

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING
JUDGMENT

Coach / Ass Referee: James Martin Taylor (RFU ID: 1487996; DOB 23/10/1972)
Panel: Richard Whittam KC (Chairman); Jane Bickerstaff KC & Rebecca Harris
Secretary: Rebecca Morgan-Scott
Club: Olney RFC

HEARINGS

Dates of hearings: 8 November & 29 November 2022
Date of decision: 29 November 2022 (oral decision)
Written decision: 12 December 2022
Venue: A remote video hearing at which the panel, the Coach / Assistant Referee, the legal representatives, witnesses and the observers attended by Zoom

Attending: The Coach / Assistant Referee
Richard Booth KC, representing the RFU
Mark Harries KC, supporting the Coach/Assistant Referee
Angus Hetherington, RFU
David Barnes, RFU (8 November 2022 only)
Ross Ludlow, legal trainee observing (8 November 2022 only)
Bob Harman, Bucks CB Adult & Age Grade Discipline Secretary

DECISION

1. The Panel found that Coach / Assistant Referee's conduct was prejudicial to the interests of the Union and the Game in that he disrespected a Match Official and physically abused a Match Official by tapping him in the chest with his Assistant Referee's flag.
2. The total sanction is one of 30 weeks. It shall be comprised of the following elements:
 - 2.1. The Coach/Assistant Referee is suspended from attending any rugby match in any capacity.
 - 2.2. If the Coach / Assistant Referee attends an 'In Touch Course' and delivers a training session to the Olney U16 Players, 10 weeks of the 30 weeks sanction will be held in suspense until the end of the 2023-2024 season.
 - 2.3. That training session must cover what happened in the match on 9 October and why it should not have occurred.

- 2.4. The Coach / Assistant Referee must provide to the RFU a video of the training session and it must be supported by a letter from the Disciplinary Secretary at Olney RFC which confirms that nothing was said before or after the training session to undermine the content of the training session or its purpose.
 - 2.5. Should the Coach / Assistant Referee commit a further Rugby Offence (whether it be conduct prejudicial to the interests of the Union and the Game, contrary to RFU Rule 5.12 or another Rule) that involves Match Official Abuse, the remaining 10 weeks suspension is likely to be activated consecutive to any sanction imposed for the further offending.
3. The Panel also ordered the Coach / Assistant Referee to pay costs in the sum of £125

PRELIMINARY MATTERS

4. The members of the Panel introduced themselves and the Chairman explained the procedure to be followed. There were no objections to the composition of the Panel.
5. The Chairman indicated that the Panel had read the hearing bundle. Following discussion with the advocates, and without objection, the Chairman directed:
 - 5.1. The evidence of the witnesses to be called that was set out in writing in the bundle was to be taken as read and so there was no need for any witness to give their evidence in chief.
 - 5.2. As the Referee was aged 15 his father should sit with him during the hearing.
 - 5.3. Because of the age of the Referee both Advocates should conduct the proceedings with sensitivity. There were to be no 'tagged' questions and, as the issues between the parties were clear, there was no need for the Coach/Assistant Referee's case to be put to the Referee.
6. Once it became clear that the proceedings would not be completed on 8 November the following procedure was agreed:
 - 6.1. The evidence would be completed on 8 November.
 - 6.2. The parties would submit written submissions in relation to the facts.
 - 6.3. A further hearing was fixed for 29 November, at which each party could make oral submissions for up to 15 minutes.
 - 6.4. The Panel would then consider its findings of fact.
 - 6.5. If those findings of fact were adverse to the Coach / Assistant Referee the Panel would then hear oral submissions as to sanction.
7. The charge was put to the Coach / Assistant Referee:

THE CHARGE

STATEMENT OF OFFENCE

Conduct Prejudicial to the interests of The Union and the Game, contrary to RFU Rule 5.12

PARTICULARS OF OFFENCE

In the match between Northampton Boys' Brigade Old Boys RFC U16s and Olney RFC U16s on 9 October 2022, James Taylor disrespected, and/or verbally abused, and/or used threatening language/actions at, and/or made physical contact with, and/or physically abused, the match referee by:

