

RFU SHORT JUDGMENT FORM



Match (home)	Leicester Tigers Women	Vs (away)	Bristol Bears (Women)
Club's Level	1	Competition	Premiership Women's Rugby
Date of Match	13/01/2024	Match Venue	Leicester Tigers

Particulars of Offence			
Player's Surname	Stratford	Date of Birth	09/11/1994
Forename(s)	Luke	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Leicester Tigers Women	RFU ID No.	686099
Type of Offence	Conduct Prejudicial to Rule 5.12		
Law 9 Offence	Match Official Abuse Contrary to Law 9.28		
Sanction	7 Weeks		

Hearing Details			
Hearing Date	16/01/2024	Hearing venue	Remote, via Zoom
Chairmen/SJO	Samantha Hillas KC	Panel Member 1	Matthew Hearsom
Panel Member 2	Veryan Boscawen	Panel Secretary	Rebecca 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:	
Vicky Macqueen, Head of Women's Rugby. Scott Clarke, General Manager.		David Barnes, RFU Head of Discipline. Adam White, 4th Official.	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input type="checkbox"/> Red Card report	<input type="checkbox"/> Player Statement	Video footage No
<input type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input type="checkbox"/> World Rugby Head Contact Process
<p>Other (Please list below)</p> <ol style="list-style-type: none"> 1. Match Official Abuse Report dated 14 January 2024. 2. RFU Match Official Abuse Survey dated May 2022. 3. Email from Mike Priestley and Dr Tim Miller (RFURU) to David Barnes, RFU Head of Discipline dated 11 November 2021. 4. Match Official Abuse - a Guide for Referees. 5. RFU Regulation 19, Appendix 2. 6. RFU Head of Judiciary Sanction Guidance. 7. Email Vicky Macqueen (Leicester Tigers) to Josh Pieterse (RFU) dated 16 January 2024. 8. RFU Written Submissions dated 16 January 2024. 9. Email Adam White to Andy Wigley dated 13 January 2024. 			



A Match Official Abuse Report was completed by Adam White, the 4th Official. The detailed report of the incident is as follows:

At 64.37 following a penalty try for a deliberate knock on with no cover, where Leicester 15 was yellow carded, four replacements were made 2 per team.

Bristol's replacements went without problem. Leicester 8 and 4 were due to be replaced by 16 and 19 respectively. The Leicester water carrier had informed me that Leicester 4 hadn't left the field. 4 had not left the field and the kick off took place. I let Andy Wigley know and a penalty was issued at where the ball landed from the kick off.

The water carrier approached me and said "why is that a penalty". I explained that it was the team who had not left the field and therefore their responsibility, He replied "That's a fucking joke". I responded "sorry, it's your responsibility", and he responded "you're a fucking joke". This was direct to me and we were less than 3 meters in distance with a clear line of sight. We had eye contact throughout. There was nobody else that these comments could have been targeted towards, as I was the only Match Official in the area."

This was supplemented by Mr White's contemporaneous email dated 13 January 2024.

Mr White attended the hearing and answered questions from the Mr Stratford and the Panel.

The Panel found that Mr White was clear and consistent in his recollection as to the words used by Mr Stratford.

None.

Mr Stratford provided a written account in the email from Ms Macqueen dated 16 January 2024:

"I, Luke Stratford, acknowledge the referees report, and fully accept that my behaviour was inappropriate and unacceptable. I would never knowingly question any official's integrity or direct inappropriate statements towards them. I fully acknowledge the authority of officials and want to re-emphasise that foul language is not acceptable in any part of our game, even more so given the high profile environment we are working in and the values of our game. While accepting my behaviour was not appropriate, I do not recall referring directly to Mr White as a "f___ing joke", as I would never personally insult or abuse any official. Following the game, I spoke with Mr White to apologise for the behaviour, as I understand that I am fully responsible for the actions. Luke Stratford"

The charge was put to Mr Stratford by the Chair of the Panel.

Mr Stratford accepted that he had said "that's a fucking joke" but denied that it was followed by "you're a fucking joke" to Mr White. Mr Stratford's evidence at the hearing was that he said "that's a fucking joke" once, and then repeated it a second time, but that Mr White had misheard him.

The Panel queried why this explanation was not included the written account given in the email from Ms Macqueen dated 16 January 2024. Mr Stratford explained that this was an oversight.

THE CHARGE

1. Mr Stratford admitted that he said "that's a fucking joke". The first statement is categorised as disrespecting the authority of a Match Official.
2. Mr Stratford denied that he also said "you're a fucking joke". This second statement is categorised as verbal abuse of a Match Official. Mr Stratford's account was that Mr White misheard him, and Mr Stratford had in fact said "that's a fucking joke" a second time.
3. The Panel therefore had to determine whether Mr Stratford said either "you're a fucking joke" or "that's a fucking joke".

BURDEN AND STANDARD OF PROOF

4. The burden of proof is on the RFU to prove that Mr Stratford said the words stated. The standard of proof is the balance of probabilities; that it is more likely than not that Mr Stratford said the words complained of.

FINDINGS

5. The Panel found that, on the balance of probabilities, the charge against Mr Stratford was proved. Mr Stratford had said "you're a fucking joke" to Mr White, and had therefore committed Match Official abuse, which is conduct prejudicial to the interests of the game, contrary to RFU Rule 5.12.

