RUGBY FOOTBALL UNION DISCIPLINARY HEARING

Judgment

At: Holiday Inn, Stoke-upon-Trent

On: Tuesday, 26th February 2008

Club: Bloxwich RFC

Panel: Antony Davies (Chairman), Clif Barker

and Geoff Payne

Secretary: Liam McTiernan, RFU Disciplinary Department

Attending: Jim Rudge, Bloxwich RFC, Past President and

Committee Officer

Brian Dodsworth, Bloxwich RFC, Second XV Team Manager

and Disciplinary Officer

Julie Dodsworth, Youth Physio, Bloxwich RFC

Iain Haley, Staffordshire CB Discipline Chairman

Malcolm Duncan, Staffordshire CB Disciplinary Member

and Council member for Staffordshire

To Consider

1. An appeal by Bloxwich RFC ("the Club") against the decision of the Staffordshire Constituent Body Disciplinary Panel dated 17th January 2008, by which the Club were excluded from the 2007/2008 Staffordshire County Intermediate Cup Competition, with immediate effect.

Preliminary Matters

2. The Club did not object to the composition of the Panel and raised no preliminary issues. The identities of all present were established and the procedure to be adopted for the hearing was explained.

- 3. The Chairman explained carefully to the Club the powers of the Appeal Panel as set out in RFU Disciplinary Regulation 11.1.1 and specifically under sub-para (c) thereof whereby the Panel had the power to increase the original sanction. Mr. Rudge acknowledged that the Club was fully aware of these provisions, but nonetheless wished to proceed with its appeal.
- 4. The parties confirmed that all had read the common documents, being those contained in the RFU Disciplinary Appeal Hearing bundle supplied and as supplemented by a letter dated 22nd February 2008, solicited by the Club from Bridgnorth RFC.

The Club's Grounds for Appeal

- 5. Mr. Rudge, on behalf of the Club, drew the Panel's attention to the written grounds for appeal contained in its letter of 21st January 2008, with an explanation that as far as the Club was concerned, the game on 1st December 2007, referred to in the Referee's report, had not been abandoned. The Club disagreed with the Referee's report and denied that the Referee had asked any of their spectators to leave the field of play, and that any of their supporters had been aggressive. The one incident of foul play in the game, namely the punch by Mr. Hodgkiss, had been dealt with by the Constituent Body and he had been suspended from the game for eight weeks. The Club did not feel that they had had their case heard fully before the Constituent Body and felt that they had been dealt with under the provisions of Disciplinary Regulation 2.5.9 when they were a Club who had not appeared before a Disciplinary Panel on more than five separate occasions in any one season. The Club felt that the effect of the previous sanctions imposed by the Constituent Body Disciplinary Panel was that at the end of the season any further offending or appearances would be considered and a decision then taken about the Club's ability to compete in the following season's Cup competition. The Club had not expected that a separate sanction would be imposed in respect of the further incident on 1st December 2007 and in any event that sanction (immediate expulsion from this season's Cup competition when they had reached the semi-final stage) was draconian.
- 6. Mr. Rudge also stated that Bridgnorth as a Club had not been disciplined for their

part in the match abandonment and that the Club were being held up to sanction for all the woes of the game. They felt particularly hard done by because their appeal had been listed to be heard after the semi-final had been played (23rd February 2008) with the team they had beaten in the quarter-finals taking their place. It seemed to them a "fait accompli" because they would feel embarrassed about asking for their reinstatement in the Cup competition once the semi-final had been played.

7. Mr. Dodsworth described the game on 1st December 2007 as being hard and aggressive, but without malice, and he was at a loss to explain why it had exploded, though he did accept that punches had been thrown from the outset. The Referee refused to speak and work with their Captain and both teams "lost it" 8 minutes from the end when there were seven or eight skirmishes going on. The Referee had asked for names of players involved, but, as he had had no numbers, Mr. Dodsworth was not able to help him, nor could the Captain. He had spoken with the Referee, who he said had described half seeing a headbutt. Mr. Dodsworth was dismissive of the concept of "half a headbutt". He felt the incident had been taken out of proportion and context by the Constituent Body.

