

## **RUGBY FOOTBALL UNION**

### **APPEAL PANEL HEARING**

**At:** Leicester Marriott Hotel

**On:** Wednesday 28 May 2008 at 7.00 p.m.

**Appellants:** Coalville RFC

Adam McDermott

**Match:** Coalville v Oxford

**Date of Match:** 28 October 2007

**Panel:** Matthew Lohn, John Brennan and Geoff Payne

**Secretariat:** Liam McTiernan

**Attending:** Coalville RFC, Chairman Dave Burchell, Secretary Peter Smith, President Steve Rice, Player Adam McDermott and Solicitor instructed on behalf of Coalville RFC John Partridge

#### **The Appeal**

1. Coalville RFC and Adam McDermott appealed against findings made by Leicestershire RFU Discipline Sub Committee arising from the Oxford WRFC match against Coalville WRFC on 28 October 2007.

#### **Adam McDermott**

2. Adam McDermott had been charged pursuant to Rule 5.12 in relation to letting off fireworks as the ladies sides were warming up prior to the match on 28 October 2007. The Leicester RFU Discipline Sub Committee found that two fireworks had been let off by Mr McDermott, one from the balcony of the clubhouse and one from the rear of the clubhouse. That Committee considered the acts were intentional rather than reckless and were of a serious nature with potential for grave consequences. Leicester RFU Discipline Sub Committee unanimously regarded this as a top entry offence of fifty-two weeks. The Committee further determined there were aggravating features as Mr McDermott was involved in mini/junior coaching and his behaviour was not of a suitable role model. The Committee felt there was a clear need for a deterrent and noted that Mr Dermott had received a sixty-three day ban in 2005 for a trip/kick. Twenty weeks were added to the fifty-two week penalty for aggravating features. Six

weeks were deducted by way of mitigation from the total since Mr McDermott had admitted his guilt at the outset and had shown some remorse, though no apology had been made to the Oxford club. Mr McDermott was suspended from playing, coaching and club administration for sixty-six weeks to run up and include 2 July 2009.

### **Coalville RFC**

3. Arising from incidents at the same match, Coalville RFC were charged with conduct prejudicial to the interests of the game contrary to Rule 5.12 as well as breaches of the equity policy of the Rugby Football Union in that members and/or guests of Coalville RFC subjected members of Oxford RFC ladies to verbal abuse of a sexual nature and other verbal abuse before, during and after their match against the Coalville Vixens.
4. Leicester RFU Discipline Sub Committee took the view at their hearing that Coalville RFC had a problem with discipline and that its previous efforts had failed to successfully address this issue. The Committee noted that twice in recent years they had dealt with the club for its bad disciplinary record following a Rule 5.12 hearing. At the end of 2006/7 there had been a hearing to investigate the number of red cards awarded to Coalville in that season. The club received a suspended sentence of being banned from county cup competitions at all age groups for the 2008/9 season.
5. Leicester RFU Discipline Sub Committee found the witnesses from Oxford to have been credible witnesses in difficult circumstances and described the abusive language that they were subjected to as such as to be ***“abhorred and is never acceptable in rugby football”***. The Committee determined to lift the suspension of the sentence so that Coalville was banned from county cup competitions at all age groups for the 2008/9 season and imposed further penalties in that the club would be banned from entry to all national competitions at all age groups for the 2008/9 season. Leagues and merit tables were excluded from the ban but the Committee determined to instruct the Midlands League Organising Committee to impose a twenty-two point league deduction from the club at the start of next season.

### **Submissions on behalf of Adam McDermott**

6. Mr Partridge submitted on behalf of Mr McDermott that he was a young man who had indulged in a prank that was reckless and dangerous and capable of causing injury. He made submissions as to the benefit that Mr McDermott had derived from being involved in the game that would now be diluted by the ban which would be to the detriment of his personal development. He produced correspondence from Mr McDermott's employer to this effect. Mr McDermott indicated that although he regretted the incident he recognised he could not go back and make things right. Mr McDermott gave evidence and apologised to the Panel accepting that his behaviour was totally reckless. He expressed to the Panel his love of playing rugby and how his

life centred around the club. Following questions from the Panel Mr Partridge submitted that the entry point chosen was disproportionate and that insufficient credit had been given to Mr McDermott's submissions at the first hearing.

