



# CLUB GUIDE TO THE ECB'S CONDITIONS OF AFFILIATION

**WILTSHIRE CRICKET**



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## INTRODUCTION TO AFFILIATION

The England and Wales Cricket Board ("ECB") wants every person to believe that cricket is a game for them, with the development of a thriving network of recreational clubs being at the heart of our ambition. We know the vital role that clubs play in providing safe, welcoming and inclusive opportunities for people to participate in our game. Through affiliation, your club becomes one of the 5,000 strong affiliated clubs operating across England and Wales.

As an affiliated club, our aim is to provide you with access to a range of benefits and services to help manage and engage your club's current participants, and to attract new ones. Through affiliation you establish a direct relationship with your Cricket Board, and by extension the ECB, enabling you to access a host of different national and local benefits, including:

- club development support and guidance
- courses, qualifications and development opportunities
- systems, tools and resources to support club management
- club programmes and competitions
- funding (subject to meeting requirements)
- events and celebrations

As part of supporting your club to ensure it is safe, welcoming and inclusive, the ECB is introducing a number of new measures to help your club take the necessary steps to ensure your committee and Participants are protected. These measures include setting out clear expectations for how any disciplinary issues, including discrimination, will be dealt with that might arise in the recreational game. Through affiliating, your club is confirming that it and its Participants are subject to the disciplinary and conduct rules created by the ECB, and to accept that your Cricket Board (and in some cases, the ECB) can take steps to enforce those rules.

By affiliating, your club is proactively improving people's experience in cricket and helping cricket to become the most inclusive team sport in England and Wales.

## CONDITIONS OF AFFILIATION

As part of the affiliation process, Clubs are now required to accept the conditions of affiliation set by the ECB (in addition to any other requirements of their Cricket Board, such as paying an affiliation fee).

This document explains what the conditions of affiliation mean for Clubs and their Participants, and contains suggestions for how a Club might evidence that it has complied with the conditions. Each of the conditions are set out below with an accompanying explanation.

*By affiliating to Wiltshire Cricket, and for the duration that it is affiliated to Wiltshire Cricket, your Club agrees to:*

This sentence means that once a Club affiliates to a Cricket Board, the Club is deemed to have agreed to the eight conditions of affiliation. This agreement lasts for the whole time that the Club is affiliated to their Cricket Board, rather than being a one-off agreement that only applies at the time of first becoming affiliated.

# CLUB GUIDE TO THE ECB'S CONDITIONS OF AFFILIATION

1. *adopt and enforce the ECB Anti-Discrimination Code ("AD Code") and comply with the obligations and disciplinary process set out under the ECB General Conduct Regulations for Recreational Cricket ("GCRs"), the ECB Recreational Conduct Regulations ("RCRs") and any other conduct/disciplinary rules or regulations applicable to the Club.*

Clubs are required to 'adopt' and 'enforce' the AD Code. This obligation is contained in the AD Code itself.

Adopt in this context means agreeing to accept and follow the AD Code. Clubs can demonstrate their compliance with this requirement by amending their constitutions to state that they adopt the AD Code and are committed to enforcing it within the Club; this codifies a Club's commitment to the AD Code in its governance structure.

The requirement to enforce the AD Code means Clubs should ensure that any behaviour which amounts to a breach of the AD Code is dealt with in accordance with the Club's disciplinary procedure. Clubs must confirm their commitment to upholding the AD Code by taking action to ensure that discrimination is not tolerated.

Clubs are required to comply with the General Conduct Regulations ("GCRs"), Recreational Conduct Regulations ("RCRs") and any other conduct/disciplinary rules or regulations applicable to them (for example, regulations imposed by recreational cricket leagues the Club competes in).

This requirement has two elements: Clubs must comply with their substantive obligations under the various rules/regulations listed, and they must comply with the applicable procedural requirements in those rules to determine whether or not they have complied with their obligations. A Club that opposes and frustrates an attempt to investigate, charge and sanction a breach of the GCRs by one of the Club's senior 1st XI players would not be complying with the disciplinary process set out under the GCRs.

