



MIDDLESEX NOTES ON RFU COUNCIL MEETING

Teleconference – 5th February 2021 @ 10.00 am.

The meeting was chaired by the President, Jeff Blackett

The meeting commenced with a period of silence in memory of John Pullen whose death was announced that morning. Pullen played hooker for Bristol Rugby, England (42 caps) and the British Lions (7 caps). He captained England when they played Ireland in Dublin in 1972 after both the Welsh and Scots had refused to travel because of the Troubles. Following the 18:9 defeat he famously stated, "We're not much good but at least we turned up".

1. Introduction & Welcome

Jeff Blackett – President

- 1.1 The President welcomed Council to the meeting and hoped that the next meeting would not be held virtually.
- 1.2 The President welcomed three members of the National Youth Council, who were attending the meeting as observers, but who would be welcome to contribute to the debate.
- 1.3 There were no apologies for absence and no new conflicts of interest were declared.

2. Decisions made using Email Protocol since last Council Meeting

Angus Bujalski - Legal & Governance Director

2.1 Age Grade Calendar 2021/22

Angus Bujalski confirmed that the 2021/22 age grade calendar had recently been approved by Council under the email protocol.

- 2.2 There were no other decisions made using the email protocol since the last Council meeting.

3. 150th Anniversary Celebration Plans

Ed Curran – RFU Head of Brand

- 3.1 Council received an update on the plans to celebrate the 150th anniversary of the RFU.
- 3.2 In the light of the Covid-19 pandemic disrupting the original plans, the decision has been taken to extend the 150th celebrations across the whole of 2021.
- 3.3 Several videos will be launched during the year and these will be accessible through Englandrugby.com.
- 3.4 The England team will be wearing a commemorative kit in the Six Nations game against Scotland to celebrate the first ever rugby international in 1871. (which Scotland won). The shirt will have a new heritage rose, which will feature throughout the celebrations and which is based on the rose in the crest of Rugby School.
- 3.5 The 150th Anniversary exhibition will open at Twickenham as soon as Covid-19 restrictions are lifted sufficiently.





- 3.6 As part of the celebrations the President will be undertaking a 150 mile walk in the Autumn. The walk will consist of 15 ten-mile walks, which will visit as many CBs and Clubs as possible. CBs are asked to support the initiative. The walk will take place between 22nd October and 5th November.

4. **Chief Executive's Report**

Bill Sweeney – CEO

4.1 **Player Welfare Update**

The Board and Executive are working closely on this important topic and have discussed the head injury litigation which is overseen by the RFU's lawyers and insurers, as well as the ongoing player welfare issues and existing strategy to make the game as safe as possible for all players at all levels. Player welfare has been and continues to be a priority.

4.2 **Community Rugby**

- a The immediate focus is to inform and support clubs by interpreting government advice.
- b It is important to keep players, referees, coaches, and volunteers engaged through this lockdown. Several webinars and video content are being worked on which will be rolled out to maintain levels of engagement.
- c 50% of community staff have been placed back on furlough and are working 50% of their usual hours; the Union is committed to ensuring these staff remain engaged and motivated.

4.3 **Six Nations Update**

a **Men's Six Nations**

It is envisaged that the Men's Six Nations will go ahead as planned.

b **Women's Six Nations**

The Unions have unanimously agreed that this tournament will be moved to April/May 2021.

c **U20s Tournament**

This tournament will be push back to the summer months, when it is hoped the Covid-19 restrictions will have eased.

4.4 **Allianz Premier 15s**

There is a focus on the heightened protocols and operating standards in the Premiership and AP15s in a bid to safeguard player welfare, competition integrity and prevention of outbreaks.

4.5 **British & Irish Lions Tour Update**

- a South Africa is fully committed to the tour taking place.
- b Several contingency plans are being discussed in case the tour cannot go ahead as normal. The plans include:
 - i. Going ahead with the tour in South Africa with crowds.
 - ii. Going ahead with the tour in South Africa with the games played behind closed doors.
 - iii. Postponing until 2022.
 - iv. Moving the tour back to 2025.
 - v. South Africa touring the UK & Ireland in 2021.
 - vi. Cancellation.
- c Moving the tour back to 2022 is difficult due to contractual arrangements already in place.
- d A final decision is not likely to be made until the end of May 2021.



4.6 **Project Light Update**

Discussions are ongoing to resolve the few outstanding issues on the deal. All outstanding issues are expected to be resolved shortly.

5. **Support for the Community Game**

Steve Grainger - Rugby Development Director

5.1 Steve Grainger informed Council that positive discussions were continuing with the Government about Government support for the clubs, the form that it will take and the application process.

