**DISPARITY POLICY 2024**

All sports clubs have a duty of care in relation to the health, safety and wellbeing of all players, members and volunteers.

The inclusive nature of Mersey Rose Recreationals Cricket Club (hereafter referred to as “The Club”), and social/recreational cricket more generally, means that players of differing abilities will often play in the same game or training session.

As a club that plays exclusively friendly cricket, we are not governed by the rules of leagues or other competitions. While our team selection will take into account the development, maturity, skill level and ability of the players in order to ensure alignment, there will be times when it is not possible to maintain this alignment – e.g. player availability, time constraints or an intentional decision to offer growth opportunities to certain players.

The ECB’s Disparity Policy explains what to do in instances where the disparity between players in a match, or in training sessions, is so great as to pose a threat to health, safety and wellbeing of all participants. This does not apply to the club as we are not involved in cricket that is “under the jurisdiction of a League, County Cricket Board and/or the ECB”. Consequently, it is necessary for the Club to devise its own Disparity Policy.

**Definitions**

Discrimination Legislation means the Equality Act 2010.

Disparity means the difference between one player’s strength, stamina and / or physique when compared to the strength, stamina and /or physique of another player or players playing at the same or equivalent level of the game, in particular any relevant age group or category, which has a significant effect on (i) the safety of the players concerned and their ability to compete or (ii) the safety of player(s) around them.

ECB means the England and Wales Cricket Board.

Cricket Activity means any game or training session organised by, or involving, the Club.

Serious Injury means any injury that can be sustained during a course of a cricket match or training session that requires urgent medical attention, including but limited to a serious head or neck injury, eye injury, spinal injury, fractured or broken bone(s), the loss of bodily function or internal injury.

Management Committee means the management committee of Mersey Rose Recreationals Cricket Club

Safety Hearing means a meeting of the Management Committee convened specifically for the purpose of addressing issues of player safety, including addressing Disparity.

**PURPOSE**

 1.1. This Policy is intended to address the Disparity between players in Cricket Activity where such Disparity cannot be dealt with through the existing safety mechanisms described in paragraph 3.3 below, and there remains a concern regarding the health and safety of players.

**SCOPE**

2.1. This Policy applies to all Cricket Activity and all players and representatives of the Club from the Effective Date.

2.2. The Management Committee will convene any required Safety Hearing under this Policy. Decisions made within the Safety Hearing will be binding on all Club members, staff and volunteers with immediate effect. Recommendations made within the Safety Hearing are advisory and, as such, non-binding.

2.3. The Club will regularly review this policy to assess whether any changes are required .

**INTRODUCTION**

3.1. Cricket clubs have a duty of care towards relevant participants in Recreational Cricket, which may include, without limitation, members, players (including opposition players playing at their facilities), officials, coaches and attendees of matches.

3.2. Ensuring the health, safety and wellbeing of participants is the Club’s priority.

The inclusive nature of friendly cricket means that players of differing abilities can play in the same match or training session. However, team selection will endeavour to ensure alignment of development and maturity, ability and skill of players participating in any given game and will seek, as much as is possible, to match players by physical ability. However, there may be occasions when it is not possible to maintain this alignment (e.g. social reasons, time constraints, player availability) or when a situation arises during a game (e.g. an opposition team fielding an obviously stronger team).

 3.3. It is recognised that:

3.3.1. Player selection by the Club;
3.3.2. Umpire / team captains’ adjudication regarding the safety of the conditions of play, in accordance with Laws 2.7, 2.8 and 8.3.4 of the Laws of Cricket; and/or
3.3.3. The use of protective equipment, including but not limited to helmets, neck guards, arm guards, leg guards or groin protectors, can be utilised to protect the safety, health and wellbeing of players. However, although these mechanisms go some way to addressing Disparity, in certain circumstances there remains a gap in safety given the potential extent of Disparity between players in Recreational Cricket.

3.4. As a sport for all, and with a view to improving the performance of players, the ECB encourages Cricket Organisations to allow players to participate in competitions and/or matches above their age category where appropriate. However, the ECB does recognise that in some instances, selection, umpire adjudication and equipment alone may not support the safety, health and wellbeing of players participating in a match (or training session) that is well above or below their ability, placing them, or another player(s) at risk of Serious Injury or in a situation where they may unintentionally cause Serious Injury to other players.