2. *accept the jurisdiction of Wiltshire Cricket and/or the ECB/Cricket Regulator (as applicable) to enforce the AD Code, the*

*GCRs and the RCRs against the Club and its cricketers, coaches, committee members, directors, officers, employees, contractors, members, match officials, volunteers and any other persons your Club exercises control over such as spectators (together, "Participants");*

By accepting the 'jurisdiction' of another cricket organisation, a Club is formally acknowledging and consenting to that organisation being able to impose rules and consequences on the Club which the Club must comply with. This condition therefore requires Clubs to accept that the Cricket Board they are affiliating to has the ability to investigate, bring disciplinary proceedings and impose sanctions against the Club, for breaches of the AD Code, GCRs and RCRs. There are certain disciplinary cases that the ECB/Cricket Regulation might become involved in, and therefore this condition also provides for Clubs to accept that the ECB/Cricket Regulator have jurisdiction to enforce the same regulations against the Club and its Participant (in appropriate cases). The reference to the Cricket Regulator is included because the enforcement of the ECB's rules and regulations is carried out by that body.

Under this condition a Club is also accepting that their Cricket Board can take action against all those over whom the Club can be considered to exercise control. These persons are defined as 'Participants'.

References to 'contractors' and 'spectators' should be read as those contractors and spectators over which a Club has control. If a contractor is engaged to provide cricket-related services to a Club, then it is reasonable to expect the Club to take steps to ensure that person upholds the standards expected of everyone involved in recreational cricket. If that contractor is engaged by a multi-sport Club to fix a plumbing issue on a single occasion, that is not someone that a Club would be expected to have sufficient control over. If a Club has the ability to control access to its ground, it is more likely to be in a position to control the behaviour of spectators compared to a Club whose ground forms part of a public space where members of the public can come and go as they please.

# CLUB GUIDE TO THE ECB'S CONDITIONS OF AFFILIATION

Please note that this condition does not mean that Cricket Boards can overrule disciplinary decisions issued by recreational cricket leagues. If an incident is dealt with by a league's disciplinary panel, there is no scope for the Cricket Board to intervene in that panel's decision even if it has jurisdiction over the matter (unless the league has delegated responsibility for appeals to the Cricket Board, in which case it would be appropriate for the Cricket Board to act in an appellate capacity).

### **3. ensure that all Participants agree to comply with their obligations under the AD Code, GCRs, RCRs and the ECB's Safeguarding Procedure (or any successor thereof);**

Affiliation creates a relationship between a Cricket Board and a Club (as a corporate or non-corporate entity), rather than directly with the players, committee members and members etc of that Club. Yet it is likely the individuals that form part of a Club that may commit breaches of the ECB's rules and regulations.

This condition therefore requires Clubs to take steps to ensure that all those over whom they have control agree to comply with their obligations under the AD Code, GCRs and RCRs, plus the ECB's Safeguarding Procedure.

There are a number of ways that Clubs can demonstrate that they have taken steps to ensure that their Participants agree to comply with their various regulatory obligations:

Where Participants are required to sign any paperwork on joining or becoming a member of a Club, a condition could be inserted along the following lines:

"By becoming a member, officer, director, committee member or employee of [Name of Club], or by playing, coaching, officiating, spectating, working or otherwise volunteering for [Name of Club], you agree to comply with your obligations under: (i) the ECB's Anti-Discrimination Code; (ii) the ECB General Conduct Regulations for Recreational Cricket; (iii) the ECB Recreational Conduct Regulations; (iv) the

ECB's Safeguarding Procedure (or any successor thereof); and (v) any other conduct or disciplinary rules of [Name of Club] and of any league(s) that you participate in, in whatever capacity, and you agree that said league(s), [Name of Club], Wiltshire Cricket and/or the ECB/Cricket Regulator (as applicable) can take action to enforce these obligations."

