

**RUGBY FOOTBALL UNION
DISCIPLINARY PANEL**

Venue: By video
Date: 15 November 2021

JUDGMENT

Player: Anthony Watson, Bath Rugby

Panel: Gareth Graham (Chairman), Dr Julian Morris, Rob Vickerman

RFU Representative: Rob Cumming (Counsel)

Player's Representative: Sam Jones (Counsel)

Attending: Stuart Hooper, Director of Rugby, Bath Rugby
David Barnes, RFU

Secretary: Rebecca Morgan

DECISION

1. The Panel found the charge brought against Anthony Watson ("the Player") proved.
2. The sanction imposed on the Player is as follows:
 - i. The Player is suspended from playing for one week;
 - ii. That one week ban is suspended until the end of the 2022/23 season; and,
 - iii. The Player is required to prepare and deliver a presentation to the Senior Squad, the Academy Squad, and the Rugby Department, at Bath Rugby, by 14 January 2022.

PRELIMINARY MATTERS

3. There was no objection to the composition of the Panel.
4. In advance of the hearing, the Panel received and read a bundle of documents running to 27 pages, including helpful submissions from the parties' legal representatives.

5. The Panel also received and read a presentation from the RFU called *2020-2021 Gallagher Premiership Rugby, Values of the Game, End of Season Review*, and two authorities, relied upon by the RFU as being relevant to the issues in this case: *RFU v Steve Diamond* (19 November 2017) and *RFU v Lewington & others* (8 December 2020).
6. The Player provided the Panel with a statement, a letter supporting his current medical position, and a character reference from Stuart Hooper.
7. This document contains the Panel's reasoned decision, reached after consideration of the evidence, the written and oral submissions and documentation placed before us. It is a summary. The fact that specific reference is not made herein to any part or aspect thereof does not mean it was not considered and given the appropriate weight.

CHARGE AND PLEA

8. The Player was charged with "conduct prejudicial to the interests of the Union and/or The Game", contrary to RFU Rule 5.12.
9. The Particulars of Offence stated:

On 30 October 2021, the Player tweeted criticism of the referee's decision in the Bath v Wasps match to his 53,000 plus followers.

10. The Player accepted the charge.

BACKGROUND

11. The essential facts were not in dispute. On 30 October at 16:18, the Player made the following comment on Twitter:

Tweet dated 30.10.21 at 4.18



Anthony Watson ✓
@anthonywatson_



😂😂😂 here we go again. Where is he supposed to wrap?! Obsurd decision

4:18 pm · 30 Oct 2021 · Twitter for iPhone

12. The Player accepted in advance of the hearing that the tweet, posted to his own account, was a comment concerning the referee's decision to give his fellow teammate, Mike Williams, a red card in Bath Rugby's match against Wasps.
13. In light of the acceptance of the charge, the only issue before the Panel was as to sanction.

THE PLAYER'S EVIDENCE

14. In advance of the hearing, the Player had provided a statement in writing. It read as follows:

On the 30th October I was sat at home icing my knee when I decided to upload a tweet questioning the decision of the referee in a game concerning both my club and teammate. I would like to record my remorse for my actions, it was never my intention to bring the game into disrepute and my ignorance surrounding the matter is not acceptable.

My actions cannot be explained simply by shifting the blame or placing extreme emphasis on my circumstances, I understand I must be accountable for my actions. However, contextually I believe it's important to understand how difficult the past month or so has been for me. A week prior to this game I suffered a potentially season ending knee injury, which alone is not the easiest thing to deal with. However, when coupled with the fact that a mere 2 years ago I spent 13 months on the side-line watching my team and rehabilitating a double ruptured Achilles – can explain some level of the frustration I am feeling. I am unable to contribute to my team in the most constructive manner I know how. This is further exacerbated when you analyse the poor start to the season my club has had, and the personal desperation for my club to win games and succeed. Whilst again, I will emphasise that none of this goes a way to explain my actions, I would like the context of my personal situation to be understood.

