

Dealing with on-field misconduct in Rugby League

Tuesday, March 26, 2019

In a recent on-field misconduct incident, Joel Tomkins, the current captain of rugby league's Hull Kingston Rovers ("**Hull KR**") received a two-match ban and £500 fine from the Rugby Football League ("**RFL**") for using offensive language towards a match official.

At a hearing in Leeds, the disciplinary panel found that Tomkins swore twice at referee Liam Moore. During his tirade, Tomkins also called the official a 'cheat'. The incident happened in the 64th minute of Hull KR's Super League match against Salford Red Devils, when Tomkins protested against Moore's decision to disallow a try. Hull KR went on to lose the game 24-22.

The Tomkins incident is an example of the kind of player misconduct which many sports, to varying degrees of success, are actively trying to stamp out. A foul-mouthed reaction to a controversial referee's call is of course not out of the ordinary. However, ever-increasing professionalism, the added coverage and scrutiny of on-field incidents via broadcasting, replays, and social media, makes it more difficult for players to escape criticism and disciplinary action.

This goes hand-in-hand with heightened expectations of a player's character and integrity. There is a growing appreciation in sports such as rugby league of the status of players as role models and representatives (with good behaviour expected both on and off the pitch).

These issues go to the core sporting values of integrity, fair play, honesty and respect. The disrespect of a referee and, arguably worse, the questioning of an official's integrity, are clearly at odds with these values.

This particular blog takes the example of on-field misconduct in rugby league to focus in on how sports address and punish disciplinary incidents.

RFL's disciplinary and sentencing Process

All participants of the professional game of rugby league are contractually bound by the [Tiers 1-3 Operational Rules](#) ("**Operational Rules**"). Read in conjunction with the [Laws of the Game](#), the 2019 iteration of the Operational Rules provides a laudably transparent guide to how the RFL enforce their rules in relation to on-field conduct.

Firstly, the Match Review Panel (headed up by the RFL's compliance manager) ("**MRP**") meet after each round of Super League games. The MRP review footage of any potential misconduct incidents, whether the player in question has received an on-field sanction or not. The panel can also take into account any 'citings' of incidents brought to their attention from the clubs themselves.

The MRP decide whether to take any further action against players. If they decide to take action, they charge the player with an offence, graded A-F (F being the most serious). In a new rule brought in last season, if the offence is grade A-C, the player is not referred to a disciplinary tribunal. Instead, the MRP decides on the appropriate sanction for the player and issues a Penalty Notice. There is an opportunity for the player to appeal the sanction, but there is arguably a built-in deterrent as unsuccessful appeals on unreasonable grounds result in a further one match ban.



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For incidents graded D-F, the cases are always referred to the on-field operational rules tribunal ("**Tribunal**"). The Tribunal is independent and usually formed of three members. One of the members acts as the chairperson and is legally qualified, with the other members often being former professional players. The Tribunal hears evidence from the Compliance Manager on behalf of the RFL and from the player or their representative. Based on the evidence, the Tribunal decides whether the player is guilty of the offence. If guilt is determined, the Tribunal moves on to consider the sanction. At this stage, the Tribunal takes into account section 7.2 of the Operational Rules to decide on the specific charge and level of the charge. A 'Table of Offences' sets out:

1. the law breached (e.g. Law 15.1(a): Trips, kicks or strikes another player);
2. the charge within the law breached (e.g. strikes - head butting);
3. guideline descriptions for particular categories of the charge (e.g. reactionary or reckless tripping v intentional tripping); and
4. the corresponding grade range.

Once the Tribunal decides on the grade, they consider the sentencing range. The 'Normal Suspension Range' table detailed in the Operational Rules provides the usual period of ban for varying grades of offences.

At this stage, aggravating and mitigating factors can be proffered to shift the suspension range to the higher or lower levels.

Tomkins' Hearing

In Tomkins' case, the incident was a breach of Law 15.1(f): 'A player is guilty of misconduct if he...uses offensive or obscene language'. Specifically, there was an additional element of 'questioning the integrity of a Match Official', which pushed the category of offence into the more serious grade B-F bracket. The MRP, with the Tribunal agreeing, had decided on Grade D for the incident (usual suspension range 3-5 matches).

Tomkins pleaded guilty to the offence but challenged the grading at Grade D, detailing mitigating factors (his guilty plea, contrition, good disciplinary record and the 'heat of the moment' element to the incident) and adducing evidence of a previous Grade D case which he argued should be distinguished from his own. Despite these submissions, the Tribunal maintained that Grade D was appropriate, specifically because Tomkins questioned the referee's integrity, there was a level of aggression used, and the player repeated the abusive language twice.

Leniency

However, the Tribunal did grant Tomkins some leniency on the grounds of the player's 'acceptance of guilt, his considerable remorse shown and his previous good record in a 14-year career'. Using their discretion, they ordered a 2-match suspension, outside of the normal grade range of 3-5 matches.

The Tribunal noted that this decision was an example of their powers to take an 'exceptional course of action' to go outside the grading. Significantly, the Tribunal stated that the decision to go outside the grading should not act 'as a precedent for future cases'.

The weight given to the previous disciplinary record of a player is clear in this case. If a player has a good disciplinary record, they can present this as a mitigating factor and ultimately help towards reducing the sanction level. This of course seems fair and mirrors to a certain extent the sentencing guidelines in the criminal system.

Whilst the Tribunal praised Tomkins' disciplinary record in the game, it is perhaps notable that the high profile [off-field incident](#) Tomkins was involved in only last year (which resulted in the player being suspended and fined by his previous team Wigan Warriors) did not seem to be taken into account. Presumably, this incident did not meet the definition of 'disciplinary record' as it had been dealt with internally by the club rather than as an off-field misconduct charge under the Operational Rules.

Conclusion

The disciplinary process for rugby league is thorough. Indeed, the sentencing guidelines on-hand for Tribunal members are reminiscent of those used by the judiciary in the criminal justice system. Other sports of course use a similar approach.

If Tomkins, a one-time dual-code specialist, was playing premiership rugby union, perhaps his sanction would have been more severe - the 'lower end' bench-mark for breach of 'Verbal Abuse of Match Officials' in rugby union is a 6 week ban with the 'top end' being 18+ weeks. If he was playing football however, a breach of Football Association rule E3(1) (using abusive or insulting language) has a guideline of a 1 match ban if the player admits the charge.

Although sports have similar processes and frameworks in terms of discipline, the levels of punishment for similar offences can vary. Whether two matches is fair or lenient for an offence of the sort is a debate for each sport to consider in line with their particular values, traditions and objectives.

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