England Rugby

GUIDE TO ADULT DISCIPLINARY HEARINGS

IN RUGBY UNION

Discipline is one of the core values of rugby. The RFU Discipline team strives to ensure that rugby is a game of controlled physical endeavour and that it is honest and fair.

This leaflet has been designed to provide guidance to Player's and/or club members who are required to attend a Disciplinary Hearing before their Club, Constituent Body (CB) or an RFU Discipline Panel.

BEFORE THE HEARING

Q. How will I know that I have to attend a hearing?

Each club is required to appoint a Discipline Officer. This person is the main point of contact for all issues relating to discipline. If a hearing needs to be organised, the Constituent Body (CB) Discipline Secretary (for your local area) or the RFU Disciplinary Hearings Manager will contact this nominated person. They are responsible for ensuring the details are passed on to all relevant people within the club including, most importantly, you.

Q. When will my hearing take place?

Each CB will aim to hear your case before your next fixture but the day and time will vary. This will be communicated to you through your club.

For all RFU cases, we try and deal with them on the Tuesday evening following the match. Sometimes hearings may take place on a Wednesday evening. So far as we can, we work with you and your Club to ensure the date and time are convenient.

Q. Where will my hearing take place?

Each Constituent Body has their own hearing location central to the CB that they will use for their hearings. During the 24-25 Season, all hearings will be held via video unless otherwise directed by the Chair of the Panel. Where required to be held in person, RFU hearings are usually organised at four main hubs around the country. These are as follows:

- Leeds Brighouse Holiday Inn
- Coventry DoubleTree by Hilton
- London Bloomsbury Holiday Inn
- Bristol Filton Holiday Inn

Other venues may be used when your location means that the above venues are not convenient. Again, for the 24-25 season, RFU hearings will be held via video link.

Q. Do I need to attend the hearing in person?

Depending upon the circumstances of the case you may not need to attend in person. Sometimes cases can be done 'on the papers' which means you and the club will submit all your evidence in writing and the Panel will make a decision once they've read the evidence and watched any video footage. Sometimes a hearing can be conducted by telephone or video link. It is very unusual for a case to be done on the papers when the charge is not accepted.

Any request for a case to be dealt with in this way will be considered by the Discipline Secretary/Disciplinary Hearings Manager and/or the appointed Discipline Panel.

Q. When do I need to provide evidence for the hearing?

The CB/RFU will send you a 'hearing bundle' which will include a copy of the evidence. This will normally be a charge sheet which sets out what the allegation is (for example that you have dangerously tackled an opponent) and a copy of any evidence they have to support that charge. This may include a Referees report and video footage. The CB/RFU may add additional information as the case develops.

If you need to provide documents at the hearing then this may be possible but it would help to tell the Discipline Secretary/ Disciplinary Hearings Manager in advance so that the Panel are aware. The Panel may need to take extra time at the hearing to consider any late evidence.

Q: When and how do I enter a plea to the charge? What does this actually mean?

Disciplinary Panels don't use the words 'guilty' or 'not guilty'. Instead will instead be asked to confirm if you accept or deny the charge. You should do this as soon as possible to help with the arrangements for the hearing.

You will also be asked if you have any evidence you wish to provide. This might be a written statement, a witness statement from someone else who saw what happened or additional video footage.

There are no strict rules as to when this evidence should be provided to the Discipline Secretary/Disciplinary Hearings Manager but as a general rule it should be no later than mid-afternoon on the day of the hearing. Sometimes you will be given a list of what information should be provided and by when. These are called 'directions' and may be issued by either the Panel or the Panel Secretary.

Q. Who will be at the hearing?

There will be three people on the Disciplinary Panel, none of them have a connection to your case, all three are independent of the RFU and all are accredited and trained to sit on Disciplinary Panels. The Chair of RFU level Disciplinary Panels will always be legally qualified.

Also in attendance will be a Secretary to the Panel. At RFU hearings this will usually be the Disciplinary Hearings Manager. Their role is to support the Panel and assist you/your club with any queries. In certain RFU level cases, the RFU may also attend. This is normally when a charge is contested (i.e. you plead not guilty) or if there is a particularly serious allegation. The RFU may on occasion appoint a Barrister to present the case on their behalf.

You are encouraged to have a club member attend the hearing with you to assist with the hearing and perhaps to speak on your behalf. If you wish to have a lawyer with you then you are able to do so but this will be at your own expense.
If witnesses need to give evidence then they should be advised they need to attend in person unless the Panel give permission for them to give evidence by telephone.

Q. Are the Panel employees of the RFU?

No. All Panel Members are completely independent of the RFU. They declare in advance any potential conflicts in each case before they are appointed and will check again at the hearing if there are any objections to them hearing your case. Each RFU Panel Member has a biography on the RFU website so you can check their details in advance *here.*

AT THE HEARING

Q. Why do I need to attend a hearing?

The Disciplinary Panel's role is to investigate a charge, make a decision as to what happened, decide if the charge has been proved and, if appropriate, decide what sanction should apply. Details about the sanctions that may apply can be found in *RFU Regulation 19, Appendix 2.* It's important that you look at this table before you attend the hearing.

If you don't attend a hearing then the Panel may adjourn to another date to allow you to attend or in certain circumstances, they may decide to issue a suspension which prevents you from playing again until you attend. It's therefore very important that you attend the hearing.

