

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighouse
On: Monday, 3rd December 2007
Player: Anitela Tuilagi **Club:** Leeds RFC
Match: Leeds RFC v Leicester RFC
Venue: Headingley Carnegie Stadium
Date of Match: 24th November 2007
Panel: Antony Davies (Chairman), David MacInnes and
Clif Barker
Secretary: Bruce Reece-Russel, RFU Disciplinary Department

Attending: Anitela Tuilagi (“the Player”)
Mike Bidgood, Administrator, Leeds RFC

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 his representative.

Charge and Plea

4. The Player was required to answer a citing report initiated by John Byett, the nominated Citing Officer, in relation to an incident in the match Leeds v Leicester on 24th November 2007. The charge sheet which followed that citing report stated the offence to be one of striking contrary to Law 10(4)(a), the particulars being that on 24th November 2007 Anitela Tuilagi, Leeds RFC, struck an opponent during (15.21 on DVD) the match Leeds v Leicester.

5. The Player admitted carrying out an act of foul play which merited the award of a red card and that had the act been detected by Match Officials, the Referee would have sent off the Player.

The Facts

6. Details of the offence as stated by the Citing Officer :

“Leicester had a turnover from a ruck just outside their 22 metre line. The ball was passed out along the line to No. 6 of Leicester, Tom Croft. He evaded one tackle and was half-stopped by another but broke free and continued up to the Leicester 10 metre line. The No. 12 of Leeds, Anitela Tuilagi, came across the field and made contact on Croft by swinging his right arm over Croft’s right shoulder, making contact with the Leicester player in the area of the jaw with his lower forearm. No attempt was made to tackle Croft. Croft went to ground. The referee blew his whistle and penalised Leicester for going over the ball. Croft received treatment and then continued playing.

No action was taken by the Referee.”

7. The Panel viewed the DVD recording of the incident at full speed and frame by frame. It provided a number of camera angles of the incident and, from what the Panel could see, was consistent with the Citing Officer’s description. The DVD demonstrated clearly the action leading up to the act of foul play, the point of contact itself and the consequences.

8. Having read the details of the incident as set out in the Citing Officer’s report, and viewed the DVD, the Panel concluded unanimously that the citing was correctly made out and accepted the Player’s admission in this regard.

The Player’s Case

9. On the Player’s behalf, it was accepted at the outset that this was a high and dangerous tackle, in which the victim player, Mr. Croft, was caught by the swinging arm

of the Player across the jaw. The Player could not refute the fact that his arm made contact with Mr. Croft's face. It was explained, as was demonstrated on the DVD, that the Player had, somewhat embarrassingly for him, missed a one on one tackle in open play on Mr. Croft, who ran past the Player. Mr. Croft's attacking run was slowed by other tacklers from the Player's team, but he was still not brought to ground. The Player caught up with Mr. Croft from behind and was determined that Mr. Croft was going to be tackled to ground. He stated that the contact with the jaw was not intentional or premeditated; that was not his or his Club's way and he was certainly not intending that contact should be made above the level of the shoulder. Mr. Croft was a former teammate of his. He accepted that he had cocked his right arm back behind his body and swung through a full arc, but stated his intention was to make contact with the ball, which Mr. Croft was carrying in his right arm, i.e. the arm closest to the Player, and that by making contact in this way the Player intended that the ball would become dislodged and that his team would turn the ball over.

10. The Player pointed to the absence of reaction from players to the contact and maintained there was no reaction from the crowd either. Whilst Mr. Croft received treatment for up to a minute, much of the immobility during this period would have been precautionary. Mr. Croft had got up and continued to play for the entirety of the time remaining in the game.

11. The Player clarified in response to questions from the Panel that his intention had been to hit Mr. Croft on the shoulder and that it was poor technique to attempt to dislodge the ball in this manner. He stated that he had not given any thought as to the potentiality for injury. The earlier tackles on Mr. Croft, firstly by himself and then his colleague, had been low and ineffective and he had no intention of missing with his own second attempt. He put the incident down to lack of technique which was being addressed by his Club in that he was receiving five hours of bespoke coaching which had not been available to him in the country where he had started his rugby career. He was aware that this sort of tackle appeared prevalent in the rugby dominions from which he came and where he received his first coaching. He was working hard with his Club to adopt a different and more tempered style.

Finding and Sanction

12. The Panel undertook its assessment of the seriousness of the Player's conduct by reference to Disciplinary Regulation 8.2.5 and found the following features of relevance:

(a) That the offending was intentional, that is committed intentionally or deliberately. The Player was seen to "cock back" his right arm and swing it from behind his right hip, making a connection first and only with Mr. Croft's jaw.

