

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Constituent Body: NLD

Venue: Lincoln RFC & Subsequently papers

Date: 24/10/23 & 30/11/23

JUDGMENT

Player: N/A

Club: Spalding RFC (SRFC)

Match: Bugbrooke v Spalding played on the 16/09/23

Panel: Tim Bembridge (Chair), Ian Roe, Leslie Law, Craig Lord (Nick Corrigan sat in the meeting on 24/10/23)

Secretary: Andrew Statham

Attending: (At initial meeting 24/10/23) Andrew Branton (SRFC Discipline lead) Peter Julien (Club treasurer, on touchline during game) Phil Trottman (Team coach on touchline during game)

Decision

1. The Panel found that in the balance of probability the behaviour of the SRFC unnamed spectator during the game was not acceptable, constituted referee abuse and caused the match referee to submit an RFU match official abuse form (MoA Form)
2. The club pleaded not guilty to the charge of conduct prejudicial to the interests of the game, contrary to [RFU Rule 5.12](#). (plea entered at the first meeting 24/10/23). Essentially the defence being they could not name the spectator subject of the MoA form.
3. For the benefit of clarity the first meeting Mr Trottman had his red card for match official abuse rescinded. This hearing ran extremely late and the charge this judgment pertains to was unable to be completed so the club was requested to evidence the tasks appendix 2 relates to.
4. The club were sanctioned as follows:

- a) 10 league points to be deducted from their first team RFU league (Counties 1, Midlands East (S)) This to be suspended to the end of season 24/25 (June 1 2025). Should there be a repetition of this behaviour at any game/ level gender or age group this sanction will be invoked in addition to any sanction the subsequent panel judges. This is in line with sanctions against other clubs subject to similar charges.
- b) At the first meeting the club were required to complete / evidence a number of points. They can be read in full in appendix 2 at the end of this judgement.
- c) The club were required to name the coach who did verbally abuse the match official which was demonstrated and admitted at the initial meeting allowing Mr Trotman's red card to be rescinded.
- d) The coach was subsequently named as Mr Ali Sharp.
- e) The actions of Mr Ali Sharp, were judged by the panel to constitute match official abuse.
- f) This panel ask, in the spirit of our sport and its core values that the club suspend Mr Ali Sharp for three full and meaningful weeks. That is weeks leading up to and including a 1st XV game. We consider that whilst the club have held an "enquiry" and the then current chairman has spoken to Mr Sharp no meaningful sanction has been imposed on him. Should this requested sanction not be forthcoming this panel will look to issue Mr Sharp with a rule 5-12, match official abuse charge and proceed with a full case and hearing. In addition mr Sharp must write the letter of apology to the match official as per section (k) in this judgement. This to be confirmed in writing from the club to NLD discipline secretary within 14 days of this judgement being issued.
- g) At the face to face meeting the club were instructed to name the spectator described in the MoA report as "an elderly gentleman in a light blue jacket" The referee also states "After the final whistle, I spoke to a different coach (assumed to be Mr Ali Sharp) from Spalding and did point the gentleman out to him." The club has failed to name this person and must accept this judgement as a sanction for that.
- h) The club must distribute RFU angry man cards (to be supplied on request by the RFU) at all home matches should there be anyone raising their voice at match officials.
- i) The club must post at prominent points in clubhouse and ground RFC "angry man" posters to be supplied on request by the RFU
- j) The Club must post RFU code of conduct posters as in (h) and on all social media platforms used by the club. Again available from the RFU (These are available as a PDF)
- k) The club and Mr Ali Sharp must write letters of apology to the match official involved in this charge.
- l) The club must arrange with the RFU education dept to have active bystander training at their club (at their expense should there be any). (Noted that approach has been made by the club it is a requirement of this sanction that this is followed up in full to completion.)
- m) The club website and social media must show evidence of this judgement and these sanctions along with further efforts to prevent reoccurrence.

Preliminary and subsequent Matters

5. At the initial hearing the panel introduced themselves and the chairman outlined the procedure. The chairman also asked if the club had any objections. The club introduced themselves and stated they had no objections to the formation of the panel nor the procedure that follows. For the papers hearing Mr N. Corrigan was replaced by Mr Ian Roe. It is normal practice for panel members at papers hearings NOT to introduce themselves nor are clubs offered the option to object to panel make up.

6. At the initial face to face hearing, due to the time of night, the club were sent away with requirements that are normal sanctions to clubs in MoA cases. It is noted that the club took 4 weeks to revert back to NLD disciplinary secretary to enable the case to proceed. This judgement shows this panels further sanctions.

Evidence

7. The abuse forms were discussed at length, Readers of this judgement should refer also to the Judgement (Rescinded) for Mr Phil Trottman available on the discipline page on the NLD website.

8. No evidence was submitted by the club against the charge only limited evidence to prove they had attempted to find the name of this spectator (given in appendix 2, 3 & 4)

Appendix 4 is a summary of salient points taken from the Veo of the game.