5.2 It is hoped that further information will be available soon.

[Post Meeting Notes: Information was sent to clubs on Friday 12th February 2021 for action by clubs by Thursday 25th February 2021.]

6. **Support for the Community Game Board (CGB) Update**

David Roberts - Chair of CGB

6.1 David Roberts gave a verbal update on the work of the CGB.

6.2 The CGB has met twice since the last Council meeting.

6.3 The first meeting was focused on how to measure the health and state of the Community Game and capture accurate player and other data. CGB prioritised the following data as being the most important to the Community Game.

- Adult and Age Grade players,
- Teams, Clubs,
- Matches played,
- Coaches / Referees.

6.4 The second meeting was focused on obtaining an update on the work of the Future Competitions Structure group, receiving an update on the insurance work, together with considering the RFU funding to CB's.

6.5 The CGB is also focussed on the following ongoing work:

- a Business planning for season 2021/22. This will be largely around the "Re-Boot" activity, but this will be set against a challenging financial background.
- b Agreeing and aligning a key set of priorities. Further work is underway in understanding the cost and resource implications.
- c Developing and understanding the club environment and the role of the CB in the provision of Community Rugby. A working group of CB chairs and Council Members will be formed to take this work forward.

7. **Future Competition Structure (FCS) Working Group**

Stephen Pearson - Chair of FCS Working Group

7.1 Stephen Pearson updated Council on the work of the FCS.

7.2 The FCS group was set up as a task group of the Community Game Board over 18 months ago to review the adult male competition structure of the English Club Championship from Level 3 downwards and recommend an optimal playing offer and structure that protects the future health of the Game for adult men by meeting the needs of current and future players, balancing quality of experience and player welfare needs with less travel, at the same time protecting the sustainability of clubs.

7.3 Through extensive analysis of data and engagement with the game over this time, and following endorsement from CGB, the FCS group delivered a set of high-level recommendations to Council at its November meeting. Council unanimously approved the following:



- a A target date for FCS implementation of season 2022/23
 - b From implementation of the FCS: that the size of leagues at Levels 5 and below be capped at 12; the size of Leagues at Levels 3 & 4 be capped at 14; and the structured season will contain a protected two-week break over the Christmas period and protected weekend breaks (at points to be determined through the season).
 - c That optional end of season National Knockout Cup(s) be introduced.
 - d That a rapid review of competition structures will take place every three years.
- 7.4 After the November Council meeting, the FCS group was refreshed slightly and group members were appointed to convene and oversee sub-groups in key areas where a final recommendation, or further detail, is to be agreed. These areas are:
- a The overall league structure / travel.
 - b Cup rugby.
 - c Organising committee/geographical organisation.
 - d Reintegration of clubs recently opting out i.e., Lancashire.clubs.
 - e Inclusion of Lower XVs in the RFU Leagues (this is likely to be the most contentious issue).
- 7.5 The Covid-19 pandemic continues to cause disruption and uncertainty; there is conjecture as to what state clubs and players will emerge in 2021/22 and beyond. However, it seems likely that some of the key themes of the last 10 months will remain i.e., localism, finance, sustainability, player numbers/quality etc. Therefore, the FCS group feel that the original principles of the FCS work should be taken into the reformed Adult Competition Advisory Group that will shortly be considering any impact for the 2021/22 season.
- 7.6 **Nest Steps**
- a Further FCS group work/CGB updates – February/March 2021
 - b Proposed pre-Council webinar/discussion – end March 2021.
 - c Council decision on proposed League Structure for 22/23 onwards – April 2021
 - d If agreed, full implementation of FCS starts Sept 2022.

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

Phil de Glanville - Senior RFU Representative on PGB

- 8.1 The PGB has had two 'formal' meetings this season. There have been additional informal calls. The requirements of the Professional Game Agreement for the formal meetings have been largely redundant and the focus of the meetings and calls has been Covid-19 related.
- 8.2 **Covid-19**
- a As community incidences of Covid-19 started to rise again before Christmas, inevitably this translated into higher numbers of positive tests amongst the Premiership players and staff, with the autumn numbers of 5/6 per week rising quickly into double figures each week.
 - b The PGB decided to be proactive and developed and introduced 'enhanced' Covid-19 protocols over and above those already in place, both for training and matches.
 - c The PGA agreed to push this to the next level and introduced fines for individual staff and players for non-compliance.



- d In addition to the enhanced protocols, two testing rounds per week have been introduced in the Premiership (and the same will apply when the Championship starts).

