



NOTTINGHAMSHIRE, LINCOLNSHIRE & DERBYSHIRE  
RUGBY FOOTBALL UNION

DISCIPLINARY DECISION

*Professionalism • Transparency • Fairness • Integrity • Consistency*

**JUDGMENT OF THE PANEL**

**Venue:** Newark RUFC

**Date:** Tuesday 25<sup>th</sup> June, 2019

---

**Club:** Ashfield RUFC ('the Club')

---

**Panel:** Matthew O'Grady, Chairman  
Andrew Stout  
David Chamberlin

**Secretary:** Andrew Statham, NLD Disciplinary Secretary

---

**Attending:** Des Wood (Club Chairman)  
Neil Cutts (Club Secretary)  
Brian Dobb (Head of Mini-Rugby)

**Observing:** Mike Waplinton (RFU Council Member for NLD RFU)  
Chris Johnson (NLD Youth 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) Matt Upton;
  - b) Leo Tang;
  - c) Jamie Stevenson;
  - d) A Young Player 'B';
  - e) Gavin Payne;
  - f) Josh Payne; and
  - g) Steven Lowery.

### Plea

4. The Club admitted the charge.

### The Evidence

5. A summary of the appearances is as follows:

<b>Name</b>	<b>Offence Date</b>	<b>Hearing Date</b>	<b>Offence</b>	<b>Sanction</b>
Matt Upton	15/09/18	15/10/18	9.12 Punching	2 weeks
Leo Tang	06/10/18	15/10/18	9.27 Spitting	6 weeks
Jamie Stevenson	17/11/18	22/11/18	9.27 Two Yellow Cards	SOS
'B'	25/11/18	09/01/19	9.12 Kicking	3 matches
Gavin Payne	05/01/19	31/01/19	9.28 Threatening words or Actions to Match Official	14 weeks
Josh Payne	05/01/19	31/01/19	9.28 Physical Abuse of Match Official	12 weeks
Steven Lowery	05/01/19	25/06/19	9.28 Threatening words or Actions to Match Official	14 weeks

### **Submissions by the Club**

6. It was to the Club's considerable regret that it found itself before the Panel on this charge. This season followed just a season after it had been recognised with an award for its good values and discipline. The Club accepted that there had been insufficiently robust systems in place to avoid the risk of discipline issues, for example calling up unknown people to play for the Club at extremely short notice. We heard that the Club accepted there needed to be more responsibility taken by all players, but especially those below the 1<sup>st</sup> XV for discipline. It was pointed out that the 1<sup>st</sup> XV had just been promoted and that the sanction should not be disproportionate against that side.

### **Sanction**

7. This Club's disciplinary record this season is very poor. In terms of the number of appearances, it has had the equal highest number of appearances of the all the clubs that make up the three counties of this Constituent Body. However, it is by far the worst record when considering the nature of the offences and the lengths of the suspensions, which include spitting and three serious offences against match officials.
8. Discipline is a fundamental core value of the Game and it underpins all aspects of the Game. In the Panel's judgment the Club's record sat squarely within (if not worse than) the record in *RFU v Sale FC (2019)*. A clear deterrent from persistent disciplinary issues and an incentive to take proactive steps to address the issue is required. It appears that a whole club approach is necessary and the sanction must reflect the responsibility of all members of the Club to address the problem.
9. Given the very serious nature of the record, the Panel considered imposing an immediate League points deduction on the 1<sup>st</sup> XV, but was satisfied that the deterrent would be adequately imposed by a suspended penalty. Furthermore, it was noted that there had been no further disciplinary issues from this Club since the beginning of January 2019.
10. The sanction imposed on the Club is follows:
  - a) The Club's 1<sup>st</sup> XV have 10 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.
11. 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 1<sup>st</sup> XV will not only be the activation of the 10 point deduction, but probably also the imposition of an additional penalty on top of the 10 point deduction. It should be obvious, but will be

stated for the avoidance of doubt, that the deduction may well cost the 1<sup>st</sup> XV promotion or relegation in a tight season.

12. 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 10 point deduction alongside the activation of this 10 point deduction.

#### **Costs**

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

#### **Appeal**

14. 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