In addition to this, my tweet remained uploaded until the 9th November, purely because I did not want to interfere with the process of the disciplinary (I was notified on the 1st so had ample time to delete) – this was not by any means not deleted due to hard headedness. I deleted it on the 9th November, when the disciplinary hearing had scheduled a date and everything was formalised. It was also done prior to any media outlets being notified to stop any unnecessary press activity.

Once again, I am deeply sorry for my actions, it is not something that will happen again.

15. At the hearing, the Player also gave evidence to the Panel. He told the Panel that he was very sorry for having tweeted as he had, and he said that it had not been his intention to show disrespect to the referee. In answer to questions from the RFU, he said that he had not yet apologised to the

referee because he wanted to get the disciplinary hearing out of the way first. In answer to questions from the Panel, the Player said that he did not tweet very often and said that this was a deliberate act to pick up his phone and tweet about the decision to award his teammate a red card.

RFU Submissions

16. The RFU submitted that although the Player had been charged with “conduct prejudicial to the interests of the Union and/or The Game”, contrary to RFU Rule 5.12, this was an act that equated to a breach of Law 9.28 in that the Player had disrespected the authority of a Match Official. The RFU said that the Player’s conduct warranted at least a mid-range entry point, when considering the sanction guidelines at Regulation 19, Appendix 2. In this case, the entry point would ordinarily be a ban from playing of four weeks.
17. The RFU however said it accepted that this was an exceptional case, because the Player was not able to play due to long-term injury. The exceptional nature of this case was such that the RFU considered an appropriate sanction would be a fine (of two weeks’ pay, with one week’s pay being suspended for 12 months) to be paid to the Injured Players Foundation (that being the official RFU charity). The RFU reiterated that ordinarily such an act would warrant a suspension from playing and it did not want there to be any suggestion that a precedent was being set by its suggested approach to sanction in this case. The RFU also suggested that the Player ought to be required to deliver a presentation to his teammates dealing with respect towards match officials and the use of social media as a professional player.
18. The RFU said that the following factors were relevant to the seriousness of the offence:
 - i. The tweet was intentional and was intended to be disrespectful by questioning the competency of the referee’s red card decision (“obsurd decision” and use of the three crying laughing emoji faces being demonstrative of the Player’s intention).
 - ii. The circumstances surrounding the issuing of the red card were relevant, in that the tackle had resulted in head contact sufficient to cause loss of consciousness and emergency treatment over several minutes. The rules surrounding head contact are there to protect all participants of the game, and it is the referee’s job to uphold that.
 - iii. The sending of the tweet cannot be said to have been in the immediate heat of the moment; the Player was not playing in the match.
 - iv. The tweet was public, accessible by anyone, and would have been published to his 53,700 followers. It was then published to the followers of any account that retweeted it.

- v. In considering sanction, it is also appropriate to understand the context of the offending against the Values of the Game and issues facing the game (declining referee numbers). Included within the bundle is the 2020-2021 Values of the Game End of Season review which was presented to all Directors of Rugby in the pre-season, which the importance of protecting the Values of the Game, in particular respect towards Match Officials, was at the fore (see the Executive Summary). The Panel was also referred to a letter from the Referees Union as to the impact of the growing level of match official disrespect within the game (in terms of retaining and recruiting referees, and morale more generally).
 - vi. The Player is experienced at the highest of levels and someone people look up to. It is incumbent on professionals (and particularly people in the Player's position) to do all they can to ensure that referees are respected (across all levels of the game).
19. When asked how it had arrived at a two-week fine, the RFU said that one of the factors it had taken into consideration was that under a Premiership contract, a player subject to such a contract of employment could be fined up to four weeks' pay (depending on the circumstances). While a figure of two weeks was not simply a question of dividing that maximum fine in two (because, ultimately, the Panel was not bound by the contract of employment and could arrive at any sanction it wished, subject to the question of fairness and proportionality), it was a helpful indication.
20. The RFU accepted that there were mitigating features present, including that the Player had accepted the charge at the earliest opportunity, and had apologised for his tweet, although emphasised that there had been no direct apology to the referee.

