

RUGBY FOOTBALL UNION DISCIPLINARY

PANEL JUDGMENT

Governing Body:	Rugby Football Union (“ the RFU ”)
Coach:	Matt Cairns
Player’s Club:	Caldy RFC (“ the Club ”)
Disciplinary Panel:	Daniel White (Chair), Becky Essex, Kylie Hutchison
Secretary:	Rebecca Morgan-Scott
Match:	Caldy RFC v Doncaster Knights RFC (“ the match ”)
Match Date:	Sunday 13 April 2024

HEARING

Date:	Wednesday 17 April 2024
Venue:	Zoom video call
Attending:	Matt Cairns Angus Hetherington (RFU Senior Legal Counsel) Gareth Davies (Caldy RFC) Simon Cohen (Legal representative)

PRELIMINARY MATTERS

1. There was no objection to the Panel’s composition.

THE CHARGE

2. Mr Cairns was charged with a single offence of conduct prejudicial to the interests of the Union and the Game, contrary to RFU Rule 5.12 (“**the Charge**”) in that he “*verbally abused/disrespected the authority of the match officials before, during and after the match, including but not limited to saying that the referee was “paying homage to the full time teams” implying bias and saying “Difficult review for Mike on Monday. Worst Fucking referee I’ve ever seen.” and “You lot are horrific - worst performance of the season.”*”.
3. Mr Cairns admitted the charge but denied some of the particulars as contained within the Match Officials’ evidence.
4. The Panel went through the contents of each of the witness statements with his advocate and clarified where any points of dispute arose. In broad terms, Mr Cairns accepted the conduct described and words used, but suggested that in relation to some incidents his behavior had been misinterpreted and / or that his actions in relation to one incident did not constitute conduct befitting a charge contrary to 5.12.
5. The key points of dispute were:
 - I. whether he had used the term “fuck” or “fucking” in the course of his comments,
 - II. whether he had thrown his ‘listening device’ **at** the fourth official, or whether he had simply thrown / dropped it on the ground near to him,
 - III. whether, in relation to the incident at half time, he accepted swearing during the alleged comment, “*You lot are horrific - worst performance of the season. This is going to be a fucking horrible review on Monday. Get it sorted right now.*”
6. Having heard submissions, the panel retired to consider whether we needed to hear evidence from the witnesses upon these differences and whether they might make a material difference to sanction.
7. The panel determined that the only point of dispute which might make a material difference to sentence was point 5 (III) above; noting that this was a particularly serious allegation of verbal abuse which included an implicit threat towards the Match Officials.
8. Mr Cairns was given opportunity to discuss his options with his advocate in private. Following a brief break, Mr Cairns changed his instructions and accepted that he had used the words as contained within the witness statement of the fourth official, including the word “fucking”.

THE RFU'S CASE

9. Mr Cairns is the Club's First XV Coach.

10. In support of this 5.12 charge, the RFU provided the panel with statements from the fourth official, referee and two ARs¹. The following incidents are summaries of what is said within the statements. Where issue was taken by Mr Cairns and the panel did not feel the need for this evidence to be challenged through oral evidence, this has been set out below.

11. "Incident 1" occurred about 45 minutes before kickoff. The four match officials were on the pitch speaking to the Caldy RFC pack for the 'front row briefing'. Mr Cairns ("MC") had supplied WhatsApp videos in the week before the game to the refereeing team regarding his concerns about a maneuver carried out by Doncaster in previous games which he felt was illegal and could only be seen by the ARs during a lineout. The referee explained his views upon the tactic, but MC then pointed towards the two ARs and told them, *"I'm expecting you both to get it"* and said it was definitely illegal and needed penalising. He followed this up saying, *"I'll be pissed off if we get penalised for it and they don't"*. After the referee said he had it on his radar and the Match Official team were walking away, MC said, *"Look – it doesn't even seem to be registering"*. One of the ARs describes this incident in the following way, *"MC had given us no opportunity to discuss whether we had any strategies for dealing with it if it occurred. The way he spoke to us was also unusual, I felt like I was being treated like an idiot who needed to be told how to do my job. It was very confrontational and potentially aggressive – hence my decision to leave at the earliest opportunity once he had finished"*

¹ The Panel did not feel it necessary to report their names, their roles during the match are the critical feature.

speaking.” MC denied that he was being confrontational, but accepted using the words suggested and otherwise behaving as described.

