



MIDDLESEX NOTES ON RFU COUNCIL MEETING

Teleconference – 2nd October 2020 @ 10.00 am

Rob Udwin was unable to attend the meeting – his alternate was Eddie Keal

The meeting was chaired by the President, Jeff Blackett

A moment of reflection was held in memory of Police Sergeant Matt Ratana, Head Coach at East Grinstead RFC, who was tragically killed recently whilst on duty.

1. Introduction & Welcome

Jeff Blackett - President

1.1 Welcome

The President welcomed Richard Bryan (Rugby Players Association), Paul Candlish (Durham), Dave Clarke (Lancashire), Keith Gee (Gloucestershire), Gary Henderson (Sussex), John Inverdale (NCA), Steve Lloyd (Championship Clubs Committee), Kirsty Marlor (Royal Navy), Steve Mead (Somerset); Matt Smith (Warwickshire), Dick Tyler (Cambridge University), Simon Wakefield (Essex), being the 12 new Council members to their first formal Council meeting.

1.2 Future planning of Council meetings

Changes are being introduced to Council meetings to enable topics of fundamental importance to the game to be discussed in more depth and for longer term planning of the agenda to take place to ensure better use is made of Council's time and expertise. The changes will start to be seen at the November Council meeting, which it is hoped will be held at Twickenham.

2. Decisions made using Email Protocol since last Council Meeting

2.1 Premiership Competition Regulations 2019/20

Following an extension to the 2019/20 season, an extension to the Player Transfer Deadline was approved.

2.2 Safeguarding Adults Policy

A revised Safeguarding Adults Policy was approved.

2.3 Diversity & Inclusion Implementation Working Group

The appointment of Ralph Knibbs as Vice-Chair of the Diversity & Inclusion Working Group was approved.

3. Chief Executive's Report

Bill Sweeney - CEO

3.1 Introduction

- a This has been the most challenging period faced by the Union in modern times. The need to have a fully informed and aligned approach to the range of issues facing the Union and the Game has been recognised and the





interaction between the Executive, the Board and Council has subsequently been significantly increased.

- b Clubs are showing a clear desire to get back to playing coupled with a growing impatience as to other sports have returned more quickly, but with an understanding as to why it is more difficult for rugby, as a contact sport.

3.2 **2020 Six Nations & Autumn Internationals**

- a In addition to the rescheduled Six Nations match, there will be a warm-up game against the Barbarians on 25th October. This game will be on Sky Sports and highlights will be on BBC2.
- b The Northern Hemisphere Unions plus Fiji and Georgia will play in the Autumn Nations Cup, an eight-team tournament starting in November and culminating in a finals weekend on 5th/6th December.
- c The England games and the Finals will be shown on Amazon Prime Video. The England v Ireland fixture will also be shown free-to-air on Channel 4 along with highlights of every game.
- d The England Women's team will play a home and away series against France this autumn in addition to their outstanding 2020 Six Nations game against Italy.

3.3 **Global Calendar Discussions**

- a The RFU is leading discussions around an aligned global season.
- b A significant amount of work still needs to be done around:
 - i. detailed financial modelling from a domestic and international perspective.
 - ii. assessment of the impact upon player welfare; and
 - iii. tournament structures for more meaningful matches in the Autumn Internationals.
- c This may give an opportunity to have a positive financial impact both for the domestic and international game, while providing better, more structured rest periods for players. Ultimately the key to this will be to maximise the value of each available weekend rather than including more matches into an already congested season.

3.4 **English Championship**

The executive and the Championship Clubs Committee are working to devise a financially sustainable model for the English Championship.

3.5 **England Sevens**

- a The financial constraints imposed by Covid-19 have resulted in several difficult funding decisions, including significantly reduced funding for the Men's and Women's Sevens programme, leading to the non-renewal of the Sevens player contracts.
- b The RFU still intends to run a competition and camp-focused programme which would involve younger players and realign to the 15's pathway development programme.

3.6 **Elite Player Squad Agreement – 2020/21**

- a As a result of the challenges posed by Covid-19, the RFU and the Rugby Players' Association (RPA) have agreed a one-year arrangement on behalf of the Elite Player Squad (EPS) for the 2020/21 season.
- b The EPS players have accepted a 25% reduction in remuneration with firm commitments to a range of player welfare initiatives with ongoing management of the player welfare process and clearly defined rest periods.



- c The RFU has also confirmed an official partnership with Restart - the charity of the RPA that provides financial, practical and emotional support to professional players and their families who have suffered injury, illness or hardship.

