RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury

DATE: 17 November 2010

IN THE MATTER OF:

Deal & Betteshanger RFC ("D&B"); and

East Grinstead RFC ("EG").

AND IN THE MATTER OF:

Rule 5.12 of the Rules of the Rugby Football Union.

Match: Deal & Betteshanger RFC v East Grinstead RFC

Venue: Deal & Betteshanger RFC **Date of match:** 30 October 2010

Panel: Jeremy Summers (Chairman), Philip Evans and Elizabeth Riley ("the Panel")

Secretary: Liam McTiernan

RFU Presenter: Gerard McEvilly.

In attendance:

D&B

Ted Schofield – Chairman representing D&B
David Rose - President
Cliff Davis – Director
David Storrie – Director
David Donachie – Director of Discipline

EG

Ted Mariner – Chairman

Matthew Ravenscroft – Hon Secretary

Gavin Gleave – Director of Rugby

Adam Halsey - 1st XV Captain

Simon Thorp - -solicitor

Christopher Stone – barrister representing EG

Observers

Kenny Gordon – Sussex RFU Francis Cassidy - barrister

DECISION

D&B

- 1. D&B was found guilty on its own admission of an offence contrary to Rule 5.12 of the Rules of the Rugby Football Union, and is sanctioned as follows:
 - a) The match played on 30 October 2010 is deemed a 0-0 result. Neither D&B nor EG are awarded league points from the fixture.
 - b) D&B is deducted 15 league points with immediate effect.
 - c) D&B is deducted a further 15 league points, such deduction being suspended until 31 May 2012.
 - d) That suspension is liable to be activated in the event that any adult D&B side is found guilty of misconduct (as defined by the RFU Regulation 1) during the period of suspension. For the avoidance of doubt this will not include any individual and isolated acts of on field foul play.

EG

- 2. EG was found guilty on its own admission of an offence contrary to Rule 5.12 of the Rules of the Rugby Football Union, and is sanctioned as follows:
 - a) The match played on 30 October 2010 is deemed a 0-0 result. Neither EG nor D&B are awarded league points from the fixture.
 - b) EG is deducted 15 league points with immediate effect.
 - c) EG is deducted a further 15 league points, such deduction being suspended until 31 May 2012.
 - d) That suspension is liable to be activated in the event that any adult EG side is found guilty of misconduct (as defined by the RFU Regulation 1) during the period of suspension. For the avoidance of doubt this will not include any individual and isolated acts of on field foul play.

PRELIMINARIES

3. The Panel convened to hear the following matters:

D&B

STATEMENT OF OFFENCE

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.

PARTICULARS OF OFFENCE

On the 30th October 2010, personnel from Deal & Betteshanger RFC including players, coaches and spectators were involved in a series of incidents which caused the match referee Steve Halligan, to abandon the match, Deal & Betteshanger RFC v East Grinstead RFC, such acts being prejudicial to the interests of the game and/or the Union.

STATEMENT OF OFFENCE

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.

PARTICULARS OF OFFENCE

On the 30th October 2010, personnel from East Grinstead RFC including players, coaches and spectators were involved in a series of incidents which caused the match referee Steve Halligan, to abandon the match, Deal & Betteshanger RFC v East Grinstead RFC, such acts being prejudicial to the interests of the game and/or the Union.

- 4. Both clubs had previously indicated an intention to plead guilty to the charge brought against them, and formally entered such pleas before the Panel.
- 5. Both clubs had also been given the opportunity to refer individual matters arising from the events in question to the RFU for further consideration. Both determined not to do so.
- 6. There was no objection to the composition of the Panel.
- 7. The Chairman explained the procedure to be followed which was agreed and no other preliminary matter arose.
- 8. The Panel considered:
 - a. A written report from the Referee.
 - b. An evidence pack from D&B
 - c. An evidence pack from EG
 - d. A summary prepared by Mr McEvilly
 - e. Two DVD recordings provided by D&B
 - f. A DVD recording from EG
 - g. Submissions from Mr McEvilly, Mr Stone and Mr Schofield.

EVIDENCE

- 9. On 30 October 2010 D&B hosted EG in a London South East 2 league fixture. The events in question arose at around the 18 minute mark in the first half. At that juncture EG led by 22 points to 5 having scored four tries with D&B having scored one in response.
- 10. The deeply worrying events that followed were recorded by the Referee in his written report as follows:

"Following a ruck/maul near the side line play moved infield and I followed to the next break down. As I changed my position I became aware of an issue involving players back near the side line where the previous breakdown had occurred. I noticed 2 incidents each involving 2 players (1 from each team) I was about 10+m away at this point. At the time it did not seem anything more than pushing/wrestling and I allowed play to continue as to me it seemed that one was stopping and the other about to, all the time trying to keep an eye one current play and back play. D&B were in possession and as a D&B player was tackled and the ruck formed other players now noticed and moved towards the scuffle and I blew the whistle to stop play. At this point I was approx 5+m away and moved over. Other players also moved and as such my view on what happened next was obstructed.

