RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

JUDGMENT

VENUE: Hilton Hotel, Northampton,

DATE: 20th October 2009

Player: Callum Tucker, Steve Tucker, Sean Deery Club: Rugby Lions RFC

Match: Nuneaton U19 v Rugby Lions U19

Venue: Nuneaton Date of match: 3rd October 2009

Panel: Jeff Blackett (Chairman), Sean Enright and Geoff Payne ("the Panel")

Secretary: Bruce Reece-Russel

In attendance:
Rugby Lions RFC:
John Partridge – representing Club
Sean Deery
Callam Tucker
Steve Tucker
Fred Empy

David Drawell – match referee Steve Latham – Warwickshire RURS

Charges and Pleas

The panel convened to hear the cases against three defendants together because the allegations against them all were co-incidental. Callam Tucker (CT) was dismissed from the field of play for entering the playing arena while temporarily suspended. He did not contest the award of the red card.

Steven Tucker (ST) was charged with two counts of acts contrary to good sportsmanship in verbally abusing the referee and throwing the contents of a drinking water bottle over the referee. He admitted one offence on the limited basis that he threw a water bottle to the ground, thereby showing dissent.

Sean Deery (SD) was charged with two counts of acts contrary to good sportsmanship in verbally abusing the referee and refusing to leave the playing enclosure after being sent off. He admitted one offence on the limited basis that he questioned the referee's decision but denied that he had refused to leave the playing enclosure.

The Case Against the defendants

The referee submitted three reports.

Callam Tucker. The report stated: "Mr Tucker had been sent to the sin bin for holding onto the ball in the tackle. He had been told at half time that he had another 5 minutes in the sin bin following the start of play. 3 minutes into the second half I saw Mr Tucker on the pitch and I told him to get off the pitch and wait until I told him he could resume playing. Nuneaton had the ball and were running it out of their own half. Play had stopped on the half way line and 2 Rugby Lions players were injured around Nuneaton's 22m line. Both players were being attended to by their coaches and I returned to assess the extent of the injuries. I saw Mr Tucker back on the pitch so I again told him to get off the pitch but he continued to walk towards me. As this was the second time I had seen him on the pitch I showed him a red card and dismissed him from the field. Following the game Mr Tucker apologised to me for his actions."

Steven Tucker. The report stated: "Mr S Tucker was attending to an injured Rugby Lions player in the middle of the field on the 22m line. I was standing next to him. As he was attending to the injured player I dismissed a Rugby Lions player for entering the field of play while temporarily suspended. As I showed the player a red card Mr S Tucker jumped to his feet and shouted: "what do you think you are doing. You can't do that you don't have the right". Mr S Tucker had a drinking water bottle in his hand and he threw the contents over me covering me with water from the waist down soaking the bottom of my shirt and my shorts. He then threw the water bottle at me hitting my feet and splashing the remaining contents over my boots, socks and legs. Throughout the incident Mr S Tucker was shouting at me: "you can't do that, who do you think you are?" He quickly calmed down and I told him that I was not standing for his actions, took his name and showed him a red card. At this point Mr Tucker turned and started walking towards the touchline. Mr Deery joined the conversation, Mr S Tucker turned around and they both walked towards me. Mr Tucker and Mr Deery confronted me shouting phrases like "Who do you think you are you can't send us off, what have we done?" I felt intimidated and was backing away from them. Both Mr Tucker and Mr Deery continued to follow me, still shouting at me. After I had backed off about 10m with them still following me and shouting at me, I blew my whistle and abandoned the game. I walked straight off the field and back to the changing rooms."

Sean Deery. The report stated: "Mr Deery was attending to an injured Rugby Lions player in the middle of the field between the 22m line and the 10m line. As I was dismissing Mr S Tucker from the field he stood up and came over to where I was standing on the 22m line shouting: "You are a disgrace. You should not be allowed to referee any game, you are a total disgrace. I asked him for his name and told him that I was dismissing him from the field for verbal abuse of an official. He said: "You can't send me off, I have done nothing wrong." I again told him that I was dismissing him for verbal abuse. He then asked for mine as I was a disgrace to the game and he would be reporting me. I showed him a red card but he refused to leave the field. He then shouted at me that I could not dismiss him as he had not sworn at me so it was

not abuse." The rest of the report was in the same terms as that relating to Mr S Tucker.