Club communications sent by post or email could include a reminder to the recipient of their regulatory responsibilities. For example:

"[Name of Club] is affiliated to Wiltshire Cricket and is committed to upholding the highest standards of conduct and discipline in order to ensure that cricket can be played and enjoyed in a safe and inclusive environment at [Name of Club]. By way of reminder, all members, officers, directors, committee members and employees of [Name of Club], and all players, coaches, officials, spectators, workers and volunteers for [Name of Club], agree to comply with their obligations under: (i) the ECB's Anti-Discrimination Code; (ii) the ECB General Conduct Regulations for Recreational Cricket; (iii) the ECB Recreational Conduct Regulations; (iv) the ECB's Safeguarding Procedure (or any successor thereof); and (v) any other conduct or disciplinary rules of [Name of Club] and of any league(s) that such persons participate in, in whatever capacity, and agree that said league(s), [Name of Club], Wiltshire Cricket and/or the ECB/Cricket Regulator (as applicable) can take action to enforce these obligations."

Notices containing similar wording to the above example could be placed around the clubhouse/pavilion in areas of high footfall or dwell time, such as changing areas, Club noticeboards or the area where batters wait to start their innings. The wording above could also be read out and minuted at the Club's AGM (and other committee meetings), with those minutes subsequently shared with members.

Where a contractor is engaged by the Club, a term could be included in any agreement requiring them to agree to comply with the regulations referred to in this condition and to accept that action can be taken against



# CLUB GUIDE TO THE ECB'S CONDITIONS OF AFFILIATION

them for breaches of their obligations under those regulations. See the guidance for condition 2 above for further information about which contractors this would be relevant for.

Notices could be erected near or around the pitch where spectators typically congregate, reminding such persons that by spectating and/or being on the Club's premises, they agree to comply with the regulations referred to in this condition and to accept that breaches may result in action being taken by the Club, Cricket Board or the ECB/Cricket Regulator.

The ECB recognises that this condition places an extra administrative burden on Clubs, but would emphasise that this work is crucial to achieving the goal of every person believing that cricket is a game for them. Clubs are the heartbeat of recreational cricket and play a vital role in ensuring that cricket can be played and enjoyed in a safe and inclusive environment.

## **4. *ensure that all Participants agree to accept the jurisdiction of Wiltshire Cricket and/or the ECB/Cricket Regulator (as applicable) to enforce the AD Code, the GCRs, the RCRs and the ECB's Safeguarding Procedure (or any successor thereof);***

This condition, and the steps a Club should take to secure compliance with it, should be read in conjunction with the condition and guidance immediately above.

A requirement to do or not do something (i.e. a regulation) is only effective if it can be enforced, and therefore the ECB is asking Clubs to take steps to ensure that Participants agree that the Cricket Board and the ECB/Cricket Regulator can investigate, bring disciplinary proceedings and impose sanctions against them for breaches of the rules and regulations listed. This can be done in the same way as outlined in the guidance immediately above i.e., by inserting conditions into relevant paperwork or putting notices up around the Club and its grounds. The example wording suggested above for implementing condition 3 also covers the requirements of this condition 4.

## **5. *adopt and implement the ECB's Safe Hands Policy;***

The Safe Hands Policy is the ECB's policy document for safeguarding children in cricket in England and Wales. It is mandatory for affiliating Clubs to adopt and implement, and is a key step towards helping ensure that children in cricket are safe.

'Adopt' in this context means agreeing to accept and follow the Safe Hands Policy. Clubs can demonstrate their compliance with this requirement by amending their constitutions to state that they adopt the Safe Hands Policy and are committed to implementing the principles contained within it.

Clubs can demonstrate they have implemented the Safe Hands Policy by:

Having the right people in place (a trained Club Safeguarding Officer as a Club committee member).

Creating the right culture and environment (following the guidance contained in the Safe Hands Policy and the Safe Hands Kit Bag, including the guidance on Safer Recruitment and DBS checks).