Previous Disciplinary Background involving the Club

8. The Panel asked for, and were given, Disciplinary Judgments relating to three hearings involving the Club. It did not request, nor was it given, details of any disciplinary matters involving individual players.

Judgment dated 20th April 2006

9. On 27th February 2006, the Club had been charged with conduct prejudicial to the interests of the Union or the game contrary to Rule 5.12, the particulars being that on 14th January 2006 the Club were alleged to have been guilty of conduct prejudicial to the interests of the game in that spectators had verbally abused and used threatening actions towards the players of Essington RFC during the Owen Cup semi-final between Bloxwich RFC and Essington RFC.

10. Attending that hearing on behalf of the Club were Mr. Steve Yates, the Club Chairman, Mr. Jim Rudge and the Club's legal representative. The Panel found the case proved and upon assurances from the Club that future behaviour of that nature would not be tolerated and that they would police the situation in the future, the Club were formally warned as to their future conduct. It was pointed out to the Club that whilst they were in a difficult position with regard to the siting of their pitch, they must accept that they are responsible as far as possible to protect the safety of all. That Judgment was not appealed by the Club.

Judgment dated 8th November 2007

- 11. On 17th October 2007, the Club had been charged with conduct prejudicial to the interests of the game contrary to Rule 5.12, the particulars being that Bloxwich RFC were alleged to have been involved in actions which resulted in the abandonment of a match between Eccleshall RFC and Bloxwich RFC on 6th October 2007.
- 12. Mr. Jim Rudge attended the Disciplinary Hearing on 8th November 2007 on behalf of the Club. The Panel considered the evidence and found the Club guilty of bringing the game into disrepute in that lack of control by some of their players and others from the opposition left the Referee with little alternative but to abandon the match. The Judgment listed aggravating features as including a lack of control by the Club's players, the Club's poor previous disciplinary record and a need for a deterrent to combat this type of offending. The CB Panel found no mitigating factors. The decision of the CB Panel was that the Club would be suspended from next season's (2008/2009) County Cup competition if they were once again called to answer for a poor disciplinary record at the end of the current season 2007/2008. That decision was not appealed against. The Club was also given a severe warning as to its future conduct.
- 13. In explaining its sanction, the CB Panel referred to the previous incident in April 2006 and the warning given at that time.

The Disciplinary Decision appealed against

- 14. On 27th December 2007, the Club was charged with an offence of conduct prejudicial to the interests of the Union or the game contrary to Rule 5.12 in that players and members of Bloxwich RFC were alleged to have been guilty of conduct prejudicial to the interests of the game in that they were involved in actions which resulted in the abandonment of a match between Bridgnorth RFC and Bloxwich RFC on 1st December 2007.
- 15. The decision of the CB Panel was given on 15th January 2008 and confirmed in writing dated 17th January 2008 and is the decision currently appealed against. This related to a friendly game on 1st December 2007 against Bridgnorth 4th team. It was refereed by a Mr. Nicholas Spencer. It took place some three and a half weeks after the Club was given a severe warning as to future conduct by the CB Panel. It is pertinent here to reproduce verbatim the relevant parts of the Referee's report leading up to the abandonment of the game and concerning the dismissal of Leon Hodgkiss of the Club for an offence contrary to Disciplinary Regulation 10(4)(a).
- 16. The Referee's description of the general pattern of play and temper of the game, reads as follows:

"Ungentlemanly conduct throughout by Bloxwich – questioning decisions and ill discipline (not helped by a young inexperienced Captain who failed to control his team, even after being repeatedly told to do so by the Referee)".

