

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

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

**DATE:** 26 May 2009

**Coach:** Barry CLAYTON

**Club:** Millfield Old Boys 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:**

Barry Clayton – Coach Millfield Old Boys RFC ("the Coach")

Jonathon Ebsworth – solicitor for Mr Parker

Tom Parker – supporter Coach Millfield OB RFC

Neil Hatley – Academy Manager – London Irish RFC

**PRELIMINARIES**

1. 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 acted in an uncooperative manner unbecoming that of a club coach by refusing to provide the name of a player (known as Tom Parker) to members of Middlesex RFU when asked to do so.
2. The offence was denied.
3. The Coach 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 the Coach.
- b. Evidence from Mr Parker.
- c. Written statements from the Referee, Chris Cuthbertson (MRFU), Steve Rac (MRFU), Francis Showering (spectator), Jenny Day (physio) and Lisa Webb (spectator)
- d. Submissions from Mr Hindley.
- e. Submissions from Mr Ebsworth.

### **THE FACTS**

5. The Coach was in sole charge of the Millfield Old Boys (“MOB”) 7’s team that competed in and ultimately won the Middlesex Club Sevens competition played at Richmond on 2 May 2009. The tournament is a prestigious local competition, and winning carries the significant prize of qualification for the acclaimed Middlesex Sevens to be played at the start of next season.
6. The matter underlying the Coach’s appearance before the Panel related to a highly regrettable incident that took place in the final played between MOB and Rosslyn Park. That incident was itself the subject of two related disciplinary complaints, one of which involved Mr Parker who appeared before the same Panel.
7. In summary, Mr Parker is a former pupil of Millfield School who is well known to MOB. He attended at the tournament in a personal capacity, but helped the team out on the day by collecting shirts and volunteering to act as a water carrier. By the time of the final he was wearing an MOB tee-shirt identical to that worn by the MOB replacements. Significantly, the Coach confirmed that he had given the tee-shirt to Mr Parker and that Mr Parker was known to him.
8. Shortly before the end of the final, an incident arose following a tackle close to the touch line adjacent to the team dugouts. Mr Parker was standing just behind and slightly to the left of the MOB dugout. On his own admission he then went under the pitch side railing, ran on to the pitch and charged a Rosslyn Park player knocking him to the ground. Happily no injury was sustained, but an unseemly melee erupted between both teams following Mr Parker’s intervention.

9. The incident was observed by Middlesex RFU officials who were understandably concerned by what they had seen. After the game, Mr Cuthbertson, the MRFU representative on the RFU Council and Mr Rac the MRFU Assistant Secretary approached the Coach to ascertain the identity of Mr Parker.

10. The statements from both gentlemen were not challenged by the Coach. Mr Rac's statement recorded:

*"Mr Clayton was very evasive and flatly denied any knowledge of the person (Mr Parker) and said that the person was nothing to do with the squad and that he had no idea who the person was nor could he point him out to us"*

### **DEFENCE CASE**

11. The Coach gave evidence. He accepted he had not given the details requested of him but denied that this had been prejudicial to the interests of the game. He referred in some detail to the on field events that led up to the matters before the Panel. With respect to the Coach it is not necessary for those matters to be rehearsed here as they do not excuse what then followed.

12. He indicated that when the melee erupted following Mr Parker's intervention, he too had gone on to the pitch. He accepted he should not have done so. He had then received a number of blows to the back of his head, and was still stunned at the end of the game.

13. He maintained that he was not aware that Messrs Cuthbertson and Rac were MRFU officials. This fact coupled with the effect of the blows he had received and the general euphoria of having won the tournament led him not properly to appreciate the situation. As such he asserted that he had not intended to be, and had not been, deliberately obstructive.

14. He also pointed out that Mr Parker was still in the ground and was easily identified later by the MRFU officials.

15. On questioning by the Panel, the Coach however accepted that he knew Mr Parker, had given him his squad tee-shirt and, crucially, had not been as helpful as he could have been in his dealings with the MRU officials.
16. He also confirmed that the Referee had also asked him to identify Mr Parker, and he had again refused to do so. Whilst the Referee is not an official of MRFU his identity could not have been in any doubt, and thus the Coach's response to the Referee was wholly and clearly inexcusable.
17. The Coach confirmed that he had been the sole MOB official responsible for the team throughout the day. Given the importance of the tournament this was a matter of some surprise.

