

NORTHUMBERLAND RUGBY UNION DISCIPLINARY PANEL

CLIFFORD BROOKS and STEVEN HENDERSON

JUDGMENT

1. Introduction

1.1 The persons charged were coaches of the Blyth RFC Under 18s Colts team. They were charged as follows:

1.2 Brookes

Conduct prejudicial to the interests of the Game or Union.

Particulars of Offence

Clifford Brookes, on Sunday 8th January 2023, during a match between Blyth Under 18 Colts and Alnwick Under 18 Colts questioned the integrity of the match referee in breach of Law 9.28 of the World Rugby Laws of the Game and contrary to Rule 5.12 of the Rules of the Rugby Football Union

1.3 Henderson

Conduct prejudicial to the interests of the Game or Union.

Particulars of Offence

Steven Henderson, on Sunday 8th January 2023, during a match between Blyth Under 18 Colts and Alnwick Under 18 Colts was verbally abusive towards the match referee in breach of Law 9.28 of the World Rugby Laws of the Game and contrary to Rule 5.12 of the Rules of the Rugby Football Union.

1.4 The charges were brought as a result of a Match Official Abuse Report completed by the referee following a County Colts cup tie between Blyth RFC and Alnwick RFC on Sunday 8th January 2023

1.5 The hearing was held on Thursday 26th January 2022 at Northern Football Club.

1.6 The Panel consisted of Alan Beddis (Chair, Northumberland Disciplinary Panel) and Richard Appleby.

2. Attending

2.1 The following were present at the hearing:

Clifford Brookes (CB)
Steven Henderson (SH) (by telephone – see below)
Scott Robinson (SR) – Director of Rugby Blyth RFC
Martin Cooper (MC) – Referee
Kingsley Hyland (KH) – Northumberland Rugby Union Discipline Secretary
Malcolm Jarvie – observing on behalf of NRURS

3. Preliminary Matters

3.1 Due to the late withdrawal of a Panel member the case proceeded with two members as there was no objection from either SH or CB.

3.2 SH was 'present' by telephone for reasons of which the Panel were aware and endorsed.

3.3 The Panel and all parties were provided with the following in advance of the hearing:

1. Match Official Abuse Report
2. Notice of Hearing setting out the charges
3. Case Summary prepared by KH.

3.4 SH and CB confirmed that they had received these documents.

3.5 The charges were formally put. CB indicated that he accepted the charge but wished to challenge aspects of the Referee's Report. SH stated that he wished to contest the charge.

4. Facts alleged

4.1 The basic facts of the case were set out in the Referee's Report as follows:

In the 58th minute of the game (Alnwick were 52 – 0 up at the time) I had awarded a scrum to Alnwick after a Blyth knock on, just outside the Alnwick 22 when Mr Brookes shouted "howay ref do you know that there are 2 teams in this game". I stopped time and explained to Mr Brookes that he can't question my integrity and asked him to clarify whether he was calling me a cheat. He said that was exactly what he was saying. I told him he could not do that. He said he just did, what was I going to do about it. I asked him to leave the playing area.
During this time one of the Blyth players commented that I was a joke, I couldn't identify the

player as my back was turned at the time, and nobody would own up to this so I escalated the scrum into a penalty for abuse, explaining this to the Blyth captain.

This led to Mr Henderson shouting at me “you can’t fucking do that, they’re kids”. I attempted to explain to him why I had made the decision and asked him not to swear during a match. He then said “what are you going to do you prick? Send me off to?” I then asked him to leave the playing area. He then said that he’d be waiting in the bar for me. I went to speak to the Blyth head coach to find out whether he had the name of the people or whether I needed to stop them to get their names. Mr Henderson appeared to think I was following him and said “Divvent ye dare, we can finish this now” but then realised that I wasn’t following him and walked away. I confirmed the names of the 2 gentlemen and resumed the game with an Alnwick penalty

Mr Brookes saw me after the match and apologised for his behaviour, blaming the heat of the moment and said that he actually thought that I had a “decent match”. He hoped that I didn’t take it too personally and that it hadn’t ruined my afternoon. I accepted his apology and said that there was no ill feeling.

Mr Henderson had left the premises by the time I got into the clubrooms.

5. The Evidence

5.1 The Referee’s Report was presented as his evidence-in-chief. The referee stated that he stood by his report and did not wish to add or change anything.

5.2 Questioning the referee, SH said that he certainly did not shout at the referee, did not swear at the referee and did not threaten him in either way. In response the referee said that it felt to him as though SH had raised his voice and he was adamant that SH had sworn at him and used words which he interpreted as a threat.

5.3 Questioned by AB, the referee stated that he had been no more than 5m away when the initial words were spoken and that he had heard quite clearly. He regarded SH’s tone as aggressive. He wrote up his report 2-3 hours after the end of the game when events were fresh in his memory. He said that he was not upset but was offended. He said that he had felt threatened by SH.

5.4 Questioned by RA, the referee stated that there had been quite a number of people on the touchline but that SH was actually on the pitch when the initial words were spoken and it was clear that SH was speaking to him. He said that he was absolutely certain that he had accurately recorded the words spoken.