17. The Referee's report continues in relation to the incident:

"Mr. Hodgkiss threw the ball away after a penalty had been awarded to Bridgnorth – one of the many minor offences he committed prior to the following incident. The Bridgnorth scrum half, Mr. Poole, sustained a severe cut above his left eye requiring 10 stitches from a headbutt by a Bloxwich player. I did not see which player committed this offence and his name has not been given to me, although I requested it from both the Bloxwich Captain and the Bloxwich Coach immediately following the headbutt. Whilst Mr. Poole was inspecting his injury,

Mr. Hodgkiss punched Mr. Poole from behind on the back of the head twice. These blows sent Mr. Poole to the floor and rendered him unconscious. Immediately prior to the headbutt, Mr. Poole was trying to stop other players from fighting. Mr. Poole had his hands down by his sides throughout the whole incident. At no point did Mr. Poole attempt to join in or incite the confrontation further. At the time of this incident, several other more minor skirmishes were taking place. These were inflamed, but not joined by, a number a very aggressive Bloxwich supporters. I had to ask one such Bloxwich supporter to leave the field of play, which he did immediately, apologising, having thought that I had blown the final whistle. Following the incident, I called the Captains together and informed them that I was abandoning the game with 8 minutes left and that the action that I was going to take was to dismiss Mr. Hodgkiss from the field of play (red card)".

18. The Referee's report is further endorsed as follows:

"I have made several phone calls to various Bloxwich Club Officers, including Chairman (Mr. Steven Yates) and 2nd Team Coach in an attempt to gain the name of the player who headbutted Mr. Poole. I wanted to include the name of that player in this report even though I was unable to dismiss him from the field of play (red card) at the time of the offence. I feel that some sort of disciplinary action should be taken against him. I am sure that both the Bloxwich Captain (Mr. Chew) and the Bloxwich Coach should be able to inform you of the identity of this player even though they have failed to supply the name to me."

- 19. The Club was represented at the Disciplinary Hearing on 15th January 2008 by Mr. Steve Yates, the Club Chairman, and Mr. Brian Dodsworth, the Club Disciplinary Officer and 2nd Team Manager. The Panel accepted the guilty plea of the Club. The CB Panel found the following aggravating factors:
 - (i) A lack of control by some players resulted in numerous incidents of ill discipline.
 - (ii) A young and inexperienced Captain failed to control his team despite several

- requests to do so from the Referee.
- (iii) The incident was inflamed by a number of very aggressive Bloxwich supporters. Some of them entered the field of play, albeit they say to try and calm the situation.
- (iv) The Club had a poor disciplinary record. Only as recently as November 2007 it was threatened with expulsion from next season's County Cup due to a similar incident, i.e. an abandoned game.
- (v) There was a need for a severe deterrent to combat this type of offending.
- 20. The CB Panel found as a mitigating factor assurances from the Club that it had introduced a code of conduct which it was trying hard to enforce, and which reminded players and members of their obligations with regard to ill discipline in the Club environment.
- 21. The CB Panel decided that the Club would be excluded from the 2007/2008 Staffordshire Intermediate Cup competition with immediate effect, thus disqualifying them from taking their place in the up-coming semi-final. They affirmed their previous decision in November 2007 to suspend the Club from next season's County Cup if they were called to answer for a poor disciplinary record at the end of the 2007/2008 season. The Panel resolved that that immediate expulsion was a sufficient penalty and was justified because, for the second time in a matter of weeks, players and members of the Club through lack of personal control, had left a Referee with no alternative but to abandon a game. This was the third occasion since April 2006 that the Club had received an official warning with regard to the behaviour of some of its players, members and spectators.
- 22. Under questioning from the Panel, the Club accepted the factual details of the previous disciplinary matters as set out above. The Club's understanding of the sanction imposed on 8th November 2007 was that if they were called before the CB Panel for any reason between then and the end of the season, they would be out of the Cup for next year. To use Mr. Rudge's own words, it was "a sword of Damocles" hanging over the Club. They accepted that the disciplinary decisions previously recorded were clear. The Panel asked the Club at length about its disciplinary procedures and the action that it had

