

RUGBY FOOTBALL UNION

MISCONDUCT HEARING

The Rugby Football Union
v
Mike Scott
(Formerly of London Welsh RFC)

At: The Office of the Judge Advocate General, Royal Courts of Justice

On: Friday 8 March 2013

Before: HHJ Jeff Blackett sitting as a single Judicial Officer

Secretariat: Rebecca Morgan

Parties: Mike Scott (formerly of London Welsh RFC)
Gerard McEvilly (RFU Head of Discipline)

Decision

Mike Scott is suspended from the management, coaching or playing of rugby football union in any capacity or from membership of any club affiliated to the RFU for life. He may not apply to vary this order for a minimum period of 10 years (until after 7 March 2023).

Preliminary Matters

1. In advance of the hearing Mr Scott requested that his case be dealt with on the papers and without a personal hearing. He accepted in full the allegation and the factual basis upon which it was put and submitted a written plea of mitigation in response to written questions put to him by Mr McEvilly. Mr McEvilly supported Mr Scott's submission and I agreed to deal with this matter on the papers in Chambers without a hearing.

Introduction

2. Mr Scott was charged under RFU Rule 5.12 with conduct prejudicial to the interests of the Union. The particulars of the offence were that between 6 September 2012 and 3 January 2013 while acting in his capacity as the Team Manager at London Welsh RFC he provided false and misleading information to the RFU. In particular, for the purposes of procuring the Effective Registration of a New Zealand player called Tyson Keats, he:

- a. Submitted an RFU Player Registration Form falsely stating that Tyson Keats had been born in Christchurch England and was a British citizen;
 - b. Falsely stated in a telephone call to the RFU that Tyson Keats had been born in Christchurch, England and had emigrated to New Zealand with his family when he was two years old; and
 - c. Prepared and submitted to the RFU a forged UK passport in the name of Tyson Keats to support the above.
3. Mr Scott admitted this offence in a letter dated 13 February 2013. He stated that he acted alone in this misconduct and that “neither the player, any official at London Welsh, any employee at London Welsh, nor indeed anyone else outside of London Welsh were aware of [his] actions in relation to this issue.”

The RFU case

4. The facts of the case are set out in the judgment of the Panel in the matter of London Welsh and the playing of an ineligible player dated 7 March 2013 and do not need to be repeated in full in this judgment. In short, Mr Scott failed to secure an ancestry visa for Tyson Keats (the player) to enable him to be ‘effectively registered’ to play for London Welsh by early September 2012. He asked the player to sign a blank registration form and then filled in the false details without the player’s knowledge, and he submitted that form to the RFU. The player was registered and played for London Welsh on 10 occasions when he was not effectively registered to play – and was therefore ineligible to play. After a number of inquiries from the RFU asking for documentary evidence to support the player’s registration, during which Mr Scott lied to RFU staff about the true position of the player, he purported to prove what he was saying by forging a passport (by merging the player’s photograph onto a separate UK passport and amending the text on the photocopy) and submitting it to the RFU as a true copy. At the same time he misled the management of London Welsh about the registration process. London Welsh, relying on assurances from Mr Scott, continued to select the player believing him to be effectively registered. By early December 2012, other officials at London Welsh became suspicious that all was not as it should be and commenced their own inquiries. As soon as the true facts came to light Mr Scott resigned from London Welsh.

5. London Welsh reported the matter to the RFU and to the police. Mr Scott was subsequently arrested and then cautioned by the police. London Welsh were charged with, and sanctioned for, selecting a player who did not have effective registration for the ten Premiership games in question.

Mitigation and submissions by Mr Scott

6. Mr Scott first apologised for his handling of this situation. He said that he had brought the game of rugby football into disrepute and placed the players and staff of London Welsh in an invidious situation which was entirely and solely of his making. In particular he apologised to the member of the RFU staff responsible for registration saying that he gave her a series of tales and excuses that led him to compounding his original error and he should never have treated her as he did. He asserted that he has let down his family, friends and colleagues throughout the game. He struggles to

understand how or why he took the actions that he did. He did not wish to excuse himself, but believed he was operating under the pressure he was under in the role of Team Manager. He said that he made a gross error of judgement in submitting the original RFU Player Registration papers and compounded this error with a number of further action which have only escalated the severity of his actions. There was never any preconceived plan in terms of the actions that he took, nor did he ever give any consideration to the implications of his actions.