3.7 CVC Investment in the Six Nations

Discussions between the RFU and its Six Nations partners with CVC over a possible equity investment in the Six Nations have been positive and are continuing.

3.8 Commercial Partnership Update

There has been positive progress with sponsor, partnership and broadcast deals despite the impact Covid-19:

- a The recent Umbro kit launch was well received.
- b A new five-year deal has been concluded with O₂
- c A four-year deal has been signed with Charles Tyrwhitt (CT) to replace Eden Park as the Men's clothing sponsor. CT's sister company, the White Company, is producing the Red Roses clothing for next season.

3.9 Organisational Restructuring

a *Employees*

The collective and individual consultation process has been a challenging time for employees and every effort has been made to offer a variety of wellbeing support and outplacement services for those who are leaving the organisation.

b *Rugby Development*

The scale of people change across Rugby Development has necessitated a remodelling of how the Union works and how staff are deployed rather than a simple downscaling of existing operations. This remodelling is based on three key deliverables, namely club support, coaching & refereeing and player experience.

3.10 Diversity & Inclusion

- a D&I has been a priority area of focus over the last few months. There are five strands to the work happening area (1) Council & Volunteers, (2) Board, (3) Staff, (4) Game play (this is a working title for the group covering players, coaches, match officials etc), and (5) Fans, followers and commercial partners.
- b A coordination group, including reps from each of the above groups to make sure that progress in each area is joined up.
- c A four-step approach to the work has been put in place
Understand - Plan - Act - Monitor

4. Community Return to Play

Steve Grainger - Rugby Development Director

- 4.1 The Community Game remains at **STAGE D** on the Return to Play Pathway.
- 4.2 The decision has been taken to delay the start of competitive rugby at adult (Men at Level 3 & below and Women at Level 2 & below) and age grade. This was done in response to feedback from the Game that certainty was required to enable the clubs to plan for the remainder of the season.
- 4.3 Discussions are continuing with Government about permitting full contact rugby to resume. If permission is granted the game will move to Stage E which will permit contact training. Competitive rugby will resume once the game moves to Stage F (it is currently anticipated that to prepare for competitive rugby the game will remain at Stage E for a minimum of four weeks).



- 4.4 The Adult Competition Advisory Group has reconvened to review its earlier recommendations about what meaningful competitions could look like in the second half of the season.
- 4.5 Work is also being undertaken to consider whether Law variations would (1) enable competitive rugby to start, (2) what they should be and (2) whether they would be acceptable to the Game.
- 4.6 Support continues to be available from the RFU and the CBs to those clubs experiencing financial difficulties due to the curtailment of their normal activities.

5. **Community Game Board (CGB) Update**

David Roberts - Chair of CGB

5.1 **Future Competitions Structure**

The CGB continues to receive updates and discussed the work of the Future Competition Structure Working Group and has agreed the direction of travel.

5.2 **New Ways of Working**

- a Following the recent Rugby Development reorganisation and redundancy programme the CGB has been briefed on new Rugby Development structure will operate.
- b With such a significant reduction in staff it was accepted that things would be operating in a different way.
- c It is intended that the new roles all to be operational from 1st November (post furlough) and for structures to be fully operational (post induction, training and reviews) from March/April 2021 in time for the 2021/22 season.
- d Due to ongoing uncertainty and the significant change, 2020/21 will be a transitional season.

5.3 Current season priorities are being agreed for each of the CGB Sub Committee. These will be shared with Council and the Game so that there is transparency over the work of the CGB.

5.4 Work is ongoing on reviewing the terms of reference for each subcommittee and preparing terms of reference for the reviews of County Championships and Payment of Players Review.

6. **Future Competition Structure (FCS) Working Group Update**

Stephen Pearson - Chair of FCS Working Group

6.1 Stephen Pearson updated Council on the work of the FCS Working Group and presented the draft of the Adult Male Future Competitions Plan.

6.2 Whilst the group believes that it has established that there is a need for change, the current Covid-19 crisis has interfered with the consultation process and raised questions as to the advisability of implementing significant change in the 2021/22 season.

6.3 The work of the group will continue, but a substantial debate will be held at the November 2020 Council meeting, when Council will be asked to opine on:

- a Whether the need for change has been established
- b The core principles of any change
- c Whether any agreed change should be staged over two seasons (2021/22 & 2022/23).

6.4 A full presentation on the Working Group's recommendations will be given to the November Council meeting.

6.5 An additional webinar will be held to bring new Council members up to date.



7. **Professional Game Board (PGB) Report**

Phil de Glanville - Senior RFU Representative on PGB

7.1 **Summary**

The PGB met 19 times since the last formal meeting on 2nd April 2020. Normal PGB business (such as reviewing summer tours, the conclusion of the Premiership and Championship, previewing European pools) has been impossible, and the focus has been on completing the 2019/20 Premiership season and planning for the 2020/21 Premiership & international seasons.

