

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: The Holiday Inn, Bloomsbury

On: Tuesday 19 January 2010

JUDGMENT.

Coach: Brendan Venter **Club:** Saracens

Match: Saracens v Leicester Tigers

Venue: Watford **Date of match:** 2 January 2010

Panel: HHJ Jeff Blackett (Chairman), Peter Budge, Jeremy Summers

Secretary: Bruce Reece-Russel
Liam McTiernan

Attending: Brendan Venter - Director of Rugby, Saracens.
Owen Eastwood – Counsel for Mr Venter
Stephanie Seymour – Assistant Counsel
Edward Griffiths – CEO Saracens

Gerard McEvilly – Counsel for RFU
Karen Neale – Legal Officer RFU
Ed Morrison – Head of Elite Referees

Witnesses: Live evidence was heard from:
David Rose – referee
J P Doyle – assistant referee
Ed Morrison
Brendan Venter

Decision

Brendan Venter was found guilty of an amended charge in relation to his post match comments on 2 January 2010 after Saracens had lost against Leicester Tigers. He was guilty of conduct which was prejudicial to the interests of the Union in that he, whilst taking part in a BBC interview implied criticism of the match referee by stating that he believed the referee had been influenced at half time without any further explanation so that a listener might conclude the influence had been improper.

The panel directed that Brendan Venter:

- **make a public apology to David Rose, the match day referee;**
- **be suspended from match day coaching for four weeks, that suspension being suspended until 31 December 2010;**
- **pay costs of £250.**

Introduction

1. Venter was charged under RFU Rule 5.12 with conduct prejudicial to the interests of the Union in criticising or implying criticism of the referee David Rose by publicly questioning his integrity by stating that he believed he had been influenced at half time. He denied the charge.

The RFU Case

2. In a post match interview with the BBC the following conversation took place between the interviewer and Venter:

BBC: Is that a blip or is it a more serious concern for you?

BV: No, no, no its not a real blip – if you look at why we lost we're not that worried about the way we played, you know there was factors...we conceded ten penalties in the second half, we only conceded three in the first half, they conceded nine in the first half and only four in the second half, so something else went wrong here and we do not know what it is. I did not say anything in the half-time talk...

BBC: You believe its an inconsistency of refereeing?

BV: I think so, I think, the referee was influenced at Half-time and that's all I can think.

BBC: You think he might have been influenced by a Leicester...

BV: I don't know.

BBC: Part of the Leicester management?

BV: Something happened. I have no idea something happened, y'know, so it would be wrong of me to make a statement, all I know is something happened at half-time, the game changed – as a matter of fact, Steve Borthwick got a yellow card with twenty minutes to play and that also killed us.

3. The match referee, David Rose, was not aware of this interview until he read about it on BBC Ceefax later. He said that Venter had not raised any issues about his decision making before, during or after the match and he had not been informed at half time by any other match official that Saracens wished to bring any concerns about his refereeing to his attention. In normal course they may do this by filling in a Guinness Premiership "Half Time Referee Communication" card and handing it to the fourth official who should bring it to the attention of the referee. These forms are routinely used to ensure no direct contact between coaches and referees at half time, when something injudicious may be said in the heat of the moment, and enable coaches to raise up to three points of concern with the referee. David Rose said he was not aware of any such communication from either side at half time in this match. He said that during half time the match officials agreed that he needed to be sharper at the breakdown and ensure chasing players were not in front of the kicker. In the second half Leicester became more dominant in the scrum and that led to Saracens

giving away more penalties. He was not improperly influenced by anybody at half time. David Rose said that he found the comments made by Venter to be extremely offensive as they amounted to an attack on his integrity.

4. J P Doyle said that he was the reserve referee for the match. He said that just before half time he received referee communication cards from both Mark McCall (Saracens Assistant Coach) and Paul Burke of Leicester. Both raised generic points about the tackler not rolling away and players being ahead of the kicker before chasing the ball. He thought there was a third point from Leicester about “refereeing both sides” but could not remember exactly what it was. He had since destroyed the cards. He put the cards in his pocket but did not raise any points with the referee during half time discussions because the referee had himself identified those areas of concern and the third Leicester point was not relevant. He confirmed that there had been no improper interference with the referee at half time.

The Defence Case

5. Venter spoke on his on behalf. He said that he has the interests of rugby at heart in all that he does and on this occasion he was making legitimate observations about the state of the game. He observed what he described as a “spectacular” turn around in the penalty count after half time and he wondered whether the referee had been influenced. He never thought or alleged improper influence, but he knows that referees read the communication cards from both coaches, discuss matters with the other officials and maybe influenced by what players have said or by crowd reaction. All of this is normal human behaviour. After the match he gave a press conference and then was asked to say a few words to the BBC. He was asked a question and he gave an honest reply, choosing his words carefully because he did not want to criticise the referee or impugn his integrity. Indeed, later on when discussing consistency he specifically said that he did not think the referees were dishonest. He has discussed, and he continues to discuss, his concerns with both Ed Morrison and Tony Spreadbury and he is determined to work with the referees, and they had accepted that referees are susceptible to influence from external factors when refereeing..

