

RFU SHORT JUDGMENT FORM



Match	Old Elthamians	Vs	Plymouth Albion
Club's Level	Level 3	Competition	National 1
Date of Match	28.09.2019	Match Venue	Old Elthamians

Particulars of Offence			
Player's Surname	Batt	Date of Birth	31.10.1994
Forename(s)	Adam	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Old Elthamians	RFU ID No.	2285250
Type of Offence	Citing		
Law 9 Offence	Law 9.12 - Verbal abuse		
Sanction	3 weeks		

Hearing Details			
Hearing Date	28.10.2019	Hearing venue	London Bloomsbury Holiday Inn
Chairmen/SJO	Gareth Rees QC	Panel Member 1	Leon Pickering
Panel Member 2	Inigo Churchill	Panel Secretary	John Crate
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):	Other attendees:
Matt Bosworth, Russell-Cooke, Solicitors	Gavin Lach, OE Director of Rugby John Mack, OE Chairman On Telephone: PA Head Coach, Ben Gulliver

List of documents/materials provided to player in advance of hearing:
Charge Sheet Citing Complaint from Plymouth Albion Four player statements describing the incident

The Plymouth Albion Citing Report read as follows:

Following an altercation between OES No.5 (Perry- John Parker) and Plymouth's No.19 (Rusiate Tuima) which had petered out, OES No.8 (Adam Batt) made a racial comment towards Plymouth's No.19 (Rusiate Tuima) 'get back on your boat'.

Following the comment which was witnessed by Plymouth Albion's No.10, No. 6 and No.7 (Dan Mugford, Sam Daly and George Mills), OES No.8 (Adam Batt) backed up his comment by saying 'what, i'm a kiwi' insinuating that his behaviour/comment was acceptable because he was from New Zealand.

Plymouth No.19 (Rusiate Tuima) did not respond.

Essential Elements of Other Evidence (e.g. medical reports)

The PA player, Rusiate Tuima, added that when Adam Batt was substituted he passed him on the touchline and repeated; "mate, I'm a Kiwi"

The other evidence from the players supported the version of the incident in the Citing Report

Summary of Player's Evidence

The player accepted that he was guilty of verbal abuse but Mr Bosworth told the panel that he said the following:

"Fuck off you Fob"

Mr Bosworth explained that Fob means 'fresh off the boat' and is a well-known expression in New Zealand. He said it was a term of general abuse and was not in any way connected to any form of racial abuse.

He also told the panel that the incident when Adam Batt left the field was as follows:

An OE trainer said: "you're a racist arsehole". in response to that Adam Batt said: "Mate, I'm a Kiwi."

The panel had a number of character references. These were from a number of rugby players of Pacific Islands descent who gave glowing tributes to Adam Batt as a fellow player who they regarded as inclusive and as a good friend over a number of years. These were very important evidence to assist us in deciding the racial element of the abuse.

The panel was told that Adam Batt:

Had sent an email apologising to Rusiate Tuima before the citing was made;

Had been suspended for one match already by his club;

Would make a £300.00 donation to charity as nominated by Rusiate Tuima. This is the match and win fee for the match that day;

Prior to that match he had a clean disciplinary record without a yellow card.

Findings of Fact

The panel decided that the verbal abuse was as recorded in the citing report. In any event it was accepted that it was verbal abuse and the panel judged that the words had racial overtones.

The panel decided that Adam Batt was reckless in his choice of words and now regretted what he said.

The verbal abuse had caused deep offence to Rusiate Tuima and some of his team mates.

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate



19.11.8(b) Reckless



Reasons for finding as to intent:

We do not believe his intent was to use racist abuse but his choice of words was reckless and gave the impression of racial overtones.

Gravity of player's actions - Reg 19.11.8(c)

We did not regard this as a very serious example of racial abuse.

Nature of actions - Reg 19.11.8(d)

N/A

Existence of provocation - Reg 19.11.8(e)

Minimal if any at all as he chose to get involved following an incident of foul play involving other players.

Whether player retaliated - Reg 19.11.8(f)

None

Self-defence - Reg 19.11.8(g)

N/A

Effect on victim - Reg 19.11.8(h)

He was deeply offended by the words used.

Effect on match - Reg 19.11.8(i)

None

Vulnerability of victim - Reg 19.11.8(j)

N/A

Level of participation/premeditation - Reg 19.11.8(k)

He acted alone and it was premeditated

Conduct completed/attempted - Reg 19.11.8(l)

Completed

Other features of player's conduct - Reg 19.11.8(m)

N/A

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input checked="" type="checkbox"/>	6	<input type="checkbox"/>		<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.
In making this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

The panel regarded this as an offence at the lower end of the scale having considered Regulation 19.11 and having regard to all the evidence before us.

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

He had a very good disciplinary record

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

N/A

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

None

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors

Acknowledgement of guilt and timing - Reg 19.11.11(a)

He accepted he was at fault and apologised to the player before the citing was made.

Player's disciplinary record/good character - Reg 19.11.11(b)

He had a very good disciplinary record.

Youth and inexperience of player - Reg 19.11.11(c)

The player was about to be 25 years of age.

Conduct prior to and at hearing - Reg 19.11.11(d)

Excellent

Remorse and timing of Remorse - Reg 19.11.11(e)

Early and genuine

Other off-field mitigation - Reg 19.11.11(f)

Very strong character references going to the issue of racial abuse

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

He received full credit for his plea of guilty.

We did not regard the issue on the exact words used as something that should reduce that credit.

Games for meaningful sanctions:

Adam Batt has missed one match and will now miss two further league matches on 2 and 9 November

19.10.2019 v Darlington Mowden Park

02.11.2019 v Richmond

09.11.2019 v Hull Ionians

Sanction

NOTE: PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	3 weeks	Sending off sufficient	
Sanction commences	28.10.2019		
Sanctions concludes	11.11.2019		
Free to play	12.11.2019		
Final date to lodge appeal	02.11.2019		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£200		

Signature (JO or Chairman)	Gareth Rees QC	Date	29.10.2019
----------------------------	----------------	------	------------

NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9