RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury, London

DATE: 12 October 2009

Player: Matt GROVE Club: Barnes RFC

Match: Henley v Barnes

Venue: Henley Date of match: 19 September 2009

Panel: Jeremy Summers (Chairman) Peter Budge and Elizabeth Riley ("the Panel")

Secretary: Brenda Parkinson

In Attendance:

Matt Grove ("the Player")
Andrew Pickering – Chairman Barnes RFC Disciplinary Committee
David Doonan – Secretary Barnes RFC Disciplinary Committee
Noel Armstead – Henley RFC

DECISION

1. The Player was found guilty on his own admission of striking an opponent with his head contrary to law 10.4 (a). He was suspended from playing rugby for 4 weeks to run from 28 September 2009 to 25 October 2009 inclusive. He is free to play again on 26 October 2009.

PRELIMINARY ISSUES

- 2. The Player did not object to the composition of the Panel and no other preliminary issue arose.
- 3. The Player pleaded guilty to the charge which alleged that he had struck an opponent with his head, the offence having been committed in the 68th minute of the game.
- 4. The Panel was advised that due to technical problems that arose on the match day, the DVD of the game made available to Barnes ran only to some 10 seconds and did not show the incident. In those circumstances the Panel determined to proceed in the absence of video evidence

EVIDENCE

- 5. The Panel considered:
 - a) The Sending Off Report.
 - b) Oral testimony from the Player.
 - c) Oral testimony from Mr Armstead.
 - d) Submissions from Messrs Doonan and Pickering.
 - e) Barnes RFC Disciplinary Committee Decision dated 28 September 2009.
- 6. The Sending Off Report recorded as follows:

"Following a passage play ending in a ruck on the halfway line about 10 metres in from the touchline. Barnes won the ball and play moved down- field towards the Henley 22 on other side of the pitch. The referee went with the play. I stayed with the players emerging from the ruck at the halfway line and one player from each side still remained on the ground wrestling with each other. I managed this by coming onto the pitch (as per the pre-match referee brief) and asking them to get up and return to the game. I then witnessed Black No.2 make contact with his head to the face of Henley No.5. I put my flag into the field of play to indicate foul play and advised the referee to stop the game. Barnes No.2 ran off towards the play, but Henley No.5 remained on his knees at the place of the incident where I saw his face covered with blood. The game was stopped and the referee called me towards him. The referee informed me he had not seen the incident. We then discussed the incident as per the protocol and the referee asked for my recommendation. Barnes No.2 was given a red card and sent off from the field of play. The game was restarted with a penalty to Henley at the place of the incident. Henley No.5 was replaced to receive attention and did not return to the game."

- 7. Mr Armstead indicated that, contrary to the indication in the sending off report the Henley player concerned had returned to the field to complete the game having received treatment for his injury. He further stated that the injury had caused heavy bleeding and that stitches had been required.
- 8. Mr Doonan who had inquired of the Henley player in the treatment room after the game, helpfully confirmed that he had sustained a cut around the eyebrow area of the right eye. Mr Armstead thought that perhaps 5 stitches had been required but could not be certain. He was unable to recall whether the injury had initially been treated with suter strips but stressed that the injury had resulted in heavy bleeding.

MITIGATION

- 9. The Player gave evidence on his own behalf. He explained that the incident had arisen following a scrum and not a ruck as the sending off report recorded.
- 10. This point was corroborated by Messrs Doonan and Pickering who are both senior club officers who had been present at the game and located within 25 metres of the incident. Without being critical of the match official, the Panel was willing to accept this evidence.
- 11. The distinction was significant in that the Player went onto explain that in the first half the Henley scrum had been in the ascendency but that this had been reversed after

the interval. At the scrum in question Barnes had been driving back the Henley pack and, whilst still fully bound to his front row, the Player had then been struck a number of times by the Henley second row. This continued as the ball was cleared from the scrum and play moved away. He had eventually been able to free one arm and had sought to protect himself. He has expertise in martial arts and had turned his head to the side in order to minimize the target area. He had similarly attempted to get as close as possible to the other player to prevent further blows and/or minimize their force.