8.3 Europe

EPCR cancelled rounds 3 and 4 (16th/17th and 23rd/24th January) after the French government intervened and banned French clubs from taking part. There are no windows for these matches to be played, so the competition will be amended appropriately to allow for the remaining four weeks in the schedule.

8.4 Other

- a Eddie Jones gave a short review of the Autumn Nations Cup to the PGB, with a preview of his approach to the Six Nations.
- b The PGB had a presentation from Dr Richard Sylvester and Professor David Sharp on a new brain care research programme.

9. Moratorium on Relegation from Premiership & Championship

Conor O'Shea – Professional Rugby Director

- 9.1 A resolution concerning promotion & relegation in the Premiership and the Championship was due to be put to Council but was postponed at PRL's request to enable them to complete the ongoing consultation with key stakeholders.

- 9.2 It is anticipated that an additional Council meeting will be convened soon to consider the resolution.

[Post Meeting Note: Additional Council meeting convened for Friday 12th February 2021]

10. Governance Standing Committee Report

Chris Cuthbertson – Chair of the Governance Standing Committee

- 10.1 Chris Cuthbertson updated Council on the work of the Committee since the last Council meeting.

- 10.2 The last Governance meeting was on 6th January 2021.

10.3 Decisions made since the last Council meeting:

- a Paula Carter has been appointed Chair of the newly formed Club Financial Viability Group (which reports to Governance in the first instance). This group will respond to reports of clubs in financial difficulty and will provide a speedy and consistent response. Work on populating the group has started.
- b Governance agreed to recommend to Council:
 - i. The 2021/22 Age Grade calendar (which was approved by Council using the email protocol);
 - ii. Changes to the 2020/21 Championship Competition Regulations. [These were approved at this Council meeting]
 - iii. Removal of the need for Clubs at Level 3 and below to submit a Payment of Player declaration without impacting their access to RFU funds). The requirement to submit a declaration will resume in 2021/22. [This was approved at this Council meeting].

10.4 Ongoing Work

Any recommendations arising from the following work will come to Council in the normal course of business.

- a RFU Rule changes relating to the recommendation to reduce the size of the RFU Boards as recommended in the 20-20 Board Effectiveness Review.
- b Annual RFU Regulations review.
- c Clarification of RFU Regulation 3 – Membership.



- d Review of RFU Adult Competition Regulations.
- e Review of recently introduced Amended Laws.
- f Review of Payment of Players regulations
- g Review of RFU Transgender policy.
- h Regulation changes required to implement recommendation of the Future Competition Structure (FCS) Working Group
- i Implementation of recommendations from the D&I Implementation Working Group.
- j Implementation of the recommendations arising from the Powers of Council Review.
- k Standardising Terms of Reference for all Committees, Sub-committees & Working Groups.

10.5 The next meeting of Governance is on 3rd March 2021.

11. **Championship Competition Regulations**

Chris Cuthbertson – Chair of the Governance Standing Committee

- 11.1 Over the last few months, the RFU and Championship Clubs Committee have been discussing various structures and regulations for the 2020/21 Championship season to permit matches to be played in this Covid-19 affected season.
- 11.2 Operating under the elite sport framework, the current proposal is that the Championship season will commence in March 2021 in a single league with each team playing every other team once. There will be a play off to determine the winners of the 2020/21 Championship. Eleven teams have agreed to participate; London Scottish have declined.
- 11.3 In June 2020, Council granted delegated authority to Governance to draft and finalise the regulations for the Championship. However, considering the ever-changing landscape brought about by Covid-19, additional changes are being proposed over and above what would be seen in a usual season. As such, Governance felt it appropriate to bring the proposed changes to Council for approval.
- 11.4 Council **AGREED** to:
 - a Approve in principle the proposed changes to the Championship Regulations.
 - b Grant delegated authority to the Governance Standing Committee to finalise and/or amend the Championship regulations and RFU regulations as required; and
 - c Grant delegated authority to the Governance Standing Committee to approve such law variations as may be proposed (if applicable) to apply to the Championship in season 2020/21.
- 11.5 The fixtures will be published imminently.

12. **Disapplication of Payment of Player Regulations in Community Game**

Chris Cuthbertson – Chair of the Governance Standing Committee

- 12.1 RFU Regulation 7 - Payment of Players regulations state that to be eligible for RFU Funding, all clubs whose men's first XV team plays at Level 3 in the RFU leagues as and well as other voting and nonvoting clubs (including student clubs) who play outside of the RFU leagues must complete an annual Payment of Players declaration.
- 12.2 Due to the impact of Covid-19 on the 2020/21 season and the cancellation of all competitive rugby at Level 3 and below Governance has recommended that, to



reduce the administrative burden on clubs, the requirement to submit a Payment of Players declaration be disapplied on a one-off basis for the 2020/21.