Player's Submissions

21. The Player's submitted that his tweet was posted out of frustration, on account of his personal situation, his team's poor run of form, the consequences of the decision to his team, and his inability to do anything in respect of any of those things. It was said that he had acted spontaneously, immediately after the decision was made, and without thinking through the consequences of his actions. The Player said that this was not an attempt by him intentionally to seek to undermine the authority of the referee, or to disrespect him. It was accepted that it was a challenge to the referee's decision.
22. The Player supported the principle set out in the RFU's submissions that the imposition of a fine, coupled with a requirement for the Player to deliver a presentation to his teammates dealing with respect of referees, and use of social media, is more appropriate in this case than a suspension from playing. Here, the Player was likely to have a very long lay-off from rugby through injury, and it would not be reasonable to delay that further by imposing a match ban for when the Player finally returned to playing.

23. The Panel was invited not to take a mechanistic approach to sanction, but rather to have regard to the overall circumstances of the case. However, it was said that if the Panel did take into account the entry points in Regulation 19, Appendix 2, this offence would merit a low-end entry point for the following reasons:

- i. The Player's conduct was conduct which was indirect, by its very nature, in that it was not said or done directly to the referee.
- ii. The conduct was also not broadcast in the way which such conduct can often be if it occurs 'on field' and live on TV.
- iii. Whilst it is acknowledged that it was shared publicly, it reached a more limited audience than such conduct can often reach.
- iv. The Player's tweet did not use foul language, swear or insult the referee.
- v. The Player did not seek in any way to question the integrity or honesty of the referee.
- vi. And, whilst it was accepted on the Player's behalf that to question a referee's decision in the way in which he did was inappropriate, the Player was not seeking intentionally to disrespect the referee or his authority.

24. The Panel was invited to find that there were mitigating features present, including the following factors:

- i. The presence and timing of an acknowledgement of wrongdoing by the Player; he had accepted the charge at the earliest opportunity;
- ii. The Player's record and good character; whilst the Player has been the subject of on-field disciplinary findings, this conduct is off-field;
- iii. The Player's conduct prior to and at the hearing;
- iv. The Player having demonstrated remorse for his actions.

25. As to the level of fine, the Player did not argue against the RFU's suggestion that a two-week fine was appropriate, although the Player's representative noted that the Premiership contract provided for a maximum fine of two weeks' pay, unless particular circumstances existed, namely, that the incident was off-field and was a repeat offence. This was not a repeat offence and, as such, the

maximum fine under the contract of employment was a two-week fine. Following the RFU's logic, the Player submitted that in fact a one-week fine was proportionate.

26. The Player invited the Panel to suspend any financial penalty imposed. The Player said that whilst his weekly wage would not be affected by his injury, the additional earnings he would receive through appearing for and representing his country, and the associated sponsorship he receives, would be lost. Although the loss was not quantified, the Panel was told that it would have a significant financial impact on the Player.

FINDINGS

27. This was a case where the essential facts were not in dispute. The Player had tweeted a criticism of the referee's decision to his followers, and that was available to be seen online publicly, until the Player deleted the post on 9 November 2021. The single issue in this case for the Panel to decide was to sanction.
28. The Panel considered very carefully the helpful submissions that had been made by the parties, including the Player's suggestion that the Panel ought not take a mechanistic approach to sanction.
29. This charge had been brought under RFU Rule 5.12. As such, sanction is 'at large', and the Panel has the power to impose "*any ... appropriate punishment for any such offence.*" "*Appropriate punishment*" is defined as including, but not being limited to, "*a reprimand, a financial penalty or suspension from playing, coaching and/or administration*" (RFU Regulation 19.11.7). The Panel also has the power to suspend the effect of any sanction imposed (RFU Regulation 19.11.20).
30. The Panel noted that there is not an RFU social media policy, or any other such guidance in the RFU Regulations as to the types of sanctions that might be imposed for misuse of social media. In light of the continuing development of social media and its use, particularly by players, a policy (in which provisional sanctions for any acts of misconduct are set out) might be beneficial to the game as a whole.
31. In the absence of such a policy or guidance, the Panel concluded that it would be helpful to seek comparative assistance from Regulation 19, Appendix 2, and the sanction entry points for breaches of Law 9.28 (this being equivalent to the Player's actions here). The Panel took account of all the circumstances of the case, including the following factors that went to the question of seriousness:
- i. The Player's tweet was a deliberate act, in circumstances where he did not regularly tweet about rugby; this was not an outburst that formed part of a series of tweets, but was a single, one-off act.

