

# RFU SHORT JUDGMENT FORM



Match	Bath Rugby	Vs	Wasps
Club's Level	1	Competition	Gallagher Premiership
Date of Match	30/10/21	Match Venue	Recreation Ground

Particulars of Offence			
Surname	MIDDLETON	Date of Birth	
Forename(s)	Stephen	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bath Rugby	RFU ID No.	1094213
Type of Offence	5.12		
Law 9 Offence	RFU Regulation 5.12 - Conduct prejudicial to the interests of the Union and the Game		
Sanction	1 week suspension and additional sanction detailed below		

Hearing Details			
Hearing Date	02/11/21	Hearing venue	Remote
Chairmen/SJO	Jeremy Summers	Panel Member 1	Mitch Read
Panel Member 2	Tony Wheat	Panel Secretary	Rebecca Morgan
Appearance	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Club Representative(s):	Other attendees:
Sam Jones, Counsel Sophie Bennett, Bath Rugby	Angus Hetherington, RFU David Barnes, RFU (observing)

## List of documents/materials provided to Club and Kit Manager in advance of hearing:

Charge sheet  
Email dated 30/10/21 with complaint from Referee  
"England Rugby's Core Values"  
"2020-21 Gallagher Premiership Rugby Values of the Game End of Season Review"  
RFU Regulation 19 Appendix 2  
Premiership Regulations 2021-22  
TV footage

The Referee's complaint read as follows:

"I wanted to draw your attention to an incident in the Bath v Wasps match. After issuing the red card against Bath 5 for a dangerous clearout I walked towards the place where the PK would be taken.

I was approximately 10 m from touch when I observed a gentleman on the touch line in very close proximity of the playing enclosure look directly at me (making eye contact) and told me to 'fuck off' . I immediately went to the technical area to remove this person and informed my no 4 Alex Thomas that he wasn't permitted to be down there for the remainder of the match.

After the match I was informed that the gentleman in question goes by the name of Steve Middleton.

I am not sure why he was in the technical area as he wasn't wearing a water carrier or medical bib and the Bath team manager for the match was Dan Cooper.

At the end of the match Steve approached me on the field. He did not apologise for his actions but informed me that they weren't directed at me. I strongly disagree with this, as he was in close proximity and had eye contact with myself when he said it."

On behalf of the RFU, Mr Hetherington submitted that the offending should be viewed as amounting to disrespect (rather than abuse) of a match official, and be assessed as falling at the Low End of the scale of seriousness.

The RFU nevertheless considered that the offending should be sanctioned with a period of suspension that prevented Mr Middleton from undertaking any match day activities during the period of suspension. The RFU was content for him to attend any relevant game as a spectator if he wished to.

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

## Summary of Club's Evidence

Mr Middleton submitted a written statement as follows:

"On the sending off of Mike Williams my frustration got the better of me. Without thinking where I was looking, I shouted, "oh f\*\*k off" and waved my arm.

I realise in hindsight the referee was close by, I totally understand why he thought this was aimed towards him. As he came across, I wanted to point out he wasn't the reason I shouted but thought best to leave as asked.

At the full time whistle I made a point of going to him in the centre of the pitch and apologised for my behaviour and stressed it was not aimed at him, just my frustration got the better of me.

I totally accept my behaviour was out of order, I have been on the touch line for 8 years and this is the first time this has happened.

I totally regret this, and I am very embarrassed by it."

He reiterated that position and sentiment in his oral evidence before the Panel.

He had been connected with Bath for 18 years and the kit manager for 8 years without any similar issue having arisen previously.

His duties as kit manager on match day were extensive, not least in ensuring compliance with covid protocols. His tasks differed somewhat for away games, but he was required on duty before, during and after a match.

On behalf of Mr Middleton, Mr Jones submitted that the offending did not need to be sanctioned by a period of suspension, and that a warning, coupled with attending an education programme would be sufficient penalty.

In response to a question from the Panel, Mr Jones confirmed that his client would be willing to make a presentation to the rest of the Bath Rugby non-playing staff as to the importance of discipline and adhering to rugby's core values.

