seriousness of the misconduct.
33. The less than frank approach taken by the Respondent in his replies to the Cricket Regulator is not an aggravating feature. It lessens the mitigation available to him compared to someone who makes full and clear admissions about their misconduct when interviewed by the Cricket Regulator.
34. The mitigation available to the Respondent included his acceptance of the breaches in his response to the charge letter, his apology to the victims, his learned understanding about his misconduct through the remedial education that he had undertaken and the impact that the proceedings brought by the Cricket Regulator has had on him. The material provided by the Psychotherapist and Systemic Practitioner and the Consultant Sports Psychiatrist evidenced the remorse the Respondent had expressed and the impact his misconduct has had on him.
35. Further, the evidence given by the Respondent to the Disciplinary Tribunal was impressive. It was credible and showed not only that he was prepared to engage in remedial education, but he also now fully accepted his responsibility in relation to the misconduct, had a far greater insight into why it was inappropriate behaviour and how to ensure that it would not occur in the future. It was clear to the Disciplinary Tribunal that the Respondent was a different person to the one who was initially interviewed by the Cricket Regulator.

36. In conclusion, due to the full acceptance of responsibility, the strong supporting evidence of remorse and effective remedial education, the Disciplinary Tribunal reduced the sanction to one of nine months suspension from cricket. Given both the delay that there had been between the charge letter and the hearing, and that the Respondent had not worked in cricket since his dismissal, the sanction will be divided into two parts; six months of the suspension is backdated to the date of the charge letter; three months of the sanction is suspended for 12 months from the date of this decision. Should there be any further misconduct during those 12 months, to assist any the Disciplinary Tribunal that deals with that matter, the rationale behind that suspended period is to focus the Respondent's mind on his now greater understanding of professional boundaries, the use of social media and his relationship with others, particularly women, in cricket and not misconduct in general.
37. Had the Respondent not voluntarily undertaken remedial education, the requirement to undertake similar work would have been included in the sanction.
38. An additional financial penalty was not appropriate in all the circumstances of this case.

PUBLICATION

39. Regulation 7.15 of the Cricket Disciplinary Commission Regulations (now Regulation 12.4 of the Disciplinary Procedure Regulations 2025) states that the written reasons for a decision shall be published in full unless the Disciplinary Panel (now the Disciplinary Tribunal) determines that they should only be published in part or not published at all (determines for any reason that it is appropriate that the written reasons should be redacted, only be published in part or not published at all).
40. It follows that the default position is that decisions of a Disciplinary Tribunal should be published in full.

Submissions

41. The Cricket Regulator submitted that the default position should be that a decision of the Disciplinary Tribunal be published in full. Two submissions were made. First, that care should be taken not to report the decision in such a way that might lead to the identification of either the victim or the Respondent (including the risk of jigsaw identification). It is important that victims of such misconduct should feel confident in coming forward without any fear of being identified. Secondly, the Disciplinary Tribunal should be cognisant of the Respondent's mental and physical well-being.
42. On behalf of the Respondent it was submitted that there was no obligation on the CDP to publish its decisions; that publication would risk identifying the two victims; that publication of his name would have a disproportionate impact on the Respondent; that the CDP was not independent of the ECB and that it was operating under some form of delegated power and that the ECB had a duty of care to the Respondent; the right to family life and the disproportionate impact that publication would have on others and the evidence that publication would have a deleterious impact on the Respondent's mental welfare. In a written submission the CDP was "reminded that it is not operating as a public court of law, passing moral judgment on the Respondent's conduct"

Decision on Publication

43. The evidence of a real risk of significant damage to the welfare of the Respondent directly as a result of publication was clear. Exceptionally, and because of that cogent expert medical evidence, the name of the Respondent has been redacted from the full decision. Further, this summary will be published, albeit with further redaction of the details of the medical evidence and such details of the parties and circumstances as the Disciplinary Tribunal considered necessary to minimise the risk of jigsaw identification of either the victim or the Respondent.
44. The Disciplinary Tribunal rejects the submission that its decision-taking operates under some form of delegated authority from the ECB. The CDP was established by the ECB to be wholly independent of the ECB and of the Cricket Regulator in the decisions it reaches in individual cases. The CDP, by the exercise of independent judgment, comes to evidence-based decisions in accordance with the ECB



Regulations and applies the ECB Regulations on the facts of each case.

45. With regard to the CDP being “reminded” that it is not passing moral judgment on the Respondent’s conduct, the Disciplinary Tribunal considers this is mischaracterisation of its role. The default position is that the decisions of a Disciplinary Tribunal will be published. Anyone who participates in cricket must be able to do so in a safe and inclusive environment. Those who are guilty of misconduct can therefore expect details of such misconduct and the manner in which it has been investigated and sanctioned to be made public. If that causes a respondent embarrassment and / or disapprobation from those involved in cricket, the media and the public at large that is a consequence of the misconduct of a respondent and reflection of the purpose of the regulation of the sport. Absent compelling evidence of a real risk of significant harm being caused to a respondent directly as a result of publication, the respondent should expect a decision to be published.

APPEAL

46. The Respondent or the Cricket Regulator may appeal against this decision pursuant to the appeals procedure detailed in Regulation 11 of the England and Wales Cricket Board Disciplinary Procedure Regulations. Any notice of appeal must be lodged within 10 Working Days of the date of this decision.

Richard Whittam KC

For and on behalf of the Disciplinary Tribunal

London, UK

21 July 2025