- ii. The tweet was a spontaneous reaction to the incident, sent while the Player was watching the match live.
 - iii. The Panel accepted that the Player did not intend to be disrespectful of the referee's decision. Instead, the Player had been somewhat naïve as to the potential consequences of his actions.
 - iv. It was an inevitable consequence of the Player saying that the referee's decision was "absurd" (sic) that the tweet would be seen to be disrespectful of the referee.
 - v. At the time, the Player was experiencing a high degree of frustration, in part because of his recent injury, having already suffered an extended period away from the game through injury, and, in part, because of Bath's poor run of form.
 - vi. The Player did not use foul language and did not question the integrity or honesty of the referee; and, it was not sent directly to the referee, although plainly it could be seen by him.
 - vii. The tweet was public and would have been published to his 53,700 followers. It was then published to the followers of any account that retweeted it.
32. Looking at all the circumstances of the case, including the factors above, the Panel concluded that the offence equated to a low-end entry point for breaches of Law 9.28.
33. There were a number of mitigating features present:
- i. The Player had, very much to his credit, accepted that the tweet referred to the referee's decision, even before he had been charged.
 - ii. Once charged, the Player had then accepted the charge at the earliest opportunity.
 - iii. Whilst the Player has been the subject of on-field disciplinary findings, this conduct is off-field; the Player is of good character.
 - iv. The Player's conduct at the hearing was as one would expect of a player of his standing, and was exemplary.
 - v. The Player had demonstrated remorse for his actions, although the Panel noted that the Player had not apologised directly to the referee about whose decision he had commented.

vi. The Panel had also received a character reference from Stuart Hooper, Director of Rugby, which spoke of the Player's superlative qualities.

34. There were no aggravating features present.

35. Although not a necessary step, given that this offence was charged under RFU Rule 5.12, following the ordinary, structured sanctioning process for breaches of Law 9.28, this was an act that would otherwise have merited a low-end entry point of two weeks suspension from play, with the maximum available reduction by way of mitigation (i.e. a reduction of one week).

36. The Panel then went on to consider whether it was appropriate to follow the course suggested by both parties, and, rather than impose a match ban, to impose a fine of either one or two weeks' pay, and, if so, whether the fine should be suspended (either in full or in part).

37. Looking at this case as a whole, this was not the most serious act of offending in terms of disrespecting match officials. The Player's wrongdoing fell a long way short of the type of egregious outburst that is sadly becoming all too common, particularly from armchair critics who often frequent social media.

38. Nonetheless, this was still a serious incident. In *RFU v Steve Diamond* (19 November 2017), the Panel had said:

"[56] ... The game is built upon respect. There must be respect for officials.

[57] Rugby's Core Values are not empty words or slogans which can be signed up to and then ignored. They are not to be treated as useful bolt-ons dreamt up by a marketing team. They are integral to the game and are what make the game special.

[58] Referees are vital to the sport. Without them there would be no games. They deserve respect and they must be respected..."

39. As it was said in *RFU v Tom Youngs* (18 June 2021), those words are as true today as they were in 2017, not least given the prevalence of comments about referees and their decisions on social media.

40. The Panel had received a letter from Mike Priestley, Rugby Football Referees Union ("RFRU"), and Dr Tim Miller, RFRU Council Representative, which stated that:

"It is no secret that the number of referees taking up the whistle again after such a prolonged layoff, is causing concern. A situation exacerbated by many of our members leaving the game having

become disillusioned with, amongst other things, persistent challenging of their decisions and unfortunately, some serious incidences of match official abuse.