Reporting and responding to safeguarding concerns (reporting concerns to the County Safeguarding Officer and/or the Cricket Regulator Safeguarding Team).

## **6. *being registered on the ECB's safeguarding management tool, the Safe Hands Management System;***

The Safe Hands Management System ("SHMS") is an online tool which allows Clubs to manage and record the details of individuals at the Club who hold key regulated roles and/or who are responsible for the management and running of Club activities.

To register on SHMS, Clubs should speak to their Cricket Board who will be able to support them through the process. Clubs will need to be able to provide a named Club administrator who will manage the Club's account on the system and add other officials in regulated roles.

# CLUB GUIDE TO THE ECB'S CONDITIONS OF AFFILIATION

## 7. recognise and give effect to:

- a. any penalty or sanction imposed under the GCRs or the RCRs by another cricket organisation;
- b. any penalty or sanction imposed by the ECB (including by the Cricket Discipline Commission, or any successor thereof);
- c. any decision or outcome imposed under the ECB's Safeguarding Procedure (or any successor thereof);
- d. and any penalty or sanction imposed by the International Cricket Council ("ICC"), any other ICC Member Country or any national or international anti-doping authority, to the extent that the penalty or sanction is also recognised by the ECB and of which you are notified or otherwise become aware of; and

This condition is designed to ensure that disciplinary sanctions issued by a variety of cricket organisations are not circumvented by participants playing in recreational club cricket. Sanctions imposed by cricket organisations should be respected and observed across the whole sport. There are a number of different organisations that can impose disciplinary sanctions, including Cricket Boards, leagues, the ECB/Cricket Regulator, the ICC, other national cricket governing bodies around the world and national/international anti-doping authorities. Such action can be taken under a number of different rules/regulations, for example the GCRs, RCRs, ECB Safeguarding Procedure and anti-doping rules.

If a professional player in England and Wales is banned from the sport for a number of years due to being found to have committed match fixing, and that player subsequently turns up at their local recreational Club wanting to do some coaching or playing, the Club would be expected to refuse the player's request. To allow that player to engage in cricket activity at the Club would undermine the effect of the ban imposed on the player. Equally if a recreational player that plays for two different Clubs is given a three-week match ban under the GCRs in one competition, they should not be able to get around that ban by playing for their other Club in a different competition for the next three weeks.

To help demonstrate compliance with this condition, Clubs should be vigilant in checking that new joiners are not serving any unexpired cricket sanctions. A confirmation to this effect could be included in any joining paperwork, and a check could be carried out on Play-Cricket.com to see whether any relevant information is included in the player discipline log.

In relation to sanctions that might be imposed by national or international bodies, such as the ICC, doping authorities and other national cricket governing bodies, Clubs are only expected to give effect to sanctions that the ECB also recognise and of which a Club is notified or otherwise becomes aware of. A Club could become aware of such a sanction where, for example, a Club committee member or coach is told about the sanction by a player or their teammates.

## 8. adopt, comply with and enforce (as required), and accept the jurisdiction of Wiltshire Cricket and/or the ECB/Cricket Regulator to enforce, such other rules and regulations as may be required by the ECB from time to time.

This condition is relevant to any rules/regulations the ECB might introduce in the future which are relevant to recreational Clubs and Participants. Whilst the ECB will always endeavour to communicate any new regulations which apply to the recreational game with as much notice as possible, there may be situations where new regulations need to be introduced at very short notice for the benefit of the game. The intention behind this condition is to therefore allow the ECB to introduce such regulations without having to formally update the conditions of affiliation and re-secure every affiliated Clubs' agreement to comply with that new regulation. For example, if during the middle of the playing season the ECB decided that it was necessary to introduce a new regulation concerning an important matter of safety, this condition allows that regulation to take effect without having to wait until the next affiliation window opens in the off-season to amend the conditions of affiliation.