Sanction

9. We undertook an assessment of the club members conduct under Regulation 19.11.8 as follows:-

- a) We believed that the offences, mentioned in both MoA forms, that occurred during the match were wholly unacceptable and justifiably convinced the match referee to feel concerned enough to complete MoA forms.
- b) In the initial hearing the panel judged that Mr Trottman's offending did not meet the red card test as the obscenities potentially heard by the referee were not shouted by Mr Trottman. They were "from another coach" The club were required to name this coach. They failed to do so on the night. They finally did so 4 weeks later. We considered RFU regulation 2.4 (see appendix 3) as a further charge.
- c) The offending was reckless, that is the members knew (or should have known) they were committing an act of match official abuse;
- d) The offences (not including the one by Mr Trottman) would have passed the red card guidelines had the words been spoken by a player
- e) Despite the referee pointing out the spectator to Mr Ali Sharp (as in 4(g) above) the club has failed to name the spectator. We again considered using RFU regulation 2.4 (see appendix 3) as a further charge. However in this case we saw this whole sanction to be sufficient.
- f) The panel was extremely concerned how the incidents upset a valued female match official and are thankful to the Bugbrooke club for their concerns and care of her post match.
- g) Whilst the people were committing these acts, no club members present at the time took any steps to prevent the perpetrators from repeating these acts despite the knowledge that these were acts of abuse. (passive bystanders)

Mitigating Factors

10.

- (a) We considered there were no mitigating factors on the day in question
- (b) There were limited further evidence of mitigating factors

Aggravating Features

11. We considered the aggravating factors under regulation 19.11.13

- (a) NLD RFU have taken steps at the beginning of the current season, (23/24) to enable this discipline committee to aggravate cases of match abuse at their discretion. Communication to all NLD clubs were sent by the NLD office at the beginning of the season.
- (b) As this is not a charge against an individual we considered it difficult to aggravate by the agreed rate (aggravation of sanction by up to 4 weeks)

12.

- (a) There was limited evidence submitted following the initial hearing to persuade the opinion of the panel that the club had taken this charge extremely seriously.
- (b) The club has submitted numerous photographs as evidence of the actions they had taken to prevent reoccurrence. They were just that, photos of notices on a board. There was no context of where in the club, no website screen shots, no script of speeches mentioned, no record of team meetings, no minutes of committee meetings nor agenda's, no copies of emails or social media posts to the wider club membership.
- (c) The club continued to state that they could not determine the name of the spectator despite the referee stating she had pointed him out to a Spalding coach. This fact has not been mentioned at all by the club.

Decision

13. The club had pleaded not guilty. The charge was proven by the panel.

Costs

14. £50-00 fee to the club.

Right of Appeal

15. There is a right of appeal against this decision. Any such appeal must be lodged with the RFU Head of Discipline by 14 days of receipt of this judgement.

Appendices

Appendix: 1

Match Official Abuse form details state.

The elderly gentleman in a light blue jacket, shouted at me following me giving the Spalding coach a red card, following his interaction with me. The spectator shouted - "if you are giving him that, you should give me one as well, your an f**king disgrace of a referee". This interaction took place just outside the 22, and I was on the touchline dealing with the Spalding coach

At this point, I just turn away and went back to the game, where the Spalding kicker was lining up the conversion.

After the final whistle, I spoke to a different coach from Spalding and did point the gentleman out to him.

Appendix 2

Instructions given to the club at the initial meeting 24/10/23 and the clubs response below each task. This is a cut and paste from the email from Mr Branton to NLD Discipline dated 27/11/23 22-00. His responses on behalf of the club are in red.

1. The name of your coach who can be heard on the video verbally abusing the referee at the Bugbrooke game and what action your club has taken against this individual. *Ali Sharp is the coach in question. He has been spoken to at length by John Constable and the concerns were raised and accepted by Ali Sharp. This has not occurred before and John C is satisfied by the level of contrition shown that there will be no repeat problems.*
2. The name of the spectator who verbally abused and gestured at the referee in that match. *Nothing further to report since the hearing, no person has been identified.*
3. Evidence as to what action your club took to investigate the identity of the aforementioned spectator prior to the hearing on the 24th October. *The video was shown to the Senior playing group and they were asked individually and*

collectively if they knew or could identify the person. No such identification or further information was forthcoming.

4. Evidence as to what your club has done to try and identify this spectator since the hearing of the 24th October. *Other regular away match spectators have been quizzed and the 1st team Captain conducted his own enquiries. No new information was acquired.*

5. Evidence as to what your actions/measures your club has put in place to prevent any reoccurrence Match Official

Abuse. *All attendees of the most recent Vice Presidents Luncheon were spoken to by John Constable in his Chairman's address. Spectators along the touchline have also been reminded of their required conduct. Numerous signs in parts of the clubhouse have been either placed or existing ones refreshed. Match day programs before and since this event have mentioned at length and in varying language the obligations and required conduct of all spectators and club members. Please see separate email showing examples of this.*

6. Evidence that your Club has arranged "active bystander training" with the RFU education department. *I have only recently emailed the RFU enquiring about this and await a response.*

However it is noted that delivery of this training is currently limited.

