

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Coventry Holiday Inn, M6 Junction 2

On: Tuesday 12th April 2011

JUDGMENT

Panel: HHJ Sean Enright, Geoff Payne and John Brennan

Attending: Paul Sandford (Referee)
Trevor Lyon (Referee Assessor)
Malcolm Murphy (Secretary, Warks Disciplinary Committee)
Fred Farnden (LRURS)

Clive Horler (Club President, Berkswell & Balsall RFC)
Andrew Waite (Club Chairman, Berkswell & Balsall RFC)
Adrian Fahy (Club Captain, Berkswell & Balsall RFC)
Lesley Fahy (Club Secretary, Berkswell & Balsall RFC)
Mark Galpin (Vice Captain, Berkswell & Balsall RFC)
Steve Edwards (Berkswell & Balsall RFC)
John Arnold (Berkswell & Balsall No.4)
Trevor Allport (Berkswell & Balsall RFC)

Bill Whetsone (Hon Sec, Old Coventrians RFC)
Bob Holland (President, Old Coventrians RFC)
Hayden Sergeant (Club Captain, Old Coventrians RFC)
Paul Sadler (Witness)
Jordan Diston (Captain, Old Coventrians RFC)

Secretary: Bruce Reece-Russel

Regarding: The circumstances in which a match between Berkswell & Balsall RFC v Old Coventrians RFC, played on 26th March 2011, came to be abandoned. In particular to consider the following charges:

As Against Old Coventrians RFC

Charge 1 – Conduct prejudicial to the interests of the Union and/or the Game, contrary to Rule 5.12, namely, that Old Coventrians players engaged in a mass brawl causing the referee to abandon the match.

Charge 2 – Conduct prejudicial to the interests of the Union and/or the Game, contrary to Rule 5.12, namely that Old

Coventrians verbally abused the referee in the tunnel after the game.

Charge 3 – Conduct prejudicial to the interest of the Union and/or the Game, namely that Callum McCluskey, of Old Coventrians, trampled on an opponent during the course of the game.

As Against Berkswell & Balsall RFC

Charge 1- Conduct prejudicial to the interests of the Union and/or the Game, contrary to Rule 5.12, namely that Berkswell & Balsall players engaged in a mass brawl which caused the referee to abandon the match.

Charge 2 – Conduct prejudicial to the interests of the Union and/or the Game, contrary to Rule 5.12, namely that John Arnold of Berkswell & Balsall struck an opponent.

Charge 3 – Conduct prejudicial to the interests of the Union and/or the Game, namely that an unidentified player from Berkswell & Balsall verbally abused the referee after the game.

Preliminary Matters

1. The Parties did not object to the composition of the Panel.

Charges and Pleas

2. The Clubs admitted the charges laid.
3. Callum McCluskey and John Arnold admitted the charges laid in respect of their conduct. Although these charges were laid contrary to Rule 5.12, we determined it was equitable to treat them as contraventions of Law 10(4) which properly reflected the culpability of these two players.

Evidence

4. We considered the report of the referee Mr Sandford and that of the referee assessor, Mr Lyon. We also saw a number of other statements put forward by the Clubs, however having regard to the pleas tendered it is not necessary to set out those documents here. We heard Mr Sandford and Mr Lyon give evidence and permitted the representatives of each Club to ask questions. We found that the evidence of these witnesses to be clear, reliable and broadly consistent with each other.

5. In summary, this game was abandoned after a mass brawl involving many players. It is sufficient to record the fact the referee was verbally abused. The captain of each side failed to show leadership of the standard required. We were not satisfied that spectators joined in the fighting but there was evidence of unacceptable conduct by a number of supporters. We were sure that the touch judge supplied by Old Coventrians abused supporters in a manner which is unacceptable in the Game.

Mitigation

6. Both Clubs admitted the charges and expressed regret for what had taken place. The disciplinary record of both clubs is not good but set against that, we accepted that the Clubs demonstrated a determination to put matters to rights. We intend to give them the opportunity to give practical effect to this aspiration.

Sanction

7. Each Club will start next season with minus fifteen league points. If either club is involved in the abandonment of a match by reason of foul play in the next two calendar years, then a further 10 points will be automatically deducted in addition to any further sanction imposed by the RFU. The result of this game will be recorded as 0-0. No league points will be awarded in respect of this match.
8. We expect that both Clubs will take effective internal disciplinary action in respect of unresolved disciplinary matters, namely the posting of offensive material on the internet, abuse by the Old Coventrians touch judge, the conduct of spectators and the conduct of the Berkswell & Balsall No.11 after the game. The result of that action is to be communicated to the RFU Disciplinary Manager and to the other Club.
9. In respect of the Player Callum McCluskey, we found that he intentionally used his boots to trample at least four times on an opponent. The conduct was intentional. There was no provocation. There was no evidence of injury although the player being trampled upon was plainly vulnerable. We noted the Player had already received a yellow card for similar offending and the result of what the Player did was a brawl which caused the referee to abandon the match.
10. We determined that top entry was appropriate and judged that no additional figure was necessary. Our starting point was nine weeks, therefore. We found no aggravating features, although we might have done so but for the danger of double-counting.

11. The Player did not attend the hearing. In view of an internet entry posted by the Player on a website on the day of the game, we found no evidence of remorse. The only mitigation was that he had pleaded guilty and we reduced the starting point by one third to reflect that. He has served a two-week ban and he is therefore free to play again on 11th May.
12. We found that the Player John Arnold had delivered a flurry of punches which were plainly intentional. There was no evidence of injury, but the consequence of the punches was a mass brawl which resulted in the referee abandoning the match. We determined that a mid-range starting point of five weeks was appropriate. There were no aggravating features.
13. The Player had an exemplary playing record and he had pleaded guilty. We reduced our provisional figure to three weeks. He has served a two-week ban imposed by his club. We therefore ban him for one week. He is free to play again on 19th April.

Costs

14. We made an award of £150 costs against each Club.

Right of Appeal

15. The Players and the Clubs are hereby advised of their right of appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 10am on the 14th day following receipt of this judgment.

Signed: SEAN ENRIGHT (Chairman)

Date: 12th April 2011