

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**At:** Holiday Inn, Filton, Bristol

**On:** Tuesday 13 May 2008

**Official:** Andrew Scott

**Club:** Hornets RFC

**Matches:** Hornets v Yatton (1<sup>st</sup> XV) 15 September 2007  
Hornets Colts v Midsomer Norton Colts - 16 September 2007  
Chew Valley Colts v Hornets Colts - 17 November 2007

**Panel:** Rick Charles (Chairman), David Martin and Paul Murphy

**Secretary:** Liam McTiernan

**Attending:** Mike Curling - Presenting the case on behalf of Somerset RFU  
Ian Tyley - Witness  
Neil Whisheard - Witness (telephone conference)  
Andrew Godfrey - Witness  
David Bird - Solicitor representing the coach  
Andrew Scott - Coach Hornets RFC  
Mike Withers - Witness  
Jim Stanbury - Witness  
Andy Francis - Witness  
Lorraine France - Witness  
Anthony Burrell - Witness  
Mrs R Burrell - Witness

Preliminary Matter

Mr Curling applied to withdraw the first charge and his application was granted.

Charges and Plea

1. The coach pleaded not guilty to 2 offences of conduct prejudicial to the interest of the Union or the Game contrary to Rugby Football Union 5.12 of the Rules of the Rugby Football Union 2007-2008.

On the 16 September 2007, Andy Scott, Hornets RFC carried out coaching duties whilst suspended from doing so during the match Hornets Colts v Midsomer Norton Colts.

On the 17 November 2007, Andy Scott, Hornets RFC carried out coaching duties whilst suspended from doing so during the match Chew Valley Colts v Hornets Colts.

Evidence as to Fact (SRFU)

2. The following evidence was put before the Panel by Mr Curling on behalf of Somerset RFC. Ian Tyley stated that he was the coach of Midsomer Norton RFC Colts during the game played against Hornets RFC Colts at Midsomer Norton on Sunday, 16 September 2007. Shortly before the kick off time at 2 pm he was approached by a man who he believed to be Andy Scott, the coach of Hornets RFC Colts who spoke to him about moving the kick off time back to 2.30 because some individuals had not arrived. A compromised and agreed that the game should kick off at 2.15. The same person came on the field at half time to speak to the Hornets team. He saw this clearly. He had previously met Andy Scott at earlier games over recent years. About 2 months ago he had been shown a photograph by Steve Mead and had identified the person on the left as the Hornets coach who came on to the pitch at half time. He made his statement about a month later.

Mr Whiskeard explained that he was the referee of the Under 19's played between Midsomer Norton RFC and Weston Hornets RFC on 16 September 2007. He explained that before the game he was involved in a discussion with 2 men who he believed to be the coaches of the respective teams. The discussion was about the kick off time being put back because the person in charge of the Hornets team was late arriving. He cannot remember where the conversation took place, but he thought that it was off the pitch. The matter was resolved. He did not know the name of the Hornets coach but recognised him from a photograph sent to him by Steve Mead some months later. The coach was the person on the left side of the photograph wearing a black Hornets top with a logo on the left hand side. He could not recall whether this person came onto the field at half time. He assumed that it was the same person but he cannot now be certain. He was standing about 20 yards away from the Hornets coach who came on to the pitch at half time.

Anthony Godfrey explained that he was the coach of Chew Valley RFC Colts during the game against Hornets RFC Colts at Chew Valley on 18 November 2007. Before the game he met with Mr Scott under the canopy near the club house to talk about the number of players the

Hornets had. He recognised Mr Scott as he had met him on a number of occasions during the previous year. Mr Godfrey was concerned that the Hornets wanted to play more than the permitted number of replacements. He chatted about the rules. Mr Scott said that the number of replacements permitted was 7. He was right. They chatted about the rules and Mr Scott told him that he had been banned from the touchline for 2 weeks. They spoke for 5 minutes at the most. The weather was rotten. Mr Godfrey stated that during the second half he had been on the same side of the pitch as Mr Scott and another coach. Mr Scott was making a lot of noise about the referee's decisions and suggested that the referee was biased. Mr Scott was on both sides of the barrier. He was asked to go to the other side. Mr Godfrey explained that he did not include this in his original statement as at the time he was explaining what Mr Scott had said about the referee and he did not think where Mr Scott was standing was relevant.

### Submission

3. Mr Bird on behalf of the coach admitted that the identification evidence put forward on behalf of the Somerset Rugby Football Union did not establish a case that the coach should have to answer. He submitted that the identification of evidence in relation to both incidents was not reliable based on the limited contact between Mr Scott and the witnesses and the circumstances in which the identification had been made based on a photograph of 2 people. In response, Mr Curling submitted that the identification evidence was sufficient to identify Mr Scott as the person who had undertaken coaching duties for Hornets RFC on both days.

The Panel were mindful that the proceedings were not criminal in nature and that it was for Somerset RFU to establish on the balance of probabilities that the offences had occurred. The Panel were satisfied to the required standard that there was evidence which, taken at its highest, could support the charges. Accordingly the submission was dismissed.

