RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Tuesday 16 February 2010

JUDGMENT

Club: Redruth RFC

Match: Redruth RFC v Wharfedale RFC

Venue: Redruth

Date of Match: 30 January 2010

Panel: Rick Charles (Chairman), John Doubleday and Paul Murphy

Secretary: Liam McTiernan

Attending: Nigel Hambly (Coach Redruth RFC)

Keith Martin (Solicitor for the Coach)
David Penberthy (Director of Rugby Redruth RFC)

Charges

1. Nigel Hambly of Redruth RFC was charged with a 2 charges alleging conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union. The particulars of the first charge allege that on the 30th January 2010 he shouted at the match referee Luke Pearce "that's your fucking fault Luke, that's your fault Luke Pearce" during (28th minute of the first half) the match Redruth v Wharfedale, this in itself being prejudicial to the interests of the Game. The particulars of the second charge allege that he shouted at Simon Adams, Assistant Referee, "Can you not understand a simply fucking instruction. I fucking told you the right players, why the fuck can't you get it right", during (45th minute) of the same match, this in itself being prejudicial to the interests of the game.

Preliminary Matters

- 2. There was no objection to the Panel.
- 3. Mr Martin informed the Panel that Nigel Hambly (the Coach) intended to deny the first charge and admit the second charge. He explained that the Coach denied using the words alleged, although he did admit to

sarcastic words falling short of abuse. Mr Martin submitted that the Panel should exercise its powers to amend the Charge Sheet by deleting the first charge and amending the second charge to reflect a single course of conduct. He relied on the Judgment of the RFU Panel dated 25 November 2009 in the case of Richard Cockerill of Leicester Tigers who admitted 2 charges of verbal abuse of match officials. Mr Martin referred the Panel to paragraph 6 of the Cockerill judgment. The Panel noted that the Panel in the Cockerill case chose to apply one sanction to reflect the totality of the offending as the incidents were so closely connected in time and place. The Panel declined to amend the Charge Sheet.

Pleas

Mr Hambly denied the first charge and admitted the second.

The Facts of the First Charge

3. The Panel proceeded to consider the evidence relating to the first charge. This consisted solely of an e-mail from Luke Pearce dated 4 February 2010 in which he first describes an incident in the first half of the match as follows:-

"On the 28th minute of the game, an off the ball incident took place on the touch line nearest to the coaching staff of both teams. As the players broke up Nigel Hambly was shouting directly to me stating "That's your fucking fault Luke, that's your fault Luke Pearce". This was shouted over three times".

Mr Pearce was not available to give evidence in person or on the telephone. Mr Martin submitted that the referee should have been made available as there were a number of matters he wishes to put to him and pointed out that an indication had been given by e-mail that the Referee would be in attendance. However, he did not seek an adjournment.

The Defence Case

- 4. Mr Martin showed the Panel a DVD of the incident. The DVD showed a tackle of a Redruth player near the touchline. The tackle clearly appeared to be high to the Redruth Players who reacted. A group of about 12 players from both sides became involved and the incident moved off the field of play. An Assistant Referee identified by Mr Hamby as Mr Nigel Higginson can be seen together with coaching staff from both teams. The Panel listened to the soundtrack of the DVD. There was a great deal of shouting but no words can be made out.
- 5. Mr Hambly gave evidence by reference to the DVD. He suggested that he had been trying to defuse the situation. He explained that he had been clapping towards the referee saying "well done" repeatedly in a sarcastic way but stated that he did not use the abusive words alleged. Mr Hambly identified himself on the DVD as wearing a red hood. Although the picture only shows his back, his hands appear to be moving as if clapping. He estimated that the referee was about 10 -15 metres infield from the

incident.

6. Mr Martin pointed out that no evidence had been put before the Panel from the Assistant Referee and that the soundtrack to the DVD recording did not reveal the words alleged. He also pointed out that the referee took no action about this incident at the time.

Finding on the First Charge

- 7. The Panel considered all the available evidence. The Panel did not accept that Mr Hambly had been trying to defuse the situation as the DVD shows him in a disagreement with the Wharfedale Coach and exchanging words with a Wharfedale Player. However, on the evidence before it the Panel was unanimously of the view that it had not been established on the balance of probabilities that Mr Hambly used the abusive words alleged.
- 8. The Panel dismissed the first charge.

