

**RUGBY FOOTBALL UNION**  
**DISCIPLINARY HEARING**

**JUDGMENT**

Player: Kieran Williams-Denton [RFU ID: ██████, Date of Birth: ██████]

Panel: Philip Evans QC [Chairman]; John Vale & Tim Naylor

Secretary: Daniel McMeekin

Club: Ormskirk RFC

Match: Ormskirk 1st XV v Wigan RFC in the ADM Lancashire Premier League on the 6 November 2021

**HEARING**

Date: 1 December 2021

Venue: By video

Attending: The Player

Brian Stevenson, (Ormskirk RFC)

Graham Carter, Wigan RFC

Chris Smith, Wigan RFC

Angus Hetherington, RFU

David Barnes, RFU

**DECISION**

1. The Panel has determined that the appropriate sanction in this case is one of eight (8) weeks suspension from play. Four (4) weeks of that suspension will be served immediately, and four weeks (4) will be suspended. The four-week suspended period will be activated in the event that the Player fails to undertake diversity training, approved by the RFU before the end of January 2022 or commits any further relevant offence (any breach reserved to this Chairman) during the 2021/2022 season.

## **PRELIMINARY MATTER**

2. This case arose after Wigan RFC drew the complaint to the attention of the RFU. The RFU has subsequently taken over the presentation of the proceedings. On the day of the hearing the RFU sought to amend the charge from one of verbal abuse, contrary to World Rugby Law 9.12 to a charge of conduct prejudicial to the interests of the Union and the game, contrary to RFU Rule 5.12.
3. Given the late notification of the proposed amendment to the charge, the Player and those accompanying him from Ormskirk RFC, were offered further time or an adjournment if they wished to consider the application. No further time was requested and no objection taken to the amendment. The Panel allowed the amendment and the Rule 5.12 charge was put to the Player who accepted the charge.

## **FACTS**

4. Jack Proffitt, is a Wigan player. He said that during the second half of the match Wigan were in possession of the ball. Tapiwa Stansbie was involved in the clearing of a ruck. During that ruck there was an altercation which resulted in a brawl breaking out on the left-hand side of the pitch. Mr Proffitt was positioned on the right wing so was unsure what caused the incident to start. He informed the referee and the referee stopped play. As players were splitting up the fight and the referee was separating the teams, he called the Captains over. As that was taking place the Ormskirk player wearing the number one shirt was walking backwards to where the Ormskirk players were stood. As he was walking away, he referred to Mr Stansbie using the phrase “black twat.” He said he was close enough to the player to clearly hear what he said and what shirt number he was wearing.
5. Connor Matthews, another Wigan player said, there was an incident which caused both sides to come together and there were punches thrown by players from both sides. He was not sure what caused the incident. After the players had been separated he heard the Ormskirk player, wearing the number one shirt, refer to Mr Stansbie, known as Taps, as a ‘black twat’ when the Ormskirk player said this he was speaking to his own team mates about the incident. He said “he did not make his statement to Taps but to his team mates as they were gathered after the referee had separated both teams.”

6. A statement was taken from Tapiwa Stansbie. He said, "I don't let comments like that have an impact on me. I made a decision when I was younger that if you let people get to you they win. As far as I'm concerned the person who has the issue is the person who makes the comment. I hope he learns from his mistake and realises the consequence of his actions and is more aware that words like that can have a real impact on people and that they have no place in modern society."

### **EVIDENCE ON BEHALF OF THE PLAYER**

7. The Player confirmed he was wearing the Ormskirk number one shirt. He described an incident in the second half involving one of the opposition players. He found out later that player was called Tapiwa Stansbie or 'Taps.' Mr Stansbie became involved in an altercation with the Ormskirk number 6 and the Player moved in, in order to split them up.
8. He said, as he moved him away from the original site of the incident, 'Taps' started on him. He pointed out some photographs of the incident and from the photos (1 and 3A) and pointed out that you can see that he had him in a position where he was putting pressure on my neck, and two other lads from Wigan ran in to get involved with the ongoing situation.
9. He described himself as pretty riled up and after he had turned away, and with his back to the Wigan players, someone from his own team said, "what was that all about?" and he replied, "that black cunt started on Tom." This comment he addressed to his own team mates.
10. He said he "freely admits this was an awful choice of words and words for which he profusely apologised to Taps, Wigan RUFC, Ormskirk RUFC, the referee, and the game of Rugby Union. I know this choice of language was wrong for which I am truly ashamed. I also regret not apologising to Taps there and then or after the game."
11. He confirmed in his statement, in advance of the hearing, that he would accept the charge of using racist language. It was confirmed that he had sent a letter of apology to Mr Stansbie through Wigan RFC and during the hearing Wigan confirmed that letter had been received.