12.3 Council **AGREED** to

- a Approve the disapplication of the relevant provisions of RFU Regulation 7.4 so that clubs at Level 3 and below are not required to submit a declaration to be eligible for RFU Funding; and
- b Grant delegated authority to the Governance Standing Committee to make such amendments as are required to reflect and implement the above.

12.4 Clubs may voluntarily submit a declaration if they so wish, but no club will have funding withheld for failing to submit a declaration for the 2020/21 season.

13. **Council Nominations Committee Report**

Mike Waplinton – Chair of Council Nominations Committee

13.1 **Succession Planning**

- a The Committee is looking to create a succession planning document that will be ever moving as members and their ambitions change. This will give a platform, alongside the Skills Matrix, to consider members for various roles in advance of them becoming available and what individual development may be required to enable a bigger pool of suitable applicants for each position.
- b The Committee is working in conjunction with the D&I Implementation Working Group to deliver on their approved recommendations.

13.2 **National Youth Council**

- a Dick Tyler (Cambridge University) has been appointed to Council representative on the National Youth Council.
- b Mentors for National Youth Council members are being sought from Council Sub-committee Chairs.

13.3 **Volunteer Recognition Working Group**

A working group is being set up to consider how best to reward those who provide exceptional service to the game.

13.4 **Club Financial Viability Group**

Applications are being sought for one Council member to join the newly formed Club Financial Viability Group.

13.5 **Women & Girls Representative on Council**

Lou Latter's initial term as Women & Girls' representative on Council is completed at the end of this season and an open invitation to apply for the role will be distributed shortly. Lou Latter is eligible to apply to stand for a second term.

13.6 **Presidential Team**

Following Council's decision at the November meeting to extend the Presidential Team's term for a season, (subject to approval at the AGM), there will be no need to recruit a Junior Vice President for the 2021/22 season.

14. **Board Nominations Committee Report**

Dominic Proctor – Chair of Board Nominations Committee

14.1 **Recruitment of Chair and INED**

- a The recruitment of replacements for Andy Cosslett (Chair) and Helen Weir (INED & Chair of the Audit & Risk Committee) is ongoing. In conjunction with external head-hunters Perrett Laver, short lists have been produced and interviews have commenced. Hopefully, recommendations on both appointments will be made to the March Board meeting before ratification at the April Council meeting and the AGM in June.



14.2 Board Size & Composition

The Committee has been leading on the discussions about reducing the Board size from 14 to 12 and increasing the diversity of the Board by the end of the 2021/22 season.

14.3 Rugby Football Foundation (RFF) Trustees

- a The Committee recommended and the Board approved the appointments of Roger Clarke (Council Member for Kent) and Kirsty Marlor (Council Member for the Royal Navy) as RFF Trustees for an initial three-year term and the reappointment of Philip Johnson as an independent Trustee for a final three-year term.
- b The Council Nominations Committee was fully involved in the process.

14.4 Terms of Reference (ToR)

The Committee reviewed its Terms of Reference (ToR) and agreed that they remained fit for purpose except for the need to add the appointment of INEDs and members of the Fundraising Oversight Board (FOB) to its remit. The Board subsequently approved the amendments to the Committee's ToRs.

15. D&I Detailed Implementation Plan

Genevieve Glover – Chair of D&I Implementation Working Group

- 15.1 Genevieve Glover gave an update on the work of the D&I Implementation Working Group.
- 15.2 The Group continues to meet every 6 weeks and is now focused on the detailed implementation of the ten recommendations previously approved by Council.
- 15.3 In particular, the update covered the following three recommendations:
 - a Recommendation 2 - Working practices, location, and timings of meetings of RFU standing committees, subcommittees and task & finish/working groups should be reviewed to enable a more diverse group of members to participate.
 - b Recommendation 6 - Council Members and CB officers and committee members to provide D&I data on a confidential basis to allow progress to be tracked and trends monitored anonymously.
 - c Recommendation 7 - Profiles of all Council members, Committee members etc to be freely available on the internet to ensure visibility and accessibility and to show the make-up of Council and working groups.
- 15.4 A further update will be given at the April Council meeting.

