## **RUGBY FOOTBALL UNION**

## **DISCIPLINARY HEARING**

**VENUE: Holiday Inn, Bloomsbury, London** 

**DATE: 26 May 2009** 

Tom PARKER Club: London Irish/ Ealing RFC

**Match:** Millfield Old Boys v Rosslyn Park (Final, Middlesex Club Sevens)

**Venue:** Richmond Athletic Ground **Date of match:** 2 May 2009

Panel: Jeremy Summers (Chairman), Dr Julian Morris and Simon Wakefield ("the

Panel")

Secretary: Bruce Reece-Russel

Middlesex RFU Presenter: Gavin Hindley - Discipline Secretary MRFU

In attendance:

Tom PARKER

Jonathon Ebsworth – solicitor for Mr Parker

Barry Clayton - Coach Millfield OB RFC

Neil Hatley - Academy Manager - London Irish RFC

### <u>PRELIMINARIES</u>

- The Panel convened to consider a charge alleging that Mr Parker had been guilty of conduct prejudicial to the interests of the Union and the Game contrary to Rule 5.12 of the Rules of Rugby Football Union in that he had, whilst a spectator at the Middlesex Club Sevens, entered the field of play and struck a player taking part in the final being played between Millfield Old Boys and Rosslyn Park.
- 2. The offence was admitted.
- 3. Mr Parker did not object to the composition of the Panel, the procedure to be followed was outlined and no other preliminary issue arose
- 4. The Panel considered:-

- a. Evidence from Mr Parker.
- b. Evidence from Mr Hatley.
- c. Evidence from Mr Clayton
- d. Written statements from the Referee, Chris Cuthbertson (MRFU), Steve Rac (MRFU), Francis Showering (spectator), Jenny Day (physio) and Lisa Webb (spectator)
- e. Submissions from Mr Hindley.
- Submissions from Mr Ebsworth.

### THE FACTS

- 5. Mr Parker is a former pupil of Millfield School who is now 21 years old and a professional player at the London Irish Academy. He also plays for Ealing RFC.
- 6. Although he has never played for, or trained, at Millfiield OB RFC he is evidently well known and, and it appears liked, by players and officials at the club.
- 7. On 2 May 2009 he traveled alone to Richmond to watch the Middlesex club Sevens where he paid the entrance fee of £5. Once there, because of his connection with the club he assisted the team by collecting jerseys. He also volunteered to be a water carrier. By the time of the final he was wearing a club tee shirt identical to that worn by the team's replacements and was positioned slightly to the left of the Millfield dugout, but behind the pitch side railing.
- 8. Toward the end of the game it was common ground that an incident had occurred on the field of play by the touch line about 2 metres away from the dugout. Following a tackle an altercation arose between the players involved and this formed the subject of a separate disciplinary complaint.
- 9. At that point Mr Parker went under the pitch side railing, ran on to the pitch and charged the Rosslyn Park player involved knocking him to the ground. Happily no injury resulted, but a fracas developed involving players from both teams and the Millfield coach Mr Clayton, who by that stage had also gone on to the pitch.
- 10. Order was eventually restored by the match officials, at which point Mr Parker left the field. He did not return to his position close to the dugout but positioned

himself by the stand. There he was questioned by officials of Middlesex RFU. He confirmed his identity and gave an e-mail address but declined to provide a phone number.

11. Prior to the incident, the final had been keenly contested as one would expect but had been played in entirely the right spirit. No further incidents occurred thereafter and the game, and tournament, was won by Millfield who thereby secured a place in the Middlesex Sevens to be played later in the year.