Q. What happens if I cannot attend the hearing on the day?

If you cannot attend due to illness or an unexpected issue arises, please ensure that you contact the Discipline Secretary/ Disciplinary Hearings Manager as soon as possible. The hearing can then be rearranged for a different evening. It is important to know that you cannot play until you have attended before a panel to have your case dealt with so you should make every effort to attend if you can.

Q. What if I don't understand what is happening or what is being said?

The Disciplinary Panel will explain at the start of every hearing how the hearing will proceed. If you don't understand or if you would like more time to ask questions, make sure you tell the Chair of the Panel. The hearing needs to have structure and be relatively formal but it is designed to be as player focused as possible.

The most important part of the hearing is that you understand what is being said and that you feel you have had every opportunity to explain your case.

Q. What happens during the hearing?

The Chair of the Panel will welcome everyone to the hearing and introduce him/herself. They will ask you and your representative to confirm if you have any objection to the Panel Members and, for RFU level cases, they will ask the RFU to confirm as well. An objection might be raised because a person on the Panel is a member of a club in your league and you're due to play them in the next match. It might be that the panel member is also a Referee Coach and the Referee in your case is mentored by him. It would not be appropriate to object to someone because they have sat on a case of yours previously or because they play rugby for a team in a different league. The Panel will consider any objection raised and whether it will affect the hearing.

You should consider the information you're told about each panel member carefully as objections should not be raised after the hearing.

The two Panel Members will then introduce themselves and explain very briefly what their background is. The Chair will then ask you and your club to introduce yourselves and finally if the RFU is in attendance they will do the same.

The Chair will then read out the charge and ask you to confirm formally if you accept or deny the charge. You should have already told the Discipline Secretary/Disciplinary Hearings Manager before your hearing. You should make sure you

have read the guidance notes on what Accidental, Reckless and Intentional mean in a rugby context. Briefly, they are defined as follows:

Accidental

There was no act of foul play. What occurred was a complete accident in the normal meaning of the word. If you say it was an accident, it means you do not accept the charge (i.e. you're saying you're not guilty).

Reckless

The Player knew or should have known that there was a risk of committing an act of foul play and continued in the action. An example might be trying to make a chest height tackle to prevent an offload which slips up and makes contact with the head of the opposition Player. In this case, the Player should have known there was a risk of making contact with the head by tackling high. If it is reckless it is an act of foul play. This means the charge is accepted (a guilty plea).

Intentional

There was an intentional action to commit an act of foul play i.e. punching someone to the face. This means the charge is accepted (a guilty plea).

Thereafter the hearing will proceed depending upon what your answer is to the charge. It's important to read through *RFU Regulation 19, Appendix 7* which gives you a step by step guide to how the hearing will proceed.

Q. What is the standard of proof in disciplinary hearings?

The standard of proof in all disciplinary hearings is the balance of probabilities. This means is it more likely than not to have happened. A Disciplinary Panel does not need to be 'certain' or make a decision 'beyond reasonable doubt'.

Q. When will I know what the outcome of the hearing is?

Disciplinary Panels will always try to reach a decision on the night of the hearing so that you know what the outcome is before you leave. This includes making a decision on the facts and, if necessary, a decision on the sanction that should apply. Sometimes, if a hearing doesn't finish until very late or there are very complicated decisions to be made, the Panel may not announce their decision. When this happens they will explain when they intend to give their decision and what will happen afterwards.

Q. What are the possible sanctions that a Panel could impose?

For on-field cases such as red cards or citings, Players will be sanctioned in accordance with the sanction table at *appendix 2.* This means a playing ban of a number of matches or weeks based on whether they find the act merits a low end, mid-range or top end sanction.

For all on-field cases where there is a finding that the act of foul play resulted in contact with the head and/or neck of the opposition Player, it is mandatory for the Disciplinary Panel to start at a mid-range entry point.

For off-field cases brought under Rule 5.12, the possible sanctions that could be imposed are as follows:

- for a person, a reprimand, a financial penalty or suspension from playing, coaching and/or administration.
- for a Club, in addition to the sanction set out above, financial or other compensation, deduction of league points or relegation, exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of the RFU a Club may be required to withdraw from that competition.

In off-field cases, a Panel may impose a combination of more than one of the above sanctions e.g. a fine and suspended point's deduction.

AFTER THE HEARING

Q. What happens after the hearing?

After the hearing has finished, the Panel will prepare a written judgment. The judgments sets out in full detail all of the factors they considered when reaching their final decision. It will also tell you simply what the dates of your suspension are, the date by which you need to lodge an appeal and how much you have to pay in costs.

Q. What if I don't agree with the decision that's been made?

You have the right to appeal the decision. For CB cases the appeal will be heard by an RFU panel and for RFU level cases this will be to an RFU Appeal panel. Full details of the relevant time frames and information you need to submit can be found on the RFU website *here*.

Q. Are judgments published?

All RFU judgments are published on *Englandrugby.com*. In exceptional circumstances the RFU may decide to publish a redacted version of the judgment (removing names) or it may decide not to publish a decision if it contains certain information.

If you have any questions please contact the RFU Disciplinary Hearings Manager:

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