RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

JUDGMENT Re Old Yardlians RFC and Shipton on Stour RFC

At: Holiday Inn, Coventry

On: Wednesday 7th October 2009

Clubs Old Yardleians RFC

Shipston on Stour RFC

Venue: Shipston on Stour RFC Date of Match: 19.9.09

Panel: Mike Hamlin, (Chairman), Sean Enright, John Lawton

Secretariat: Liam McTiernan – RFU Disciplinary Department

In attendance: John Partridge – Solicitor representing RFU

Stefan Vickers - Referee

Colin McDonald – Stafford Referee Society

Paul Bolton – RFU Press Officer

Ben Honey - Player

Tom Power - Old Yardleians Fixture Secretary Ray Tranter - Old Yardleians Honourable Secretary

Tony Fitzgerald – Old Yardleians Chairman

Steve Panter – Old Yardleians Disciplinary Chairman

Christopher Watts – Old Yardleians Secretary of Discipline

Jerry Robinson – Old Yardleians Coach Steve Grainger – Old Yardleians Club Captain Mark Baldwin – Member of Old Yardleians David Thomas – Warwickshire Referee Society –

Secretary/Constituent Body Observer

Roger Hawkins - Shipston on Stour President Maxine Williams - Shipston on Stour Secretary Alasdair Elliott - Trustee of Shipston on Stour -

Representing Chairman of Shipston on Stour

Ash Bonner – Captain of Shipston on Stour Gez Rance – Coach of Shipston on Stour

Barbara Keen – Shipston on Stour Physiotherapist

Alex McKerlie - Referee Adviser from Warwickshire Society of

Referees

Paul Hands - Shipston on Stour Club Referee

PRELIMINARY MATTERS

- 1. There were no objections to the composition of the Panel nor any preliminary matters raised.
- 2. The Panel were convened to hear the following matters alleged against the clubs.

CHARGE AND PLEA

Charge 1 – conduct prejudicial to the interests of the Union and the game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010, the particulars being that on 19.9.09 Shipston on Stour RFC failed to control their players and thereby caused the match referee to abandon the Senior Vase Cup match Shipston on Stour –v- Old Yardleians for excessive foul play. This allegation was admitted.

Charge 2 – Old Yardleians RFC failed to control their players and thereby caused the match referee to abandon the Senior Vase Cup match Shipston on Stour –v- Old Yardleians for excessive foul play. This allegation was admitted.

The panel outlined the procedure to be followed during the hearing and considered the following:-

- 1. Oral evidence from the Referee Stefan Vickers.
- 2. Oral evidence from Alex McKerlie Referee/Adviser for Warwickshire Society for Referees.
- 3. Oral evidence from Tom Powell Fixture Secretary of Old Yardleians
- 4. Match official abuse incident report form dated 22 September 2009
- 5. RFU disciplinary report form dated 20 September 2009
- 6. Written statement of Alex McKerlie Referee/Advisers for Warwickshire Society for Referees.
- 7. Transcript of Old Yardleians Disciplinary Panel Hearing dated 22 September 2009.
- 8. Transcript of a Disciplinary Hearing held by Shipston on Stour RFC dated 5 October 2009.
- 9. Copy statement from Barbara Keen Shipston on Stour Physiotherapist
- 10. Copy statement from Paul Hands
- 11. Copy statement of John Rhodes Treasurer of Shipston on Stour RFC
- 12. Copy statement from Roger Hawkins Present Shipston on Stour RFC
- 13. Oral submissions on behalf of Shipston on Stour RFC
- 14. Oral submissions on behalf of Old Yardleians RFC

Both clubs through their representatives admitted the allegations against them. Arising out of the same game the player Ben Honey from Old Yardleians RFC was charged with two allegations contrary to Law 10(4)(i) in respect of the first allegation he pushed the referee Stefan Vickers in the 25th minute of the game which he denied and the second offence of verbal abuse against the referee which he admitted. The outcome of this hearing is in a separate judgment.

THE FACTS

3. The allegations against both Clubs arose out of the abandonment of the Senior Vase Cup Match between Shipston on Stour v Old Yardleians on 19 September 2009 in the 25th minute of the second half. The abandonment by the Referee was preceded by a mass brawl which resulted in the referee abandoning the game and after abandonment of the game the sending off of Ben Honey from Old Yardleians for alleged referee abuse which was dealt with separately but following the hearings involving the clubs.

3. The referee's report referred to the questioning of his decisions by players in the first half from both sides but prior to half time and in the second half his handling and management of the game was questioned by Old Yardleians.