## **Mitigation**

- 12. Mr Parker gave evidence and candidly accepted his shame at what he described as his "completely unnecessary" actions. He agreed he had run on to the pitch having come from behind the barrier and had then charged a player. He had seen the player concerned elbow a Millfield player following the tackle that immediately preceded his actions, and he stated that he was trying to protect the Millfield player involved.
- 13. He had been at the ground since 11 am to support Millfield but had not been drinking. He was clearly genuine in the apology given to the Panel for his behaviour. He had also written to the Rosslyn Park player involved.
- 14. He has been a member of the London Irish Academy for 3 years and as such is a professional player. He had had a previously unblemished disciplinary record. Mr Hatley spoke on behalf Mr Parker indicating that he had know him during his 3 years at the academy, both as a fellow player and now as his manager. There had been no disciplinary issues during that time. He though noted that Mr Parker had had to contend with certain private emotional issues during the last 6 to 8 months.

### **Findings**

- 15. The Panel found Mr Parker guilty of the charge brought against him on his own plea.
- 16. The Panel carefully considered Mr Parker's actual capacity whilst at the Richmond Athletic Ground. Although he clearly had a close involvement with

- the team, on the evidence the Panel found that he was a spectator and not a member of the Millfield non-playing squad.
- 17. The Panel did however express serious concern as to the lack of control exercised by the club in related proceedings concerning Mr Clayton.
- 18. As with any breach of Rule 5.12, the sanction is at large and accordingly lies within the discretion of a disciplinary panel.
- 19. In exercising that discretion the Panel considered the prescribed tariffs for offences that, broadly, could be viewed as being comparable. In particular the sanctions as set out at Appendix 2 of the RFU Disciplinary Regulations ("DR") for striking [Law 10 (4) (a)] and dangerous charging [Law 10 (4) (f)].
- 20. In the view of the Panel, had Mr Parker's actions had occurred whilst he was playing the game, his offending would have been categorised as being at the low end of the scale of seriousness. In the case of either of the offences referred to above, that would have resulted in an entry point of 2 weeks.
- 21. The Panel determined that this was the appropriate entry point in all the circumstances of this case.
- 22. Mr Parker had however not offended as a player, but as a spectator, and the Panel therefore felt it necessary to look in detail at the presence of any aggravating features.
- 23. An incident of this kind has no place in the game of rugby football. It would have been a matter of concern irrespective of where it had occurred. However the fact that it took place during the final of a prestigious local tournament, in front of crowd that presumably included young children, is a matter of particular regret.
- 24. The Panel found that a number of aggravating features were present. Plainly there is a need for a strong deterrent to prevent offending of this type occurring in the future. The Panel also considered that Mr Parker's status as a professional player imposes upon him an obligation to act a role model to the

game at large, and in that respect he had clearly failed to meet the standard reasonably expected of him.

- 25. The Panel also had regard to the following additional aggravating features:
  - Mr Parker's status as a spectator;
  - He had breached the perimeter barrier and run on to the playing enclosure;
  - He had made contact with a player forcing him to the ground. The
    player concerned would not have anticipated this contact and thus
    was vulnerable to the risk of injury. The fact that there was no injury
    was likely to have been more by luck than design;
  - Mr Parker's actions led to ugly scenes involving both teams in what had otherwise a properly and keenly contested final that did credit to the game.
- 26. Taking all the aggravating factors referred to into account, the Panel considered that an additional period of suspension of 8 weeks should be added to the entry point. This gives, before mitigation, a total suspension of 10 weeks.
- 27. As required, the Panel went on to consider the presence of mitigating factors. Having regard to Mr Parker's guilty plea, previous record and clear remorse the Panel gave a discount of 3 weeks from the suspension imposed.

## SANCTION

- 28. Mr Parker was accordingly suspended from playing rugby for a total of **7** weeks.
- 29. Having regard to the summer break, the suspension will run from 15 August 2009 until 2 October 2009. Mr Parker is free to play again on 3 October 2009.

## <u>COSTS</u>

Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of 30. the hearing of £150 in accordance Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment<sup>1</sup>.

# **RIGHT OF APPEAL**

31. The Player was advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.<sup>2</sup>

Jeremy Summers

Chairman

27 May 2009

<sup>&</sup>lt;sup>1</sup> 8.3.2 DR <sup>2</sup> 11.2.3 DR