"We are currently limited in reach by the capacity of trainers, but believe wholeheartedly in this training, and have received positive feedback from all areas of the game – be that the England Squads right through to age grade community clubs. Therefore, it is a training that we are continuing to provide as we strive to create more inclusive and welcoming environments. If you would like to know more about Active Bystander Training, and the possibilities of organising a session for your club, society or CB, then please do contact us via: education@rfu.com"

Appendix 3

RFU Regulations

2.4 Duty to Act with the Utmost Good Faith

All Clubs, Constituent Bodies, National Representative Bodies, all Organising Committees and any player, official, member or employee of a Club or Constituent

Body or National Representative Body or an Organising Committee shall at all times act towards the RFU and each other with the utmost good faith.

19.1.4

All individuals and entities under the jurisdiction of the RFU are required to cooperate with an RFU (or Constituent Body) disciplinary investigation or disciplinary proceedings. All Clubs are further required to appoint an internal disciplinary panel responsible for investigating and, subject to Regulations 19.5.2 to 19.5.4, taking appropriate action in relation to disciplinary matters and the conduct of its players, officials, members, spectators and employees, and for generally maintaining discipline within that Club. Nothing in RFU Regulation 19 prevents the RFU from bringing disciplinary proceedings against Clubs for the actions of its players, officials, members, employees and/or its spectators including in relation to alleged Misconduct or breaches of Rule 5.12.

19.5.1

The integrity of the Laws of the Game and the Referee's position as sole judge of fact and law during a match is unassailable.

IRB law 6 .5 a

- The referee is the sole judge of fact and of law during a match. The referee must apply the laws of the game fairly in every match.

RFU Rule 5.12

The Union shall have power to discipline any

- Member;
 - Rugby Body;
 - non-voting member of the Union;
 - player,
 - official,
 - member or employee of a Member or a Rugby Body;
 - any other person or body that submits to Union's jurisdiction to discipline them;
- for any infringement of these Rules, the RFU Regulations, the Laws of the Game or the World Rugby Regulations and/or for any conduct which is prejudicial to the interests of the Union or the Game or which amounts to cheating. The Union may terminate or suspend membership of the Union or impose any other appropriate punishment for any such offence. The procedure for and the conduct of disciplinary hearings shall be prescribed by the Council and shall be published in the Handbook or on the Union's official website.

Appendix 4

Extracted from the Veo of the match

In the main this shouting was coming from the immediate vicinity of the Veo Camera – a spot identified by the Spalding Coach as to where their coaching team where situated.

The timing is the time stamp noted on the video as viewed

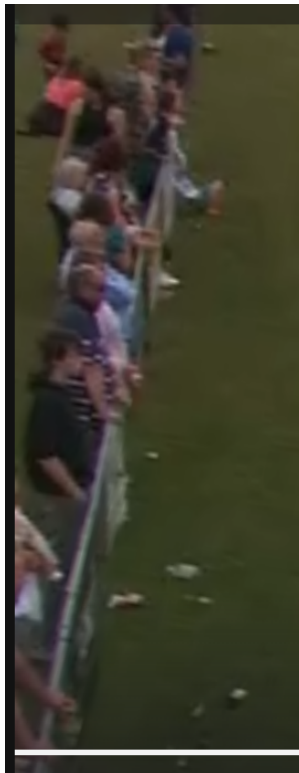
Time Stamp	Comment
41:00	General shouting at the referee
61:00	General shouting regarding off-side etc.
78:00	General shouting regarding off-side etc.
80:00	Shouting at Referee for a decision
82:00	No Roll
84:00	Complaints of lost line out
88:00	Generalised shouting at Referee
99:00	‘How many times’
104:00	Questioning of Referee’s decision
107:00	Try to influence referee decision
118:00	On pitch shouting at referee
127:00	Series of challenges – ‘f***ing hell ref’, ‘get you cards out’, ‘unprofessional’
130:00	‘how many times ref’
132:00	‘no roll’
133:00	‘no roll’, ‘how many times’



The comment was 'take his head off' but this appears to come from the coach which is what probably earned the red card.

The 'blue coated' man appears to be gesturing at the referee and admitting that it was him who abused her instead of the coach who got the card.

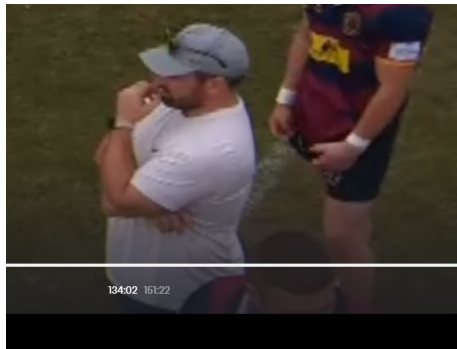
The coach red carded appears to have gone immediately the other side of the barrier from the coaches and holding a dialogue.



He can also be seen repeated in the company of this couple and engaging with Spalding personnel so doesn't appear to be a casual bystander; time stamp 134:00.

The gentleman who attended the hearing was well sited for seeing the 'blue coated' individual on a number of occasions.

Other coach – grey baseball when zoomed in.



This is him shouting 'how many times' at 134:00