### **Submissions on behalf of Coalville RFC**

7. Mr Partridge, on behalf of Coalville RFC, acknowledged that there had been unpleasant exchanges that afternoon at the clubhouse following the release of the fireworks. He acknowledged that the exchange between the club coach and the youths at the clubhouse that day had not resolved matters and the banter had got worse during the game. He explained that Coalville had decided the ignition of the fireworks prior to the game was unconnected with the rugby and it was for that reason they banned Mr McDermott for four Sundays from the clubhouse. He accepted in hindsight it may not have been the best way to approach the issue since the club was responsible for the greater rugby community. Mr Partridge explained they had investigated the "banter" but no one had been prepared to come forward and the Coalville Committee decided they could not take any further action in the circumstances. They have written a letter that was submitted to the Appeal Panel setting out the position to their club members for the future on issues of discipline.
8. Mr. Partridge emphasised the excellent relationship that visitors had with the club and asked the President to give evidence as to the seriousness in which they took this issue and the steps that had been taken following it.
9. Steve Rice, the President of the club, explained that he had been involved with the club for twelve years. He felt that the club was well organised and respected and had the right approach to the spirit of the game in society. They had set up a mini junior rugby section ten years ago and have supported the women's and girls' team at Coalville. Following this issue they have now appointed independent people, together with the President, to join the disciplinary committee. The President explained that they had not had written notification of the 5.12 hearing at the end of the 2006/7 sentence which they had not attended and therefore the details of the suspended sentence came as something of a shock. This season their discipline record has improved considerably with only one red card being awarded against their players (although three citings have yet to be determined).
10. Mr Partridge submitted he was concerned as to the breadth of the sanction and the fact that it was disproportionate when compared to the events. He felt that the club had addressed the playing matters and to deduct half the season's possible points in the league next year was extremely draconian. He submitted that if the club could not enter any of the junior teams in competitions next year he felt that many of the parents would take their children to join other clubs which would deprive Coalville of the

opportunity to build up the junior end of the game and the wider enjoyment that the community derived from their association with the club.

11. The club were asked by the Panel Chairman as to whether, with hindsight, they would have taken any different action in relation to the events on 28 October 2007. The Club Chairman explained that it would have been very difficult to take any action since no one had owned up to the events and in the circumstances they would have been unable to find anyone guilty. Reference was made though to the changes that are being made to the constitution of the disciplinary panel and the letter that was being sent to all members with a copy of the RFU's equity policy.

### **Determination**

#### **Adam McDermott**

12. The Panel acknowledged the careful consideration which had been undertaken by Leicestershire RFU Discipline Sub Committee in relation to this case. The Panel acknowledged the difficulty in determining entry points in matters relating to 5.12 offences and finding the appropriate entry point for cases such as this one. It was clear that the Leicestershire RFU Discipline Sub Committee had taken an analogy with a breach of 10(4)(k) in respect of threatening words or actions towards match officials when sentencing Mr McDermott. The Appeal Panel felt the proper approach would be to adopt an entry point based upon the verbal abuse of match officials for the purposes of 10(4)(k) where the top entry point is eighteen plus weeks. This reflected the overarching nature of the behaviour exhibited by Mr McDermott that afternoon. In this case the Panel felt that the appropriate entry point was twenty weeks since Mr McDermott's activities were deliberate and over a period of time. Although credit should be given to Mr McDermott for his guilty plea, this was cancelled out by the aggravating features of the appalling role model that he set to junior members of the team in his behaviour on this occasion. The Appeal Panel determined that it would ban Mr McDermott from the twenty weeks, the ban to take effect during the playing season and therefore would include up to and including 20 December 2008.

#### **Coalville RFC**

13. Notwithstanding the changes that Coalville RFC had made subsequent to 20 October 2007, the Panel felt that the verbal abuse that Oxford WRFC had been subjected to was of the very worse kind. Coalville's submission at the original hearing that the matter had been blown out of all proportion and their failure to investigate the matter properly was of concern to the Leicestershire RFU Discipline Sub Committee and the Appeal Panel. The club noted the Leicestershire RFU Discipline Sub Committee's comments that "*although some remedial action had apparently been taken, this was too little too late, and along the same platitudinous lines that had been given at the*

*club's last appearance early this season. There was a perception that the club had a discipline problem with a minority of its membership and that the committee had seemed ineffective in its responses. This was highlighted by the club's wholesale failure to have identified the culprits, dealt with them, or put their names forward to the Committee".* The Appeal Panel noted these comments and the club's previous poor disciplinary record and the suspended sentence that was in place at the time of the events. Nothing in the submissions from Mr Partridge deterred the Appeal Panel from considering that the original penalty to deduct twenty-two league points from the club at the start of the next season was disproportionate. By contrast, the Appeal Panel felt that Mr Partridge's submissions in respect of the penalty that was to befall the younger elements who play and enjoy rugby at Coalville had merit. The Appeal Panel therefore determined to uphold the original decision save for the penalty that fell to be imposed on the under seven to seventeen age group teams to enter national or county cup competitions. The Appeal Panel determined to suspend that part of the sentence until the end of the 08/09 season and that part of the sentence should only fall to be imposed should the club be further disciplined for any 5.12 offences in the forthcoming season.

**Signed: M.S. Lohn**

**Date: 4 June 2008**