12. “Incident 2” occurred 16 minutes into the game following various on field decisions. MC walked from the coaching area in the stand to the fourth official’s “technical area”, he appeared frustrated, complained and questioned the referee’s decision at the scrum. The fourth official reminded him that he wasn’t to go into the technical area by saying words to the effect of, “*You know you’re not allowed to be in here*” to which MC replied, “*Yes I am*”. All parties accept that MC may have inadvertently gone into this area on this first occasion. He then moved a short distance to the steps in the centre of the stand and was heard to say, “*This is shite*” and “*paying homage to the full-time teams*”. The fourth official interpreted this as implying bias towards Doncaster Knights RFC (a fully professional side). MC accepted saying these words but suggested that the first comment concerned the way his team were playing and the second was born out of his frustration at the fact that full time teams had longer in the week to liaise with the Match Officials about their interpretations, whereas his team did not. The fourth official tried to ‘deescalate’ his behavior by saying phrases like, “*I hear what you’re saying*” and “*I understand you are frustrated*”. He then gave MC a warning and asked him to go back to his area. MC complied and moved back to his area. The warning was then relayed over the referee’s communication system at the next appropriate opportunity, notifying the referee that a warning had been given. This exchange can be heard on the match day recording. By this stage, in order to keep a contemporaneous note of MC’s behaviour, the fourth official took to writing down the comments made by MC on the Match Officials WhatsApp group – these comments being exhibited before the panel.
13. “Incident 3” occurred 18 minutes into the first half. MC approached the fourth official

as he stood against the barrier at the halfway line. MC is described as being angry, frustrated and somewhat intimidating. MC said, *“He just dived on his knee. What are you all watching?”*. He then pulled the referee listening device from his pocket and threw it on the floor such that it landed on the grass in front of the fourth official. The device was picked up by the fourth official and handed to the Doncaster team manager who was asked to dispose of it. One of the Match Officials noted within his statement that the Doncaster Team Manager witnessed this event as well. He, the Doncaster Manager, was asked to provide his account of this incident by Mr Hetherington of the RFU. His description is that MC, *“tossed his referee listening device on the floor at the feet of the 4th Official. Comments were made but I was unable to hear them clearly.”*

14. “Incident 4” occurred around 38 minutes into the first half, when MC came into the technical area for the second time (now aware he should not have been in there) and went to within 4 metres of the fourth official and said, *“That has to be our penalty²”*.
15. “Incident 5” occurred at the end of and during half time. Within the referee’s statement he describes ‘leading his team of match officials in quickly anticipating that there might be some sort of confrontation in the tunnel / dressing room area, and I wanted to get us all in our changing room as soon as possible’. At first MC came to the technical area and said directly to the fourth official, *“Difficult review for Mike on Monday. Worst fucking referee I’ve seen”*. Later, as the match officials were walking into the changing rooms MC caught up with them and said, *“You lot are horrific – worst performance of the season. This is going to be a fucking horrible review on Monday. Get it sorted right now.”* At the point of saying this the fourth official was only 50 cm behind MC and the comments were directed towards the three other match officials,

² The statement suggested that this comment was preceded by the words, “For fucks sake”, but on reflection as part of the preliminary ruling, noting MC had accepted swearing at other stages in these allegations, the Panel did not feel that this merited the need for hearing oral evidence.

who were just in front of him. As the Match Officials left their changing room to get the teams ready for the second half, MC was waiting outside his team's changing room. When he approached the referee, he was told "*Not now*". MC then looked at one of the ARs and said, "*Go on then. Do what you want out there*", a comment which the AR says implied that they were making up their decisions.