- 12. He had not realised he had made contact with an opponent's head (who was attacking him at the time) and had not acted maliciously or with intent to cause injury. He stated that he could not remember being separated by the Touch Judge, and when the Referee stopped play, he had assumed it was the Henley player who would be penalised.
- 13. On questioning by the Panel, the Player indicated that the first blow had struck him square on the jaw and that after the incident he had received treatment having sustained a "thick lip".
- 14. The Player accepted he had acted inappropriately and apologised for his conduct. He had spoken to his opponent after the game and again the following day to express his regret. He is 26 and has been a full time rugby player for some 6 years having played for Northampton Saints and Exeter Chiefs before joining Barnes in August 2009. He has no previous disciplinary record.
- 15. Mr Pickering and Mr Doonan noted the errors in the sending off report and in particular submitted that the injury inflicted was not significant. They did not seek to condone or excuse the Player's actions but felt he had been the subject of considerable provocation. The offending had not been intentional but had been careless.
- 16. The Player is highly regarded by the Club and had been recruited to carry forward its progress of recent years. The offending was viewed as being wholly out of character and the result of the extreme provocation to which the Player had been subjected.
- 17. Barnes had conducted its own internal proceedings on 28 September and had assessed the offending at being at the low end of the scale of seriousness. In light of the mitigating factors present, it had suspended the Player for a period of 2 weeks. The club also felt that it had suffered two league defeats in consequence of being without their first choice hooker.

FINDINGS

- 18. As required by the RFU Disciplinary Regulations ("DR") the Panel conducted an assessment of the Player's conduct¹ and having carefully considered all the evidence found as follows:
 - a) On the evidence available and, having regard to the prescribed standard of proof, the Panel was not able to find that the offending was intentional.
 - b) The offending was however clearly reckless.

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¹ 8.2.5 DR

- c) The Player had been struck on more than one occasion by the Henley player concerned. In attempting to defend himself he used his head and had struck an opponent in so doing. The Panel found the Player to have been a credible witness and accepted that he had been subject to considerable provocation as described. As a hooker bound into a scrum he was clearly also in a vulnerable position.
- d) The Henley player had sustained an injury above the eye that had required up to 5 stitches. Although accepting that he had returned to the game, the Panel was unable to agree with the submission made on behalf of the Player that the injury was not significant
- e) There was no effect on the game.
- f) Vulnerability of the victim player was not a factor the victim having instigated an attack on the Player who was in a prone position.
- g) There was no premeditation.
- h) The offending was completed.
- i) There were no other relevant factors.
- 19. In light of these findings, the Panel assessed the offending as being at the MID RANGE of the scale of seriousness. The mid range entry for this offence point as prescribed in Appendix 2 DR is a suspension of 8 weeks. The Panel considered the decision in Robson (September 2009). It was also referred by Barnes to a similar matter involving the Henley player concerned and a suspension imposed by a Disciplinary Panel in December 2008. Both cases were however distinguishable on the facts, and thus reached different entry points.
- 20. The Panel considered the aggravating factors set out in the DR², and found none to be present.
- 21. The Panel then considered the mitigating factors as set out in the DR³. The Player had pleaded guilty, had no previous disciplinary record and had shown clear remorse. In those circumstances the Panel felt able to allow the maximum 50% discount from the prescribed entry point.

SANCTION

- 22. The Player was accordingly suspended from playing rugby for a period of 4 weeks. The suspension will take effect from the date of the Barnes suspension being 28 September 2009. It will accordingly expire on 25 September 2009 and the Player is free to play again on 26 September 2009.
- 23. The Panel would wish to express its gratitude to Barnes for having dealt with this matter internally in advance of the hearing.

COSTS

24. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £150 in accordance with Appendix 6 DR, such costs to be paid within 21 days of receipt of this judgment⁴.

² 8.2.6 DR

³ 8.2.7 DR

⁴ 8.3.2 DR

RIGHT OF APPEAL

25. The Player is reminded of his right of appeal which must be exercised within 14 days of receipt of this judgment.

Jeremy Summers

Chairman 14 October 2009