

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn Brighouse, Leeds

On: Tuesday 9th November 2010

JUDGEMENT

Club: Thornensians RFC

To consider : Playing an underage player in adult rugby.

Player: Bradley Hanson **Club:** Thornensians RFC

To consider: That on 9th October the player tackled an opponent dangerously.

Venue: Thornensians **Date of Match** – 9th October 2010

Panel: Mike Hamlin (Chairman), Antony Davies. David McInnes

Secretariat: Liam McTiernan

In Attendance: Tony Simpson – RFU Communications Officer

Austin Newman – RFU Observer

John Shephard – Yorkshire Safeguarding Officer

Dr Brian Willis – President of the Thornensians

David Johnson – Under 16 coach and Club Welfare Officer

Andrew Ellis – 1st VX Assistant Coach

Mark Lloyd – Director of Rugby at Thornensians

PRELIMINARY MATTERS

1. The Club did not object to the composition of the Panel and raised no preliminary issue. The player did not appear but the Panel was satisfied that the Club had given him appropriate notice of the disciplinary hearing.

2. The Club indicated that they intended to deny the allegation that on 9th October they knowingly allowed Bradley Hanson, born 5th November 1993 to play in an adult rugby match between Thornensians 2nd 15 and Castleford RUFC 3rd 15. The Club accepted he was under 18 but denied that they knew he was under 18.

After consideration the Panel agreed to proceed to hear the matter as if brought under RFU rule 5.12. The particulars of the offence were amended as follows:-

“That Thornensians RFC on 9th October 2010 were responsible for 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 2010/2011 and 19.2.5.3 RFU Regulation 19 – Discipline, the particulars being that on the 9th October 2010 Bradley Hanson, born 5th November 1993 was allowed to play in an adult game against Castleford when under the age of 18 contrary to Regulation 15.1.4.4 namely 16 years of age.

Brian Willis on behalf of the Club admitted the offence.

The player was not present but found to have committed the offence on the evidence before the Panel.

THE REGULATORY REGIME

Regulation 15.1.4.4 provides that:-

“Players may not play adult rugby or train with other adults until they have reached their 18th birthday unless they comply with one of the following exceptions” – the exceptions are set out under sub clauses (a) – (c) of this regulation. They are set out in full on page 198 of the RFU Handbook 2010/2011.

Regulation 15.1.4.5 provides that:-

“Permission to play must be obtained, and recorded in the RFU’s playing adult rugby form (a copy of which must be kept), from either the player’s parent, guardian or head teacher before any person under the age of 18 plays adult rugby or plays with players who are not in the same annual age banding. When assessing whether a player under 18 is capable of playing adult rugby, those responsible for making the decision must take account of the guidelines at paragraph 1.1 – 1.5 below. Breach of RFU regulation 15.1.4.4 and/or 15.1.4.5 will be regarded very seriously by RFU, the sanctions for which are set out in Appendix 2 of RFU regulation 19”.

It was accepted by the Club that the exceptions under Regulation 15.1.4.4 did not apply and permission had not been obtained under 15.1.4.5.

THE FACTS

The circumstances surrounding this offence and the sending off of the player are, in part, incorporated in the sending off report of the referee of the game between Thornensians 2nd XV and Castleford. The game was a merit table game. The player Bradley Hampson was playing no. 11 on the wing. The referee reported as follows:-

“Prior to the incident happening I had cautioned the Thorn winger Bradley Hampson about an inappropriate tackle he attempted on a Castleford player and explained to both the player and the Thorn captain that the tackle was totally inappropriate and that if he had been a bigger and stronger player the tackle on the Castleford player could have caused him some injury. It appeared that both the player and the captain thought the tackle was appropriate and that they had never been

penalised before for making similar tackles. I however cautioned the number 11 and informed him that if he offended again in what ever way I would have no other option but to yellow card him.

About 10 minutes after this a maul was formed on the Club house side of the field just inside the Thorn's half and the Player decided that he would attempt to extract the Castleford player out of the maul by lifting his leg and pulling it. I immediately blew my whistle to stop the game and in the same instance signalled the penalty to Castleford only for a player from Castleford to stride past me and deliver a punch to the offending player who had let go of the Player's leg and was to one side of the now finished maul. Some of the Thorn players who were either involved in the maul or who were in close proximity decided then to protect the Player and a brawl broke out which lasted about 30 seconds, it was during this time that I heard someone shout "leave him alone he is only 16". Thanks to the Castleford side they defused the situation and calmed things down. I also have to mention that a Player who had gone off after only 5 to 10 minutes of play with muscle injury to his leg had got changed and became a spectator decided to enter the field during the brawl to get involved himself when I later found out was Bradley Hanson's father. Once the situation had settled down I took both the Player and the Thorn captain to one side and queried the lad's age and was told he was 17, I decided that with the element of doubt about his age and what had gone on that I issued a red card so that he had to leave the field of play. I asked the Player for his name and was told to fuck off and only got the Player's name from the Thorn captain informing that he was obliged to provide this to me. After the game I went looking for both the Player and his father and it appeared that they had disappeared. Also on asking both the second team coach and other Thorn Players they thought it was OK to play a 16 year old and also did not seem to have any knowledge of what age you were allowed to play in the scrum".