5.5 Questioned by CB, the referee agreed that when CB spoke to him he did so in a civil manner. He said that the events giving rise to the exchange of words had occurred about 10 minutes from the end of the game whilst the offending words themselves were spoken at the end of the game. He said that he taught rugby at Blyth Academy and refereed games occasionally involving under 12s and 13s.

5.6 SH in his evidence stated that he had the utmost respect for referees and accepted that he shouldn’t have said anything at all to him. He re-iterated that he did not shout at the referee, did not swear at the

referee and did not threaten him in either way. He accepted that he had gone up to the referee at the end of the game as he was gutted and embarrassed and that he went home 'totally upset'. He said that he had never been shown a red card in 41 years involvement in the game.

5.7 Questioned by AB as to what he had actually said when the referee changed his decision to award a scrum to a penalty against Blyth he stated that he said that it was unfair at which point the referee laughed and said that he was the referee and could do what he wanted. He accepted that he had been no more than 5m away from the referee but claimed that he spoke to him in an ordinary voice and did not shout or swear. When he mistakenly believed that the referee was following him he simply asked him what he was doing.

5.8 CB in his evidence said that the match was a cup-tie and that as Alnwick were a player short Blyth agreed to leave one of their players out to match numbers. He said that a lot of things happened in the course of the game. He referred to two high tackles by Alnwick players which went unpunished but as soon as a Blyth player committed a high tackle he received a yellow card and was kept off the field for 10 minutes and not the requisite seven minutes. The event that sparked his discussion with the referee occurred after the referee had pulled up a scrum at which Blyth were going forward on the basis that it had wheeled through more than 90 degrees. When he spoke to referee all that was said was that he asked the referee to remember that there were two sides. He denied referring to the referee as a cheat.

5.9 Questioned by AB, CB stated that he certainly did not refer to the referee as a cheat. He said that the score at the time of the incident that triggered the discussion was 52-0 in favour of Alnwick. When asked if he was suggesting that the referee had been biased he said that he accepted the referee's decisions and would never call the referee a cheat. He denied that the scoreline had added to his angst.

5.10 On behalf of both SH and CB, SR said that he had been at the game and that at the time when the referee was speaking with CB and SH there were a lot of raised voices from behind. He said that he had been very surprised to see the referee's report as in his view neither CB or SH had raised their voices or sworn. He said that what had been alleged would be totally out of character.

6. Directions to the Panel

6.1 In the presence of CB and SH KH referred the Panel to the fact that as this was a case brought by him under RFU Rule 5.12 the burden was on him to prove the charges on the balance of probabilities. If the Panel accepted the evidence of the referee in his entirety they should uphold the charges but if they preferred the evidence of CB and SH they should dismiss the charges. If they accepted part only of the referee's evidence they would have to determine whether the evidence they accepted amounted to conduct prejudicial to the interests of the game.

7. Decision

7.1 After lengthy consideration the Panel concluded in relation to CB that they were satisfied on the balance of probabilities that he had disrespected the authority of the referee in breach of Law 9.28 and so the charge was made out. They could not be satisfied to the required extent that the words spoken by CB amounted to an attack on the referee's integrity.

7.2 In relation to SH the Panel accepted the referee's account and were satisfied that words spoken by SH to the referee amounted to match official abuse. In relation to the words which had been relied upon as implying a threat to the referee the Panel were not satisfied to the required extent that they were intended by SH as a threat.

8. Submissions as to Sanction

8.1 On behalf of CB and SH SR stated that they were both key members of the club and respected individuals who were long time volunteers who had worked with this age group for many years. They were impeccable individuals who put in a huge amount of time in a number of roles at the club.

8.2 KH confirmed that there were no relevant previous disciplinary findings against either individual. He pointed out that in Rule 5.12 cases where the complaint was upheld the sanction was at large but that they should follow the process in RFU Regulation 19.11 and Appendix Two as they apply to offences contrary to Law 9.28.

9. Sanction

9.1 In relation to CB the Panel concluded that this was a low entry offence with a starting point sanction of 2 weeks/matches suspension. They were minded to allow some discount to reflect CB's partial acceptance of the charge and his previous good record but did not feel able to allow the maximum 50% discount and so, in the absence of aggravating factors the sanction was **two weeks suspension from all coaching activity with effect from 26th January 2023**. He will be free to re-commence coaching on 10th February 2023.

9.2 In relation to SH, on the basis that the allegation that he had made threats to the referee was not proven the Panel was able to conclude that, on balance, his offending came in at the low end with a starting point of 6 weeks/matches suspension. The Panel did not consider itself able to allow any discount for mitigating factors and so, in the absence of aggravating factors the sanction was **six weeks suspension from all coaching activity with effect from 26th January 2023**. He will be free to re-commence coaching on 10th March 2023.

10. Costs

10.1 The Panel ordered payment of an Administration Fee of £100

11. Appeal

11.1 CB and SH were advised that they had a right of appeal against the findings as to guilt and/or sanction provided that notice is given within 14 days of receipt of this written judgment.

Alan Beddis
Richard Appleby
30th January 2023