

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighouse
On: Wednesday, 2nd January 2008
Player: Andrea Dobson Yorkshire RFUW
Match: Lancashire RFUW v Yorkshire RFUW
Venue: Wigan RUFC
Date of Match: 18th November 2007
Panel: Antony Davies (Chairman), Clif Barker
and John Loughton
Secretary: Bruce Reece-Russel, RFU Disciplinary Department
Brenda Parkinson, RFU Disciplinary Department
Attending: Andrea Dobson (“the Player”)
Gordon Piper (Coach, Yorkshire County Senior Ladies)
Stephanie Wilson (Chair, Lancashire Women & Girls Committee)
Caroline Royle (Lancashire RFUW player)

Preliminaries

1. The Player did not object to the composition of the Panel.
2. The Player raised no preliminary issue.
3. The procedure to be followed was explained to the Player and her representative.

Charge and Plea

4. The Player was required to answer a citing complaint initiated by Stephanie Wilson on behalf of Lancashire Women & Girls Committee in relation to an incident in the match Yorkshire v Lancashire Ladies on 18th November 2007. The charge which followed the citing report stated the offence to be one of stamping contrary to Law

10(4)(b), the particulars being that on 18th November 2007 Andrea Dobson, Yorkshire RFUW, stamped on an opponent's face during the 22nd minute of the second half of the match Lancashire RFUW v Yorkshire RFUW.

5. The Player denied carrying out the act of foul play as alleged in the citing complaint.

6. The Player was also required to answer a charge of striking contrary to Law 10(4)(a), the particulars being that on 18th November 2007, Andrea Dobson, Yorkshire RFUW, struck an opponent during the 22nd minute of the second half of the match Lancashire RFUW v Yorkshire RFUW.

7. The charge of striking resulted from the Player having been dismissed from the field of play by the match Referee.

8. The Player admitted the charge of striking.

9. After consideration, the Panel resolved to deal firstly with the citing charge which was denied before giving consideration to the striking, which the player had admitted.

10. The Panel had available to it a bundle of documentation which included the charge sheet, original citing complaint, Referee's report and the following statements and supporting documentation :-

(i) On behalf of Lancashire RFUW – statements from Caroline Royle, Rachel Finnan, Jodie Silver, Alexander Howarth, medical record and photographs showing an injury to Caroline Royle.

(ii) On behalf of the Player – statements from the Player, Jo-Anna Ward, Michael Piper, Gordon Piper, Colin Stephens, Kim Youdan and Dr. P.G. Youdan.

Evidence in support of the Citing Charge

11. The Referee's report described the incident thus :

“In the 22nd minute of the second half and during open play, I saw two opposing players, Yorkshire number 12, Andrea Dobson, and Lancashire number 10, Caroline Royle, involved in a scuffle inside the Yorkshire 22 metre area. At this time I was approximately 40 metres from the incident. I blew my whistle to stop play and sprinted towards the scuffle which was still taking place. As I approached approximately 20 metres away I saw that Royle was throwing punches towards Dobson, although I did not see any make contact. I then saw Dobson punch Royle in the face with her right fist which was clenched. This caused Royle to fall to the ground holding her face with Dobson falling on top of her. I made over to the point where the players were and ordered Dobson away from the immediate area until I could assess Royle’s condition as she was still laid on the ground. Upon looking at Royle I could clearly see that she had a cut of approximately 1 cm. in length to the right hand side of her forehead, which was bleeding heavily. She subsequently received treatment from the Lancashire physio and got to her feet. At this point, and in front of her Captain, I outlined the offence of attempting to strike an opponent to Royle and issued her with a yellow card. I then spoke with Dobson in the presence of her Captain and outlined the offence to her of punching an opponent. I then issued her with a red card, to which she made no reply”.

The Referee described himself as 20 metres from the incident, with an unobstructed view. Neither party had requested the Referee to be present at the hearing.

12. The victim player, Caroline Royle, gave evidence. She stated that earlier in the game she had been on the ground when she was punched in the face by Yorkshire 12, Andrea Dobson. She had reported this incident to the Referee, but he indicated he had not seen it. Play continued. She described later in the game running with the ball at the opposing 12 channel. Andrea Dobson had tackled her with a forearm to the face and as they hit the ground they began grappling. As they were being separated, by Andrea Dobson being pulled off her, she saw, as she lay on her back on the ground, Andrea Dobson cock her arm as if to punch her and at this point put her arms and legs between her and Dobson in an attempt to escape being hit. As Dobson was being pulled away by other players, she relaxed her defences and as she did so saw the bottom of Dobson’s

boot come down towards and onto her face. The next thing she remembered was being on the floor face down in a lot of pain. After receiving treatment for about ten minutes, she was determined, and managed, to play the remaining few minutes of the game.

13. She accepted that her actions prior to being struck could have been interpreted as swinging punches at Dobson and had no issue with the yellow card she received for attempting to punch as described in the Referee's report. However, she had wished to bring a citing in respect of the stamping, which the Referee clearly had not seen, because it was far more serious than simple retaliation to her punching and had resulted in a serious injury close to her eye. The resultant scarring had been described to her as likely to be semi-permanent. She had attended Hospital for assessment immediately after the incident and received treatment the following day at a local Medical Centre. The report from that Medical Centre indicated a laceration above the right eye sustained from a kick during a rugby game with a wound approximately 1 cm. long. The wound was toileted, with steri-strips applied and dressed, with advice to attend for follow-up at her own Surgery. Photographs of the wound taken shortly afterwards were submitted for the Panel's consideration.

14. Under close questioning from the Panel, the victim player described in detail how she had seen Andrea Dobson looking at her before stamping down onto her face with her boot as she was being pulled away by others. Contact was made with a stud or studs in the sole of her boot. It was a deliberate stamping action and to her mind could not be construed as accidental.

15. The Panel went on to consider written statements in support of the evidence given by Caroline Royle. The first from Alexander Howarth indicated that she had seen the Yorkshire number 12 bring her leg up and then make a stamping motion towards Royle's face on five occasions, at least three making a high level of contact with Royle's face and causing a cut above her eye.

16. The written statement of Jodie Silver indicated that she had seen Yorkshire number 12 take a step and kick Royle in the head, who at the time was on the floor.

17. The statement of Rachel Finnan, Lancashire 13, described how she grabbed hold of Andrea Dobson to pull her away from Caroline Royle. As she did so, Andrea started to lash out her foot in a stamping motion towards Caroline, which she described as having done at least three times. She saw Caroline flinch backward and then lie on her front.

The Player's Case

18. On behalf of the Player, it was confirmed that she accepted the Referee's description of the incident as being entirely accurate. She had accepted at the outset that she had punched Caroline Royle, but maintained vehemently that the only form of violence used towards her was the punch, for which she had apologised and apologised again. She was prepared to accept that that punch could and/or may have caused the injury described and depicted in the photographs.

19. The Player described a game in which Lancashire 10 was overly aggressive. In support of that contention, she referred to the written statement of Jo-Anna Ward which described the Lancashire 10 expressing frustration and aggression through the use of very abusive language directed to the Yorkshire Ladies team and towards the Player. The statement also referred to a punch being thrown by the Lancashire 10 in the direction of Jo-Anna Ward. That statement also confirmed that Jo-Anna Ward had seen the Player throw a punch which made contact with the face of the Lancashire player.

20. The Player described herself as able and proficient in the tackle, "I hit big but fairly". There was nothing illegal in the tackle which preceded the incident in question. The Referee's report did not refer to any illegality. It was the response of Lancashire 10 that caused the incident to escalate. The Player stated that Lancashire 10 had hold of her hair and a finger in her eye as she was trying to get away from the tackle situation and then, as the Referee stated in his report, had swung numerous punches at her. One or more of those punches did connect and she had retaliated in self defence. After she had thrown the punch, the Lancashire 10 fell to the floor, with her falling on top of her. They were then separated in the presence of the Referee.

21. The Player regarded the allegations in the citing report as untrue and unjust. After she had punched Lancashire 10, who had fallen to the floor, she was immediately removed from the situation, giving her “no time at all to kick/stamp on her”. She maintained that the incident had been seen clearly by the Referee and a number of her team mates and spectators and that no contact was made with her boot at all. She denied kicking, stamping or using her boot in any way towards the Lancashire 10. She had not been in a position at any time to make contact with her boot on the head of the victim player. She also maintained that rather than the round studs as described by the victim player, she had been wearing metal bladed soles which had been checked by the Referee for safety beforehand.

22. As far as the Player was aware, there had been no mention of a kick/stamp after the game and after this particular incident the rest of the game had continued uneventfully.

23. In support of the Player’s case, reference was made to a written statement from Michael Piper, which referred to Lancashire 10 throwing punches at Yorkshire 12, who in turn threw one back and a similar statement from Gordon Piper who supplemented that statement by oral evidence. Neither had seen any incident which could be construed as stamping or kicking. Gordon Piper felt that both players were equally responsible for the incident and should have been dealt with the same. At no time had he witnessed any kicking or stamping by any player and he was only 7 metres or so away from this particular incident.

24. Under questioning from the Panel, Mr. Piper described the incident differently to the Player and the other witnesses and when pressed suggested that his view may have been partially obscured. In contrast to the Player’s evidence, he accepted that after the game the Referee had made reference to an allegation that the injury had been caused by a boot and that this allegation came from the Lancashire team. He was also aware of some talk about a potential citing immediately after the game. He also conceded that because of his partially obscured view, there could well have been a kick or stamp which he had not seen.