The only statement which the Club took issue with in the referee's report were the contents of the last sentence above. They disputed that. Save for that the referee's report was accepted.

The following facts were not in dispute;-

- (a) Bradley Hanson was 16 and therefore under age when he played this game on 9th October 2010, he was 17 on 5th November 2010.
- (b) His father Gary Hanson had attended the match with his son and had consented to his son playing for Thornensians.
- (c) There was no evidence of any formal assessment of Bradley Hanson's capability of playing with adults.
- (d) Bradley Hanson had not suffered any injury in the game although the Panel noted that he had been punched as a result of his foul play.

EVIDENCE FROM THORNENSIANS RFC

The Panel considered the following:-

- 1. Statements by Gordon Grivil – long standing member and official of Thornensians;
- 2. Copy of Thornensians action plan to ensure player eligibility dated 2nd November 2010.
- 3. Oral submissions from David Johnson, Brian Willis, Andrew Ellis and Mark Lloyd.

The factual mitigation put forward by the Club can be paraphrased from the helpful written statement provided by Gordon Grivil who had been a member of Thorn Rugby Club for 56 years both as a player and an official. He had had experience of dealing with disciplinary matters as a senior fire officer responsible for discipline, a long serving magistrate and as chairman of the Club for many years and also chairing the Club's in house disciplinary committee. His investigation commenced on 10th October, one day after the incident and was conducted by the Club's

Safeguarding Officer David Johnson and Gordon Grivil. They interviewed Andrew Ellis who was in charge of the 2nd XV team on the 9.10.10. This was the first time he had been in sole charge of the team and carried out this role. He was a former player who had sustained a serious leg injury and had been assisting with the first team. He was a level 1 coach. On 9th October the 2nd team manager was not available and Andrew Ellis volunteered to carry out the role for this match, he was interviewed on 12.10.10. He said due to late call offs only 13 players had arrived to play for the second team against Castleford who had spare players as replacements but none were willing to play for Thorn, although mid way through the first half following an injury to a Thorn player, a Castleford player did play for Thorn.

Shortly before kick off Gary Hanson turned up accompanied by his son, Bradley Hanson and said words to the effect “ I hear you are two short, we will play for you”. Unbeknown to Andrew Ellis, Conrad Hanson who is a second team member had sent a text to his father saying the team was short and would he come. Neither Gary Hanson nor Bradley Hanson had been selected to play. Andrew Ellis did not question Bradley’s age as he had seen him training with the Colts team pre season and his father was volunteering him to play. It was only after the game that his father confirmed when asked that he was not yet 17. Both his mother and father thought he was alright as he had been playing open age rugby league.

Mr Johnson contacted Mrs Hanson by telephone who confirmed they did not have a problem with Bradley playing they were not aware of any age limit.

On the 13th October an e-mail was received from John Shephard the Yorkshire RFU Safeguarding Officer informing the Club not to deal with the matter as it would be dealt with by the RFU.

In summary it was conceded that the Club played an underage player. Andrew Ellis was in charge of the team for the first time and he was under pressure because the team were two players short. He believed Bradley Hanson was old enough to play and also had his father's approval and consent.

It was submitted to the panel that this was the first occasion in the Club's history that the Club had fielded an ineligible player. In 22 years the Club had never been deducted league points or fined in respect of any administrative errors. Gordon Grivil had been the Club player registrations secretary since the inception of league rugby until September 2010.

The Panel were further advised that the Club Chairman had resigned as a result of this incident and many loyal and long serving officials/members were worried about the outcome. The Club was not in a good financial position as the Club house had been damaged in the floods of 2007 which resulted in over £55,000 worth of damage. The Club lounge had been out of action for 18 months with a down turn in trade. The Club had an overdraft of £7500. Gordon Grivil on behalf of the Club conceded that this was a serious offence and apologised for "this blot in the long and proud history of the Club".

The oral submissions by the officers of the Club confirmed:-

1. The breach was an omission as opposed to an intentional act.
2. The player's father accompanied him and expressly gave permission for him to play.
3. No injury had occurred.
4. The Club had discussed and approved an action plan which was to be implemented immediately including a new membership database and computer available in the Clubhouse, a new Director of Rugby was taking over the overall monitoring and

support of the systems. A new 2nd XV coach had been appointed together with three team managers who would ensure quality and systems operation. Match day procedures were to be written and clarified. Advice taken from the South Yorkshire Rugby Development Officer who would attend the 2nd team game within 6 weeks to support and advise the Club. The action plan would be incorporated into the Club's Quality and Seal of Approval documentation.