The Facts of the Second Charge

9. The Panel went on to consider the second charge admitted by Mr Hambly. The Charge was founded on the evidence of the Referee, Luke Pearce, set out in his e-mail of 4 February 2010 in which he describes an incident in the 45th minutes of the game when it was brought to his attention over the radio by Simon Adams, Assistant Referee, that Redruth had 16 players on the pitch. He describes what happened next as follows:-

"I stopped play and consulted my AR1 and the 4th official. This was resolved by bringing a Redruth Player off the pitch. When doing so Nigel Hambly was being extremely abusive towards Simon Adams. I clearly heard him say "Can you not understand a simply fucking instruction. I fucking told you the right players, why the fuck can't you get it right. Once I heard this I called overt he Redruth Assistant coach Adrian and made it clear that if I or any of my team received any more abuse from Nigel that I would send him off. We received no more abuse after this".

Mr Pearce then states that in the Clubhouse afterwards Adrian apologised profusely for Mr Hambly's behaviour and Dave Penberthy said that it would be dealt with. Neither Mr Pearce nor any of his team had any contact with Mr Hambly after the game.

Mitigation

10. Mr Martin informed the Panel that Mr Hambly is not a full time coach and that he is employed as an electricity linesman. The "f" word is regularly used in his male dominated working environment. He told the Panel that Mr Hambly was frustrated by what he saw as errors by the referee in awarding to yellow cards to Redruth players and awarding a try. Mr Hambly vented his frustration using inappropriate language that he regretted. Mr Hambly has been with Redruth for 25 years, including a period as a 1st XV player and has been Head Coach for the last 8 years.

Although it is a salaried position the Club has been unable to pay his salary for some time but he continues unpaid.

- 11. Mr Hambly told the Panel that he was ashamed of his behaviour and pointed out the good disciplinary record of the Club. The Club had held a disciplinary hearing on 11 February 2010 and had suspended him from match day action for 2 weeks.
- 12. Mr Martin in closing stated that Mr Hambly has always given 110% to the Club and had given up his bonuses for 2 years and not was not being paid. Mr Martin emphasised that Mr Hambly was very apologetic and had an exceptional record. He drew the attention of the Panel to the sanction of suspension from match day coaching for 4 weeks and a fine of £2000 imposed in the case of Richard Cockerill, Head Coach of Leicester Tigers, in what he described as a far more serious case. Mr Marin urged the Panel to suspend any period of suspension from coaching beyond the period already imposed by the Club

Sanction

- 11. The Panel considered all had been said on behalf of Mr Hambly and his own statement. In assessing the seriousness of Mr Hambly's conduct the Panel was guided by the sanctioning table for the verbal abuse of match officials on the field of play. The Panel concluded that the language used by Mr Hambly was deliberate and motivated by frustration, albeit without justification. In the circumstances the Panel concluded that the offending was towards the lower end of seriousness.
- 12. The Lower End Entry point for verbal abuse of a match official is 6 weeks suspension. The Panel took into account Mr Hambly's previous good record and his apology at the hearing. The Panel considered that the apology should also have been addressed to Mr Adams after the game. Any form of abuse of match officials by players or coaches is unacceptable and will not be tolerated. The Panel considered that as Head Coach Mr Hambly had set a very poor example in his behaviour and that he had let himself down badly. Taking all these matters into account the Panel unanimously agreed that Mr Hambly should be suspended from match day coaching for a period of 4 weeks with effect from 11 February 2010 to 10 March 2010. For the avoidance of doubt the terms of this suspension are that Mr Hambly must have no direct or indirect contact with his team on match days or any direct or indirect contact with any match official on match days.

<u>Costs</u>

16. Costs of £150 are awarded against the Coach/Club.

<u>Appeal</u>

17.	Mr	Haml	oly is	s rem	inded	of	his	right	to	appeal	against	this	decision
unde	er th	ne RF	U Di	sciplin	nary	Reg	gula	tions.					

Rick Charles (Chairman)

21 February 2010