The Club will always be mindful of safety concerns and will not encourage juniors to play open age cricket unless a safety assessment has been undertaken and both the Management Committee and the relevant team captain are satisfied that it is safe for that player to participate. This approach also applies to disabled players, entry-level players and female players.

3.5. Prior to each game or training session the team captain / coach will determine whether Disparity is likely to place any player at risk of Serious Injury and how such Disparity shall be addressed.

3.6. Any consideration of Disparity must take account of the Discrimination Legislation that exists to protect individuals from being treated unfairly based on any protected characteristics.

 **PROCESS**

 4.1. In circumstances where a participant or official has concerns about the safety, health or wellbeing of any player due to Disparity:

 4.1.1. *During a match*, they should bring this to the attention of the team captain(s) and/or match officials adjudicating the match; and
4.1.2. *During participation* in any training, they should bring this to the attention of the coach, team captain or another Club official.

4.2. The match officials and/or representative(s) from the Club(s) should consider the concern, and determine if the matter requires the implementation of immediate practical steps to resolve the Disparity. (Examples include requesting that a stronger player exercise caution, requiring protective equipment to be worn, asking a player not to bowl fast or requesting that reasonable adjustments be made to facilitate disability participation

 4.3. If the concern cannot be resolved to the satisfaction of all relevant parties in accordance with paragraph 4.2 in respect of a match, the team captains or match officials may:

4.3.1. delay or stop the match; and/or
4.3.2. Allow play to continue without the participation of one or more of the players.

Where a match official is determining which players should be permitted to participate, considering any Disparity, priority should be given to the individual(s) whose strength, stamina and/or physique is consistent with the level of the match when reasonably judged taking into account the characteristics of the individuals involved. In friendly games with an emphasis on inclusion, priority is likely to be given to weaker players but it may be felt prudent to withdraw a player who is struggling to adjust to playing at the level of the match (e.g. a junior playing in open age cricket for the first time).

 4.4. If team captains or match officials are unable to make such a determination, or if the concern arises in respect of a training environment, they shall make an application to the Club’s Safety Panel for further assessment and consideration of the Disparity in issue. To help guide the decision-making process, the application should include all evidence gathered, including (where possible) any conclusions arising from a formal risk assessment conducted by the match official(s), team captain(s) and/or the Club.

**SAFETY PANEL**

5.1. Upon receipt of any application made under this Policy, the Club will select a Safety Panel Chair to consider the application.

5.2. The Safety Panel Chair will determine in their absolute discretion whether there is sufficient evidence of a potential Disparity, which has not been adequately addressed by immediate steps and therefore that the matter requires determination by a Safety Panel.

 5.3. If the Chair determines that the matter requires consideration by a Safety Panel, they will convene a Safety Panel of at least three and up to five Club members (including the Chair) to consider the application.

5.4. If a member of the Safety Panel has a perceived, potential, or actual conflict with the application, they must remove themselves from the Safety Panel immediately and the Chair of the Safety Panel may, in their absolute discretion, appoint an alternative member of the Safety Panel.

5.5. The Safety Panel will keep confidential all information presented or submitted as part of the application process and only use such information while considering any application made in accordance with this Policy.

 **CONSIDERATIONS**

6.1. When considering any application brought under this Policy, the Safety Panel will consider:
(a) whether the Disparity could, or is likely to, result in Serious Injury;
(b) the application, appropriateness and success of any existing strategies put in place in accordance with paragraph 4 above, or otherwise, to address the Disparity;
(c) whether any other strategies could be employed to address the Disparity; and/or
(d) any other matters it considers appropriate in the circumstances.

 6.2. The Safety Panel may request access to any evidence or other information from the match officials, representatives from the relevant Cricket Organisation(s) or relevant Player(s), required to consider the application. This may include video footage of any relevant match(es) and/or training sessions, provided the individuals concerned have consented to the filming of the footage in question and/or the sharing of the footage for the purposes of the Safety Panel’s consideration.

**DETERMINATIONS OF THE SAFETY PANEL**

 7.1. The Safety Panel may, acting in its absolute discretion, either following consideration of the papers submitted or by way of a formal hearing, make any of the following findings and/or recommendations to the Club:

(i) There is no Disparity.
(ii) There is a Disparity but it is being appropriately managed by the Club, team captain and/or match officials, with no further action required.
(iii) There is a Disparity that could present a risk of Serious Injury to a participant or participants, and the Disparity is to be addressed.

