

19 March 2013

Dear Constituent Body Discipline Chairman and Secretary,

Re: Players' status after sending off and before a disciplinary hearing

I am writing in relation to the forthcoming changes with regards to the status of players sent from the field of play pending their hearing before a CB disciplinary committee.

As you will no doubt be aware, IRB Regulation 17.1 sets out the Core Principles that the IRB have directed shall be applied as mandatory provisions by Unions in disciplinary regulations at all levels of the Game. In particular, IRB Regulation 17.7.1 (k) provides that:

'Players Ordered-Off or cited by a Citing Commissioner shall be provisionally suspended pending the hearing of the case'.

This provision came into force in June 2012; however the RFU decided that it would not implement it until the 2013/14 season when it had considered the full ramifications. Under RFU Regulation 19.5.2, which remains in force until July 2013, a player who has been sent off or cited may play pending the final outcome of his/her case. Please note that there will be no change until next season and we are currently working on a new Regulation 19 to reflect this and other changes imposed by IRB Regulation 17.

You will recall that at the RFU Disciplinary Conference in Wyboston in June 2012 the overwhelming view of delegates was that we should challenge the IRB on this issue and as such we undertook to seek a dispensation for clubs playing at levels 5 and below in England. The RFU CEO wrote to the IRB but our submissions were rejected at the IRB Council meeting in November 2012. In fact no other Union supported us. It appears that the RFU is alone in not dictating that players sent off or cited by a Citing Commissioner are suspended and that this is the practice everywhere else in the world.

Thus, from July 2013 that Core Principle will apply to the RFU at all levels and RFU Regulation 19 will be amended to reflect this: players sent off will not be permitted to play pending a disciplinary hearing or an appeal. Those of you who have been involved in rugby discipline for some time will recall that this was the position a number of years ago i.e. players who were sent from the field of play were suspended until they appeared before the disciplinary panel. It appears that we have now come full-circle in relation to this issue.

Following the IRB's decision, the RFU Governance Committee has spent considerable time looking at this issue and set up a small group comprising HHJ Jeff Blackett (the RFU Disciplinary Officer), Peter Baines (Chairman of Governance and Council Member for Hertfordshire), Brian Stott (Disciplinary Secretary for Lancashire), Jonathan Dance (RFU Junior Vice President, Council Member for Berkshire and former Disciplinary Chairman) and Gerard McEvilly (RFU Head of Discipline) to consider what practical implications this may have for CB Disciplinary Panels and how these should be addressed. This group have made a

number of suggestions that should assist your CB in working with the new arrangements. It is hoped that these suggestions will help you in ensuring that cases are dealt with expeditiously but at the same time without making the role of the Discipline Secretary or the Committee any more onerous than it is already.

The first issue that we discussed related to the provision of referees' reports following a sending off. Under the new arrangements referees must be encouraged to produce their reports expeditiously. Although RFU Regulation 19.6.1 specifies that referees must submit reports within 48 hours to the CB Discipline Secretary we understand that there are often occasions where they do not comply with this provision. We will be liaising with the RFU Referees department to ensure that referees do comply – if they do not that may count against a referee when he/she is assessed.

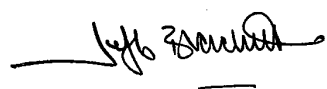
In addition to this, Club Secretaries of the player sent off will need to be reminded of their obligation under Regulation 19 to inform their CB Disciplinary Secretary of any sending off within 48 hours of the match so that the CB Discipline Secretary can take control of proceedings early. These parallel obligations on both referees and Club Secretaries should ensure that the Discipline Secretary is aware of the sending off as soon as possible after the match and can then ascertain what the plea is likely to be before determining how the case should proceed.

In relation to case progression, the group also discussed amending the regulations to allow for a greater use of pleading guilty by post (or more usually by email) in appropriate cases. This would enable CB Disciplinary Committees to deal with red cards on the papers and without having to convene if necessary. This should work in straightforward cases: CB Disciplinary Committees will continue to hold a hearing where a player indicates a not guilty plea and they can of course always decide that they wish to see the player (e.g. in serious cases or where the player is a persistent offender etc.) and adjourn paper consideration. Players who appeal will appear in front an RFU Disciplinary Panel the following week.

Another effective way for this change to be implemented is for CBs to hold a disciplinary hearing each week throughout the season so that anyone sent off can be dealt with in the week following the sending off. That means that if the sending off was in error the player will be free to play again immediately, or the sanction can be determined early. However, some CBs have reported that, at present, they simply do not have the manpower to hold a meeting each week. In those circumstances CBs should consider publishing the dates when they will meet but establish a process to deal with cases weekly on the papers. Furthermore, as you will be aware there are six discipline training dates that have been arranged at the end of the season and this is an ideal opportunity for the CBs to get any new members of the Disciplinary Panel accredited to sit.

Should you have any comments or suggestions in relation to the practical implementation of the new arrangements, or examples of best practise that you can share, please would set these out in writing to me no later than 10 April 2013.

Yours sincerely



HHJ Jeff Blackett
RFU Disciplinary Officer