REASONS

6. Mr White is a very experienced Match Official and is a valued member of the rugby community.
7. Mr White and Mr Stratford both spoke of the good relationship they had enjoyed prior to the incident, and there is no suggestion that Mr White had any reason to misrepresent the incident. Mr Stratford did not suggest that Mr White had misrepresented the incident; only that Mr White had misheard him.
8. Mr White's account was that he wrote down the words complained of verbatim immediately after the incident, and then transcribed them into an email sent immediately after the match.
9. Mr White was questioned by Mr Stratford and his representatives as to whether he may have misheard what Mr Stratford had said because of the noise of the crowd. Mr White's unwavering and compelling oral evidence was clear and consistent with his earlier written accounts in his email of 13 January 2024 and the Match Official Abuse form.
10. In contrast, there were inconsistencies between:
 - (a) Mr Stratford's oral evidence at the hearing that he said the same phrase twice; and
 - (b) the equivocal nature of Mr Stratford's written response, that he did not recall making the second statement.
11. This inconsistency left the Panel with doubt as to the accuracy of Mr Stratford's recollection of the exact words used during the exchange.
12. In all the circumstances, the Panel was satisfied on that, on a balance of probabilities, of the two conflicting accounts, Mr White's recollection of the exact words used was accurate.

Decision

Breach admitted

Proven

Not Proven

Other Disposal (please state below)

Whilst Mr Stratford admitted the charge of conduct prejudicial to the interests of the game, contrary to RFU Rule 5.12, he did not admit that he used the exact words complained of.

As noted in the findings of fact, the difference between the exact words used was important; one was disrespecting the authority of a Match Official, the other verbal abuse of a Match Official. The sanction entry point is different, and the Panel decided that in order to apply the correct sanction in line with the Sanctions Guidance issued by the RFU Head of Judiciary under RFU Regulation 19.1.17, it would have to make findings of fact as to the exact words used.

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:

N/A

Nature of actions - Reg 19.11.8(c)

Mr Stratford has committed Match Official abuse, which is conduct prejudicial to the interests of the game, contrary to RFU Rule 5.12.

Existence of provocation - Reg 19.11.8(d)

There was no provocation.

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

None raised.

Effect on match - Reg 19.11.8(h)

The conduct did not have an effect on the match.

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

N/A

Conduct completed/attempted - Reg 19.11.8(k)

Completed.

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

None.

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 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:

1. The written submissions from the RFU proposed that this a case of verbal abuse of a Match Official and that Law 9.28 applies. The RFU also submitted that this was a case where a low entry point was appropriate. The Panel agreed.
2. Whilst Match Official abuse is a serious issue, the offending was at the lower end and had no direct impact on the game.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

<u>Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)</u>	<u>Player's disciplinary record - Reg 19.11.10(b)</u>
Mr Stratford made a full and unprompted apology after the match.	Mr Stratford has appeared before a disciplinary panel in May 2021 for Match Official Abuse.
<u>Youth and/or inexperience of player - Reg 19.11.10(c)</u>	<u>Conduct prior to and at hearing - Reg 19.11.10(d)</u>
Mr Stratford is an experienced coach of over 5 years experience.	Mr Stratford's conduct at the hearing was exemplary.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Full and genuine remorse was expressed before and at the hearing which the Panel found to be impactful.	None.

Number of weeks deducted: **One**

Summary of reason for number of weeks deducted:
<p>1. The Panel noted that Mr Stratford had made a full and unprompted apology for his conduct immediately after the match, which was to his credit under Regulation 9.11.10(e).</p> <p>2. The Panel was very concerned that this was the second time that Mr Stratford had appeared before a Panel for abuse of a Match Official, and this prior conduct was taken into account under Regulation 9.11.10(b).</p> <p>3. Mr Stratford submitted that he was a relatively inexperienced coach. The Panel noted, however, that Mr Stratford had been coaching since 2017. It was of concern to the Panel that Mr Stratford had sought to minimize his experience. Mr Stratford's experience was taken into account under regulation 9.11.10 (c).</p> <p>4. The Panel determined that it was appropriate to allow a one week reduction to reflect the early apology and Mr Stratford's conduct during the hearing. In light of the earlier offending, which was worryingly similar to the present offence, and the experience of Mr Stratford as a coach, the Panel was unable to apply any further reduction.</p>

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>Having regard to the Sanctions Guidance issued by the RFU Head of Judiciary under RFU Regulation 19.1.17, the sanction is subject to an automatic aggravation of two weeks.</p>
<p>Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)</p> <p>The Panel was very concerned by the similarities between Mr Stratford's conduct in the 2021 judgment and the present case. This is exactly the type of behavior that the game is seeking to eradicate. The Panel gave serious consideration to a further aggravation of the sanction to reflect the repeated nature of the offending. On a fine balance, the Panel decided that it was not appropriate on this occasion. The Panel cautioned Mr Stratford that, if there was a further similar incident, another Panel may not be as lenient.</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: **Two**

Games for meaningful sanctions:

21.04.24 v Sale Sharks Women
03.02.24 v Gloucester-Hartpury Women
10.02.24 v Loughborough Lightning
23.02.24 v Trailfinders Women
03.03.24 v Saracens Women
13.04.24 v Harlequins Women
20.04.24 v Trailfinders Women

For the above mentioned games, Mr Stratford is permitted to attend the match but only in the capacity of spectator. He is not permitted to be on the field of play, may not undertake any coaching activities (including leading the warm-up etc pre-match) and is not to have contact with the team for 2 hours before and 2 hours after the match. For the avoidance of doubt, should any of the above games not take place, the Club are required to advise the RFU so that the dates of suspension can be amended as required.

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	7 Weeks	Sending off sufficient	N/A
Sanction commences	16/01/2024		
Sanctions concludes	22/04/2024		
Free to play	23/04/2024		
Final date to lodge appeal	08/02/2024		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Sam Hillas KC	Date	24/01/2024
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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