

## Disciplinary liability of Clubs forming 'cluster teams'

Kent CB Disciplinary Committee have been aware of the potential for difficulties to arise from the emergence of 'cluster teams', particularly discipline issues related to touchline behaviour. However, it is not until recently that this has become a real issue that requires immediate attention.

The CB fully recognise the benefits of cluster teams in supporting and growing the game, particularly in the girls' section. However, there is a lack of clarity around the formation and management of such teams. To that end, the CB is drafting protocols to govern the formation and operation of 'cluster teams' to be introduced next season. This will accord with the work the RFU are also undertaking in this area.

In the meantime, we are faced with addressing several cases from games involving cluster teams where the incidents have arisen which amount to breaches of Rule 5.12 around the behaviour of spectators, players, or coaches of the cluster team. Where individuals can readily be identified, and the evidence is sufficiently cogent, they will be held to account.

Inevitably, a likely response by the cluster clubs charged with a 5.12 breach is that if they had nobody specifically charged, with and responsible for overseeing cluster teams, they are not liable. Our firm position is that, when a cluster team is formed, the clubs have joint liability for the touchline behaviour of all spectators, players, and coaches, irrelevant of the home club. To do otherwise would be to facilitate an exercise in apportioning blame with no club accepting responsibility. This would be particularly so in cases where no culpable individuals have been identified or not all culpable individuals are identified. This is both perverse and unfair on single club teams who would absolutely stand liable for such behaviour.

Insofar as Bad Disciplinary Records are concerned, we are cognisant of Regulation 19.3.2, which indicates for players playing in a cluster team who receive a red card, that card will be held against the disciplinary record of their home teams. Accordingly, we will apply the same principle to any individual where a 5.12 case is proven against them. Therefore, in recognition of the nature of cluster teams such a finding will not be recorded against all clubs.

Advice on our position was sought from the Head of Discipline at the RFU who, coincidentally has also been considering this issue and will amend Regulation 19 to make this position clear for next season. The RFU has stated its position as follows:

*'We are currently looking at ways to formalise how we deal with cluster teams that are becoming more prevalent in all aspects of the game. The RFU is of a similar view to KCRFU that all teams are culpable and that we cannot get into an exercise of apportioning blame to individual clubs. If a team are part of a cluster, they are jointly responsible for the behaviour of that team and must face any sanction together. I would also support your view that any sanctions against individuals would also go against their 'home' club disciplinary record'.*

We strongly advise clubs participating in cluster teams and which themselves in disciplinary jeopardy to fully understand the position of the Kent Disciplinary Committee and RFU in this regard. It will also form part of the future governance protocols relating to cluster teams. All cluster teams must make players and spectators aware of the liability. Coaches are expected to take a lead in role modelling behaviour standards and ensuring those standards are delivered, **irrelevant of the home club of the spectators and players.**

**Andrew Gent**  
**Kent Age Grade Disciplinary Secretary,**  
**On behalf of the Kent Disciplinary Committee**  
**13 March 2024**