7.2 **Restart of the 2019/20 season**

- a Working on the 5-stage framework for all elite sports to return to play, the PGB developed and signed off on detailed Minimum Operating Standards for levels 1 to 3 (1: individual conditioning, 2: managed contact training, 3: domestic competitions). These are detailed documents, which all clubs and England staff have bought in to and applied in their training and matches. Protocols for levels 4 and 5 are close to completion.
- b All players and support staff have been tested for Covid-19 at least weekly (and sometimes twice a week). Appropriate protocols have been followed around self-isolation and management where applicable although false positives are an issue. A testing oversight group was set up to examine the detail of each positive case and protocols have been signed off by Public Health England at every step.
- c Player management guidelines around playing time and match involvements have been agreed.
- d A monitoring and sanction framework has also been agreed. Education has been the core of the approach. Protocols have been independently spot checked and assessed with an emphasis on support to improve implementation and use.

7.3 **Season 2020/21**

- a PGB signed off a one-off season structure for 2020/21, incorporating the completion of the Six Nations and Barbarians matches for England, as well as the Nations Cup with Northern Hemisphere opposition (and Fiji) in the 2020 Autumn International window.
- b The Premiership will start on 21st November and run every week (including Europe, which has two fewer pool games next year) until the final on 26th June 2021.
- c The Championship clubs are planning to start training in October/November with an aim to start a revised competition after Christmas.

7.4 **Future scope of PGB**

Discussions are taking place to broaden the scope of the PGB to do more than just meet its contractual obligations under the Professional Game Agreement (PGA).

8. **Governance Standing Committee Report**

Chris Cuthbertson - Chair of Governance Standing Committee

8.1 **2020 Payment of Players Declaration Report**

Governance has reviewed the results of the 2020 Payment of Players declaration. 96% of voting clubs submitted the declaration (up from 88% last year). It is thought that the early end to the season enabled some clubs to release players and thus report under the thresholds.

8.2 **2020 Club Audit**

The 2020 Club Audit is underway. The results will be submitted to the October



Governance meeting. The meeting will individually consider those member clubs that have failed to meet the membership criteria in respect of games played to ensure that the shortfall is not due to the early end to the season.

8.3 **2020 Club Safeguarding Survey**

The 2020 survey is underway. Due to the Covid issues this year, the deadline has been put back to 30th November 2020. Council was asked to assist in encouraging the clubs to submit the survey on time.

8.4 **Financial Monitoring Consultation**

The changes to the insolvency regulations that were approved by Council last season included the requirement for CBs to monitor the financial health of their clubs but gave them significant discretion in how to do this. Paula Carter, who led on this, has recently held three consultative sessions on how CBs may wish to undertake this work.

8.5 **2020/21 Competition Regulations**

Under delegated powers from Council, Governance continues to review and approve changes to the competition regulations. These cannot be finalised until it is known when (and in what format) the current season's competitions will be played.

8.6 **Routine Work**

The routine work of the Committee continues, which includes the composition & reviewing of the terms of reference of its sub-committees. A detailed work programme has been set out for the year and was shared with Council.

9. **Premier 15s - Law Variations**

Chris Cuthbertson - Chair of Governance Standing Committee

Conor O'Shea - Professional Rugby Director

9.1 Conor O'Shea presented the Premier 15s Law Variations proposal to Council (Appendix 1).

9.2 The proposed Law Variations have been reviewed by the Laws Sub Committee (and World Rugby) and approved by Governance

9.3 Council approved the Law Variations within the Premier 15s competition for Rounds 1-9 of the 2020/21 season (with Governance retaining its delegated authority to implement these changes in regulation and to make any further changes including amendments to the Law Variations – subject to World Rugby Regulations).

9.4 Whilst Covid-19 testing will not be undertaken, the resumption of matches will be subject to strict enhanced medical protocols and risk mitigation procedures.

9.5 The first round of Premier 15s will be on Saturday 10th October 2020.

10. **Council Nominations Committee Report**

Mike Waplinton - Chair of Council Nominations Committee

10.1 Mike Waplinton has been re-elected Chair of the Council Nominations Group with Ken Andrews elected as its Secretary.

10.2 Council Nominations is responsible for making recommendations to Council (for ratification by the Game as required under the Rules) of the Presidential Team (President, Senior Vice President, Junior Vice President & Immediate Past President) and nominating Council members to sit on the various Committees and Sub-committees and representing the Union on other bodies.

