



To: Referee Society Secretaries

10th April 2015

Dear Secretary

As a result of questions raised recently regarding practices relating to the grading and promotion of referees, the RFU and the RFRU together wish to remind Referee Societies, Federations and Groups that age cannot be used as a factor in determining whether a referee should be promoted or re-graded as to do so would be blatant age discrimination which is illegal.

The use of age as a factor in grading is in any event just a proxy for capability and performance level. It is not a very good proxy. People of the same age can have widely varying levels of performance and of physical and mental fitness. What is required instead is that the capability and performance level be assessed directly and not by reference to age.

For the avoidance of doubt, there is no age restriction on the selection of referees onto the National Panel.

The legal position has been summarised below by the RFU Legal Department.

Legal Note

This note is intended to act as guidance for Referee Societies, when considering the grading applications of referees, in light of age discrimination legislation.

The Equality Act

Under the Equality Act 2010, it is unlawful to discriminate on the basis of age. As well as employees, the Equality Act 2010 also protects workers, self-employed consultants, and job applicants. Referees are therefore covered by the Act.

Direct discrimination means treating a person less favourably because of their age.

Can age discrimination be justified?

Discrimination will only be justified if the discriminatory step is necessary and appropriate to achieve a legitimate aim. Refusing to grade a referee on the basis of age is unlikely to be deemed necessary or appropriate.

What are the sanctions?

Compensation for age discrimination will be awarded for financial loss (with no upper limit on the amount which can be awarded) and injury to feelings. Any award for injury to feelings is likely to range from around £600 to around £30,000.

Questions?

If you have any queries, please feel free to contact the **Legal Helpline (0844 561 8177, Scheme No: 81066)**.

Kind regards



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Graeme Charters
Chairman - RFRU

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