16. Report from Chair of the RFU Board

Andy Cosslett – Chair of the RFU Board

- 16.1 The Board has reverted to its normal meeting schedule with additional meetings being convened as required.
- 16.2 The financial state of the Union is under scrutiny and the Board is assisted in this by the work of the Board Finance Working Group. Undoubtedly the Union has benefited by its speedy response to the crisis and the cost reduction programmes that were implemented.
- 16.3 Player Welfare is an ongoing Board priority. The recent highly publicised threat of legal action by former players has highlighted the issue and increased public awareness. The Union is working closely with legal advisors and its insurers in respect of any claim that may be submitted, but work continues as normal to improve player welfare at all levels of the game.
- 16.4 Discussions are taking place to determine the best way to comply with the Sport England Governance Code that Governing Bodies should have no more than 12



Directors; the RFU Board currently has 14. This was reinforced by the recent independent Board Effectiveness Review. Any reduction will require a change in the RFU Rules and that would have to be approved by the Game at a General Meeting. An update will be given to Council at its next meeting.

17. Ticket Pricing & Supplemental Pot

Mike Proctor – Chair of International Ticket Sub-committee (IRTSC) &
Simon Massie Taylor – Commercial Director

17.1 Council received an update from the IRTSC on international ticket pricing at Twickenham and the future of the Supplemental Pot and asked for feedback from Council on the following proposals.

17.2 2020/21 Season

It is not envisaged that any international matches will be played in front of paying spectators in 2020/21 therefore there were no proposals relating to ticket pricing for the 2020/21 season.

17.3 2021/22 Season

a The Union commissioned independent consultants to advise on likely demand for tickets for England games once crowds are allowed back. SKP's research has shown that there will be a strong desire to attend matches and value for money perception has improved.

b In the light of this IRTSC is proposing that the ticket prices that were proposed for the 2020/21 season remain in place for the 2021/22 season. A final decision does not have to be taken until early April 2021.

c IPF Donation

i. Given the increased pressure on Community Rugby investment, the Board and IRTSC have endorsed revisiting the possibility of adding a compulsory £1/£2 IPF donation to the ticket price. This would yield £0.55m/£1.1m in 2021/22.

ii. The SKP research showed a strong appetite for an optional donation at much higher levels so a £2 compulsory donation would seem reasonable, if positioned clearly to the consumer.

iii. In the light of the SKP research the IRTSC is proposing a compulsory donation of £2 per ticket for the 2021/22 season.

d Supplemental Pot

The recommendation that the supplemental pot be removed, and the funds made available for strategic investment into the central Community Game budget was discussed. The Supplemental Pot generates approximately £1m resulting in a cash payment to clubs of approximately £1k. There was significant opposition to this proposal at the meeting, although no vote was taken.

18. Board Finance Working Group (BFWG) Update

Helen Weir – Chair of the BFWG

18.1 Helen Weir updated Council on the work of the BFWG.

18.2 Financial viability

The BFWG monitors the RFU's financial health through detailed analysis and forecasts and currently believes that the RFU has sufficient financial headroom (cash reserves plus committed bank facilities) to meet its obligations in all, but the most pessimistic outlook as to when Covid-19 restrictions are eased/lifted.



18.3 **Project Light**

The Group is advising the Board on how any Project Light funds should be utilised for the long-term benefit of the Union.

18.4 **Debentures**

- a Work continues on reaching out to Debenture Holders (DH) to waive their long-term debenture liability, which will generate cash benefits to both the DH & and the RFU through the Government's Gift Aide scheme and strengthen the RFU's balance sheet by removing long term debt. There have been issues with the accuracy of historical data relating to DH and this is being addressed.
- b Consideration is being given to setting up a "sinking fund" to ensure that funds will be available to repay the debenture loans as and when they fall due. This is not an imminent issue as most loans are not repayable for 50 years.
- c The accounting treatment of the long-term debenture liability is also being reviewed. Currently the monetary (and not the Present Monetary Value) is recognised on the RFU's balance sheet. Any change in the accounting treatment, would not generate any more funds, but would arguably provide a more accurate view of the RFU's finances.

19. **Finance Report**

Sue Day – Chief Operations

19.1 Sue Day presented the P5 (November 2020) Financial Report. The P6 Financial Report is close to being completed and shows no material variance from the P5 report.

19.2 Whilst the Union is currently ahead of budget, the budget assumed that crowds of 25k would be permitted for the Six Nations games at Twickenham; as this will not now be possible, the financial results for the remainder of the year will move adverse to budget.

19.3 The Union remains solvent and can meet all its current financial obligations.

20. **Any Other Business**

There was no other business.

Meeting closed at 3.00 pm.

The next scheduled Council meeting is on 16th April 2021.

Chris Cuthbertson & Rob Udwin

15th February 2021

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.