Worse still, enticing new referees, especially young match officials, into the Game becomes that more challenging. The refereeing community is a relatively tight knit one and incidents of abuse and disrespect for the role soon permeate amongst officials, undermining their confidence and commitment.

Furthermore, we cannot stress the impact that poor behaviour towards match officials, be it challenging decisions, appealing, disrespect or abuse, within the professional end of our Game has on the wider game.”

41. Without respect for referees, there is a very grave risk that the game of rugby would falter through a lack of match officials. That respect must come from all players; but professional players are expected to set the example for others to follow, particularly those at the top end of the game, such as the Player, who has played at the highest level for a significant period.
42. In light of all the circumstances of the case, the Panel concluded that it would not be appropriate for such an act to be sanctioned with a fine. Instead, the Panel concluded that the only appropriate sanction was of a suspension from playing of one week, following the sanction guidelines for analogous acts in Regulation 19, Appendix 2. If referees are to be afforded the protection they deserve, the Panel concluded that imposing a fine, even in these circumstances where the Player will not play again for a considerable period, would simply not convey the right message to the rugby community.
43. Nonetheless, the Panel recognised that the Player would not play for a considerable period through injury and took the view that to impose an immediate sanction once the Player returned from a lay-off that will be measured in months would not be fair or proportionate. Instead, the Panel concluded that it was appropriate to suspend the one match ban until the end of the 2022/23 season (to take account of the likely time the Player will be away from the game through injury). The Panel hopes that this will serve as a deterrent to the Player over the next season and a half and prevent him from acting in this way again. In the event that the Player is found by another disciplinary panel to have committed a similar such offence during the currency of this suspended sanction, the Panel is of the view that this one match ban would be ‘activated’ by that subsequent panel.
44. The RFU had submitted that the Panel ought to consider requiring the Player to prepare and deliver a presentation to his teammates focusing on the importance of respecting referees and the obligations of professional players in their use of social media. The Player said that he was open to doing so, should the Panel impose such a requirement.

45. The Panel agreed that this would be a practical way of the Player demonstrably learning from the incident and, importantly, directly assisting others by sharing his experience directly with others. Such is the Player's standing in the game, him sharing his experience with others is likely to carry considerable weight.
46. The Panel therefore concluded that it was appropriate to make such a stipulation as part of the sanction, and that such a requirement did fit within the definition of "appropriate punishment" for the purposes of the RFU Regulations.
47. The Player will, therefore, be required to prepare and deliver a presentation on the importance of: respecting referees and match officials; off-field conduct that is against the core values of the Game; and, the obligations of professional players in their use of social media. This presentation shall be delivered by 10 December 2021 to all playing members of the Senior Squad, all playing members of the Academy Squad, and to the (non-playing) members of the Rugby Department. The Player is to notify the RFU Head of Discipline when the presentation has been completed, and the names and roles of all the attendees.
48. The Panel did consider whether it should impose on the Player a requirement to deliver the presentation to a wider audience. The Panel concluded that it was not appropriate to impose such a requirement. However, the Panel is aware that at the beginning of each season, the Rugby Players Association holds an Academy Induction Day at which senior players often speak to new academy recruits about a range of topics. Whilst being clear that it is not a requirement for the Player to speak at such an event, the Panel notes the benefit to the academy players at hearing the Player speak about respecting referees, and the correct use of social media, is likely to be considerable, and encourages him to do so voluntarily.

SANCTION

49. The Panel concluded that the appropriate punishment in the circumstances of this case is therefore as follows:
- i. The Player is suspended from playing for one week;
 - ii. That one week ban is suspended until the end of the 2022/23 season and will be 'activated' in the circumstances described above;
 - iii. The Player is required to prepare and deliver a presentation to the Senior Squad, the Academy Squad, and the Rugby Department, at Bath Rugby, by 14 January 2022, in the terms above.

RIGHT OF APPEAL

50. There is the right of appeal against this decision. Any such appeal must be lodged with the RFU within 14 days of the date upon which this judgment is sent.

COSTS

51. The Player is required to pay the costs of the hearing in the sum of £500.

Gareth Graham
Chairman
22 November 2021