## Findings of Fact

1. Mr Middleton was disrespectful to the Referee. On his own admission, and having considered all the evidence, he had used the words "oh fuck off" whilst waving his arm.
2. The offending words were not broadcast on TV, and it was possible that they were not heard by anyone other than the Referee.
3. There was no consequential interruption to the game.
4. Mr Middleton was correctly dismissed from the field of play.

## Decision

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

As this offending is contrary to Rule 5.12, sanction is at large, the Panel can impose any other appropriate punishment for any such offence. Under Regulation 19.11.7 "appropriate punishment" is defined for a person as "...for a person, a reprimand, a financial penalty or suspension from playing, coaching and/or administration..."

The Panel accepted that the offending merited a low end entry point of 2 weeks. The RFU submitted that whether Mr Middleton had directed his comments at the Referee or not, the offending justified a low end entry point for showing disrespect to a match official.

In line with previous RFU decisions in Atkinson and Barrow (October 2021), the Panel further directs that Mr Middleton must deliver a presentation, by 2 December 2021, to all non playing members of Bath Rugby staff, including the coaching, performance, analysis, medical, support and academy staff dealing with off field conduct that is against the values of the game as set out in the Premiership Values.

Mr Middleton is to notify the RFU Head of Discipline when the presentation is completed and the names and roles of the attendees. This part of the overall sanction is to require Mr Middleton to acknowledge his misconduct and further ensure that Bath Rugby staff are informed, and made aware, of their obligations in respect of off field behaviour generally.

The submission that the offending could be dealt with other than by a period of suspension was not accepted.

## SANCTIONING PROCESS



### Assessment of Seriousness

#### Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate

19.11.8(b) Reckless

#### Reasons for finding as to intent:

The Panel, on balance, accepted that the words were not intentionally directed at the Referee, but on his own admission, Mr Middleton accepted that the Referee would have perceived them to have been directed at him. On any view, that situation was disrespectful and had compromised the integrity of the Referee.

#### Gravity of actions - Reg 19.11.8(c)

Nature of actions - Reg 19.11.8(d)

Disrespectful words spoken in the direction and earshot of the Referee.

Existence of provocation - Reg 19.11.8(e)

None.

Whether player retaliated - Reg 19.11.8(f)

N/A

Self-defence - Reg 19.11.8(g)

N/A

Effect on victim - Reg 19.11.8(h)

None, but match officials are not totally immune to comments of disrespect or abuse and the words used were contrary to the rugby core principles of respect and discipline.

Effect on match - Reg 19.11.8(i)

None.

Vulnerability of victim - Reg 19.11.8(j)

None.

Level of participation/premeditation - Reg 19.11.8(k)

No premediation.

Conduct completed/attempted - Reg 19.11.8(l)

Completed.

Other features of conduct - Reg 19.11.8(m)

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"/>	2	<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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

The words spoken were an isolated incident and there were no other factors that warranted an entry point beyond Low End.

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Status as an offender of the laws of the game - Reg 19.11.10 (a)

Not relevant.

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

Not relevant.

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

None.

Number of additional weeks: 0

Relevant Off-Field Mitigating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Disciplinary record/good character - Reg 19.11.11(b)
Full and immediate.	Clear record.
Youth and inexperience - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Not relevant.	Exemplary.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Genuine and immediate.	None.

Number of weeks deducted: 1

Summary of reason for number of weeks deducted:

The Panel considered that Mr Middleton was entitled to the maximum 50% available mitigation credit.

**Games for meaningful sanctions:**

Mr Middleton will be suspended from participating in any capacity other than as a spectator at the Leicester Tigers v Bath Rugby match on Friday 5 November. For the avoidance of doubt, he is prohibited from entering the changing rooms, touchline, technical area or a coaching box. He shall also have no radio or any other form of communication with any other member of the Bath playing or support staff on 5th November.

**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	1 week	Sending off sufficient	
Sanction commences	30/10/21		
Sanctions concludes	08/11/21		
Free to resume duties	09/11/21		
Final date to lodge appeal	17/11/21		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Jeremy Summers	Date	3/11/21
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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