16. An "Incident 6" was outlined within the papers, but all parties agreed that at its highest it did not amount to conduct which could form part of a 5.12 charge.
17. "Incident 7" occurred 39 minutes into the second half. On field, the Doncaster player had committed a deliberate knock on. The player was awarded a yellow card as the Match Officials deemed that there was cover such that a tackle was likely to have taken place but for the foul play. MC came into the technical area (to within 2-4m of the fourth official) and said, "*How is that not a penalty try? Tell me that. Worst refereeing decision ever*". He is described as having his arms in the air and gesticulating at the time. MC's legal representative postulated that this might have been because he was animated and walking down the stairs. The fourth official described his manner as being angry and aggressive.
18. "Incident 8" occurred just after the final whistle was blown. As the match official team walked off towards the changing rooms and as MC was stood in the middle of the pitch, staring at them, he said words to the effect of, "*Mike. You three better hang around. We need to talk*". He was about 20m from them at the time of the comments being made, so this must have been said with some volume and in front of the large crowd present watching the game. The referee describes this comment as 'sounding quite aggressive and confrontational'.
19. "Incident 9" occurred in the bar after the game. One match official, the AR, decided he did not want to stay after the game solely because of MC's behaviour. Accordingly, this

is only reported in the statements of the remaining three. The officials were eating at the table after the game in the bar when MC approached them and started a conversation. He said, *"[Referee's name] I am really not happy. I really like you [Referee's name], you are a top man, but I am really disappointed. You gave them 17 points to start with"*. The parties spoke about the game and the referee said he would look through the footage and only then discuss specific decisions. At this point MC said, *"There is no point in having this conversation then is there. You have literally given Doncaster the game"*. When the referee raised the fact that MC should not have been going into the fourth official's technical area, he responded that the Doncaster Coach had done it (something which the parties accept had occurred, but only once and the behaviour of this individual was respectful and compliant). The conversation ended with MC saying to the referee, *"I see what is happening. You are just going to throw this back at me. That's fine. That's fine. If that's the way it's going to be. I am allowed to feedback to Leysh (Referee reviewer). Why am I being threatened?"* and finally, *"I see how this is. You're just going back at me. I see how you are playing this. I may as well just retire. I think I am done."* Prior to leaving it is accepted that MC shook hands with one the of ARs.

The Footage

20. The match footage was provided to all parties, but it was agreed that save for hearing the fourth official reporting the earlier incident at 23 minutes into the game, it did not provide further evidence in relation to the allegations.

SUBMISSIONS ON BEHALF OF THE RFU

21. Mr Hetherington made submissions upon sanction. He emphasised that MC's actions amounted to a course of conduct over the entirety of the match, he accepted that some

elements of his behaviour were at the lower level, some were simply disrespectful, but that others implied bias and that those more serious aspects of the verbal abuse merited a more severe sanction. He reminded the panel of the need to consider proportionality and submitted that the best approach to sentencing would be to look at the 'disrespect' and the verbal abuse elements separately within the sanctions set out within Appendix 2.

22. It was submitted that the continuing course of disrespectful conduct merited a Top End entry, with a suggested 9-week suspension and that the verbal abuse, having accounted for 'proportionality', ought to come in at a consecutive sanction at the Low-End starting point (6 further weeks).

SUBMISSIONS ON BEHALF OF MC

23. Mr Cairn's accepted making the comments set out above, save for disputing the use of the word "fucking" in relation to all but one 'Incident'. He said that his behaviour has been misinterpreted as he was not aggressive, but accepts he was frustrated. With regards to "Incident 1" he said he wanted to make sure that the Match Officials knew where he was coming from. He felt that he had been "fairly relaxed" and that it was a "good chat", with him denying being aggressive or confrontational.
24. He said he was unaware of being in the technical area and said that the comment, "*This is shite*" was within earshot of the Match Officials, but he was not talking about their performance. Whilst he accepted the "paying homage to the full-time teams" comment, he said this was because they get more time working with the referees in the week and that he was not intending to imply that the referee was biased.
25. He said he had taken out his listening device and dropped it one metre from the feet of the fourth official because he felt there was little point in listening when he was "getting nowhere". He had not intended his actions to show disrespect for the fourth official. The panel asked why he had not simply put it in his pocket and he said it might

have been because he already had things in his pocket. The panel rejected his account of this event and found that he had deliberately removed his listening device and thrown it on the floor in front of the fourth official in an act of anger; which was disrespectful and utterly unacceptable.