The referee gave evidence. He said that he had 20 years experience and had refereed at level 5 although he had stepped down to level 7 as he had got older. He said that the weather conditions were difficult but both teams were doing reasonably well, albeit they were struggling to play in a scrappy game. He had given three yellow cards in the first half, including one to CT for killing the ball 5 minutes before half time, but there was no animosity.

Early in the second half he blew the whistle to stop play because two Rugby Lions players were injured. He repeated what had been written in his report about the sending off of CT. He denied that he had told CT to "F*** Off" when dismissing him. He said CT showed no dissent but turned and left the pitch.

At that stage ST jumped to his feet. His demeanour indicated that he was frustrated and annoyed. He had a water bottle in his hand and as ST gestured with it he felt completely wet from the navel area down the front of his shorts. He said that ST had not actually poured the water over him, and he accepted that he may not have deliberately thrown the water at him. He said that it was probably more reckless as he was gesticulating. He then threw the bottle onto the ground and it hit his foot. Again he could not say that ST had thrown the bottle deliberately at him and accepted that the action could have been an act of frustration.

The referee said that he was taken aback, so he took ST's name and sent him off. He turned round and started to walk away and then SD intervened. He approached and used the words described in the report, so the referee issued another red card for verbal abuse. He said that ST turned round and they both started to walk towards him. He backed off but they continued to follow him. At that stage he blew the whistle and abandoned the game. He decided to abandon the game because he could not see how to continue with both coaches "in his face" and him walking backwards. He couldn't see how discipline could be kept.

The Case for the Defendants

CT accepted the referee's version of events with two exceptions. He said that when he was dismissed the referee did tell him to F*** Off, and he believed he had been in the sin bin for at least 12 minutes of playing time and should have been permitted to return.

ST also said that he heard the referee swear at CT and he began to stand up to address him. He said: "Sir, what do you think you are doing as you have no right to speak to the players in that manner." He said the referee told him to shut up, so he asked him for his reasons. The referee did not reply but showed him a red card and ordered him off the pitch. He said that at that stage he stood up and threw the water bottle to the ground out of frustration and disbelief and then turned around. He accepted that the lid of the bottle came off and water may have splashed the referee, but he had no intention of throwing water over him. He said he turned round to walk away but was called back to give his name. By this stage SD was speaking to the referee so he waited until that conversation was over and he gave his name after the referee had

shown SD a red card. He said he did not swear or act in an intimidating manner and did not advance in an aggressive manner towards him.

ST said that the whole incident was surreal – he said that the referee had lost his self-control. He had clearly heard the referee swear at CT – but he remained calm considering his lack of control. He went off before anyone could leave the field.

SD also said he heard the referee swear at CT. He was less than 20m away and heard the referee say: "F*** Off my pitch". He then heard ST questioning the referee and saw the referee show ST a red card. He said that ST dropped the water bottle on the ground and on impact a small amount of water splashed onto the feet of the referee and himself. He said to the referee: "Sir, you have spoilt the game for everybody now". He immediately brandished a red card stating he was dismissing him for abuse. SD asked him how he had abused him and continued to question him, suggesting he had not sworn at him. SD said that the referee muttered a stream of indecipherable words, blew his whistle and walked off the pitch.

The panel also heard evidence from ROD HOLROYD a club official who saw the game being abandoned but was not aware of the reasons. He said he spoke to SD and ST to ascertain what had happened and then spoke to the referee. He said he did not say anything to the referee about him swearing at CT because at that stage he was not aware of that suggestion.

