RUGBY FOOTBALL UNION DISCIPLINARY HEARING

Judgment

At: Holiday Inn Leeds Brighouse
On: Monday, 13th October 2008

Player: DAVID WHITEHEAD Club: Blaydon RFC

Match: Blaydon RFC v Stourbridge RFC

Date of Match: 28th September 2008

Panel: Antony Davies (Chairman), Barry O'Driscoll and

Peter Rhodes

Charge and Plea

1. By e-mail dated 13th October 2008 from Jim Huxley, Secretary, Blaydon RFC, the Player, David Whitehead, pleaded guilty to an offence of striking contrary to Law 10(4)(a), the particulars being that on 28th September 2008, he struck an opponent during the 32nd minute of the second half of the above match. The e-mail indicated that the Player could not be present because he had other pre-arranged business commitments and wished the case to be heard in his absence and on the papers.

The Facts

2. The Referee's report stated that he had an unobstructed view of the incident from 5 metres. It continued:

"At a maul, a scuffle erupted between a player from each team, but this was not a major incident. Having identified this melee, I blew my whistle to stop the game. At this point, Mr. Whitehead ran past me to join proceedings. He struck the head and face of a Stourbridge player who was on the ground and not involved in the original incident. Having blown my whistle again, Mr. Whitehead continued to strike his opponent. Other members of both teams kept their discipline and did not get involved. There was no injury to the player who

The Player's Case

- 3. A letter had been received from the Player, saying that he was deeply sorry for his actions and felt that he should not have got involved in an incident which did not directly concern him. By way of explanation of his actions, he indicated that whilst one of his colleagues was fighting with a Stourbridge player, the Stourbridge 2 had run over and hit his colleague from behind. As they fell to the ground, he ran over and tried to stop the Stourbridge 2. He punched him with his left hand, which did not cause any harm to the player, and he then tried to pull him off.
- 4. On behalf of the Club, it had been confirmed by e-mail that the Club had suspended him on 6th October pending the disciplinary hearing. At their meeting, they had considered it as a low entry point offence. No further information was provided.

Sanction and Entry Point

- 5. The Panel undertook an assessment of the seriousness of the Player's conduct and found as follows:
 - (i) The offending was intentional, that is committed deliberately;
 - (ii) The game had been stopped by the Referee, who described Mr. Whitehead running past him to get involved in an incident by striking the head and face of an opposition player who was on the ground and not involved in the original incident. The Referee had blown his whistle again and the Player had continued to strike his opponent;
 - (iii) The victim player was not injured;
 - (iv) The Player's actions prolonged the original incident;
 - (v) The victim player was vulnerable to the extent that he was on the ground as the Player approached him and started to strike him;
 - (vi) The conduct was completed, being strikes to the head and face on a number of occasions, and after the whistle had been blown.

- 6. In these circumstances, whilst no injury has been caused, the Panel concludes unanimously that the appropriate entry point is mid-range, therefore giving a starting point of five weeks' suspension. The Panel finds no relevant aggravating factors.
- 7. The Player has a previous record, as follows:

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April 2006 - 3 foul play yellow cards - 1 week suspension
January 2008 – sending off (stamping) – 2 week suspension.
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- 8. As to mitigation, we noted that the RFU Disciplinary Manager had drawn the Club's attention to the Disciplinary Regulations and specifically Regulation 8.2.5, and invited the Club to provide the Panel with as much assistance as it could in considering the matter on the papers. The Panel had no further information about the Player other than that he had stated that he was deeply sorry for his actions. We note that he has pleaded guilty, but this is in respect of an incident seen by the Referee with an unobstructed view from as little as 5 metres and described clearly by him, so we can afford little credit on that account. We can find no other relevant mitigating factors and therefore see no justification for reducing the entry point. This is not to criticise the Player and his Club for seeking to deal with the matter under the written procedure. It is rather the case that the absence of relevant information from the Player and his Club has not assisted us in affording the Player any other credit for mitigation of which we are unaware.
- 9. Accordingly, the Player will be suspended from playing Rugby Union for five weeks. The suspension will commence on the 6^{th} October 2008 (the date his Club suspended him) and run up to and including 17^{th} November 2008. He is free to play again on 18^{th} November 2008.

Costs

10. The Player will pay the costs of £75.00.

Appeal

10. The Player is reminded of his rights of appeal against this decision as set out in the Disciplinary Regulations.

Antony Davies

Antony Davies,

Chairman

15th October 2008