

RUGBY FOOTBALL UNION DISCIPLINARY HEARING

Constituent Body: NLD Ref 24/25025

Venue: Newark RUFC

Date: 13th November 2024

JUDGMENT

Club: Meden Vale RUFC

Game: Skegness V Meden Vale 07/09/24

Panel: Tim Bembridge (Chair) Ian Roe (V/Chair) & Craig Lord.

Secretary: Andrew Statham.

Attending: Andrew Cullington (Club first team manager), Brad Rhodes (1st team captain and player), Barrie Stoutt (Club disciplinary officer).

Player referred to in this judgement is Brad Rhodes DoB 05/08/1992 RFU 1070304.

Decision

1.The Panel found that Meden Vale RFC played the player Brad Rhodes in this game despite him being suspended and intentionally decided not enter his name on the EMC.

2.The club had pleaded guilty to the offence.

3.The Panel determined that following sanctions were imposed on the club:

- Five league points to be deducted from their first team RFU league (Counties 3, Midlands East (NE)) This to be imposed immediately.
- Club are required to “tidy up” their GMS registered players list. Chairman gave the club a GMS generated list of registered players. He demonstrated there were many duplications possibly innocently generated that needed correction. In order to demonstrate the urgency of this matter a deadline of the 1/1/25 was imposed and will be checked.

Preliminary Matters

4.The panel introduced themselves and the chairman outlined the procedure. The chairman also asked if anyone had any objections. Meden Vale club

members introduced themselves.

NOTE. Readers of this judgement are referred to previous judgements for this club / Player. These can be found on the discipline page of the NLD website.

Charge and Plea

5. In a Counties 3 Midlands East (N) game between Meden Vale 1st XV and Skegness 1st XV played on Saturday 7th September 2024, Meden Vale RFC played Mr Brad Rhodes (details above) in this game knowing that he was ineligible due to being suspended for receiving a red card.

The Complaint

6. It had been brought to NLD Discipline's attention that the player had played and his name was not on the electronic match card. The remit of this discipline committee was to judge on the playing aspect of this case. The false declaration on the RFU Electronic Match Card is a different in the remit of the Midlands regional Organising Committee who are aware of this issue. The player's red card was received on the 24/08/24. The club held an internal hearing on the 29/08/24. From their report of this meeting: The player was "banned" at this meeting for 5 weeks missing three league games, Skegness, Sleaford, Worksop giving a free to play date of Saturday 28/9/24 subject to approval by NLD disciplinary panel. NLD disciplinary panel dealt with this case on papers with a decision of 8 meaningful matches giving a return to play date of 17/11/24. This judgement can be seen on the NLD website. It was sent to the club on the 29/09/24 at 16-06. The delay was due to information requested from the club being delayed. At no time was the player not aware of either his club's sanction (he was present at their meeting) or the Official NLD judgement.
7. On the 15/10/24 The club was sanctioned -5 league points for playing the same player in their game v Sleaford RFC on the 14/09/24. They were also instructed to return to their club and write, on club letterhead paper, a letter to NLD Discipline committee (Secretary Mr. Andrew Statham) stating the player had NOT played any further games.
8. On the 16/10/24 an email to Andrew Statham was sent on behalf of the club by Barrie Stoutt admitting the player played in their game v Skegness on the 7/09/24.
9. The club and player have chosen to disregard their own judgement but hide the evidence of this misdemeanour.

Club's Case

8. Meden Vale RUFC admitted the charge of the player playing suggesting it was a "mistake." It follows that not only did the player play he was deliberately omitted from the match card in an attempt to hide the club's wrong doing.

Sanction

9. We undertook an assessment of the clubs action on the day. It had been deliberated at the previous hearing Mr Cullington and Mr Stoutt were away from the game on that day due to family and holiday reasons. They again stated that the EMC was completed following selection late in the week (Thursday or Friday). It would only be reasonable to expect any changes to selection through non availability to be similarly communicated and amended. There is also protocol for last minute changes to be likewise amended. Again there is no reason the final version of the EMC not be a true and honest reflection of the squad on the day. It therefore follows that not entering Mr Rhodes onto the EMC is because the club as a whole knew full well that he should not be playing.

10. The wording "the club" is deliberate. To reiterate Panel formed the opinion at the previous meeting on the 15/10/24 that Mr Stoutt and Mr. Cullington where not at the game and in effect entered the team they were (electronically) told to enter. To that end the sanction is against the club and no sanction nor blame is levelled against these individuals at this point, on these occasions.

11. On two occasions panel asked the club to confirm the player has only played these two games whilst suspended.

- a) Andrew Statham suggested they admit any further indiscretions.
- b) The chairman distributed a document (see appendix 1) of "cut and pasted" rules and regulations taken from the RFU rules and regulations. One copy of this was signed and dated by the members of the club present.
- c) On each occasion the club representatives present stated that to the best of their knowledge the player had played only on these two occasions.
- d) A suggestion that the player played in their game v Worksop on the 21/9/24 was made and discussed. The club totally denied this happened on multiple occasions.
- e) At this point panel chose not to progress this occasion any further at this moment in time.

Mitigating Factors

11. The panel considered the club's response to the charge. They pleaded guilty to the charge. Other than that there was no mitigation for what they have done..

Aggravating factors

10. We considered the fact that this is the second occasion inside 2 months that this charge had be levelled at this club. However, for the circumstances surrounding both cases the panel decided there were no aggravating factors at this point in time. Had NLD Discipline committee known at the first hearing and had evidence that the player had played in this current case it it would have been

dealt with on the 15/10/25.

11. Should evidence be forthcoming at a later date that this player played in the Workop game on the 21/09/24 then aggravation will be implemented by that panel. They will use these 2 judgements for the basis of such aggravation.

Decision

12. Five league points to be deducted from their first team RFU league (Counties 3, Midlands East (NE)). With immediate effect.

- Club are required to “tidy up” their GMS registered players list. Chairman gave the club a GMS generated list of registered players. He demonstrated there were many duplications possibly innocently generated that needed correction. In order to demonstrate the urgency of this matter a deadline of the 1/1/25 was imposed and will be checked.

Costs

13. £50.00

Right of Appeal

14. There is a right of appeal against this decision. Any such appeal must be lodged with the RFU Head of Discipline within 14 days of the club receiving the written judgment.

Appendix 1:

Presented to the club officers before asking if they could again confirm Mr Rhodes only played in the two games v Skegness RFC on the 07/09/24 and v Sleaford RFC on the 14/09/24 whilst knowingly suspended.

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.

19.2.2 All RFU Regulations shall be binding on all persons over whom the RFU has jurisdiction (including Club spectators), who shall be deemed to have full knowledge of the content of these Regulations. Regulation 19 applies to all disciplinary proceedings arising under the RFU Rules and Regulations, unless otherwise explicitly stated in the applicable Competition Regulations.

19.2.4 All those under the jurisdiction of the RFU are required to cooperate with any disciplinary proceedings and to act in good faith.

19.2.15 The power to conduct investigations and initiate disciplinary proceedings pursuant to Regulation 19, is vested in the RFU, save and to the extent to which this power may be delegated to Constituent Bodies pursuant to Regulation 19.2.19.

19.2.19 Subject to Regulation 19.2.18 a Constituent Body shall deal with cases which involve individuals and Clubs under their jurisdiction. In cases involving Players from different Constituent Bodies in a single connected incident, the power shall be delegated to a joint cross-border Panel to deal with or as otherwise directed by the RFU Head of Discipline.19.1.4