

(James Haskell) took it upon himself to dive in with his head and connected to the head of Worcester No 4 (Greg Rawlinson). He then also followed through with a punch to Rawlinson's head."

4. The citing officer recorded that he spoke to the referee who remembered the incident but said he had been concentrating on Vickery pulling players into the ruck. He thought he may have been too close to the incident but neither of the touch judges (sic) reported anything to him.

5. The video of the incident showed much more detail than the citing officer reported and the Panel made the following determination of fact from viewing it.

6. A ruck formed and Vickery attempted to drive through the middle. Wood (Worcester No 6) launched himself upwards, swung an arm across Vickery's chest and forced him backwards. Vickery regained his balance and started to drive through the ruck again. By this time the ball had reached the back of the ruck and Rawlinson (Worcester No 4) started to pick it up. Vickery reached forward and pulled him into the ruck by his scrum cap. Rawlinson fell into the ruck and, regaining his feet, punched Vickery 5 times to his head in a continuous series of blows. Vickery started to fall back. The Player was standing at the back and to the side of the ruck and as Rawlinson started to punch Vickery the Player appeared to bring the incident to the attention of the referee. The referee did not intervene so the Player drove across the top of the pile of bodies from the side of the ruck, making contact with his head on the side of Rawlinson's head. He then swung a punch which missed. Rawlinson appeared untroubled by this contact which was not very hard.

7. The Player said that he had attempted to clear Rawlinson from the back of the ruck and could only reach him by driving himself forward. There was no intention to strike Rawlinson with his head and, in fact, he indicated on the video that as he drove forward his left arm could be seen stretched in front of the dive indicating that he was trying to wrap round Rawlinson to enable him to drive him back.

Mitigation

8. The Player is not a persistent offender albeit he has two yellow cards on his record. In this incident he reacted to severe provocation – a fellow player was under sustained attack from a series of punches to the head and, even though he had brought it to the referee's attention, no action was being taken. His action was instinctive to protect a team mate. He accepted that he should not have taken this action, but he felt aggrieved that he was the only person who had been cited when there were clearly others who had committed equally serious offences in the same incident.

Sanction

9. The panel undertook an assessment of the seriousness of the player's conduct. It decided that the offending was deliberate as the Player had admitted that he intended to clear out the opposition player but it accepted that he had not intended to strike him in the head with his own head. The Player responded to severe provocation which was caused not only by an opposition player punching a team mate but also the

referee failing to take decisive action when faced with foul play. Contact was very slight and there was no effect on either the victim player or the game more generally. There was some reaction from other players but only fleeting, and the incident did not develop further. In those circumstances the panel decided that this was properly categorised as being the least serious type of this sort of offending and categorised it as being at the LOWER END of seriousness.

10. The panel reminded itself of the recent IRB directive (dated 19 August 2008) in relation to dangerous play in which it requires there to be zero tolerance to players who charge into rucks and mauls without binding and to players who clear out opponents not involved in ruck and maul. That directive requests that match officials, citing officials and judicial officers are vigilant and apply appropriate sanctions when players are involved in dangerous play of this nature.

11. There is no recommended entry point in relation to “clearing out”. However the panel adopted the reasoning in the SANZAR case of *CJ Van der Linde* (August 2008) in which the accused player launched himself torpedo-like and head first to clear out an opposition player and made contact full in the face that player. The current case is similar but less serious in that the lunge was much less dynamic and very light contact was made on the side of Rawlinsons head. In those circumstances the appropriate LOWER END entry point is a suspension of 4 weeks.

12. The panel considered that there were no aggravating features and noted that all of the normal mitigating features listed in RFU Regulation 8.2.8 were present. The panel further considered that this was an exceptional case which merited further reduction in sanction under RFU Disciplinary Regulation 8.2.9: this was offending of the least serious kind where there are compelling mitigating factors and an absence of aggravating features. Those compelling mitigating factors are that the Player responded to severe provocation, and only after he had indicated to the referee that he should do something and the referee failed to act, the contact was minor causing absolutely no injury and the subsequent attempted punch missed. The normal maximum reduction from an entry point is 50%, but have taken the exceptional circumstances into account the panel adjudged that the appropriate reduction is 75%. **The Player is, therefore, suspended for one week until 29 September 2008. He may play again on 30 September.**

Costs

13. Costs of £250.00 are awarded against the Player/club.

Right of Appeal

14. The Player is reminded of his right of appeal against this decision.

Comment

15. This case has not been handled well by match officials or the citing officer. The referee was very close to the incident and must have had a clear view of what occurred yet he took no or insufficient disciplinary action. This is very disappointing

given the recent IRB directive on “clearing out”. The first act by Wood in which he jumped into Vickery with a swinging arm is exactly the sort of action envisaged in and prohibited by the directive – the IRB have asked for referees to apply zero tolerance to this sort of dangerous play, and that means taking early and decisive action. Having not penalised Wood the referee then observed Vickery grabbing Rawlinson by the scrum cap and dragging him into the ruck (the action which was subsequently penalised). He then stood by as Rawlinson punched Vickery five times in and around the head, despite Haskell’s request for intervention, and then he observed Haskell clearing out Rawlinson by lunging towards him head first – another example of the behaviour envisaged in the IRB directive. Had the referee taken action against Wood initially then none of the rest of the foul play would have followed. It is almost beyond comprehension that he then decided to penalise Vickery for the least of all of the acts of foul play.

16. Unfortunately the citing officer also took insufficient action. His written observation of what occurred failed to describe adequately or properly the full extent of the various offences committed. Although Haskell’s citing was correct the citing officer should also have cited Rawlinson for the punching and Wood for illegal clearing out. By failing to do so the panel were placed in the invidious position of taking disciplinary action against one person when other similar acts of foul play in the same incident will remain unpunished because the time limit for citing has passed and there are no exceptional circumstances which would allow those limits to be waived or extended.

Signed: ***Jeff Blackett***
Chairman

Date: **22 September 2008**