Finding

We found the referee to be a credible witness. He has many years experience as a match official and there was nothing exceptional in the game which would have caused him to act irrationally. We considered the evidence that he had sworn at CT. In our view, had he told the player to F*** Off and then abandoned the game, club members would have talked about that fact afterwards in the bar. The fact that nobody reported this fact to Mr Holroyd, and that he did not mention swearing to the referee when they spoke, suggests to us that this was not true. We are reinforced in this view by the fact that CT apologised to the referee in the bar after the game. In our view club members have made up this part of the evidence to explain their subsequent actions.

We therefore prefer the referee's version of the words used by SD and ST. We accept that ST did not pour water over the referee, nor did he throw the bottle at him. Rather he threw the bottle to the ground in frustration and in so doing some water hit the referee. This was not a deliberate act of physical abuse. We also accept that SD and ST did not advance aggressively towards the referee intending to cause him any harm, but the referee did fell intimidated because SD and ST stood their ground and continued to remonstrate with him after he had purported to send them off.

In those circumstances we find ST guilty of two acts contrary to good sportsmanship in verbally abusing the referee and showing dissent by throwing a water bottle to the ground in the vicinity of the referee.

We find SD guilty of two acts contrary to good sportsmanship in verbally abusing the referee and failing to leave the field of play when ordered to do so.

Mitigation

The panel indicated that it did not need to hear any mitigation from CT as it had already formed the view that the sending off was sufficient for his offence of coming onto the pitch whilst temporarily suspended. It was, however, noted that he had acted politely at all times and had apologised to the referee in the bar after the match.

Mr Partridge suggested that any sanction should be concurrent rather than consecutive because of the proximity of the offences. He submitted that the incidents all took place very quickly and that the referee did not manage the situation as well as he might have done. If he was intimidated that was not the intention of ST and SD. Both had given long and loyal service to the Club and the game and these incidents were entirely out of character. In those circumstances Mr Partridge asked that the panel apply the minimum sanction possible.

Sanctions

<u>Callam Tucker</u>. As already indicated the panel decided that sending off was sufficient to reflect the level of offending. CT attempted to enter the field of play a number of times to ask the referee whether his period in the sin bin had come to an end. This clearly irritated the referee because he felt that his instructions were being ignored and he issued a red card. That was probably an excessive response, but not wrong. However, any further sanction would be disproportionate. **CT is free to play with immediate effect.**

Steve Tucker and Sean Deery. The panel decided that their sanctions should be the same and that there should be one sanction to reflect the totality of the offending (ie not separate sanctions applied consecutively for each charge). The panel took account of their good service to the club and the Game and accepted that this behaviour was completely out of character. However, their engagement with the referee in questioning his decision did not set a good example to the young players in their charge. We also accept that the referee may have overreacted in showing CT a red card and that this action provoked subsequent events.

ST and SD intended to question the referee's decision but they did not deliberately set out to intimidate him. They did not swear at the referee, nor did he threaten him. Although the effect of their intervention was that the game was abandoned, the whole incident was over in a very short time and the referee did not feel intimidated at any time after he left the pitch or when in the club house afterwards. In those circumstances the offending could properly be classified as at the Low End of the scale of seriousness.

The Low End entry point is 6 weeks suspension. The aggravating factors, that is the poor example set to young players balance the mitigating features presented by Mr Partridge.

Steven Tucker and Sean Deery are, therefore, suspended for six weeks from 9 October (the date they were suspended by the club) to 20 November. The terms

of the suspension are that they may not act in any official capacity, nor play, at the club (or any other club) or for the County during that period.

Costs

There is no order for costs against CT. ST and SD (or the club) are to pay the standard costs of £100 each.

Comment

The panel would like to compliment and thank Rugby Lions, and particularly their disciplinary officer Mr Fred Empy, for handling this case internally in an expeditious and appropriate manner. The club suspended ST and SD for three weeks on 9 October without having heard oral testimony from the referee. That was entirely appropriate in the circumstances; those sanctions were increased by the panel which had had the opportunity of assessing all of the evidence.

HHJ Jeff Blackett Chairman

21 October 2009