

RFU SHORT JUDGMENT FORM



Match	Silhillians RUFC	Vs	Oadby Wyggestonian RFC
Club's Level	Regional 2 North Midlands	Competition	League
Date of Match	05/11/2022	Match Venue	

Particulars of Offence			
Player's Surname	Clayson	Date of Birth	27/06/1990
Forename(s)	Oliver Richard	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Oadby Wyggestonian RFC	RFU ID No.	392065
Type of Offence	Red Card		
Law 9 Offence	Law 9.12 - Verbal abuse		
Sanction	3 matches		

Hearing Details			
Hearing Date	10/11/2022	Hearing venue	Remote by zoom
Chairmen/SJO	Sir James Dingemans	Panel Member 1	Alastair Campbell
Panel Member 2	Daniel Gore	Panel Secretary	Beccy Morgan
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:
Chris de Luca (head of disciplinary affairs at Oadby Wyggestonian RFC ("Oadby")).	Chris Hayward (Chairman of Discipline at Leicestershire Constituent Body).

List of documents/materials provided to player in advance of hearing:
Bundle containing charge sheet, referee's report and relevant extracts from RFU Regulations.

Summary of Essential Elements of Citing/Referee/s Report/Footage

The referee reported: "Silhillians winger (14) hit a ruck once the ball was at the back foot ready to be played by the Oadby 9. Minimal shoving ensued. Silhillinans 14 laughed in a manner to agitate the Oadby forwards. I awarded a penalty against Silhillinas.

Oadby 7 (Ollie Clayson) shouted, 'Shut up you faggot!' to a Silhillians player.

I was approx 3m from the player. I issued a red card and reversed the penalty, the player did not complain, he accepted and left the field.

As soon as the game had concluded Oadby 7 came to apologise for his behaviour, acknowledge the wrong doing and possible offence caused and assured me this was not his view, it was an inappropriate response in the moment."

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

Geoff Brooks, the Disciplinary Secretary for Leicestershire Rugby Union, when referring the red card to the RFU reported that he had known the player from a few years back and did not believe him to be homophobic but also said that language was important.

Summary of Player's Evidence

The player said: "We had been awarded a penalty for what I believe was for me being taken out off the ball. Me and the other player were having words - I said "well done player" and clapped, he said something like "just because your losing dickhead" and that's when I called him a faggot.

The player, nor anyone else reacted and the ref sent me off for homosexual slander.

I accept that I used the word described by the referee which I bitterly regret and know that I let myself and my team down. What makes it even worse is that one of my teammates and friend, who was in the team that day, is gay. I apologised to him and the referee and the other player as soon as I was able. I am guilty of sledging and name-calling without really thinking about the impact of the words used and this is a matter of great regret and this is something that I fully intend to eliminate from my behaviour."

There was a further statement from the other player referred to by Mr Clayson in which he confirmed that Mr Clayson had apologised to him for using the words that he had. The other player had accepted Mr Clayson's apology.

Findings of Fact

We found that a Silhillians player drove into a ruck once the ball was at the back foot ready to be played by the Oadby scrum half, and there was some shoving. This involved the player and a player from the Silhillians team. That player laughed or said something in a manner to goad the Oadby forwards, and the referee awarded a penalty against Silhillians.

The player shouted, 'Shut up you faggot!' to a Silhillians player. The referee reversed the penalty, the player did not complain and left the field.

As soon as the game had concluded the player apologised to the referee for his behaviour, and acknowledged the wrong doing and possible offence caused. The player said immediately that it was an inappropriate response in the moment. The player also apologised to another player on his team for the words that he had used.

We accept that the player acted impulsively without thought to the harm done by shouting out such words. We accept that the player recognised, after he had been sent off, the damage done by shouting out such words and apologised to the referee and others. We accept that this was not a course of conduct which was persisted in by the player.

Decision

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

Rule 9.12 provides that "a player must not verbally abuse anyone. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation". It is common ground that the phrase 'Shut up you faggot!' is homophobic abuse (it is not material what was the sexuality of the Silhillians player or what Mr Clayson thought was the sexuality of the Silhillians player). We found the offence proved.

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional



19.11.8(b) Reckless



Reasons for finding as to intent:

Mr Clayson intended to shout the abuse, but it is fair to note that he immediately accepted that it was wrong.

Nature of actions - Reg 19.11.8(c)

See above.

Existence of provocation - Reg 19.11.8(d)

There was some interaction with the Silhillians player described by the referee before the player shouted the abuse, but it could not justify or mitigate what was said by the player.

Whether player retaliated - Reg 19.11.8(e)

Not relevant.

Self-defence - Reg 19.11.8(f)

Not relevant.

Effect on victim - Reg 19.11.8(g)

There is no evidence before the panel.

Effect on match - Reg 19.11.8(h)

Mr Clayson was sent off.

Vulnerability of victim - Reg 19.11.8(i)

There is no evidence of this before the panel.

Level of participation/premeditation - Reg 19.11.8(j)

It appears, from the referee's report, that this was Mr Clayson's inappropriate response to an attempt by a Silhillians player to goad the other side.

Conduct completed/attempted - Reg 19.11.8(k)

The conduct was completed.

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

None relevant.

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 weeks	<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 the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

This was an inappropriate response to what the referee reported was an attempt by a player on the other side to goad the player's team for which the referee was going (before he reversed the decision after the abuse) to award a penalty to the player's team. The player did not persist in the conduct after shouting the words. The player immediately left the field and apologised and accepted his wrongdoing.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
The player apologised immediately.	The player had a good disciplinary record.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
Not relevant.	The player was obviously sorry for what he had said.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
It was apparent that the player was sorry for his actions.	None relevant.

Number of weeks deducted: **3 weeks**

Summary of reason for number of weeks deducted:
The player apologised immediately, recognised his wrongdoing, accepted the offence, had a previous good record, and was obviously sorry for what he had said.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
<p>Player's status as an offender of the laws of the game - Reg 19.11.13 (a)</p> <p>Not relevant.</p>
<p>Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)</p> <p>The need for a deterrence of this type of behaviour is already provided for in the sanctions for the respective entry points.</p>
<p>Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)</p> <p>None.</p>

Number of additional weeks: **0**

Games for meaningful sanctions:

The matches on 12 November, 26 November and 3 December 2022.

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	6 November 2022		
Sanctions concludes	5 December 2022		
Free to play	6 December 2022		
Final date to lodge appeal	28 November 2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature (JO or Chairman)	James Dingemans	Date	14/11/2022
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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

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC