RUGBY FOOTBALL UNION

DISCIPLINARY JUDGMENT

Player: Robert Padgett Club: Bradford and Bingley RFC

Match: Harrogate RFC v Bradford and Bingley RFC

Venue: Harrogate RFC **Date of match:** 16th February 2008

Date of Hearing: 3rd March 2008

Venue: Holiday Inn, Leeds Brighouse

Panel: Clif Barker (Chairman), Peter Rhodes and Robin Wannop

Secretary to the Panel: Bruce Reece-Russel

In attendance: Robert Padgett (hereinafter referred to as "the Player");

Duncan Barr, Chairman of Rugby at Bradford and Bingley; and Neil Spence, 1st team player/coach of Bradford and Bingley.

To consider: the sending off of the Player for an offence of stamping contrary to Law 10(4) b, the particulars of the offence being:

On the 16th February 2008, Robert Padgett, Bradford and Bingley RFC stamped on an opponent during (12th minute of second half) the match Harrogate v Bradford and Bingley.

Plea: Guilty but only to stamping once on the opponent's hand

Preliminary matters

- 1. The Panel introduced themselves and those attending confirmed that they had no objection to the composition of the Panel.
- 2. The Chairman explained the procedure which the Panel proposed to follow and those attending confirmed that they had no objection to it.
- 3. Those attending confirmed that they had no other preliminary matters which they wished to raise.

Evidence as to Fact

In view of the fact that the Player only admitted to stamping once on an opponent's hand and the referee contended that the stamping was more serious than that, the

Panel concluded that it ought to consider the evidence in order to make findings of fact on which it could base its sentencing decision.

Consequently, the Panel considered:

- 1. The sending off report and oral evidence from the referee via a telephone conference link;
- 2. The oral evidence of the Player; and
- 3. A DVD of the incident.

Summary of the Evidence

- 1. In his written report, the referee states as follows:
 - "Bradford were in possession of the ball and attacking in the Harrogate half between the 10m line and the 22m line. The Bradford player with the ball was tackled but arriving Harrogate players went off their feet and were lying on the tackled player preventing release. The supporting Bradford players initially tried to clear them by driving them off. I was about to signal advantage for not rolling away when I saw the Bradford Number 6, Robert Padgett, stamp a number of times on the top of the back, neck and back of the head area of a Harrogate player who was trapped on the floor. I immediately blew my whistle to stop the game and called the player and captain to me. During the time I was explaining my decision and dismissing the player I saw that the injured player was receiving treatment. He was able to play on and I restarted the game with a penalty to Harrogate."
- 2. The referee gave evidence before the Panel via a telephone conference link. He confirmed the contents of his written report and expanded on it. The Harrogate player, the subject of the stamping, was wearing a scrum cap and the Player stamped on him "2 may be 3 times." He believed that contact was made on the back of the head/neck and top of the shoulder. Questioned by Duncan Barr, on behalf of the Player, the referee confirmed that he had not been given the opportunity of viewing the DVD, which Mr Barr considered "unfortunate." Mr Barr put it to the referee that the Player did not stamp on the player on the ground, as alleged by the referee, and that the Player only stamped once on the hand of another opponent, who was binding on to the side of the ruck with his right arm and with his left hand on or close to the ground. Mr Barr, therefore, suggested to the referee that the referee's version of events was "at quite considerable odds" from that of the Player. The referee, however, confirmed the contents of his report but reiterated that he had not had the benefit of viewing the DVD. Questioned by the Panel, the referee stated that he was only 1 metre away from the incident, that he had a clear view and that it was still clear to him in his mind what he saw. He also stated that the Harrogate player, whom he saw receiving treatment, was the player who had been the subject of the stamping.
- 3. In his evidence before the Panel, the Player stated that he ran into the ruck and saw an opponent binding on to the ruck on the openside of play. The opponent was binding with his right arm but the Player believed that his opponent's left hand was on the ball. He, therefore, stamped once on his opponent's hand and had no intention of stamping on anyone's head. Questioned by the Panel, the Player stated (i) that he admitted intentional foul play in stamping on his opponent's hand, (ii) that he

believed the ball was under his opponent's hand but, having seen the DVD, he now accepts that it was not, (iii) that he would deliberately stand on an opponent's hand if it was on the ball, (iv) that he accepts that the left hand of the player binding on to the ruck was very close to the head of the opponent who was on the ground and (v) that his action was reckless because of the proximity of the opponent's head to the other opponent's hand.

4. The DVD reveals that the referee is standing only 1 to 2 metres away from the openside of the ruck and that the incident occurred immediately in front of him. Harrogate are playing from right to left as one views the DVD and play is on the far side of the pitch from the camera. The head of the Harrogate player whom the referee describes in his written report as being "trapped on the floor" can be seen protruding at the side of the ruck. In addition, a second Harrogate player is binding on the openside of the ruck. This second player is binding on to the ruck with his right arm and his left hand can be seen resting on the ground. His left hand is extremely close to the head of the Harrogate player on the ground and, indeed, is probably touching it. The Player, having joined the ruck, raises his right leg and knee very high and brings it down with some force in what is clearly a stamping action. The Player's right boot makes contact with the side of the first opponent's head (ie the one "trapped on the floor"), brushes down the side of the head and then makes contact with the left lower arm/hand of the second Harrogate player, who is binding onto the ruck. The Player then immediately raises his right leg again, quite high, and brings it down to the ground in a stamping motion but, although it lands close to the Harrogate player's hand, it does not appear to make contact. It is no doubt this action which the referee describes as a second stamp.

Findings of Fact

On the above evidence, the Panel's findings of fact are:

- 1. The Player intended to stamp on his opponent's hand/lower arm and did so with force;
- 2. This was, therefore, a deliberate and premeditated act;
- 3. The opponent's hand was not on or near to the ball;
- 4. The head of the opponent who was on the ground was extremely close to, and probably touching, the hand of the binding Harrogate player;
- 5. The Player's boot made contact with the side of the head of the opponent trapped on the ground, brushed down it and then made contact with the hand/lower left arm of the second opponent. Although the Player may not have intended contact with the head, it was inevitable in the circumstances. In that respect, this aspect of the offending was highly reckless because the Player ought to have known that there was a serious risk of making contact with the opponent's head;
- 6. The Player attempted to stamp for a second time on the hand/lower arm of the opponent but did not make contact;
- 7. The Player on the ground received on field treatment but, fortunately, there was no significant injury to either player and both continued in the game; and
- 8. The referee was in an ideal position to see the acts of foul play.

The scale of Seriousness and Entry Point

- 1. At an internal disciplinary meeting, the Bradford and Bingley Club had assessed the Entry Point at the Lower End of the scale. With respect, however, the Panel disagrees with that view.
- 2. Assessing the seriousness of the Player's conduct in accordance with paragraph 8.2.5 of the Disciplinary Regulations, the Panel has concluded as follows:
- (a) The offending so far as the stamp on the hand/lower arm is concerned was committed intentionally and deliberately;
- (b) The offending so far as the contact with head is concerned was highly reckless;
- (c) So far as gravity is concerned, the offending involved the use of the boot and was executed with force. There was no provocation and the Player was not acting in retaliation:
- (d) Fortunately, there was no significant injury to either player;
- (e) The offending had no adverse effect on the game itself;
- (f) The victim on the ground was in a most vulnerable position;
- (g) The intention to stamp was premeditated;
- (h) The first stamping was completed and the second amounts to an attempt; and
- (i) There are no other features of the Player's conduct which constitutes the offending.

In these circumstances, the Panel assesses the level of seriousness at the Mid Range Entry Point, namely a suspension of 5 weeks.

Aggravating Factors

The Panel considered whether there were any aggravating factors in accordance with paragraph 8.2 7 of the Disciplinary Regulations. In that respect, the Panel concluded that the Player had not shown any remorse or contrition for his offending. However, although the Panel would have been entitled to impose an additional period of suspension in view of this, it decided not to do so in all the circumstances. The Player should, however, bear this observation in mind.

Mitigating Factors

Mr Barr, on behalf of the Player, asked the Panel to take into consideration the following:

- 1. The Player's partial admission of guilt in that the Player had always accepted that he was guilty of stamping on the hand;
- 2. His hitherto good record. The Player is now 28 and had played for Bradford and Bingley since he was 11. He had, therefore, enjoyed a long playing career to date and had not been sent off before.
- 3. This was an act carried out in the heat of battle; and
- 4. The Player was remorseful.

Consequently, in view of factors 1 and 2 above, the Panel concludes that it should reduce the period of suspension by 2 weeks.

Sanction

The Club had suspended the Player from playing for 2 weeks. In this respect, he had not played on 23rd February and 1st March 2008. Thus, the Player is suspended for 3 weeks running from 23rd February 2008 to 14th March 2008. He is free to play again on 15th March 2008.

Costs

The Panel makes an award of costs against the Player/Club in the sum of £150.

Right of Appeal

The right of, and procedure on, appeal is set out in paragraph 12.1.1 of the Disciplinary Regulations.

Clif Barker Panel Chairman 7th March 2008