1. Stated "*you're wrong there*" to the referee in respect of a decision made;
 2. On the pitch, pulled out the Laws of the Game and explained why the referee was incorrect, thus undermining the authority to the referee;
 3. Told the referee "*I'm pissed off at you for that decision*" before continuing to argue the decision";
 4. telling the referee in respect of a forward pass decision "*it was not forwards you were too far away to actually see this.*" before continuing to argue the decision;
 5. At half time, questioning the referee as to his decision making before threatening to report his performance to the RFU as a "*shocking display of refereeing*";
 6. Raising his voice and criticising the referee for "*wrong decisions*" and stating that he would "*not be refing anymore as I am a fully qualified referee and I will now referee this game*";
 7. Tapping the referee in his chest with his AR flag;
 8. Moving into the personal space of the referee;
 9. On the abandonment of the match, continuing to play despite the referee's decision.
8. The Coach / Assistant Referee denied the charge.

THE EVIDENCE

9. A great deal of the evidence and some of the cross examination emphasised the decisions made by the Referee during the first half of the match. The Panel considered it important to focus on the allegations made against the Coach / Assistant Referee and noted RFU Regulation 19.5.1 which asserts the Referee's position as sole judge of fact and law during a match as being unassailable. That applies to age grade Referees as it does to adult Referees.
10. The Panel considered all the material in the revised hearing bundle, all the material provided during the hearings and the evidence of 13 witnesses, 10 of which gave evidence before the Panel and were subject to cross examination. The Panel also was provided with written closing submissions from Counsel for the RFU and Counsel for the Coach / Assistant Referee.

11. The witnesses for the RFU were:
 - 11.1. The Referee.
 - 11.2. The Referee's chaperone, who was the Referee's grandfather.
 - 11.3. The Referee's father, who was adjudicating a different match on an adjacent pitch.
 - 11.4. Fungai Motezu, the Boys' Brigade Old Boys (BBOB) coach.
 - 11.5. Samantha Clark, Voluntary Assistant Referee.
 - 11.6. Liviana Whittaker, a parent of one of the BBOB Players.
 - 11.7. Georgina Moore (read),
 - 11.8. Mik Plant (read).

12. The witnesses called on behalf of the Coach / Assistant referee, in addition to his own evidence:
 - 12.1. David Wright, from Stuttgart, by phone only.
 - 12.2. Lorrain Brice, a coach at Olney RFC
 - 12.3. Corina House, a parent of one of the Olney RFC Players.
 - 12.4. David Sales.
 - 12.5. Richard Walker, Olney RFC U16 coach.
 - 12.6. Ian Howard (read).

13. The preponderance of the evidence indicated that the Coach / Assistant referee was clearly frustrated and showed that by his body language, what he said and what he did. Examples of the evidence of the general behaviour of the Coach / Assistant Referee include:
 - 13.1. The Referee's chaperone described the Coach / Assistant Referee as running onto the pitch and gesturing at the Referee, his body language was such that he was clearly unhappy. At half time he caught up with the Referee and started remonstrating with him. The chaperone came onto the pitch as he was concerned that the Referee was in danger. He was shouting into the face of the Referee and shouted the Referee down. Whilst he could not hear the words being said, the body language was clear.
 - 13.2. Before the incident with the flag, Fungai Motezu described the involvement of the Coach / Assistant referee as disagreeing with the Referee's call and entering the pitch on multiple occasions. He could not hear what was being said, but he could see the gestures and described the actions of both the Coach / Assistant Referee

and the Olney Coach as it being difficult to watch, seeing grown men surrounding a boy.