It is difficult to explain exactly what happened next but from my point of view: players arrived to break up the scuffle of players on the floor. It seemed that as this happened, punches were thrown and I focussed on trying to see what was happening on what I thought to be the main incident. As I tried to get a clear view ID players/numbers etc—I moved in blowing my whistle and telling players to move away. As others arrived I was jostled (nothing intentional) and more punches thrown by some players much bigger than me I felt I was too close and to ensure I did not get caught in anything moved back. As I did so, I noticed another scuffle further back closer to the touchline. This scuffle then engulfed more people and spilled over the touchline and onto the playing enclosure fence/barrier.

I moved back to try and get a wider picture of what was going on. In the space of only a few seconds – the scuffle engulfed all players, subs, coaching staff & spectators. I saw: a D&B sub move past me becoming involved, EG subs involved, the EG coaches involved, I saw a person later ID'd as the D&B head coach involved and end up on the floor being punched and throwing punches and spectators pulling people away throwing punches.

I moved towards this new issue and blew my whistle several times. This had no impact. The fight did not slow but continued and involved more and more people. It seemed to go on for a good length of time and did not stop quickly. When it eventually did come to an end I then began to try and separate both teams. This also took some time. As I did this I saw a D&B player on the ground receiving treatment. When both teams had finally been separated, the player was up and had moved.

Once players had moved away I called both skippers in and asked them to bring their head coach with them. Once I had all 4 relevant people I told them that what had just occurred was appalling and that I was no longer prepared to continue to ref such a match and as such I was abandoning the game. I sent them away and blew my whistle to call time on the match.

The skippers and coaches then went to their teams and discussed what had happened. Both teams stayed on the pitch for a few minutes in a huddle while relevant people spoke very firmly with their teams. The teams left the field separately and one or two had words with each other – but on the whole they responded to my direction to keep quiet and leave the field with their teams. Both coaches/captains were very pro-active in keeping firm control of their players as they left the field.

The EG coach told his players to get changed and get straight on the bus and as such left fairly quickly after the match. Before they left I spoke with EG coach and D&B club captain (not playing due to injury) as well as the D&B club president separately about what had happened. Both sides claimed the other started it and gave me their version. I asked the EG coach to ensure that a copy of the match video they were taking is produced and asked for a

copy to be posted to me. I asked the D&B president to get relevant witness statements from key players, coaches etc.

I am not able to single out any one individual as being the instigator, main aggressor or the focal point of the fight. It was one mass debacle. I abandoned the game due to the fact that so many people who were not part of the 15 players on the field at the time were involved. The atmosphere in the aftermath of this was not conducive to playing a safe game of rugby for those on the field. I did not want to be reffing a game in that atmosphere and felt the added tension this brought would not help and I felt I had to put the safety of the players first and end the game. Looking at my watch it showed 18 mins 20sec at this point."

- 11. Both clubs confirmed that the Referee's report was not challenged.
- 12. Mr McEvilly advised that on behalf of the RFU he had considered a total of 28 witness statements in addition to the DVD footage referred to above. He noted that whilst both clubs had accepted responsibility for the abandonment and notified their intention to plead guilty in advance of the hearing, both clubs had in effect adopted a polarised position as to who was culpable.
- 13. In the view of the RFU the DVD footage provided the best evidence. No positive assertion was made as to culpability. Both clubs were involved in a particularly unpleasant and serious series of events that had led an experienced Referee to conclude that he had no option but to abandon the game in the interests of safety.
- 14. In underscoring the seriousness of the incident Mr McEvilly referred to a witness for EG (Mrs Levett) who described being "absolutely terrified" and "close to tears". He similarly referred to a statement tendered from a neutral witness (Mr Brown) by D&B. He described the events as "disgraceful" and "a shocking example to the juniors there to watch rugby".
- 15. EG had apologised to the Referee and subsequently sanctioned one non-playing squad member. Mr McEvilly had no information as to any action taken by D&B.

MITIGATION

EG

- 16. On behalf of EG, Mr Stone accepted that players, officials and supporters from the club had been involved, and the club accordingly made a very full apology.
- 17. In his view the matters should be viewed as being at the bottom end of the scale of seriousness. As such the result should stand (an EG bonus point win) and any points deduction the Panel concluded was necessary should be suspended.
- 18. In his submission EG should not be regarded as overly culpable. The actions of EG players in the initial incident that had then led to the wider melee could be characterised as defensive. Indeed he submitted that the action of EG 16 in running some 20 plus metres to join the initial skirmish (that the Referee however thought was about to stop) was undertaken in an attempt to act as a