7. In explaining precisely what occurred, Mr Scott said that he became aware that the player needed to apply for an ancestry visa but he was not sure how to apply for that document or who to ask for advice. He made a postal application but omitted some of the required documentation and, as a result, the application was rejected. He said that he then panicked and submitted false documents to the RFU. He asked the player to sign a blank registration form and then completed it with false details. Subsequently when under pressure to prove the assertions on the form he forged a copy of a passport. He described this as the most stupid and most serious of all his actions relating to this matter. He said it was not a preconceived plan but a hastily “panic-like” action. He created the forgery by using a copy of another player’s passport using a photocopier. He said this was the only time he has provided fake or misleading information to any organisation.

8. Mr Scott said that he advised officials at London Welsh in early December of his actions although in hindsight and unintentionally he did not explain himself fully. He said he believed that he had made London Welsh aware of the issue in relation to the passport and player registration, but they mistakenly thought that he was only referring to the player’s EQP status. He suspected that his explanation was not that clear as he was not well. He immediately disappeared for a few days having suffered an anxiety attack.

9. In repeating that he was embarrassed and ashamed of his behaviour and apologising unreservedly, he reasserted that he always acted alone and nobody else in the club was to blame. He has resigned from London Welsh and, although invited by another club outside the Aviva Premiership to take up a part time role, he has determined that he should never take up another position in rugby union for the remainder of his life. He said that he does not wish to further stain the good name of rugby union.

Sanction

10. This is a very sad case in which a respected administrator has acted completely out of character thereby bringing discredit to himself and to the club that he represented. I accept that Mr Scott would have been under greater pressure than normal for a team manager because the decision for London Welsh to be promoted to the Aviva Premiership was delayed after which the club had less time than normal to prepare for the coming season. Nevertheless, that does not excuse his actions which individually and collectively amount to gross misconduct, and amount to criminal behaviour in relation to providing false information and forging documents. The actions undermine the very integrity of the game and, particularly, the competition in the Aviva Premiership. The consequences of his actions are far reaching in relation to

the club, the Aviva Premiership and the game itself. There is no place in the game for this type of behaviour or the type of person who would act in such a dishonest manner throughout an extended course of conduct designed to mislead both the Rugby Football Union and his own club. In those circumstances the appropriate sanction is that Mr Scott should be suspended from any involvement in the management, coaching or playing of rugby football union in any capacity for the rest of his life. Further he should not be a member of any club affiliated to the RFU for the same period.

11. It is normal in cases involving suspension for life that the disciplinary panel specifies a minimum period before the person suspended may apply for the order to be varied. In this case Mr Scott has cooperated in the disciplinary process. He admitted his offence at the earliest opportunity, did not seek to blame anybody else, and has apologised to everyone involved for bringing the game into disrepute. He has also indicated that he would disqualify himself from further participation in rugby union to prevent further stain on the good name of the game. Additionally, and he has not sought to rely on these facts, he was a man of good character who has operated as an able and effective administrator in other Premiership clubs in the past. He has clearly suffered personally as a result of his actions and is genuinely contrite. These factors lead me to the conclusion that I should set a minimum period after which Mr Scott may apply to the RFU to participate again. Taking all that he has written on his behalf, and all I know of him, that minimum period is ten years.

12. Mr Scott may apply to the RFU to vary this suspension for life after 7 March 2023. At that time the RFU will have the discretion to reduce the suspension for life to a fixed term, to specify a further period to be served before making a further application, or determining not to interfere with the whole life period.

13. In all the circumstances, Mike Scott is suspended from the management, coaching or playing of rugby football union in any capacity or from membership of any club affiliated to the RFU for life. He may not apply to vary this order for a minimum period of 10 years (until after 7 March 2023).

Costs

14. I make no order for costs in this case.

Right of Appeal

15. Mr Scott is reminded of his right of appeal in accordance with RFU Regulation 19.

Signed: *Jeff Blackett*

Date: 8 March 2013