

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Swindon
On: Thursday 9 October 2008

JUDGMENT.

Player: Chris Horsman **Club:** Worcester Warriors
Match: Worcester Warriors v Harlequins RFC
Venue: Sixways **Date of match:** 2 October 2008
Panel: Christopher Quinlan (Chairman), John Doubleday and Paul Murphy
Secretary: Bruce Reece-Russel (RFU Disciplinary Manager)

Attending: Chris Horsman ('the Player')
Jon Partridge, Solicitor for the Player
Mike Ruddock Director of Rugby, Worcester Warriors

Preliminaries

1. In advance of the hearing and at its commencement, the Player and his representative were informed of a Panel member's association with a Harlequins' player. There was no objection to the composition of the Panel
2. The Player was cited for kicking an opponent contrary to Law 10(4)(c). In advance of the hearing and at its commencement the Club submitted that the more appropriate charge was one of stamping contrary to Law 10(4)(b). We agreed and exercising our power pursuant to RFU Regulation 5.6.2 we amended the charge to one of stamping contrary to Law 10(4)(b).

Charge and Plea

3. The Player pleaded guilty to the charge of stamping on an opponent contrary to Law 10(4)(b), during the Guinness Premiership match played between Worcester and Harlequins on 2 October 2008.

The Facts

The Citing

4. The citing report (dated 6 October, timed 17.00 5 October [sic]) stated:

'Harlequins are awarded a scrum and after the first attempt it is re-set .At the next engagement Worcester are penalised immediately by the referee for pushing at an angle, but as the penalty is awarded the scrum goes down with Harlequins No 2 & 3 on the floor. Worcester forwards keep driving as the scrum has wheeled and collapsed. Worcester no 16 (Horsman) walks past Harlequins no 3 (Ross) he makes deliberate contact with the toe part of boot in the head/neck area of Harlequins no 3 who is in a prone position with his arms trapped. This causes a reaction from Harlequins no 16 (Fuga) who has witnessed the actions of Horsman. Referee Barnes did not see the incident but is aware that foul play has taken place.

The incident is clearly evident in normal time and also slow motion via insight DVD footage.'

5. The citing officer confirmed that neither the referee nor touch judge saw the incident, though the referee can clearly be seen talking at length to a Worcester player (not *the* Player) immediately after the incident.

Player's case

6. Mr Ruddock took us through each scrum, from the moment the Player entered the game, the fifty-third minute, up to and including the one which immediately preceded the incident. With the advantage of Mr Doubleday's experience and knowledge the Panel was able readily to follow and understand Mr Ruddock's points. Worcester appeared dominant in the scrum and the Player's opposite number under pressure; he is seen repeatedly to 'turn in'. He added that Harlequins caused the scrums to collapse and the Player's opposite number failed properly to bind.
7. Mr Ruddock asserted that the Player was deliberately targeted by Harlequins' forwards intent on (to use the vernacular) 'winding him up'. He was targeted and he was provoked, Mr Ruddock said.
8. Mr Horsman apologised for his behaviour. He said he had sought to address his discipline problems; he had been cited once before and had not received a yellow card for, he said, two-and-a-half years. As soon as he came on, he was targeted with 'verbals' (as he

described them) and 'rubbing of heads'. He emphasised that he was not seeking to excuse his behaviour.

9. Mr Horsman denied intentionally stamping on the Harlequins player. He denied emphatically deliberately targeting the head of Mr Ross. His case was that immediately before he moved his left leg, his right was being held. He said he was not looking where he put his 'offending foot' when he moved it backwards. He reacted and retaliated, frustrated by the Harlequins' 'antics' (my word) at the scrum and in the face of provocation.
10. Mr Partridge with his customary clarity and brevity made a number of submissions on the Player's behalf. He said the Club acted speedily, appropriately and responsibly in suspending the Player for two weeks and imposing a not insignificant financial penalty of £2000.
11. Tested on the suspension of two weeks Mr Partridge said the Club applied the RFU disciplinary regulations. It arrived at two weeks 'taking all matters into consideration', as he invited us to do. Pressed he said the Club determined the appropriate entry point to be a lower end. If that is right, it means the Club then gave him no credit for mitigation Mr Partridge urged upon us.

Sanction

12. The Panel was unanimous in its factual findings. I can record them shortly and they are (materially) as follows. The scrum collapsed, with the Harlequins Nos. 2 and 3 on the floor, lying (as one would expect face down). The scrum had wheeled, such that the Player walked past the said Harlequins players. As he did so, he was bent at the waist looking down. He brought his right leg up and stamped down and backwards. He must have known of the presence and location of the two Harlequins players. It was a deliberate stamp. As his weight shifted from his standing leg (left) to the 'stamping foot' (right), it came off the ground. Whilst we are not satisfied that he intended to stamp on the opposing player's head it is fair to observe that in the position he was, there was a very limited area with which he was knowingly going to make contact. Absent evidence from the player stamped on and on the basis of the DVD we were not satisfied to the requisite standard (balance of probabilities) that contact was made with the head. We were however satisfied to the same standard that he made contact with the area of his lower neck.

13. With those factual findings, we undertook an assessment of the seriousness of the Player's conduct (Regulation 8.2.5). Unanimously we agreed
 - a. It was a deliberate stamping movement with the foot
 - b. His boot made contact as described above i.e. boot to neck
 - c. It caused injury in the sense it must at least have caused a degree of pain
 - d. It had an effect on the game: the Harlequins hooker immediately remonstrated with the Player
 - e. The opposing player was vulnerable in that he could not see what was coming nor was he in a position to defend himself
 - f. It was a completed act of foul play
14. If he was provoked it in no way excused what he did. It is right to record that neither the Player nor his representatives suggested it did: in fact Mr Ruddock made it clear (and we accept) the Club did not condone his behaviour. There is no better evidence of that than the action it took on Monday of this week.
15. My assessment of the factors above lead me to conclude the offence was so serious as to merit only a top end entry point. My colleagues assessed those factors as meriting a mid range entry point. Doing my best to record accurately their reasoning, they arrived at that conclusion because he was not intending to make contact with the neck, was a single stamp and did not cause significant injury. In my judgment that last factor is a matter of mere chance and good fortune, both for the Player and Mr Ross.
16. Accordingly, the (majority) Panel decision is that the offence merited a **mid-range entry point, namely five weeks**.
17. We considered there to be no aggravating factors within Regulation 8.2.7. The only disciplinary matter recorded against the Player (according to Rugby First) was a citing (for stamping) dealt with by a RFU Panel (which I chaired) in October 2005. In our judgment, that single offence, committed three years ago, does not aggravate this offence.
18. Turning to relevant mitigation (Regulation 8.2.8), we determined he was entitled to some credit for his admission. His age and experience we considered neutral, as we did his record. He behaved as we would expect a player to behave before a panel, namely well. His remorse we accept as genuine.

19. In all the circumstances we determined he was entitled to credit for those factors. We assessed the appropriate period to be one of one week. **Accordingly we concluded that the appropriate sanction is the imposition of a period of suspension from playing rugby union of four weeks.**
20. We were told that his club suspended him with effect from 6 October. **Therefore the suspension will commence from that date namely 6 October and run up to and include 2 November 2008. He is free to play again on 3 November 2008.**

Costs

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

Right of Appeal

22. The Player is reminded of his right of appeal against this decision. This must be lodged with the RFU Disciplinary Manager by 1200 hrs Tuesday 14th October 2008.



Christopher Quinlan (Chairman)
10 October 2008