

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

Constituent Body: NLD

Venue: Newark RFC

Date: 28/11/23

JUDGMENT

Player: N/A

Club: Kesteven RFC

Match Kesteven RFC Ladies V Ashfield RFC Ladies 5/11/23

Panel: Tim Bembridge (Chair), Ian Roe (Vice Chair), Craig Lord

Secretary: Andrew Statham

Attending: Dimitri Arlando (Club Chairman) Gavin Purvis (Club Secretary) Jade Sheardown (Ladies captain)

Decision

1. The Panel found that on the balance of probability the behaviour of Kesteven RFC spectators in the game was not acceptable, constituted referee abuse and caused the match referee to submit an RFU match official abuse form (MoA Form).
2. Discussion was entered into regarding the exact wording that constituted the abuse with the club uncertain as to what plea to enter. It was pointed out that IRB Laws of the game Law 6.5 (a) States: *"The referee is the sole judge of fact and of law during a match"*. The referee made specific note in the MoA form as he quoted the words spoken "Written down at the time" It was emphasised to the club that unless they had contradictory evidence this will be accepted as fact. The club pleaded guilty to the charge of conduct prejudicial to the interests of the game, contrary to [RFU Rule 5.12](#).
3. The club were sanctioned as follows:
 - a) 10 (TEN) league points to be deducted from their first team RFU league (Counties 2, Midlands East (N)) record. This to be suspended to the end of season 25/26 (June 1 2026). Should there be a repetition of this behaviour at any game/ level, gender or age group this sanction to be invoked in addition to any sanction the subsequent panel judges. This is in line with other clubs sanctions for similar offences with the exception of the length. The reasoning behind the extended length of suspension was because there was a previous sanction for match official abuse from February 2021. This suspension ran out

end of season 22/23. In effect only 2 playing months previous to this event. It would be unreasonable for this judgement to invoke that previous suspension.

- b) The club must evidence what they have told NLD Discipline has already been put in place to prevent reoccurrence of this behaviour by the end of January 24. This is in effect reaffirming what the club put in place following their previous sanction for MoA.
- c) The club must distribute RFU angry man cards to be supplied on the night of the hearing and must at their own cost access further supplies.
- d) The club must write a letter of apology to the match official involved in this charge.
- e) The club must arrange with the RFU education dept to have active bystander training at their club (at their expense should there be any)
- f) The club website and social media must show evidence of this judgement and these sanctions along with further efforts to prevent reoccurrence.

Preliminary Matters

4. 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.

Charge and Plea

5. That their member(s) &/or spectator(s) on the day in question acted in such a way that the referee took the decision to complete a match official abuse form. This is acting in such a way as to be conduct prejudicial to the interests of the game, contrary to [RFU Rule 5.12](#), MoA details in appendix 1.
6. The clubs pleaded guilty to the charge.

Evidence

7. The Match Official abuse form was discussed at length and the panel reaffirmed Law 6.5 (a).

There being no hard evidence to the contrary the words on the MoA form were regarded as FACT.

Sanction

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

- a) We believed that the offences, mentioned in the MoA form, that occurred during the match were wholly unacceptable and convinced the match referee to feel concerned enough to complete a MoA form. He stated he recorded the wording at the time.
- b) The offending was reckless, that is the member(s) &/or spectator(s) knew (or should have known) they were committing an act of match official abuse;
- c) The offences would have passed the red card guidelines had the words been spoken by a player
- d) There were numerous members in the vicinity of these/these act(s) and, at the time, no other members took any steps to prevent the perpetrators from repeating these acts despite the knowledge that these were acts of abuse. (passive bystanders)

Mitigating Factors

9.

- (a) We considered there were no mitigating factors on the day in question
- (b) There was a large amount of work and efforts following the previous MoA incident and the panel recognised this.
- (c) The club had spent a lot of time and efforts following the previous sanction in an effort to combat this national growing trend of MoA. These actions and evidence mentioned above (9a & 9b) were recognised by the panel greatly affected the consideration in this case. But for the clubs efforts previously the sanctions may well have been far greater.

Aggravating Features

10. We considered the aggravating factors under regulation 19.11.13 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. As this is not a charge against an individual we considered it difficult to aggravate by the agreed rate (aggravation of up to 4 weeks ban)

Decision

11. The club pleaded guilty and this was proven by the panel.

Costs

12. £50-00 fee to the club.

Right of Appeal

13. 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 further details will be sent with this judgement.

Appendix 1

MoA form details.

During the first half of the game (15 minutes elapsed time) I was made aware by the Ashfield Captain (Leanne Reeves) that there had been some unacceptable language towards the Ashfield players. I had not witnessed or heard anything at this stage but said that I would listen out.

After approximately a further 5 minutes there was a passage of play close to the Kesteven spectators where I audibly heard an Ashfield player being referred to as a "Bitch" and a "Cunt". At the next break in play, I spoke to one of the Kesteven coaches (Dan) and asked that he had a word with the spectators as that type of language was not acceptable. I also talked to both captains individually to ensure no bad language came from the pitch.

The game continues into the 2nd half, after 14 minutes, there was a passage of play where Kesteven had the ball in the 5-meter channel nearest the clubhouse (the side with the spectators). A tackle was made, and the subsequent jackal saw a turnover to Ashfield. Play continued infield, at this stage I heard behind me –

"What about the high-tackle, Ref, you Twat. Are you a blind bastard, what a Cunt!" (Written down at the time). I looked around to see who it was, there was a group of 10-15 people in the region of where the comment came from, but was not able to identify the individual, but it was a male voice.

Play continued, at the next stoppage I called over the Kesteven Captain (Jade Sheardown) and the Kesteven Coach (Martyn Parker) and explained what I had heard. Jade was visibly shocked and stated that this was not acceptable. Martyn then went to the side-line and reiterated to the spectators that the language was not acceptable.

There was significantly less offensive language for the rest of the game, and no further language towards me or the players.

At the end of the game, I spoke to Martyn and the Kesteven Manager (Catherine Dickenson), they were both very apologetic for what I had heard and stated it was against the clubs ethics. I reiterated that it was against the values of the game, and it was disappointing that it had spoilt what had been a very good game of rugby.