



NOTTINGHAMSHIRE, LINCOLNSHIRE & DERBYSHIRE
RUGBY FOOTBALL UNION

DISCIPLINARY DECISION

Professionalism • Transparency • Fairness • Integrity • Consistency

JUDGMENT OF THE PANEL

Venue: Newark RUFC

Date: Thursday 27th June, 2019

Club: Spalding RUFC ('the Club')

Panel: Matthew O'Grady, Chairman
Timothy Bembridge
Ian Roe

Secretary: Andrew Statham, NLD Disciplinary Secretary

Attending: George Sly (Club President)
Martin Beecham (Club Chairman)
Andrew Branton (Club Disciplinary Secretary)

Preliminary Issues

1. There were no objections to the composition of the Panel.

Charge

2. The Club was charged with an offence under Rule 5.12 for conduct which was prejudicial to the interests of the Union or the Game, namely a breach of Regulation 19.3.1 (bad disciplinary record).

Particulars

3. In the 2018-2019 season the Club appeared before a Disciplinary Panel on five or more separate occasions:
 - a) Luke Turner;
 - b) Ashley Piccaver;
 - c) Jordan Templar on two occasions; and
 - d) John Barratt.

Plea

4. Before the Panel the Club admitted the charge.

The Evidence

5. A summary of the appearances is as follows:

Name	Offence Date	Hearing Date	Offence	Sanction
Luke Turner	12/01/19	18/01/19	9.12 Punching	3 weeks
Ashley Piccaver	09/02/19	14/02/19	9.12 Kicking	6 weeks (Upheld on appeal)
Jordan Templar	09/02/19	14/02/19	9.27 Two Yellow Card	SOS
John Barratt	16/02/19	21/02/19	9.13 Dangerous Play	1 week
Jordan Templar	02/03/19	13/03/19	9.12 Punching	4 weeks

Submissions by the Club

6. The Club provided considered written submission before the hearing, which the Panel read fully. This judgment will not repeat them all, but set out the key points made in writing to the Panel:
 - a) The charge was refuted;
 - b) The Club does not promote poor discipline;
 - c) Ashley Piccaver was an innocent player, who was unfairly punished and therefore this charge was unjustified;
 - d) There were relevant personal circumstances for one of the players and the Club had tried to support him, rather than end the Club's relationship with him; and

- e) The Game's core values are important to the Club and it does a lot of work to pre-empt disciplinary issues, which has included ejecting three players from the Club in recent years.
7. The Club's officers addressed the Panel at the hearing. In summary, the following points were made:
- a) The offences were isolated and not linked;
 - b) The offences were mostly retaliation, the inference being, the foul play was not within the Club's players' control;
 - c) The Club continues to strongly contest Ashley Piccaver's sanction (despite the offence being found proved at a hearing on evidence and his appeal against the Panel's finding being dismissed);
 - d) Discipline and respect are promoted within the Club from an early age through the mini-section;
 - e) Strong action has been taken against Club members who have seriously contravened the Club's and Game's values, which included sharing information with a player's new club after the player received a life ban from this Club;
 - f) The officers had discussed what an appropriate sanction might be. They were not sure a points deduction would have much value as the Club is a mid-table side; and
 - g) There was considerable frustration and concern that this situation "hinged on a poor referee or refereeing decision" and there is a real issue with inconsistent refereeing having impacts on clubs like this.

Sanction

8. This Club's disciplinary record this season is poor. In terms of the number of appearances, it has had the third equal highest number of appearances of the all the clubs (over 60) that make up the three counties of this Constituent Body. Whilst there is a single offence of two yellow cards, there are more serious offences amongst the balance of the offences including kicking and punching.
9. The following were aggravating circumstances:
- a) Although admitting the charge, the Club, through its Officers, was not genuinely remorseful for the Club's record. It refuted the appropriateness of the charge in light and continued to dispute offence proved against Ashley Piccaver. In the Club's view there was no real disciplinary issue this season.
 - b) To an extent the Club minimised its record. Whilst it is correct that some of the offences were for retaliation, that still reflected a lack of discipline on the part of the Club's players. There will have no doubt been many other players at all the other Clubs in the CB in all the matches that were played this season that

will have wanted to retaliate for some perceived grievance, but who nonetheless demonstrated self-discipline and did not retaliate. The Club's players did retaliate and, although not retaliating may take considerable discipline, it is a standard the Game requires and aspires to.