- 13.3. Liviana Whittaker thought that the Coach / Assistant Referee disagreed with almost every decision that the Referee made and was verbally abusing the Referee. He was saying that he had made the wrong decision. She said, '*It was not a nice atmosphere*', which was caused by the Coach / Assistant Referee shouting at the Referee. Her evidence was impressive and clear.
 - 13.4. Samantha Clark described the behaviour of the Coach / Assistant Referee as such that she went onto the pitch at half time because she thought he needed someone with him as a child.
 - 13.5. Mik Plant described in his statement the Coach / Assistant Referee disagreeing with the Referee's decisions and storming onto the pitch to confront the Referee, waving his arms about and clearly angry. The behaviour was such that Mik Plant confronted the Assistant Referee about his conduct.
14. On behalf of the Coach / Assistant Referee a number of witnesses gave evidence, some of whom saw the events through a different prism. That evidence included:
- 14.1. David Wright was concerned for the safety of the Players, including his own son. He saw the Coach / Assistant Referee enter the pitch once to discuss a decision, but without any sign of animosity. In his statement he said '*Undoubtedly, Jim would have been speaking passionately and even challenging the Referees decisions*'. When he gave evidence he said he did not see the Coach / Assistant Referee shouting.
 - 14.2. Lorraine Brice, a qualified football referee, was in the substitutes' box to support the Olney Players. She commented on the quality of the refereeing. Although she did not see the Coach / Assistant Referee behave in the way alleged against him, she did see him passionately in conversation with the Referee regarding some of the play. She described the Coach / Assistant Referee as being frustrated and when questioned she did accept that he was very cross.
 - 14.3. Corina House, another parent with a son playing for Olney, saw the Coach / Assistant Referee go onto the pitch twice. She described him as not being cross, but quite calm. He was, however, shaking his head a lot, including shaking it in a theatrical way.
 - 14.4. David Sales suggested that the 15 year old referee was biased and a cheat, who was blatantly cheating and described the Coach / Assistant Referee as being very calm. He was the only witness to do so.
 - 14.5. Richard Walker, the Olney Coach, had no concerns for the safety of his Players. He was critical of the Referee's conduct of the match and did not think that there was anything untoward in the conduct of the Coach / Assistant Referee.

15. The Referee gave his evidence in a mature and balanced way. Events made him go to speak to his father, who was officiating on an adjacent pitch. He then abandoned the match and went to change. He was distraught about what had happened. He completed a Match Abandonment Report on the same day. His evidence included:

15.1. That match report set out the events as he recalled them (that formed the basis of the Particulars of the charge as set out in paragraph 7 above).

15.2. Before the match the Olney coach approached him and said he did not want him to give out red or yellow cards without discussing them with him first. He felt that was an attempt to undermine his authority. If a Player commits an offence, for example a high tackle with no mitigation, he should get the penalty he deserves.

15.3. During the match the Coach / Assistant Referee was also coaching the Olney Players, which was not unusual. With regard to Particular 1, he accepted that the Coach / Assistant Referee did say the Olney Players were confused about the decision and he needed an explanation that he could pass on to the Players.

15.4. He was clear that the Coach / Assistant Referee did run onto the pitch and try to show him the World Rugby Rules on his phone (Particular 2).

15.5. He was quite clear that the Coach / Assistant Referee had said that he was 'Pissed off' about the decision, and that he felt intimidated (Particular 3).

15.6. The Referee was asked about his decision to allow the try when it was suggested there had been a forward pass. The Coach / Assistant Referee was shocked and shouting, challenging his decision. He questioned whether the Referee could see a forward pass from where he was (Particular 4).

15.7. With regard to his evidence that the Coach / Assistant Referee had threatened to report his performance to the RFU as he was a lawyer or he would get a lawyer and take it to the top, the Referee stated that he did believe that was said. He wrote his report just hours after the match and remembered it quite clearly (Particular 5).

15.8. With regard to the Coach / Assistant Referee tapping him the chest the Referee said, in his statement, whilst the Coach / Assistant Referee told him that he was not refereeing any more,

'... he still had my flag and was pointing this at me and occasionally tapping me quite hard on my chest. Whilst this was happening I was scared as he was much older than me, towered over me and was significantly intimidating me. I stepped back in an attempt to prevent him from tapping me on the chest, but he proceeded to advance into my personal space. I felt physically sick and wanted to cry. The tapping caused me significant discomfort as it was quite hard and sharp on my ribs.'

He did not accept that he had made up the incident.