### Evidence as to Fact (Defence)

Michael Withers gave evidence out of sequence in view of shift work commitments. He stated that his son plays for Hornets Colts. He attended the match between Hornets and Midsomer Norton Colts at Midsomer Norton in September 2007. He was present throughout the match and at no time did Andy Scott coach the Hornets, or enter the field of play or in any way get involved other than as a spectator. He also attended the match against Chew Valley Colts. The weather was terrible. Andy Scott remained on the sidelines as a spectator. At no time did he get involved in any coaching duties. At both matches Andy Francis and Jim Stanbury coached the Hornets side.

Andy Scott accepted that he had attended both matches but in the capacity of a spectator. He took his suspension from match day coaching very seriously and would not do anything to jeopardise his position. At Midsomer Norton the side was coached by Jim Stanbury and Andy Francis. Andy Francis was late. Mr Scott was congregating with parents but as Andy Francis had not arrived he had a discussion with the Midsomer Norton coach and the referee about putting back the kick off time. At the time Jim Stanbury was taking the team through their warm up. Andy Francis arrived before the game started. Mr Scott congregated with the parents and stayed with the parents behind the barrier the whole game. He did not go onto the pitch at half time. At the Chew Valley game he was standing with the parents under a canopy near the club house as it was raining heavily. The Chew Valley coach approached him and asked about the number of replacements. The Chew Valley coach was concerned about the number of players the Hornets seemed to have and wrongly believed that the maximum permitted number of replacements was 6. Mr Scott stated that it was 7. That was the end of

the conversation. He watched a lot of the game from underneath the canopy with the parents of the Hornets side. When the weather cleared out a bit he went and stood by the pitch. He recalls his team being marched back 10 metres after he had commented to the referee that a throw in had not been straight. At no stage did he cross the line. Mr Scott did not consider his involvement in discussions about the time of the kick off at Midsomer Norton or the number of replacements at Chew Valley amounted to coaching. At Chew Valley he was approached and merely answered a question.

Jim Stanbury stated that at Midsomer Norton he stood in for Andy Scott as forwards coach as Andy Scott had received a touchline ban. At half time he and Andy Francis the backs coach went on to the pitch. At no time was Andy Scott involved.

Andy Francis stated that during the match at Midsomer Norton himself and Jim Stanbury were the coaches. They went on to the pitch at half time. Mrs R Burrell stated that she attended the match between Midsomer Norton and Hornets Colts as the parent of 2 of the Hornets Colts. Mr Scott attended the game but stood along side the Hornets parents throughout the game. The 2 Hornets coaches were Andy Francis and Jim Stanbury. He also attended the Chew Valley game. Mr Scott stood with a group of parents. He was not involved in coaching, and did not enter the field of play and only discussed the game with parents.

Anthony Burrell attended the Chew Valley game. Andy Scott was there but he was not coaching. Jim Stanbury and Andy Francis were the coaches. Andy Scott stood with the parents under cover as it was a terrible day. When the weather cleared up again they all walked up and down one side of the pitch following the play. Andy Scott remained with the parents throughout.

Lorraine Francis confirmed that she attended the Midsomer Norton game to watch her son playing for Hornets Colts. Andy Scott did not carry out any coaching duties.

Mr G Haines stated that he had attended the match between Hornets Colts and Midsomer Norton Colts. Andy Scott was standing with the Hornets supporters outside the club house. There were about 12 of them. He spent most of half time talking to Andy Scott about his son. Andy Scott did not carry out any coaching duties.

#### Closing Submissions

Mr Curling submitted that both charges had been proved on the balance of probabilities. He submitted that the witnesses produced on behalf of the Constituent Body were independent. They had met Mr Scott before and knew who he was. The identification of Andy Scott on both occasions had been clear and reliable.

Mr Bird reminded the Panel of RFU Disciplinary Regulations 6.5.2 which requires a higher standard of proof for more serious allegations. He submitted that the activities of Mr Scott in discussing the kick off time at Midsomer Norton and the number of replacements at Chew Valley did not amount to the discharge of coaching duties. Mr Scott had not been directing or advising the Hornets Colts team, nor had he been involved in any coaching activities on the 2 match days. Mr Bird drew the Panel's attention to the precise terms of the coaching suspension and submitted that Mr Scott had not acted in breach of these conditions.

### Finding

4. The Panel considered all the evidence in person and the documents put forward by the RFU Discipline Officer and by Mr Bird on behalf of the coach. The Panel were not satisfied to the required standard that Mr Scott had entered the field of play at half time at Midsomer Norton and found as a fact that he had not. The Panel concluded that Mr Scott had not carried out coaching duties at either Midsomer Norton or Chew Valley, although by involving himself in pre match discussions in relation to the kick off time at Midsomer Norton and the number of substitutes at Chew Valley he had given the impression to both referees and the coaches of the opposing sides that he was acting as a coach. It was unwise of him to have become involved to this degree.

The Panel concluded that both charges had not been proved to the required standard and dismissed both charges.

The Panel did not make an order for costs.

**RICK CHARLES**

**Chairman**

**19 May 2008**