25. Further statements from Robert Wade, Colin Stephens, Kim Youdan and Dr. P.G. Youdan were considered but to the mind of the Panel did not add or detract significantly from the evidence given by the Player and Mr. Piper.

Factual Findings

26. The Panel found this a difficult case and, because of the seriousness of the injury and vulnerability of the victim player, felt that a high standard of proof was required. The evidence submitted by each side was poles apart. Save for the victim player, the Player and Mr. Piper, none of the other witnesses who supported respectively each position were present to give oral evidence and be questioned and in any event those statements on both sides were riddled with inconsistencies. There was no DVD or video evidence available which may have assisted the Panel.

27. The Panel felt that it had to deal with the matter on the best evidence available to it. In this regard, the Panel members felt unanimously that they preferred the oral evidence of Caroline Royle, the victim player, as more cogent and credible to that of the Player. The Panel felt it could properly construe the inconsistencies in the witness evidence in favour of the citing complaint. The injury as described and seen in the photographs did not appear consistent with a punch as initially alleged. It appeared to the Panel to be rather more consistent with a hard object coming into contact with the head. The Panel were also fortified in their conclusion by the manner in which Caroline Royle had given her evidence as compared to that of the Player. Caroline Royle's evidence recalling the exact moment of contact and answers to questions posed by the Panel, the Player and her representative had been given with some trepidation, perturbation and agitation. The Panel felt this added significant and sufficient credibility to that evidence and taken together with all extraneous matters the Panel was satisfied unanimously that the citing had been made out to the required standard of proof.

28. It followed from the Panel's primary decision that it found the punch had not caused the injury complained of but that injury had been caused by the boot of the Player coming into contact with the head of the victim player as the former was being removed from the altercation. That contact could not, on the evidence considered by the Panel,

be regarded as accidental. The Panel's view was that the contact with the boot had caused the injury complained of.

Mitigation

29. The Player has been playing Rugby Union and Rugby League for ten years and has represented County, Region and Country at Rugby League, and County at Rugby Union. She assists with some coaching at her Rugby League Club. She attends Leeds Met Carnegie on a scholarship given to her in recognition of her standing within the game of Rugby League (she is a full International). In connection with that scholarship she does some coaching in schools.

30. Following the current disciplinary procedure, she will be required to undergo internal disciplinary proceedings within Leeds Met Carnegie and the status of her scholarship will be reviewed in the light of the Panel's findings. There had been no internal disciplinary process up to now. She believed that because of the cross coding arrangements, any period of suspension from playing Rugby Union would apply equally to Rugby League.

31. The Player has no previous disciplinary history, citations or red cards.

32. As a Carnegie scholar for Leeds Met, she felt she had let down the University reputation and apologised again for the punching, whilst continuing to deny that she had kicked or stamped on the victim player.

Sanction

33. The Panel undertook an assessment of the seriousness of the offending. Applying RFU Regulation 8.2.5 and considering together both acts of foul play, the Panel concluded as follows :

- (a) The offending was intentional;
- (b) Both acts were inherently dangerous;
- (c) There had been significant provocation prior to the striking and it was

accepted the Player had acted in retaliation so far as the striking was concerned. However, the additional and deliberate stamping was completely unjustified, unnecessary and disproportionate in the circumstances and could not be construed in itself as acting in retaliation;

- (d) No injury had been suffered as a result of the strike but a significant injury had been sustained above the right eye which had required medical treatment and had resulted in semi-permanent scarring. The victim player had received treatment for some 10 minutes before resuming;
- (e) There had been no effect upon the game, which had continued after the incident uneventfully;
- (f) The victim player was vulnerable in relation to the stamping incident in that she was on the ground with the Player above her. She had believed that as the Player was being dragged away from the incident, it was safe to let down her guard;
- (g) Both the strike and the stamp were completed.

34. The Panel found the appropriate entry point in relation to the act of striking to be lower end, i.e. two weeks. It found the entry point in relation to the stamping to be at the top end, i.e. 9 + weeks.

35. The Panel then applied RFU Regulation 8.2.6 and undertook a further assessment of the appropriate entry point. On account of the matters above, the Panel concluded that the appropriate entry point was one of twelve weeks.

36. The Panel found no aggravating factors under Regulation 8.2.7 and applying the mitigation under Regulation 8.2.8 reduced the period of suspension by four weeks to a period of eight weeks.

37. Whilst the Panel had found two separate incidents of foul play, they could properly be regarded as integral parts of one wider incident and accordingly the two periods of suspension would run concurrently.

38. Therefore the Player is suspended from playing Rugby Union for a period of eight weeks from 2nd January 2008 to 26th February 2008. She may play again on 27th February 2008.

- 9 -

Costs

39. The Player is a student and would not be ordered to pay the costs.

Appeal

40. The Player and her representative were given advice as to the rights of appeal as set out in the Disciplinary Regulations.

Antony Davies

Antony Davies,
Chairman
4th January 2008