(b) It was not a reckless tackle which started lower and, because of any action from the victim player, became high. The Panel did not take the view that it was a reckless act borne from a misjudgment as to the margin for error. The Player was not looking at the position of the ball but behind and beyond Mr. Croft when contact was made.

(c) The Player's forearm made contact with the jaw of Mr. Croft, with a considerable force generated from a full swing of the right arm, the starting point being behind the Player's right hip. Failing to have completed an earlier tackle on Mr. Croft did not amount to any justifiable provocation or retaliation.

(d) After a short period of assessment and treatment, the victim player continued to play the remainder of the game.

(e) There was no discernible or marked effect of the Player's actions on the game.

(f) Mr. Croft was vulnerable in that the arm came from behind him and to his right and would have made contact before he had any ability to defend himself or take avoiding action.

(g) There was some moderate premeditation in that the Player accepted that he did not intend to miss Mr. Croft again.

(h) The conduct was completed.

13. Weighing up the issues above, the Panel considered the on field offence to be in

the mid range, giving an entry point of five weeks.

Mitigation

14. On the Player's behalf, it was submitted that he and Mr. Croft were good friends and that he had apologised to him after the game, indicating that he had not meant to cause him any injury and that he did not know that he was making contact with his jaw. The Player is a twenty one year old Samoan international who, notwithstanding that he has only been playing the game for some four seasons, has played seventeen games at international level. He joined the Leicester RFC Academy two years ago and was placed on loan to Leeds RFC last season.

15. The Player is a member of a close knit family with a number of brothers playing rugby at professional/international level. Their UK family base is at Leicester and he has close links with members of the Leicester team from his Academy status.

16. The Player has not been suspended or sent off before, though he did admit candidly to having received one yellow card earlier on in the season for a high tackle. He had already been suspended by his Club for two weeks, with effect from 28th November. He was genuinely working to improve what he accepted was poor technique so that incidents of this nature would not reoccur.

Sanction

17. From a starting point of five weeks, the Panel considered whether there were any relevant aggravating factors pursuant to RFU Regulation 8.2.7. There was no absence or lack of remorse and/or contrition. The one previous yellow card for a high tackle earlier in the season together with the present incident could hardly be regarded as evidence of persistent offending. However, the Panel considered whether a deterrent to combat a pattern of offending in the wider game was required in this instance. The Panel was mindful of what seemed to be an increasingly prevalent "tackle" which had a significant potential for serious injury. The action could not be characterised properly under Law 15 as a tackle, but rather involved a swinging or straight arm or arms directed

to the upper part of the victim player's body with the intention of either dislodging the ball from the ball carrier's grasp and turning it over, or at least preventing the ball carrier passing the ball. The higher the contact was aimed, the less margin for error there was, and the responsibility for the consequences which may flow from this lay with the player responsible for carrying out this type of action. Given that in the present case there had been no significant injury (though that was a matter of luck rather than judgment) it was not felt by the Panel to be necessary in this instance to increase the period of suspension on account of a need for a deterrent but these tackles were inherently dangerous and a different and more robust view may be taken by a different Panel in the future in the event of a significant injury being sustained.

18. The Panel considered whether there was any mitigation within RFU Regulation 8.2.8 and found :

(a) Whilst the Player had acknowledged his culpability he had not notified RFU Discipline of this prior to the hearing. Having seen the DVD of the incident and read the Citing Officer's report, the Panel had concluded it was one of the clearest cases of foul play it had come across and it could only attach limited weight to the acknowledgment of guilt as a mitigating factor.

(b) The Player has a good record and is of good character. He is an international and full time professional. The previous yellow card incident is discounted entirely.

(c) The Player is still relatively young and has only played the game for four seasons.

(d) The Player's conduct at the hearing was measured and appropriate.

(e) The victim player, Mr. Croft, was a good friend of the Player and he had expressed his remorse to him personally. They remained on good terms.

19. On account of the factors listed above, the Panel reduced the suspension from five weeks to four weeks.

20. The Player is suspended from 28th November 2007 (the date of commencement of his Club internal suspension) to the 25th December 2007. He may play again on the 26th December 2007.

Costs

21. The Player will pay the costs of £250.00.

Appeal

22. The Player was informed of his right of appeal as set out in the Disciplinary Regulations.

Antony Davies

Antony Davies,

Chairman

5th December 2007