- 15.9. He described going to the adjacent pitch to speak to his father, who was officiating another match. He told his father what had happened, including describing the Coach / Assistant Referee telling him to '*piss off*'. His father confirmed that it would be appropriate to abandon the match. That account was corroborated by his father's evidence.
- 15.10. The Referee returned to the match where he was officiating and formally abandoned it. He went to the clubhouse and spoke to the safeguarding officer. He went to the Referee's changing room where he changed and began to cry as he was so upset.
16. With regard to the actions of the Coach / Assistant Referee with the flag, the evidence of other witnesses included:
- 16.1. The chaperone said that at half time the Coach / Assistant Referee was talking all the time, shouting into the Referee's face. He was irate, he was waving his flag and it touched the Referee at least twice. When asked whether that might have been accidental he said he did not know what was in the Coach / Assistant Referee's mind.
- 16.2. Fungai Motezu, who gave his evidence in a cautious and measured way, said that the Coach / Assistant Referee did wave his flagstick at the Referee and the manner of the conversation was animated.
- 16.3. Liviana Whittaker did not see the flag touch the Referee, but she did see the Coach / Assistant Referee throw his flag onto the floor.
17. The Coach / Assistant Referee gave evidence. He adopted the accounts that he had provide to the RFU as his evidence in chief, and he denied any conduct that amounted to the charge.
- 17.1. He accepted, reflecting on what had taken place, that he was not proud of his conduct. He had engaged with the Referee as he was '*seeking to do the right thing for the Players he was responsible for*'.
- 17.2. He explained his long commitment to the game of Rugby and coaching this age group for 10 years.
- 17.3. He spent some time explaining why he had disagreed with some of the decisions made by the Referee, although in his evidence he did accept the importance of the Referee being the sole arbiter of fact and law on the pitch.
- 17.4. Safety was a concern, with parents of his team expressing concern.
- 17.5. He became frustrated, not about the decisions, but the reason for them and the lack of communication with the Players. With regard to a decision not to give a knock on from a line out he agreed he used his phone to check the World Rugby law and he did go onto the pitch to make sure the Referee knew what the law was.

He did not turn his mind to whether that was undermining the authority of the Referee.

- 17.6. There was no dispute that the Coach / Assistant Referee did say that the Referee was too far away to see whether the pass that led to the try being disallowed as forward, but the Coach / Assistant Referee maintained that the comment was made during the discussion at half time.
 - 17.7. The Coach / Assistant Referee maintained that he was not angry, just frustrated. He was focused on his own group of Players. He denied that he said that he was 'Pissed off' with the Referee. Whilst he did raise his voice, he did not accept that his behaviour was inappropriate. He was no more robust than he would be to Players, if they had been messing around, in trying to get them to listen to him.
 - 17.8. With regard to gesticulating with the Assistant Referee's flag, he said that he 'genuinely couldn't say' whether he was or not. With regard to whether the flag came into contact with the Referee, he said that even if he had brushed the Referee inadvertently he would say sorry.
18. Witnesses called on his behalf did not see the Coach / Assistant Referee waving the flag (David Sales, Richard Walker, Corina House), as some witnesses called by the RFU, made no mention of the Flag (Samantha Clark, whose evidence was read).

FINDINGS OF FACT

19. The Panel had regard to the written submissions from Richard Booth KC for the RFU and Mark Harries KC for the Coach / Assistant Referee. Both documents had been drafted with care and assisted the Panel in its determination of the facts. This decision does not set out the Panel's determination of each point raised in those written submissions. It would not be practicable to do so given their detailed nature (the written submissions on behalf of the Coach / Assistant Referee were some 22 pages long), but the Panel did have regard to all the submissions made on behalf of the Coach / Assistant Referee.
20. Before retiring to consider its findings of fact the Chairman raised with both Counsel what could amount to physical abuse of a match official. The Chairman specifically invited submissions as to whether, if the facts as alleged by the Referee were found to have taken place, those facts amounted to physical abuse of a match official. Mr Harries accepted that those facts met the RFU definition of physical abuse of a match official:

"It occurs where the offender intentionally makes physical contact with the Match Official – ie physical contact that could not be categorised as merely reckless or purely accidental."
21. The Panel considered each Particular as set out in the charge.
22. The burden of proving the facts was on the RFU. Although the standard of proof was on the balance of probabilities, the Panel accepted the submission made on behalf of the Coach /

Assistant Referee that given the seriousness of the allegation made in Particular 7 the Panel should be particularly cautious before reaching a decision adverse to the Coach / Assistant Referee.