10.3 Council Nominations has met all 12 of the new Council members to understand their interests and aspirations.

10.4 The major appointment this season is that of the Junior Vice-President – an invitation will go out in November, with applications due by the end of December



and interviews taking place in January 2021.

11. **Board Nominations Committee Report**

Dominic Proctor - Chair of Board Nominations Committee

11.1 **Chair of the Board and the Independent Non-Executive Director**

- a The terms of office of both Andy Cosslett (Chair) and Helen Weir (INED) expire at the end of the current season and as both are time served, they will be leaving the Board. Job Descriptions have been prepared for both roles to assist in the recruitment of their successors.
- b Dominic Proctor will lead the recruitment process for both roles in conjunction with the Union's HR team.
- c The Aim is to make the appointments in the first quarter of 2021. The appointments are subject to ratification by the members at the 2021 AGM.

11.2 **World Rugby (WR) Representatives**

- a The term of Deborah Griffin and Jonathan Webb (both Council members) as WR Reps end in 2021 and 2022, respectively. Bill Sweeney was appointed as a World Rugby Representative on his appointment as CEO in 2019.
- b Given the ongoing WR discussions on the global calendar, the Committee recommended, and the Board agreed that Bill Sweeney should remain as WR Rep for his term as CEO, or such time as the Board decides otherwise.

11.3 **Six Nations Representatives**

Bill Sweeney (CEO) and Simon Massie-Taylor (Commercial Director) are the RFU's two Six Nations Reps. As Six Nations Council meetings are currently dominated by the discussions and negotiations around Project Light, the Committee recommended, and the Board agreed that the status quo should remain.

11.4 **Rugby Europe (RE) Representative**

- a Steve Grainger (Rugby Development Director) and Rob Udwin (Council member) are the current RE Reps. Steve Grainger is part way through a three-year term, but Rob Udwin's term expired on 31 July 2020.
- b The Committee recommended and the Board agreed that Rob Udwin's term should be extended until the end of the current season.
- c There will be a full, open recruitment process during the current season to make an appointment to take effect from the start of next season.

12. **Diversity & Inclusion (D&I) Implementation Working Group Update**

Genevieve Glover - Chair D&I Implementation Working Group

Genevieve Glover updated Council on the composition and work of the D&I Implementation Working Group and provided background on the D&I work (including recommendations previously approved by Council) for the benefit of the new Council members.

13. **Chairman's Report**

Andy Cosslett - Chair of the RFU Board

13.1 **Board Meeting**

- a In August, the Board moved from meeting weekly to meeting every three weeks. This has allowed time to be freed up for the Executive team to focus on managing the urgent short-term issues facing the Union. Additional Board meetings will be called, as necessary.
- b The principle focus of the Board has been on financial issues and this still requires close attention on a regular basis.



c *Finance Working Group*

- i. In order that the Board can use its time during Board meetings to focus on other strategic issues, the Board has formed a Finance Working Group to assist the Executive team. The initial areas of focus of the Working Group are liquidity, cost base, reserves and Covid-19 related cash/revenue generation.
- ii. The Working Group is also considering longer-term workstreams out of scope of the group (such as diversification of revenue streams, or longer-term stadium investment) which are being taken forward separately.

13.2 **Council Updates**

Fortnightly calls are continuing with Council to ensure that members and the Game are kept updated in these difficult times.

13.3 **Board Diversity**

The Board has considered in detail its own approach to diversity committed that by the start of 2022/23 at the latest, the Board will consist of at least 30% female members, and 15% BAME members. This should be achievable given that two members of the Board will be leaving at the end of this season and a further five come to the end of their terms at the end of the 2021/22 season.

13.4 **Board Effectiveness Review**

- a Since the last Council meeting the Board has had the opportunity to consider the findings of the recently undertaken Board Effectiveness Review.
- b The review was positive, noting the increasing professionalism of the Board in recent years and that the relationship with Council was strong. The Board compared very well to those of other sports bodies and provided effective oversight of the organisation and demonstrating ethical leadership. The conclusions around behaviours, such as collaboration and constructive challenge and accountability were particularly strong.
- c There were areas to work on, most notably around induction processes and continuing CPD in order that the “boardcraft” of directors can be sufficiently developed.
- d The overall conclusion was that “the Board is performing well”. The review concluded that the Board is fit for purpose but will need to consider whether it is fit for the future.
- e The Board Effectiveness Review did however consider that the Board was too large, and the size had a negative impact on the management of Board discussions. The Review recommended a Board size of 10 (made up of an independent chair, three Council Members, three INEDs and three Executives), which would mark a significant change. There was however concern that the review had failed to consider the Union’s responsibilities as an NGB. The Board discussed this point in detail and concluded that whilst a slightly smaller Board would allow for more effective meetings the RFU benefited from a greater Council presence on the Board. Given the complexities of the RFU, it considered that as a working assumption a Board size of 12 would be appropriate, but further consideration would be needed as to how and when this could be achieved, given that ultimately it is a decision for the Game in General Meeting.