6. He acknowledged that he could have answered the question about influence more precisely and explained exactly what he meant, although it would have required a long answer which may have been cut off by the interviewer. He also accepted that although he did not mean any offence David Rose had been offended and he wanted to apologise “without condition” for having caused that offence. He reiterated that he did not think he had done anything wrong and that he believed he had answered questions honestly but he accepted that a listener could have drawn an adverse conclusion from what he did not say, rather than what he did say.

Decision

7. The Panel accepted that Venter did not intend to attack the integrity of the referee and he specifically said later in the interview that he did not believe that referees operating in the Guinness Premiership were dishonest. However there was an implication in the BBC question that the referee had been improperly influenced at

half time and the way in which Venter answered that question was likely to have left the listener with the impression that this was the case. The Panel therefore amended the charge to reflect that finding and found him guilty of “implying criticism of the match referee by stating that he had been influenced at half time”.

Mitigation

8. Venter is an honest and straightforward man with a passion for rugby. He started playing as an amateur and made a smooth transition to professionalism. At the same time he has trained and qualified as a medical doctor and has worked as a GP in Cape Town – a profession he may return to at some time in the future. He was capped 23 times for the Springboks, playing in the RWC 1995 and 1999, and has coached extensively at London Irish, Stormers and Saracens since July 2009. He demands high standards from his players and requires them to play within the laws. He understands his own limitations and his passionate nature and works hard to control his emotion by avoiding potentially difficult situations where he might say something he later regrets.

9. Although he did not intend any personal insult against David Rose, nor would he attack his integrity, he acknowledged that David Rose was insulted and he wanted to make an unreserved apology. While he wants to talk about current issues affecting rugby he would never criticise the integrity of individuals.

Sanction

10. We accept that Venter is a man of integrity who is passionate about rugby, who wants to improve areas which he considers in need of improvement, and speaks his mind. He also is aware that his passion could get him into trouble and we advised him to be careful in future about the way he espouses his theories in public. This is not a case where a Director of Rugby explicitly criticised the referee (apart from suggesting there is too much inconsistency in refereeing) but a case where he left a question half answered so that others might draw an adverse conclusion. We therefore determine that Venter should publicly clarify that he does not impugn David Rose’s integrity by issuing an apology, and that any sanction should be such as to ensure that he is careful about what he says in the future.

11. In those circumstances the panel directed that Brendan Venter:

- **make a public apology to David Rose, the match day referee, that apology being published at the same time as this judgment; and**
- **be suspended from match day coaching for four weeks, that suspension being suspended until 31 December 2010.**

12. This means that Mr Venter may continue to coach but if he commits any further rugby offences that suspension shall be activated in addition to any other sanction for the subsequent offence. If activated the terms of the suspension are that Mr Venter must have:

- No direct or indirect contact with his team on match days;
- No direct or indirect contact with any match official on match days;

Costs

13. Standard costs of £250.00 are awarded.

Right of Appeal

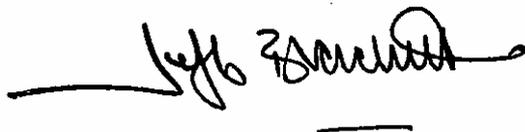
14. The Player is reminded of his right of appeal against this decision.

Comments

15. The Panel wish to express concern about the current system in the Guinness Premiership of allowing written communication between coaches and the referee at half time. This system does allow coaches to influence the referee and there is potential for that influence to be improper. We understand that this was established to diffuse any potential conflicts which might occur if there were direct contact. However, we believe that the system should either prevent any direct or indirect contact or, if there is to be written contact, be more formal and transparent. Ed Morrison has agreed to review this process.

16. This decision was communicated to Brendan Venter at the hearing, but its publication has been delayed until 4pm on 20 January 2010 so that he can prepare a written apology which will be published at the same time.

17. Robust debate about all aspects of the Game is healthy and the press has an important part to play in that debate. Directors of Rugby, and other representative should give live interviews to the media and must be free to express general concerns about the Game. However, when doing so they must be careful about what they say so that they do not offend the RFU's Core Values which highlight the importance of teamwork and respect. Where specific concerns arise which might include criticism of individuals, they should be dealt with in private through the recognised channels (that have been agreed by the Premiership Clubs).



Signed: **Jeff Blackett**
Chairman

Date: **20 January 2010**