taken between April 2006 and February 2008. The Club did not have a formal Disciplinary Committee with written terms of reference. Disciplinary matters were left to Mr. Brian Dodsworth. They had not taken any formal internal action in respect of any of the previous disciplinary matters. Following the Disciplinary Judgment dated 8th November 2007, they had put a code of conduct on the Club noticeboard and "circulated" this. There was some confusion as to exactly what circulated meant, but they confirmed the code of conduct had not been handed out individually to players or spectators. Players were however told verbally by Coaches from 8th November 2007 about their behaviour prior to going out onto the field, and again by the team Captains once they were on the field. Mr. Dodsworth confirmed that on 1st December 2007 he had given the players a warning prior to the game.

- 23. Under questioning about the Club's failure to disclose the identity of the player alleged to have committed the headbutt, Mr. Dodsworth explained that he had called the team together after the game. He had asked whoever had carried out the headbutt to own up, but no-one had. He accepted that the Referee had asked him after the game and again had attempted to contact members of the Club with renewed requests for information as to the identity of the player concerned. It was not in fact until 22nd February 2008, when they received the letter from Bridgnorth supporting their appeal, that they were able to identify the player at all. That letter from the Chairman of Bridgnorth Rugby Club, stated that he saw a Bloxwich winger, a young lad with a shaven head, headbutt their scrum half, which resulted in his visit to Hospital to have 12 stitches in the wound. This had enabled the Club to identify the player and they now intended to take some action.
- 24. The Club accepted, under questioning from the Panel, that its investigation into the identity of the player had "lacked depth". They had not asked Bridgnorth if they could identify the player, nor had they taken any further formal action after the day of the game, when no player had owned up, i.e. between 1st December 2007 and 22nd February 2008, when they received a description from Bridgnorth.
- 25. The Club renewed its contention that it had been hard done by in respect of the appeal being heard after the semi-final had been played. The Club denied again that the

Referee had asked any of their supporters to leave the field and further contested that Mr. Hodgkiss had been sent off and that the game had been abandoned.

- 26. Asked about its future intentions with regard to discipline, the Club said that it would take more care in future and would put more onus on the players to behave. If players did have a bad disciplinary record, they would consider not selecting them again and if they left to join other Clubs, they would send a letter to those subsequent Clubs explaining why they had not been selected. They felt that this should address matters but that previous disciplinary matters had been over-stated and taken out of context and that they did not have a serious problem.
- 27. Mr. Rudge gave details of the very limited income available to the Club.

The Constituent Body Panel Position

28. Mr. Haley explained that the decision taken on 15th January 2008 had not been taken lightly and the CB Panel had considered more serious penalties.

Decision

29. The Panel considered whether the Club had established on the balance of probabilities that the Constituent Body Panel had got their decision on 15th January 2008 wrong. The Panel concluded unanimously that it had not, and the appeal therefore fails. The Club will be ordered to pay the costs of the appeal of £100.00.

Sanction

- 30. The Panel considered the powers available to it under Disciplinary Regulation 11.1.1(c), as it had advised the Club at the outset that it might. The Panel felt that this was a sufficiently disturbing case to warrant consideration of an increase in the original sanction.
- 31. The Panel had noted, with mounting disbelief as the case before it had

progressed, and unravelled an almost total abdication of responsibilities regarding disciplinary matters by the Club. The attitude to disciplinary matters displayed by the Club and its Officials was lacklustre, apathetic, abject and without excuse. Clearly, this is a Club in total and utter institutional denial about its responsibilities to the game and safety of the stakeholders within it. Specifically:-