### **FINDING**

18. The Panel was not persuaded by the Coach's account and was satisfied, to the standard required, that he had been guilty of conduct prejudicial to the interests of the RFU and the game.
19. The incident involving Mr Parker had been deeply regrettable, particularly as it had occurred in the final of an important tournament in front of a healthy crowd, which would almost inevitably have included children. It was therefore incumbent upon the Coach to have helped identify Mr Parker who he plainly knew.

### **SANCTION**

20. As with any breach of Rule 5.12, the sanction is at large and accordingly lies within the discretion of a disciplinary panel.
21. The Panel had regard to regulation 8.2.2 of the RFU Disciplinary Regulations ("DR ") which provides as follows:

*"For the avoidance of doubt "appropriate punishment" referred to in Rule 5.12 shall include, but not be limited to for a person, a reprimand, a financial penalty or suspension from playing, administration or both."*

22. The Panel was of the view that the Coach's response to the questions properly asked of him should be regarded as a serious breach of his duties to the game. The incident involving Mr Parker has no place whatsoever in the game of rugby football and officials and disciplinary panels must, and will, take a very firm line to ensure that this is the case. As such the Coach should have cooperated immediately and fully with the enquiries made by the MRFU and his failure to do so was most unfortunate.
23. The Panel gave very careful consideration to the appropriate sanction. The seriousness of the Coach's actions would properly be reflected by suspending him from coaching and the period considered appropriate by the Panel in this respect was 4 weeks.
24. However, the Panel was conscious of the summer break and the unique fact in this case that, were a suspension to start as would normally to be the case at the start of the season, this would preclude the Coach from taking the team to the Middlesex Sevens.
25. The Coach's achievement in securing this goal is worthy of recognition, and in all the circumstances, to have prevented the Coach from participating in the Middlesex Sevens, which may not occur again for some time to come, would have been a disproportionate sanction in all the circumstances.
26. The Coach is accordingly sanctioned as follows:
  - I. He is suspended from coaching for a period of 4 weeks. However that penalty is suspended for the duration of the 2009/2010 season. Accordingly provided the Coach does not come before a disciplinary panel again during the course of next season, the suspension will not need to be served.
  - II. The Coach is issued with a severe reprimand and is similarly warned as to his future conduct.

#### **MILLFIELD OLD BOYS**

27. Although not relevant to the determination of these proceedings, the Coach confirmed that a not dissimilar incident had occurred during the quarter-final

played against Beckenham. Again it appeared that MOB replacements and supporters had entered the field during a fracas between players on the pitch.

28. As noted, the Coach was the sole MOB official on duty that day. In his evidence he confirmed that he had not spoken to the MOB players and supporters after this initial incident or taken any steps to ensure that it was not repeated.

29. The Coach's actions cannot be condoned and he has been sanctioned accordingly. However the Panel was of the view that had it not been for Mr Parker's actions, the Coach would not have found himself before the Panel.

30. The Panel also concluded that the Coach was placed in the unenviable position of having sole responsibility for MOB that day both on and off the field. In a tournament of this nature, carrying the prestige that it does, it was surprising that MOB did not require at least one other official to be present to assist the Coach by taking responsibility for off field matters. Whilst it cannot be determined what would have transpired had that happened, the possibility cannot be excluded that both incidents could have been avoided.

31. As such the Panel considered that MOB could not be viewed as being without responsibility for the events that unfolded, and in the circumstances determined to issue the following sanction:

I. MOB is reprimanded in respect of the incidents in both games, and is similarly warned as to its future conduct.

II. MOB is given a recommendation, in the strongest of terms, that its attendance at all future games and tournaments should be supported by a management structure sufficient to ensure that the club is able to discharge its responsibilities to the game at large.

## **COSTS**

32. Pursuant to Regulation 8.3.1 the Coach and/or his club shall pay the costs of 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**

33. The Coach 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 14<sup>th</sup> day following receipt of this judgment.<sup>2</sup>

*Jeremy Summers*

Chairman

28 May 2009

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<sup>1</sup> 8.3.2 DR

<sup>2</sup> 11.2.3 DR