

## **RFU DISCIPLINARY HEARING**

**VENUE:** Holiday Inn Bloomsbury, London

**DATE:** 13 October 2008

### **JUDGMENT**

**Player:** Roman PIOTROWSKI

**Club:** London Scottish FC

**Match:** Richmond v London Scottish

**Venue:** Richmond

**Date of match:** 27 September 2008

**Panel:** Jeremy Summers (Chairman), Peter Budge and Michael Cordell ("the Panel")

**Secretary:** Liam McTiernan

#### **In attendance:**

The Player

Hugh McKay - Hon Secretary London Scottish FC

Martin Goudie - Counsel for London Scottish FC

**To consider:** The sending off of Roman PIOTROWSKI ("the Player") for stamping on an opponent in the 24<sup>th</sup> minute of the 1<sup>st</sup> half of the match contrary to Law 10.4(b).

### **PRELIMINARY ISSUES**

- I. The Player did not object to the composition of the Panel.
- II. The procedure to be followed was explained and the Player's representative confirmed his understanding of it.
- III. There were no other preliminary issues raised.

### **PLEA**

1. The Player admitted the charge.

### **EVIDENCE AS TO FACT**

2. The Panel considered: -

- a) The Sending Off report
- b) The match recordings
- c) Evidence from the Player
- d) Submissions on behalf of the Player
- e) A letter from London Scottish dated 8 October 2008

- f) A written statement from the Player dated 9 October 2008

### **THE EVIDENCE**

3. The Sending Off report recorded as follows:

*There was a breakdown followed by a ruck situation near the Richmond 22 metre line and about 5 metres in from the touch line in front of the main stand. London Scottish took the ball into contact and were attacking.*

*The London Scottish player approached the breakdown and lifted his foot and then brought it down on to the head of a Richmond player.*

*I had a clear unobstructed view of the incident.*

*I stopped the game immediately and sent the London Scottish player from the field of play. I restarted the game with a penalty to Richmond at the place of infringement.*

*The Richmond player involved in the incident received medical attention on the pitch and was able to continue playing.*

4. The Player confirmed that he accepted the referee's report.
5. The Panel then considered match recordings taken by both teams. The Player could clearly be seen arriving at the ruck (which ensued from a London Scottish attack that involving a number of phases of play). The Player was positioned at the left of the ruck and slightly behind it. He then briefly went forward into the ruck itself before coming almost immediately back out. He remained on his feet throughout that movement.
6. What happened during that brief movement was not discernible from either match recording as the Player's action was obscured by the London Scottish number 9 who arrived at the breakdown and placed his left leg into the middle of the ruck, in an attempt to dislodge the ball. For reasons dealt with later in this judgment that movement became of some significance.
7. However, the referee was positioned about 2 metres from the left of the ruck, had an unobstructed view of play and could be seen to be clearly looking at down at the point where contact would have been made.
8. It was not possible from the recording to determine which Richmond player was involved in the incident, but London Scottish believe that it was the Richmond number 9 and accepted that he received some brief on field medical treatment. Happily no injury had been sustained, and there was no reaction from any other Richmond player. The Player immediately left the pitch having been dismissed.

## **MITIGATION**

9. The Player confirmed that he had been aware that he had made contact with something but, at the time, he was unaware of what he had struck. He had only become aware that he made contact with an opponent's head when spoken to by the referee immediately prior to his dismissal. He accepted the referee was well positioned and, as noted, did not in any event challenge the sending off report.
10. Mr Goudie submitted that the Player could be seen to be looking forward and not at the ground. He accepted, as did the Player, that this did not excuse what had happened and that clearly the Player had an obligation to ensure that he did not step on prone players below him. However, in his view the Player had not intentionally stood on an opponent but he had nevertheless been reckless in his actions.
11. The normal policy of London Scottish is to ban a player immediately following a sending off. An internal disciplinary panel had accordingly convened on the Monday following the game (29 September), but at that stage London Scottish were uncertain whether the referee had in fact been describing the actions of the London Scottish number 9 referred to above. That action also appeared to have led to a further Richmond player receiving on field medical treatment. The Panel was informed that Richmond also interpreted the match recording in the same way. As indicated, the match recording did not show the actual contact by the Player because the camera angle was obscured by the London Scottish number 9. On the basis therefore of the initial interpretation of the London Scottish match recording, the Player had been allowed to play again on 4 October 2008.
12. However, following further discussions with the RFU Disciplinary Manager London Scottish obtained the Richmond match recording. Although this again did not show the actual contact, London Scottish accepted that it showed a Richmond player close to the Player's feet.
13. London Scottish accordingly reconvened its disciplinary hearing on 5 October 2008. The Player accepted he had committed an act of foul play and was suspended by the club for 3 weeks commencing 6 October 2008.
14. The Player is 26 years of age and has been playing for 13 years. The secretary to the Panel confirmed that he had no previous disciplinary record. Prior to joining London Scottish he had played for Blackheath, Pertemps Bees (as was) and Coventry 1st XV's and Wasps A team. He has represented Midlands Schools at all age groups. He is presently the club's leading try scorer this season (and for the league as a whole) and he has been very much welcomed by London Scottish who have greatly valued his contribution to the club since joining this season.

## **ENTRY POINT**

15. As is required the Panel then undertook an assessment of the seriousness of the offending and found as follows<sup>1</sup>:
  - a) The offending was not intentional.
  - b) The offending was however reckless.

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<sup>1</sup> Disciplinary Regulation 8.2.5

- c) The Player had stamped on a player and made contact with the head. There was no provocation.
- d) There was no effect on the victim.
- e) There was no effect on the game.
- f) A player prone on the floor as was the case here is inherently vulnerable.
- g) There was no premeditation.
- h) The conduct was complete.
- i) There were no other relevant factors constituting the Player's offending.

16. Having regard to the above the Panel categorised the Player's offending as being at the mid-range of the scale of seriousness. In so doing it took the view that a stamp that makes contact with the head should ordinarily merit at least a mid-range suspension, with the obvious risk that this could be increased to a top end offence in the event of injury being sustained.

17. The mid-range entry point for stamping is a suspension of 5 weeks.

18. The Panel then considered the presence of aggravating features and found none to be present.

19. Having regard to the matters raised in mitigation set out above, the Panel considered that a reduction of 50% from the entry point was merited. In line with RFU Disciplinary Officer's Practice Note (3/06), disciplinary panels should round up when applying a discount to an entry point suspension carrying an odd number of weeks.

### **SANCTION**

20. The Player was accordingly suspended for a period of 3 weeks from 6 October 2008 (the date of his club suspension) and is free to play again with effect from Monday 27 October 2008.

21. The Panel wishes to express its gratitude to London Scottish for acting in the expedient and responsible manner in which it did.

### **COSTS**

22. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £150 in accordance Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment<sup>2</sup>.

### **RIGHT OF APPEAL**

23. The Player is advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14<sup>th</sup> day following receipt of this judgment.

**Jeremy Summers**

Chairman

14 October 2008

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<sup>2</sup> Regulation 8.3.2