- c) The Club's critique of match officials it has received was unpersuasive. Referees are human and they indeed make errors. Some may make more than others and some errors may have greater impact than others. Indeed, Referees can be inconsistent within a game and between games. But, that is hardly something new or which may only have an impact on this Club. The Club's suggestion that refereeing errors and inconsistency are a significant factor explaining its record was misguided. As the Panel pointed out, the Referees who have officiated this Club's games will have officiated at other matches, yet it is this Club that has the bad record. The desire to be critical of the match officials was not consistent with genuine responsibility being taken. That does not bode well for the future. It was unfortunate that, after making very many excellent points in mitigation, the Club's officers spent so long dwelling on its grievances towards the quality of officiating it says it received. Other Clubs faced with this charge have taken responsibility fully.
- d) In discussing his thoughts on a meaningful sanction, Mr. Branton said that the Club is a mid-level side and a points deduction may not be much of a deterrent because the deduction will not risk promotion or relegation. This suggested to the Panel that a more significant penalty might be required to achieve a change in the Club's behaviour.

10. All that being said, the Club's officers spoke passionately and with conviction in explaining persuasive mitigation:

- a) Notwithstanding the attitude to this charge, having regard to the Club's policies and approach to past problem players, the Panel accepted that the Club takes discipline seriously.
- b) The Club plays an important role in its small rural community and the sanction should be made having regard to the good work it does in bringing the community together and fostering positive relationships.
- c) The Club has many of the systems in place to identify and deal with serious discipline offenders that other Clubs are only just implementing.
- d) There were no offences against match officials and the record was far from being the worst this Panel has seen this season.
- e) The Club's record is a series of isolated incidents, rather than being a trend.

11. Discipline is a fundamental core value of the Game and it underpins everything that Rugby is about. A clear deterrent from persistent disciplinary issues and an incentive to take proactive steps to address the issue is required. Although the Club has a number of very good practices, it would appear that the steps the Club has taken this season, well intentioned as they were, have not been effective in managing the accumulation of

disciplinary offences over the course of the season. The Panel hopes the Club will reflect on this further.

12. The Panel was not satisfied a reprimand or a fine would be an adequate deterrent to a further charge next season or would be appropriate having regard to the aggravating features identified above. The Panel considered imposing an immediate League points deduction on the 1st XV, but was satisfied, having regard to all the submissions the Club made in mitigation, that the deterrent would be adequately imposed by a suspended penalty. The Panel also weighed in the balance the need for the sanction to be proportionate to the Clubs overall offending and generally consistent with like charges against other Clubs (see suspended 10 point deduction in *NLD RFU v Ashfield*, suspended 5 point deductions in *NLD RFU v Mansfield* and *NLD RFU v Lincoln*).
13. The sanction imposed on the Club is follows:
 - a) The Club's 1st XV have 5 League points deducted for the 2019-2020 season.
 - b) This deduction shall be suspended until the end of the 2019-2020 season and shall be activated only if there is an offence of the same kind during that season (namely, five or more separate appearances before a Disciplinary Panel at any level).
 - c) Before the start of the 2019-2020 season the Club must remind all players at all levels of the importance of discipline.
14. Were the aggravating features not present then, given the lower severity of the offences, the Panel may have concluded that a points deduction would not have been necessary.
15. Should the Club be found to have committed the same offence next season it, and its members and players, must know that the consequence for its 1st XV will not only be the activation of the 5 point deduction, but probably also the imposition of an additional penalty on top of the 5 point deduction. It should be obvious, but will be stated for the avoidance of doubt, that the deduction could cost the 1st XV promotion or relegation in a tight season. If this situation occurs again, it will have meant that a suspended punishment will have been an insufficient motivator to bring about a change and the Club may have left itself few options other than a more significant penalty than a suspended 5 point deduction alongside the activation of this 5 point deduction.

Costs

16. The Club shall pay costs to NLD RFU of £30.

Appeal

17. There is a right to appeal against this decision. Any such appeal must be made within 14 days of this judgment being sent.

Matthew O'Grady
Chairman, for and on behalf of the Panel