23. On Sunday 9 October 2022 the 15 year old Referee went to officiate a friendly match between BBOB 16s and Olney U16s. Only the first half of the match was played before he abandoned the match.
24. The Particulars of the charge relate directly to the written account provided by the Referee which he recorded later on the afternoon on 9 October.
25. The Coach / Assistant Referee made a written record of his account also on 9 October. He supplemented that account with a further written submission on 17 October and a formal response to the charge on 8 November. The Panel noted that, in his account on 8 November, the Coach / Assistant Referee, whilst still maintaining his denial, accepted that he clearly had caused upset to the Referee and offered his unreserved apology.
26. The allegations made by the Referee and the complete denial by the Coach / Assistant Referee meant there was a direct conflict in the evidence given before the Panel. Both Counsel submitted that it might be difficult for the Panel to either gauge the weight to be attributed to the evidence of the witnesses on either side as their accounts were so contrasted, or that no witness was entirely independent and the Panel should take into account the extent to which a witness's partisanship may have influenced to a greater or lesser extent the evidence given by the witnesses.
27. The Coach / Assistant Referee accepted that he was no more robust than he would be to Players, if they had been messing around, in trying to get them to listen to him. The Panel noted that was a wholly inappropriate way for an adult to speak to a Referee.
28. Each member of the Panel in both their professional and Rugby Discipline experience is well used to assessing and determining matters of fact.
29. The evidence had to be considered in its context and not sound bites of a particular answer one way or the other. It was an age grade Rugby match which was dynamic, with incidents viewed from different angles, distances and potentially influenced by the reaction and or views of others who were with the respective witnesses. Further, save for the Referee and the Coach / Assistant Referee, no witness gave a written account on the day of the match and even the account given on 10 October by Richard Walker, the Olney U16 Head Coach, was only recorded after he had read the account of the Coach / Assistant Referee.
30. The Panel considered all the evidence, both oral and written, with caution exercised over the written evidence as it had not been tested in cross-examination and the Panel had not had the opportunity to see and / or hear the demeanour of the witness.
31. What was clear to the Panel was that the only two people who knew what had actually happened were the Referee and the Coach / Assistant Referee.

32. The Referee gave his evidence in a mature and balanced way. What had happened to him made him go to speak to his father, who was officiating on an adjacent pitch. He then abandoned the match and went to change. He was distraught about what had happened. He completed a Match Abandonment Report. When he was cross-examined he was prepared to accept that, for example, the Coach / Assistant Referee may have been enquiring about the decision he had made in allowing the try in the first half (Particular 1).
33. The Referee gave careful and clear evidence that the Coach / Assistant Referee had said to him, "*I'm pissed off at you for that decision*" (Particular 3), which was what he had reported to his father immediately after the first half. Further, he was unshakable in his account of the Coach / Assistant Referee tapping him in the chest with the Assistant Referee's flag (Particular 7). The Referee's chaperone was sure that the Coach / Assistant Referee was irate, waving his flag and touched the Referee at least twice. He accepted that he could not determine what was in the Coach / Assistant Referee's mind.
34. The Panel rejected the evidence of David Sales that the 15 year old referee was biased and a cheat and also rejected the evidence that the Coach / Assistant Referee was very calm.
35. The facts as they relate to Particulars 1 and 9 are not set out in full given the findings of fact in paragraph 38 below.
36. The Coach / Assistant Referee faced a single charge. It had been particularised by the RFU. That assisted the Coach / Assistant Referee and his representatives in understanding the allegation that he faced and the Panel in what decisions it had to take in coming to a fair conclusion. If but one Particular was made out the charge would be proved, but what was of the most significance was Particular 7, tapping the Referee in his chest with the Assistant Referee's flag.
37. The Panel took full account of the witnesses who spoke so well of the Coach / Assistant Referee's commitment to the Club and to the game of Rugby over many years.
38. Having considered the evidence the Panel dismissed Particulars 1 and 9. The Referee accepted that the Coach / Assistant Referee may have been asking for the reasoning behind his decision which may have fallen short of disrespect (Particular 1). Further, there was a great deal of evidence that the match may have continued with the consent of the coaches. As it was not integral to the Panel's major finding of fact the Panel decided to resolve that Particular in favour of the Coach / Assistant Referee (Particular 9).
39. The Panel found that Particulars 2, 3, 4, 5, 6 (disrespect) and 7 proved.
40. Having considered the evidence the Panel decided that Particulars 7 and 8 were effectively the same incident and made no separate finding on Particular 8. The RFU had indicated that Particular 6, if proved might, be verbal abuse or disrespect. The Panel found that Particular 6 proved as disrespect. With regard to Particular 7, the Panel was sure that the Coach / Assistant Referee had tapped the referee on his chest with the Assistant Referee's flag.