The relevant point of the referee's report was as follows:

"In the 25th minute of the second half, just outside the half way line, the old Yardleians winger jumped leaving the ground to catch a high ball and was tackled illegally in the air by an attacking player. The player in the air landed on his feet and passed the ball and an Old Yardleian cleared the ball to touch, I signalled and shouted advantage clearly, however, a few players from each side and the offending player were pushing and shoving one another. I blew my whistle and said "leave it, you have the penalty" and raised my arm signalling that it was an Old Yardleian's penalty, after that two or three players from Old Yardleian's ran after the offending player and started grabbing him, then players from Shipston became involved and punches were exchanged. I blew my whistle for the second time, this was ignored, a small fight soon escalated into a brawl which most of the players took part in. I blew my whistle several times to try and stop the fracas to no avail. I moved to a safe distance and waited for the fighting to stop, after 20 seconds I blew my whistle loudly to separate both sides.

I announced that the game had been abandoned due to the severity of the fighting".

(The referee was then allegedly abused by Ben Honey from Old Yardleians which was the subject of a separate hearing by the same Panel).

The Old Yardleian player was injured in the instigating incident and the referee returned to him to get an up to date position on his condition from the physiotherapist, three of the players from Old Yardleians were stood in his way and told him to get away, he was scared and felt threatened. He remained at the scene as the player was treated for a suspected neck injury, an ambulance was called and the player was taken to hospital as a precautionary measure.

The referee stated that after ensuring that the player had the correct care he "nervously made his way to his changing room accompanied by the assessor from Warwickshire. He was in a nervous and shocked state".

5. The panel considered the evidence of Alex McKerlie, the Referee Adviser from Warwickshire who was independent. The other statements submitted and the oral evidence submitted to the Panel were from members of either club. Mr McKerlie's evidence was truly independent. His written statement supplemented by oral evidence, his written statement inter alia, was said;

"During the first quarter of play both teams were liberal with the questioning of the Referee's decisions notwithstanding the fact that the Referee had given a clear explanation of his decisions. Old Yardleians had been penalised five times and Shipston three times. The questioning of the referee's decisions resulted in the referee giving an additional 10 metres against Old Yardleians. The referee during the second quarter was experiencing a level of unacceptable verbal dissent with a further penalty against both teams being given an additional 10 metres for backchat. Shipston continued to dominate play and scored another converted try in the fourteenth minute of play.

During this first half I was of the opinion that the Old Yardleians Captain was not making an attempt to communicate with the referee in a constructive manner or to take control of his team's persistent questioning of the referee's decisions. The half time score stood at Shipston 21 Old Yardleians 5.

The second half commenced in what appeared to be a better approach by both teams in their playing ability and their approaches towards the referee. The third quarter however continued with penalties against Old Yardleians and against Shipston.

Mr McKerlie then gave evidence of what occurred when the Old Yardleians was taken out by the Shipston player. He was of the opinion that the attempt to tackle was an infringement under Law 10.4 (g) – dangerous charging. He stated that before the referee had the opportunity to deal with the incident and with the injured player still on the ground, he observed a number of Old Yardleian players exerting physical aggression towards Shipston players, punches were then seen to be dealt by both sides, unidentified by numbers. It was a matter of seconds before the majority of the players from both sides were involved. The referee made a number of attempts by blowing his whistle to the ensuing fight. This was not forthcoming. The referee then blew for a final whistle and indicated that the game had been abandoned.

He further stated that "the discipline was confined to the players on the pitch and at no time did I witness throughout the game or at the time of the abandonment, any dissent or intimidation from either team's spectators or coaching staff, they remained at all times behind the barrier". The referee and McKerlie clarified that the mass brawl went on for some considerable period of time, possibly 1 -2 minutes and whilst there had been no significant incidents of foul play prior to this incident he was not surprised that the referee abandoned the game given the severity of the fighting.

6. The panel concluded, notwithstanding the statements of evidence from various members of both clubs, that insofar as the original incident was concerned and the mass brawl the evidence of the referee and Mr McKerlie was compelling.

SUBMISSIONS ON BEHALF OF SHIPSTON ON STOUR

7. The Club apologised. They were contrite. They had taken all necessary steps to deal with the player who took out the Old Yardlieans Winger which precipitated the mass brawl. They had held a disciplinary hearing as a result of which the player, Jamie Laidlan was suspended by the club for a period of 2 weeks. This was the first time the club had ever faced such an allegations. They have an unblemished record. It was submitted on behalf of Shipston on Stour that it was apparent that the referee had become frustrated with the questioning of his decisions. It was suggested that the major culprit was Old Yardleians and not Shipston and there was little or no criticism of Shipston on Stour. It was submitted that Shipston on Stour, whilst accepting responsibility for their involvement in the brawl, they had reacted to aggression on the part of Old Yardleians. Reference was made to the written statements before the panel although no oral evidence was called. The club had a code of conduct which included behaving appropriately at all times including no dissent to be shown to the referee and for the players to behave in an appropriate manner. An unreserved apology was offered on behalf of the Club to the referee and to the Panel for what had taken place.