- peacemaker. He though subsequently appeared to agree with the Panel that a player running that distance to join a skirmish was in reality not helpful.
- 19. He submitted that the match footage was unclear and that whilst EG players, officials and supporters were involved none could be seen in any specific act of violence.
- 20. He accepted that, having seen the D&B footage, it was clear that Lewis Gleave, a 21 year old 1st XV player, who had not been playing due to injury, had jumped on top of a D&B physiotherapist. Whilst it was asserted that Mr Gleave had been trying to protect his younger brother, Mr Stone considered that this conduct alone was sufficient to establish guilt in relation to the charge brought.
- 21. Lewis Gleave had subsequently been ordered to serve 20 hours community service by the club. The Club had also sent an e-mail to the Referee on 31 October 2010, which he viewed as an apology. The Panel was though less than certain that the e-mail could be viewed as a full or unequivocal apology or that the sanction imposed on Lewis Gleave adequately reflected the seriousness of his conduct.²
- 22. The club had issued a warning to its entire 1st XV squad as to their future conduct, but did not consider that the DVD footage justified sanction being imposed against any other EG player.
- 23. Mr Stone submitted that although some EG actions were intentional, there had been severe provocation. In contrast none of the conduct could be viewed as premeditated.

D&B

24. On behalf of D&B Mr Schofield accepted that the incident was unfortunate and unacceptable. The club had apologised to the Referee on the day and had "read the riot act" to the squad at the next training session on the Tuesday following the game. Any decision as to sanctioning individual players would await the decision of this Panel. D&B did not believe that any of its spectators had been involved.

RULING

- 25. The events shown on the DVD footage cannot, and should not, be described as anything other than utterly shameful. They have no place in the game of rugby (or any sport) and offend against the heart of the game's ethos and the RFU's Core Values programme. Had such events occurred in the street it is highly likely that they would have led to criminal prosecution. Had the events been reported in the media great damage would have been done to the image of the game.
- 26. Sanction for breach of RFU Rule 5.12 is at large and so is at the discretion of the Panel. Nevertheless had the Panel been required to assess the seriousness of the incident, as with on field foul play, it would have had no hesitation in concluding that the conduct of both clubs was at the top end of the scale of

² Although Mr Gavin Gleave is the EG Director of Rugby, it might have been thought preferable had he recused himself from involvement with his son's case.

¹ D&B however viewed the actions of EG16 as being anything but those of a peacemaker.

seriousness for an incident of this nature. The Panel respectfully disagreed with Mr Stone's assessment that it should be viewed at the bottom of the scale.

- 27. The Panel made no finding as to which club was the more culpable, and did not consider that to do so would be of great benefit. The DVD footage shows both clubs involved throughout disgraceful scenes that we were told lasted in the region of 2 minutes in total.
- 28. In so doing both clubs contributed to the escalation of a situation that involved players from both teams, but which the Referee considered would have petered out had not others (from both teams) become involved.
- 29. The Referee's report was not challenged by either side. In our view it was corroborated by the DVD footage and paints a depressing picture of both clubs being in essence equally involved in a greatly regrettable series of events.
- 30. In this respect the Referee described the gravity of the incident with this passage:

In the space of only a few seconds – the scuffle engulfed all players, subs, coaching staff & spectators. I saw: a D&B sub move past me becoming involved, EG subs involved, the EG coaches involved, I saw a person later ID'd as the D&B head coach involved and end up on the floor being punched and throwing punches and spectators pulling people away throwing punches.

31. He continued:

I am not able to single out any one individual as being the instigator, main aggressor or the focal point of the fight. It was one mass debacle.

- 32. In determining the appropriate sanction the Panel also had regard to the disturbing fact that this was the seventh match to be abandoned in 2010. In contrast there were two such matters in 2009 and only one in 2008.
- 33. It is both clear and worrying that there is an increase in the number of these incidents. The Panel considered this to be an aggravating feature and one which necessitated the imposition of a severe sanction directed at reversing this pattern of misconduct.
- 34. Both clubs admitted guilt, and this was taken into account accordingly. However neither appeared to the Panel fully to appreciate the seriousness of the incident, and neither had issued what the Panel considered to be satisfactory apology for their part in the events in question. Regrettably both appeared to have spent more time in the period subsequent to the game in seeking to place culpability on each other rather than in addressing clear, and broadly equal, internal faults.³
- 35. Having carefully considered the evidence, submissions and all relevant factors the Panel determined to sanction both clubs as set out in paragraphs 1 and 2 above.

³ There was though no evidence to establish the involvement of D&B supporters.

COSTS

36. D&B and EG are each ordered to pay costs of £125 as provided for in Appendix 3 to RFU Regulation 19.

RIGHT OF APPEAL

37. Both clubs were advised of their right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.

COMMENT

- 38. The present incident came before this Panel despite a number of warnings issued by Disciplinary Panels that clearly indicated the utter unacceptability of such behaviour and the determination of Disciplinary Panels to eradicate it from the game.
- 39. The sanction imposed by this Panel was accordingly more severe than others issued previously.
- 40. If further abandonments occur, sanctions will continue to increase in their severity.
- 41. All clubs, at all levels, should be in no doubt that in future events such as these that lead to the abandonment of a fixture will result in a significant deduction of league points. The inevitable consequence of such a points deduction may be the relegation of the clubs concerned.

Jeremy Summers
Chairman
22 November 2010