- 40.1. The Coach / Assistant Referee accepted that he did go onto the pitch with his phone and show him the World Rugby Rules. He accepted that he had not given a thought as to whether his actions disrespected the Referee. In the context of the general behaviour of the Coach / Assistant Referee at the match, his shouting, head shaking and general dissent, the Panel found that his conduct with his phone amounted to disrespect of the match Referee (Particular 2).
- 40.2. The Panel found the Referee's account of the Coach / Assistant Referee saying to him he was '*pissed off with him for that decision*' compelling (Particular 3). He had reported that event to his father and committed it to writing the same day. The Panel were unimpressed by observations to the effect that the Coach / Assistant Referee does not swear, nor the submission that would be unusual in the game of Rugby. The Panel concentrated on the evidence, both oral and written, that was given at the hearing.
- 40.3. There was little dispute about the Coach / Assistant Referee telling the Referee that he was too far way to see whether the pass was forward and to disallow the try as a consequence. Whilst there may have been a dispute as to when the conversation had taken place, as with Particular 2, the Panel was satisfied that the comment to the Referee amounted to disrespect of the match Referee (Particular 4).
- 40.4. The evidence given by the Referee that the Coach / Assistant Referee would report him to the RFU for a '*shocking display of refereeing*' also was clear (Particular 5).
- 40.5. Whilst the Panel was similarly satisfied that the Coach / Assistant Referee had told the Referee that his decisions were wrong, that the Referee would not be officiating at the match anymore and that he, the Coach / Assistant Referee, would take over the match in the second half, the Panel determined that his conduct amounted to disrespect of a match official and not verbal abuse as set out in the RFU '*Match Official Abuse – A Guide for Referees*' (Particular 6).
- 40.6. The Panel gave close consideration to the allegation that the Coach / Assistant Referee had tapped the Referee in his chest with the Assistant Referee's flag. In particular, the evidence given by the Referee was compelling. It was the culmination of the behaviour of the Coach / Assistant Referee on that day. Both Fungai Motezu and Samantha Clark were concerned about how the Coach / Assistant Referee was behaving towards the Referee. Witnesses were clear about the fact that the Coach / Assistant Referee had been gesticulating with the Assistant Referee's flag. The Referee's chaperone was sure that the Coach / Assistant Referee was irate, waving his flag and touched the Referee at least twice. He accepted that he could not determine what was in the Coach / Assistant Referee's mind. That, and the overall behaviour of the Coach / Assistant Referee on that day, supported the very clear evidence given by the Referee. The Panel were sure that Particular 7 was made out on the evidence. As indicated in

paragraph 40 above, the Panel made no separate finding in relation to Particular 8.

ADDITIONAL FINDING OF FACT

41. It is unfortunate that even before the match that the Onley U16 Head Coach (not the Coach / Assistant Referee) approached the Referee and suggested to him that before he issued any yellow or red cards he should discuss with the Head Coach whether it was appropriate to do so. There is a clear difference between having a discussion with match officials and inviting the Referee to discuss the merit of a yellow or red card before it is issued. Not only should the Head Coach have recognised that it was an inappropriate discussion to have, but he should also have recognised that it was even more inappropriate to say that to a Referee who was aged 15. It is difficult to imagine the Head Coach having a similar conversation with an adult Referee. The Panel notes RFU Regulation 19.5.1 which asserts the Referee's position as sole judge of fact and law during a match as being unassailable. That applies to age grade Referees as it does to adult Referees.
42. The Panel was careful not let this finding of fact influence its consideration of the facts relevant to the Coach / Assistant Referee.

SANCTION

43. There is no room in Rugby for disrespect of a Match Official and even less so for physical abuse of a match official.
44. Before considering sanction the Panel was provided with:
- 44.1. A victim impact statement made by the Referee.
 - 44.2. An email from the Head of School at the Referee's school.
 - 44.3. Further references on behalf of the Coach / Assistant Referee.
 - 44.4. The RFU Disciplinary Panel Judgement in Paul Tuinasakea
45. Understandably, the events of 9 October 2022 have had a significant impact on the Referee as he set out in his Abandoned Match Report and his Impact Statement. The Panel was pleased to hear that although he had entertained doubts about continuing to Referee, he has decided to continue to referee. He was impressive in his conduct at the hearing. Referees are an essential part of Rugby. The Panel noted the observation from the father of the Referee to the effect that the Referee does not have any problems officiating adult matches, but age-grade matches are more difficult.
46. The Panel did take into account the previous good conduct of the Coach / Assistant Referee and his character references and the oral submissions made on behalf of the RFU and the Coach / Assistant Referee.
47. Sanction for an offence contrary to Rule 5.12 is at large. That is the Panel can impose any

'appropriate punishment' for the offence. RFU Regulation 19.11.7 states:

"Appropriate punishment" referred to in Rule 5.12 ... shall include, but shall not be limited to: (a) for a person, a reprimand, a financial penalty or suspension from playing, coaching and/or administration."