SUBMISSION ON BEHALF OF OLD YARDLIANS

8. It was submitted on behalf of Old Yardleians that prior to the abandonment of the game the game had been fractious and tetchy. An unsafe tackle caused the rumpus which led to the players fighting. The club denied that they were the major aggressors, they admitted to retaliation and to some of their players reacting when their winger being taken out in a manner which was deemed dangerous (and which Shipston found to be sufficiently dangerous to suspend the player of their own volition). The panel were referred to a copy letter which had been sent to all members of the club following the game on the 19 September pointing out to the members and players the club's views of such behaviour. The club's disciplinary committee utterly condemned the general brawling that ended the match at Shipston. The letter issued a general warning to all players that bad behaviour on the field will not be tolerated. The future of the club has much more important than any of its players. This letter has the full support of the Old Yardleians Club Committee and its Senior Officers.

The letter was sent on 5 October to every playing member of the club.

The club confirmed that this was the first time that the club had appeared on a prejudicial conduct allegation. The club apologised for the incident. They had taken appropriate action. They acknowledged there was a lack of discipline during the match.

Oral evidence from Mr Powell was heard by the Panel who was watching the game and who sought to persuade the panel that the Shipston player had landed the first punch and that there had also been inappropriate, emotive and partially racial comments made by Shipston spectators. The Yardleians had three black players playing for them. There had been no previous evidence or indication in any statement of any such alleged incident.

The referee supplemented his written evidence by confirming orally that the incident commenced as in his report. He was of the opinion that in the first half both sides questioned his decisions although latterly it was more Old Yardleians than Shipston. He was also of the opinion that the mass brawl which took place resulted in no other individuals being injured but that the severity of it and the number of players from each side being involved was such that he considered both sides to be more or less equally at fault. The brawl following the incident when the Old Yardleians player was taken out involved a substantial number of players and reflected badly on both clubs.

SANCTION

9. The Sanction for breaching Rule 5.12 is at large;

It is a form of offending which takes many forms and as a result the sentencing powers available to the panel are broad ranging.

The panel in determining what sanction to impose considered in broad terms the guidelines under Regulation 8.2.5, 8.2.7 and 8.2.8 and found as follows:-

- 1. The incident which precipitated the brawl was one which was foul play committed by Shipston on Stour they commendably took appropriate action in their own disciplinary process by imposing a ban of two weeks on the player concerned;
- 2. The panel found that the original incident resulted initially in some aggression and shoving and pushing on the part of Old Yardleians players which was reciprocated and then resulted in all players, or the majority of players from both sides participating in a mass brawl which lasted for such a period of time and with such ferocity that the referee felt he had no alternative but to abandon the game. It was corroborated by the evidence of the one independent witness, Mr McKerlie, the adviser from Warwickshire Society.
- 3. The mass brawl was intentional was beyond question. Fortunately, there was no evidence of the inappropriate behaviour spilling over to spectators or non players.
- 4. It was to be deprecated that this brawl had taken place whilst the player from Old Yardleians lay prostrate on the floor and indeed remained so for some 20 minutes after the abandonment until an ambulance arrived to take him to hospital. We were advised fortunately, that he was not seriously injured.
- 5. The level of participation by nearly all players from both sides is significant.
- 6. The panel considered in determining sanction, whether there were any factors which ought to be taken into account such as aggravated factors which could impact upon sanction. The panel were of the unanimous view that such brawls were abhorrent and there was a need within the context of the facts of this case to deter others and clubs from departing from their responsibility and ensuring such brawls do not become commonplace. Furthermore, this sort of conduct by players undermines significantly the Rugby Football Union's Core Values in particular the core values of respect and discipline.
- 7. By way of mitigation the panel acknowledged that neither club had been the subject of any disciplinary appearance previously. Both clubs had unreservedly apologised. Both clubs had taken appropriate action to remind players and their members of their responsibilities. The panel were not however impressed with either of the clubs attempts to blame the other for being the major participant particularly when viewed against the independent evidence before the Panel. On the balance of probabilities both clubs were at fault insofar as culpability was concerned relating to the mass brawl. The panel acknowledged the explanations and efforts given by both clubs in respect of this incident.
- 8. The panel having taken into account all the above determined as follows:

- (i) The result of the match at the time of abandonment namely the 25th minute of the second half should stand.
- (ii) On the basis that the result should stand Old Yardleians having been defeated, Shipston on Stour would be disqualified from the Senior Vase event for the current season.
- (iii) Old Yardleians would be disqualified from entering the Senior Vase Cup for the season 2010/2011 or any such substituted national cup competition in place of the Senior Vase Cup.
- (iv) Both clubs would be deducted 4 points from their respective leagues.

COSTS

10. Each club will pay £200 towards the costs of the disciplinary hearing.

RIGHT OF APPEAL

11. Each club is reminded of its right of appeal against this decision in accordance with the RFU Disciplinary Regulations (Regulation 11).

Signed: Mike Hamlin
Chairman

Dated: 26 October 2009