The Safety Panel may suggest strategies to address the Disparity, including but not limited to:

(i) Education and awareness of match officials.
(ii) The eligibility of players to play in particular matches.
(iii) Mandating protective equipment be worn during relevant matches.

7.2. The Safety Panel may make any other recommendations to support the inclusion of players where there is a Disparity, providing there is no risk to any participants. It is, however, not obliged to offer any specific recommendations to address the Disparity.

 7.3. Although the determinations and recommendations of the Safety Panel are non-binding, participants and team captains are encouraged to follow such determinations and recommendations in the interests of the safety of players.

7.4. The Safety Panel will liaise with the Club to understand how its determinations and recommendations might be implemented (including discussions regarding whether the Club is able to accept the recommendation(s) in full, accept the recommendation(s) in part, or are unable to accept the recommendation(s) at all, and reason(s) for the position taken).

7.5. The Club should document its adoption and implementation process of the recommendation(s) made by the Safety Panel.

7.6. Due to confidentiality requirements (for example in relation to medical confidentiality), there may be circumstances where the Safety Panel is unable to provide details of its recommendations to the applicant. In such circumstances, the Chair of the Safety Panel will notify the applicant once the matter is closed.

**VICTIMISATION**

8.1. Victimisation is treating someone badly because they have, or are believed to have, made a claim or complaint of discrimination, helped someone else to make such a claim, or alleged that someone has acted in a discriminatory manner. By way of example, it would be victimisation to threaten anyone because of that person making an application for determination of a Disparity matter by the Safety Panel in accordance with this Policy.

8.2. It is also victimisation to threaten anyone who may be involved in an application under this Policy. This includes, but is not limited to, any applicant, witness and/or any other individual who may be involved in an application.

8.3. The Club does not tolerate any form of victimisation and will deal with such under the Club’s conduct and disciplinary regulations.

DATA PROTECTION

9.1. The UK GDPR and the Data Protection Act 2018 form the primary data protection legislation in the United Kingdom. All Clubs and Safety Panels must comply with data protection law when processing personal data. Each Club and Safety Panel should obtain independent legal advice to ensure they meet their obligations.

9.2. The UK GDPR provides that, where personal data is obtained, the person or organisation receiving the personal data must provide transparency information (usually referred to as a ‘privacy notice’) to each individual whose personal data is received. If the data is not received directly from the individual (as may be the case following receipt of an application under this Policy), the person or organisation receiving the personal data must provide the privacy notice within a reasonable period following receipt of the data and, in any event, within one month. What amounts to “reasonable” will depend on the circumstances, but as a general principle, the person or organisation receiving the data should take all steps to communicate with the data subject (about whom personal data is received in an application) as soon as is reasonably practicable, providing the privacy notice with the communication, to ensure compliance.

9.3. The Club will include appropriate references to this Policy and its provisions in its respective privacy notices to ensure that they comply with transparency obligations in data protection law when collecting, processing and/or sharing personal data as a result of handling Disparity concerns.

RELATED DOCUMENTS, LEGISLATION AND STANDARDS

10.1. This Policy must be read and implemented in conjunction with:

10.1.1. Discrimination Legislation
10.1.2. ECB Anti-Discrimination Code
10.1.3.Health and Safety at Work Legislation (as applicable)
10.1.4. ECB Head Protector and PPE Policies
10.1.5. The Laws of Cricket
10.1.6. ECB Guidelines for Junior Players in Open Age Cricket
10.1.7. ECB Fielding Regulations
10.1.8. ECB Guidelines on Girls Playing in Boys Age Group Leagues and Competitions

 10.2. For the avoidance of doubt, this Policy takes precedence over the ECB Guidelines for Junior Players in Open Age Cricket. The fact that a young player may be permitted to play above their age category by the ECB Guidelines for Junior Players in Open Age Cricket does not mean that a Disparity issue cannot arise in respect of that player, and the Safety Panel is not restricted from finding or making any recommendations in respect of any such Disparity.

10.3. Where relevant, this Policy should also be read in conjunction with other regulations, rules and/or policies of the Club, in particular as regards eligibility.