- (i) Assurances were given on 20th April 2006 that the Club would not tolerate further disciplinary problems. This was followed by the Club being involved in two games which were subsequently abandoned.
- (ii) The first of the two abandonments on 6th October 2007 was of the Club's "go play rugby" initiative game and it had been warned by the CB of a need for deterrent and given a severe warning. Mr. Rudge said they were aware of the seriousness of the situation because the decision on 8th November 2007 hung over the Club like a "sword of Damocles.
- (iii) Only twenty three days (three playing weeks) later, the Club had been involved in a game where a peacemaker had been headbutted, and, whilst vulnerable and injured, had been punched from behind on the head, knocking him to the ground and rendering him unconscious. At least one Bloxwich supporter had to be asked to leave the field of play and the Panel were quite horrified as to the description of the game generally contained within the Referee's report and the level of the violence therein described.
- (iv) The Club had failed to take any proper steps between 1st December 2007 and 22nd January 2008 to identify the Player responsible for the headbutt whom the Referee had wished to include within his report. The Panel felt it was a particularly serious matter that the Club had made no enquiry and stated that it could see no reason to take any further action when none of the players owned up to being the perpetrator.
- (v) The Club has no formal Disciplinary Committee, nor protocols. It has taken no formal internal action against any player or spectator involved in any of the incidents. Both failures constitute serious and inexcusable breaches of Disciplinary Regulations 2.2.1 and 2.2.2.
- (vi) The Club's attempts to circulate a code of conduct were woefully

inadequate.

- (vii) Mr. Dodsworth indicated that after the abandonment of the game on 6th October 2007, he as Disciplinary Officer gave a warning about behaviour to players which was reiterated by the Captain on the field immediately prior to kick-off. He alluded specifically to such a warning having been given on 1st December 2007. It was clear to the Panel that Mr. Dodsworth as Disciplinary Officer of the Club has absolutely no control whatsoever over its players.
- (viii) The Club has prosecuted its appeal, having pleaded guilty to the charge on 15th January 2008, where it then accepted the Referee's report and had not challenged any factual matter in that report. The Club had however now sought to deny firstly that its player had been sent off for punching the opponent to the ground, rendering him unconscious, and that the Referee had abandoned the game. The Club had not even asked for the attendance of the Referee at the hearing of its appeal, which underlined the Panel's suspicion that the Club is in administrative chaos.
- 32. This Panel appreciates that the CB Panel has a closer working relationship with Clubs within its jurisdiction. Any variation of the CB Panel's original sanction should not therefore be taken as implying any criticism of that sanction. It is clear that the CB Panel has worked hard with the Club to seek the improvements it requires. However, this Panel has a wider responsibility and believes that the current attitude displayed by the Club, Officials and players creates the potential for serious risk to the safety of others as a result of the breakdown in or absence of any disciplinary regime within the Club.
- 33. The Panel has absolutely no confidence in the assurances given by and on behalf of the Club, both previously and on this occasion. It has been given ample opportunity by the Constituent Body to put its house in order.
- 34. This is sadly not the first case of abject institutional failure by a Club regarding a disciplinary matter that Panel members have dealt with recently. It is however the worst. The Club has previously been given a formal warning and a severe warning and has been told that a deterrent is required and a severe deterrent. These warnings have not

been heeded. Stronger measures are now called for.

35. The Panel has had details of the finances of the Club from Mr. Rudge. In the light of what he said to the Panel, the Panel cannot impose any sort of financial penalty without risking the financial viability of the Club.

36. The decision of this Panel is intended to send a message to the wider game and any other Club who may believe that such a cavalier attitude to disciplinary matters is acceptable.

Revised Sanction

37. The Club currently plays at Level 9 in League Midlands 5 West North. The Club will be relegated from that League at the end of the 2007/2008 season. In the 2008/2009 season, the Club will play in Midlands 6 West North.

38. This sanction is in addition to the Constituent Body decisions previously made on 8th November 2007 and 15th January 2008 which remain unaffected.

Antony Davies

Antony Davies,
Chairman
28th February 2008