26. He accepted that Incident 4 amounted to him questioning the referee's decision and is therefore 'dissent'. He accepted making the comments in Incident 5 but said he was not intending to suggest bias; his advocate submitting it amounted to simply dissent. He said that Incident 7 occurred because he had been surprised that a penalty try had not been awarded. He accepted his comments at the end of the game ("Incident 8") were made but said this was because sometimes after a game the referee's leave without having a conversation. The Panel rejected this submission and found that he had made these comments as part of his ongoing and public demonstration of disrespect towards the Match Officials.
27. He accepted "Incident 9" had occurred as described in the bar after the game, but suggested that this was 'the type of conversation which occurred in every Tier 1 and 2 bar after a match with the officials'.
28. In terms of general mitigation, Mr Cohen, ably, set out the relevant aspects; namely that MC was an experienced, professional player and coach, did not have any previous disciplinary recordings against him, had behaved appropriately at the disciplinary hearing, had assisted Liverpool Referees Society on courses in the past and was remorseful for his actions.

FINDINGS

29. The Panel considered all the evidence and submissions. If in drafting this judgement,

the panel have failed to refer to any particular aspect of the evidence or submissions this does not reflect a failure to consider that evidence. We have considered all the evidence heard, written and recorded carefully.

30. We find that MC's course of conduct, for what must have been over two hours, amounts to a very serious case of both disrespecting the team of highly experienced Match Officials and, to a slightly lesser degree, verbally abusing them. The Panel have carefully considered all that is said within the bundle, including:

- a) The letter from Mike Priestly and Dr Tim Miller to David Barnes, RFU Head of Discipline, expressing their concerns at the level of referee abuse and the impact it was having upon recruiting and retaining referees and match officials,
- b) The article entitled, "Rugby faces grassroots refereeing crisis over 'alarming' rise in abuse of officials",
- c) "Match Official Abuse – a guide for referees" – set out by England Rugby,
- d) A summary of the results from the May 2022 Match Official Abuse Survey, and
- e) The Match Official Abuse Sanctions Guidance, issued by Richard Whittam K.C.
- f) The Victim personal statements of three of the Match Officials which highlighted the impact MC's behaviour had upon them, the fact that a large crowd was present for this game, including a lot of children, and the impact behaviour of this kind has upon individuals conducting their roles. The Panel feel that the referee's statement, in particular, is so poignant that it has been included as an Appendix A to this judgement.

31. Disrespecting and verbally abusing Match Officials is, sadly, on the rise within our game. Forty-nine percent of Match Officials surveyed in 2022 reported suffering abuse in that season, many of whom reported feeling dissatisfied with the outcome of

submitting a report “*due to the outcome and lenient sanctions*”³.

32. We found that by telling the officials, “*You lot are horrific – worst performance of the season. This is going to be a fucking horrible review on Monday. Get it sorted right now*”, whilst pointing in their direction clearly amounts to verbal abuse. The action of throwing his listening device at the foot of the fourth official, whilst in front of a large crowd of adults and children, and loudly earlier saying that the match officials are “Paying homage to the full-time teams” are both extremely serious examples of disrespect and would, in our judgement, be seen objectively as implying bias by a reasonable bystander.
33. We have dealt with the sanctioning process faithfully to the submissions made on MC’s behalf as part of the preliminary matters; namely that he only used the word “fucking” during ‘Incident 5’ and that he did not feel his actions were aggressive, more borne out of frustration. Nevertheless, these are serious instances of disrespect, with all four of the Match Officials being repeatedly targeted with ongoing comments and behaviour. The Panel found the evidence of the referee feeling the need to hurry his team of officials into the changing room at half time to avoid further confrontation from MC particularly aggravating.
34. The Panel assessed the seriousness of the offence and the mitigation against the criteria set out within RFU Regulations 19.11.8 and 19.11.10.
35. This was intentional conduct. There were multiple acts of disrespect prior to, during and after the game. The conduct was, in part, premeditated; by waiting outside his teams changing room and / or following the officials into the tunnel at half time and / or approaching them after the game with further disrespectful comments, the panel felt that MC was deliberately targeting them. MC’s conduct was not provoked and was

³ Figures and comments taken directly from the May 2022 survey contained within our bundle.

not in retaliation.

36. The RFU Sanctions Table does not apply to an offence under Rule 5.12. In the Panel's judgment, the elements of this offence should be separated between the repeated acts of disrespect and those which constitute verbal abuse.
37. The appropriate sanction is a period of suspension from being a coach on match day combined with Mr Cairns having an opportunity to undertake restorative acts in return for an element of his sanction being suspended.
38. In our judgment Mr Cairns should be suspended in the following ways:
 - 1) For the next 12 meaningful matches, Mr Cairns is prohibited from attending any rugby club where any of Caldry RFC's senior teams are playing; including all private and public areas, whether or not rugby activities are being conducted within those areas, and
 - 2) For the next 12 meaningful matches, Mr Cairns is prohibited from performing any match day rugby activity linked to any senior men's or women's rugby team, including, but not limited to:
 - a. Coaching of any kind (including remotely);
 - b. Travelling with the squad; and
 - c. Playing.