48. Further, in misconduct cases a Disciplinary Panel may suspend the effect of any sanction imposed (RFU Regulation 19.11.20).
49. The Panel decided that the sanction should include an element of education as well as a Rugby sanction. Given the behaviour of the Coach / Assistant Referee it was appropriate that he should attend a safeguarding course approved of by the RFU and that he should provide a training session to the U16 squad at Olney RFC.
50. Given that the Player is a coach the sanction had to be adjusted to reflect his involvement and be meaningful and proportionate.
51. The Panel considered the guidance given in RFU Regulation 19 – Discipline (Appendix 2) with regard to Law 9.28 (which includes the offences of disrespect of the authority of a Match Official and physical abuse of a Match Official). Appendix 2 only applies to Players. The Panel noted that any offence committed under Law 9.28 which relates to a Young Match Official (YMO) or a Match Official under the age of 18, shall result in at least a mid-range entry point.
52. Understandably there is a considerable distinction between disrespect of a match official and physical abuse of a match official. The former attracts a mid-range starting point of 4 weeks, the latter a mid-range starting point of 48 weeks.
53. Whilst the Panel was sure that the Coach / Assistant Referee had tapped the referee in the chest with the Assistant referee's flag, and that it was during a course of conduct that led to the Referee abandoning the match, the offending was at the very lowest end of the category of Physical abuse. It was for the reason the Chairman had asked whether the facts, if found as alleged, did amount to the offence of Physical abuse of the match Official. Further, in this case the Coach / Assistant Referee is a professional man and it is likely that he will have to self-report to his regulatory body. That may have been a factor in him not accepting the charge in its entirety.
54. In all the circumstances the Panel concluded that the correct starting point on the particular facts of this case was one of 40 weeks.
55. Given those who spoke well of the Coach / Assistant Referee and his longstanding commitment to the game of Rugby and his coaching, the Panel did not want to remove him from the Rugby family without wanting to return. On the evidence before the Panel it was determined that the Rugby sanction could be reduced to one of 30 weeks. The Panel accepted that although the charge had been contested, the Coach / Assistant Referee had apologised to the Referee in his final written submissions and had come very close to accepting Particulars 2 and 4.

56. The Panel found that Coach / Assistant Referee had abused the Referee, including tapping him in the chest with his Assistant Referee's flag.
57. The total sanction is one of 30 weeks. It shall be comprised of the following elements:
- 57.1. The Coach/Assistant Referee is suspended from suspended from attending any rugby match in any capacity.
- 57.2. If the Coach / Assistant Referee attends an 'In Touch Course' and delivers a training session to the Olney U16 Players, 10 weeks of the 30 weeks sanction will be held in suspense until the end of the 2023-2024 season.
- 57.3. That training session must cover what happened in the match on 9 October and why it should not have occurred.
- 57.4. The Coach / Assistant Referee must provide to the RFU a video of the training session and it must be supported by a letter from the Disciplinary Secretary at Olney RFC which confirms that nothing was said before or after the training session to undermine the content of the training session or its purpose.
- 57.5. Should the Coach / Assistant Referee commit a further Rugby Offence (whether it be conduct prejudicial to the interests of the Union and the Game, contrary to RFU Rule 5.12 or another Rule) that involves Match Official Abuse, the remaining 10 weeks suspension is likely to be activated consecutive to any sanction imposed for the further offending.
58. The Panel also ordered the Player to pay costs in the sum of £125
59. The Player has the right of appeal. Any such appeal shall be lodged within 14 days of this decision being sent.

EFFECT OF THE SANCTION

60. The Panel has chosen the words of paragraph 57.1 carefully and expects the Coach / Assistant Referee to comply with the spirit of the sanction. The Panel did not want to prevent the Coach / Assistant Referee from continuing to coach, but he must not attend any match. That is designed to prevent him coming into contact with anyone officiating at a Rugby Match.

Richard Whittam KC
Jane Bickerstaff KC
Rebecca Harris

13 December 2022