12. The Panel read character evidence on behalf of the player from Mark Lang. The character witness included the following statement; “he had coached the Player since under 9’s through to the seniors and can only speak in praise. He has always been a caring and thoughtful player. I have never had any behaviour issues with Kieran, he has always been supportive of his teammates and played the game of rugby in the spirit the game should be played.”

### **FINDING OF THE PANEL**

13. The Player accepted his conduct was prejudicial to the interest of the game. There was some dispute as to which word the Player used to follow the word ‘Black.’ It is clear that whichever word was used makes no difference to the severity of the Player’s actions.
14. Racism has no place in rugby, sport generally or in society. The words of Mr Stansbie act as a very powerful reminder of the effect of such words have. In the view of this panel his words are a good example of why pure match suspensions in cases of this nature are unlikely to represent the most appropriate or proportionate sanction.
15. The Panel agrees with the submissions of the RFU that some guidance as to the appropriate sanction is available when a case is brought under Rule 5.12 by having regard to the on-field method for determining sanction and the guidelines provided. If that method were adopted the RFU says this offence warrants a mid-range entry point (12 weeks suspension) for an offence of Law 9.12.
16. This panel did use the on-field sanctions to obtain some guidance and have used it to assess the severity of the offending. We agree this offending cannot be described as low-end. We acknowledge that the words were not said directly to Mr Stansbie, which provides some limited mitigation of the offending, but this was said audibly in front of teammates and opponents. Therefore, the Panel felt the offending falls into an area at the very top end of a mid-range offence.
17. The panel did not find any aggravating features to this offending that had not been taken into account in its assessment of the entry level.
18. In terms of mitigation the Player has accepted his offending in full at the first

opportunity. He has demonstrated remorse for his actions and shown some understanding of the effect of his words. He has no previous matters recorded against him and we conclude he has a positive character.

19. This Panel is not bound by the regulations for on-field offending. Exercising the discretion this panel has we take the view that the starting point for this sanction is a 12-week suspension. Despite the Player's positive mitigation we do not think it is appropriate in cases of this nature to simply reduce that starting point and impose only a period of suspension. We take the view it is more appropriate to impose both a suspension and some meaningful diversity training in the hope that it will both educate and serve to prevent any repetition in the future. We have been told it is proposed that the Player undertake both one on one training and that he will then be assisted in delivering supervised training to his team-mates.
20. The panel does not take the view that any financial penalty would be appropriate in this case.
21. In conclusion the Panel has formed the view that the appropriate starting point is one of a twelve (12) weeks suspension. In all of the circumstances that period of suspension will be reduced to one of eight (8) weeks. Four (4) weeks of that suspension will be served immediately and four weeks (4) will be suspended. The four-week suspended period will be activated in the event that the Player fails to undertake the approved diversity training, approved by the RFU, before the end of January 2022 or if he were to commit any further relevant offence during the 2021/2022 season. The season is due to end following the final game on the fixture list which is on the 9<sup>th</sup> April, assuming Player has no other commitments after that, for example Cup or county which would then represent the end of season date.
22. We have received a list of fixtures which the Player has missed. It is accepted that the fixtures provided are meaningful. The Panel has taken account of the period of suspension imposed by Ormskirk RFC and commend the representatives from Ormskirk for the entirely appropriate way in which they have dealt with this matter. Taking all factors into account the Panel understands the Player was suspended and did not play in fixture on the 13/11/21; the 20/11/21; the 27/11/21 and the 4/12/21. Those fixtures were meaningful fixtures and count towards the period of immediate suspension.

23. The Player has therefore served the immediate aspect of the sanction and will be eligible to play immediately.

24. The Player shall pay costs in the sum of £125.

25. The Player has the right of appeal. Any such appeal shall be lodged within 14 days of this decision being sent.

Philip Evans QC – Chairman

7 December 2021