5. It was conceded that their secretarial efficiency and systems were not robust enough but these were now being addressed.
6. Andrew Ellis had received no instructions on how to deal with or assess capability of an underage player. There were no systems in place and he had not been given any specific instructions.
7. On questioning from the Panel it was not clear whether all the relevant officers in the Club had seen and understood the safeguarding guidance notice sent out by the Rugby Football Union at the beginning of the season. It was not known whether or not this had been circulated to all officers.
8. The Club were aware of the alleged seriousness of the breach which was reinforced by the Panel particularly with regard to the potential far reaching consequences of a breach with regard to insurance cover in the event of serious injury.

DECISION

All which had been written and orally submitted on behalf of the Club was taken into account. There was no deliberate intent to breach or avoid the regulations. It was clear to the Panel that whilst now recognising the potential seriousness of such a breach and the consequences there was an inadequate structure and compliance system within the Club. The Panel recognised that the Club as a junior Club rely on, as many Clubs throughout the country do, unpaid volunteers.

On this occasion there was a singular and complete failure albeit in difficult circumstances of compliance with the regulations or any attempt to ensure that Bradley was permitted to play adult rugby. Andrew Ellis was placed in an invidious position in that he received no instructions and was effectively put in an impossible situation. It was for this reason that the Panel determined that they would not impose any separate sanction on Andrew Ellis despite the recommended sanctions in the discipline section.

The Panel took into account the action which had been taken since the 10th October, the speedy manner in which the matter was investigated by Mr Grivil and the proposed action plan. The written and oral submissions on behalf of the Club were taken into account including the Club's recent financial difficulties and its position in the league structure. Nevertheless the breach of these provisions in respect of under 18 players is serious and can have far reaching consequences.

The regulations are in place for a specific purpose, designed to ensure the health, safety and welfare of players within the game and effective and proper consideration of their abilities and potential risks to them. The Panel noted that Bradley had been punched as a result of his foul play which caused a brawl and indeed he was, therefore, fortunate not to have been injured.

Regulations are also there to ensure that in the event of serious or catastrophic injury there will be appropriate insurance cover and compensation to assist with any care and treatment. The Club placed itself at significant risk as it may not be covered for insurance for this game as a result of its breach. If this point was not apparent to the Club before the hearing it was certainly apparent to them at the hearing. The potential consequences both for the Club and officers personally in the event of litigation could be far reaching.

Whilst there is some mitigation in this case, any breach of these regulations has to be viewed as serious. The Panel are as confident as they can be that there will be no repetition within this Club but given the potential disastrous consequences of a breach of this regulation, the sanction must be significant enough to deliver a message to the wider game and if necessary to act as a deterrent.

SANCTION

1. The Club is reprimanded.
2. There will be no separate sanction imposed against Andrew Ellis nor against the 2nd XV.
3. The Club however will be subject to a league point deduction of 10 points. The deduction of the 10 points will be suspended until 30th April 2012 and be imposed in the event that the Club is found guilty of a similar offence within the period of suspension. If it does not, they will not be imposed at all and the imposition in the case of a subsequent breach would of course be a matter for the subsequent disciplinary panel.
4. The Club will pay costs of £125.

APPEAL

The Club is reminded of its Rights of Appeal as set out in the Disciplinary Regulations of the Rugby Football.

THE PLAYER - BRADLEY HANSON

The Panel dealt with the dismissal of the player despite his absence. The referee's report was accepted. The player had been warned and had committed a dangerous act. The facts set out in the referee's report above in assessing the seriousness of the player's conduct. It was intentional, it had the effect of causing a minor brawl. The Castleford player was in a semi vulnerable position in

having his leg pulled in the manner in which it was, the player fully participated in the offending. The other significant feature of the player's conduct was his foul and abusive observation to the referee when he was asked his name. Taking those factors into account the Panel determined that the entry point was top end. The Panel then considered whether the top entry point of 8 weeks should be increased. Taking into account the factors set out in Regulation 19 they came to the conclusion that the appropriate entry point was 8 weeks. The Panel then determined whether there were any aggravating features, there was one, namely that at the age of 13 the player had been suspended for a period of 12 months for striking a referee. In those circumstances the Panel determined to increase the suspension from 8 weeks to 16 weeks. Pursuant to Regulation 19 the Panel did not find any mitigating factors save for his age and whilst noting that the Club were intending in its own internal disciplinary process to suspend him from the Club for a period of 4 years, the Panel concluded in the circumstances of this case that there were no grounds for reducing the period of suspension for 16 weeks.

The player was suspended for 16 weeks running from 9th November to 1st March 2011. The player is free to play again on 2nd March 2011.

COSTS

The Panel makes no award for costs against the player.

Right of appeal and the procedure on appeal is set out in the RFU Disciplinary Regulations.

Signed

M J Hamlin, Chairman

Dated this 11th Day November 2010