39. If, on or before Monday 9th September 2024, Mr Cairns sends to the RFU Head of Discipline, satisfactory evidence demonstrating that he has refereed at least three full matches of age grade rugby (players aged between under 16s down to under 12s and individual matches of at least 30 minutes duration), and that he has completed at least two hours of additional referee training provided by either the RFU or his local Referee's Society, then the final four weeks of sanctions 1 and 2 will be suspended until the conclusion of all disciplinary matters in the 2024-25 season.
40. A 4-week suspension in the same terms above may be activated by a future Panel and applied to different meaningful matches should a future Rule 5.12 or 9.28 charge (whether it relates to Match Officials or not) be proved against MC before the conclusion of all disciplinary matters in the 2024-25 season, in addition to the application of any new sanction.
41. Costs of £250 payable in accordance with RFU Regulation 19, Appendix 3.

APPEAL

Mr Cairns has a right to appeal these findings and conclusions on sanction within 14 days of this judgment being sent.

Dated this 19 April 2024

Daniel White

Becky Essex

Kylie Hutchison

APPENDIX A

My Victim Impact Statement is based on the events outlined in my Witness Statement – from the Doncaster v Caldby fixture on Sunday 14 April 2024.

I have been refereeing in the Professional Game for 8 seasons, and another 4 or 5 at lower levels, and I think I have only ever experienced Match Official Abuse in short outbursts, not sustained like this. I have experienced low level incidents, but I don't think I have ever been part of a Match Official Abuse incident like this before.

To have my impartiality questioned hurts. The implication that I have favoured a team over another for any reason, is really damaging – both from a reputational and personal perspective. To have my performance be very publicly labelled as incompetent in front of spectators hurts too, especially from a man of standing in the game like an ex-England international as Matt Cairns is.

But I came away from the game on Sunday night with the overriding feeling of disappointment. Disappointment that the game had been dominated and overshadowed for us by a coach's behaviour and attitude, rather than anything else. It had been a family fun day, minis and juniors from both clubs watching, a warm sunny day, a great pitch and ground, free-flowing running rugby with good, hard but disciplined rugby. We should have been pleased to be part of a good day for our game, yet my match official colleagues and I were talking about anything but the rugby. I felt that myself and my team had a good performance overall. Clearly there are always mistakes / areas to do better next time – even full time and International referees get this every game too – but I had felt positive overall.

Having reflected upon it at length over the next 48 hours – I am not the only referee who will think of little else in the aftermath of a game – I am actually quite angry.

I am a teacher, which is my full time job, so officiating very much takes up all of my other time. But on Monday, I spent any spare time I had reviewing my game, and liaising with my Performance Reviewer (an ex-International Referee) about my performance. This is standard protocol in the Professional Game. That process takes a number of hours.

It gradually dawned on me in our review discussions that almost every one of the incidents that Matt Cairns, Caldby Head Coach had been furious and had outbursts over – in-match and post-match – we felt actually had been correct decisions.

There is no excuse for Match Official Abuse at all. However, I am empathetic enough to see that officials' errors – if they are errors - can cause understandable frustration for coaches. But when the abuse on a touchline is as it was on Sunday, yet those 'controversial' decisions are in the main correct on review in the cold light of day, then frustration turns to anger.

Like all my fellow match officials in the Professional Game, we make huge sacrifices to do what we do. I have thought to myself over the past 48 hours whether all those sacrifices are really worth it, if this is what rugby is gradually becoming. If we can train and prepare to the level we do, sacrifice hours and hours of personal and family time, have a good game, and yet still receive abuse, I am not sure that it is worth it.

Rugby's core values have been slowly challenged and eroded in the time I have been a referee. This is despite efforts to try and keep them at the forefront of our game. As Match Officials we do the job because we love the game. But days like I experienced on Sunday make me wonder whether it really is still the same game that we love.