- 13.5 The next planned formal Board meeting is on Thursday 12th November 2020 (venue TBC).



14. **International Rugby Ticket Sub Committee (IRTSC) - Ticketing Policy Update**

Simon Massie-Taylor - Commercial Director

14.1 **Barbarians Game - 25th October**

This game will now be behind closed doors – tickets are in the process of being refunded.

14.2 **Autumn Internationals at Twickenham**

Negotiations are continuing as to whether any of these games can have pilot crowds.

14.3 **Six Nations 2021 Games at Twickenham**

It is too early to determine whether these games will be behind closed doors, but planning has commenced on that presumption.

14.4 **Debentures**

Any tickets that are available for restricted access games will be offered to Debenture holders and commercial partners first, so there are unlikely to be any available for the game.

15. **Powers of Council Working Group**

Nigel Gillingham - Chair of Powers of Council Working Group

15.1 Nigel Gillingham presented an update on the work of the Powers of Council Working Group and took Council through the Working Group's final recommendations, all of which were approved.

15.2 The Powers of Council are listed in RFU Rule 16. A primary power is to hold Board to account. This has taken greater importance since the introduction of the Sport England's Code for Sports Governance. Therefore, Council set up a working group in 2019 to undertake a comprehensive review Rule 16

15.3 In reviewing the current wording in Rule 16, the group noted that some are currently written as "good practice". The Working Group recommended that they be written in a format where all can be "exercised and actioned". Such changes to a rule will require approval by the RFU membership and, therefore, such a proposal will be put to the RFU AGM in June 2021.

15.4 Finally, one of the Powers of Council (Rule 16.1(f)) is to periodically review the Union's corporate governance arrangements. Corporate governance arrangements should be and are the responsibility of the Board. However, the Working Group recommended that Council should be responsible for periodically reviewing RFU's effectiveness as a National Governing Body. This too was agreed by Council and a review group will be initiated in the current season.

16. **Finance Report**

Sue Day - Chief Financial Officer

16.1 **2019/20 Quarter 4 Finance Report**

a Sue Day presented the 2019/20 Q4 Report.

b Whilst revenue was down due to cancelled matches & events, this was offset by direct & indirect cost reductions and Government support eg furlough payments.

16.2 **Financial Scenario Planning Update**

a Financial planning for 2020/21 is extremely difficult due to the rapidly changing Covid-19 situation and Government mitigating actions.

b The planning is being undertaken on a very conservative basis and at present shows that the Union has access to readily available funds that will enable it to meet its financial obligations.



- c The Board has set up a Financial Working Group to support the financial planning process. This group has met twice to date and regular further meetings are planned.

16.3 Financial Statements 2019/20

These will be presented to the Board for approval shortly.

17. Any Other Business

There was no other business

Meeting closed at 3.15 pm

The next scheduled Council meeting is on 27th November 2020.

Chris Cuthbertson & Eddie Keal

9th October 2020

These notes are our personal recollections of the meeting and include those matters which are felt will be of interest to Middlesex Clubs. No attempt has been made to convey all the opinions expressed during the debates.



APPENDIX 1

Premier 15s – Law Variations

1. The sanction for a knock-on (Law 11.2) or a forward pass (Law 11.6) becomes a Free-kick and not a Scrum if advantage cannot be played.
2. After a lineout, moving the ruck or maul beyond the mark of touch can only occur from within the 22m (law 18.37b)
3. Offset engagement heights prior to scrum engagement (law 19.10). The intention here is to minimize the amount of time that front rows are face -to-face by offsetting each team's "crouch"
4. Speed up the scrum by amending Law 19.26 so that the ball must be hooked and available to play within 5 seconds, after which a team can either drive the scrum forwards immediately or the Referee calls "use it" and the team must use it within 3 seconds. In the spirit of decreasing the number of scrums the Sanction: Free Kick
5. Delete law 16.15 and thus remove the opportunity for teams to restart/ have a 2nd drive at a maul after it has stopped
6. No option of a scrum at a Penalty or Free Kick (Law 20.3 and 20.4)
7. Only players in line out can join the subsequent maul (Law 18.37b)