

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, Leeds

On: 22 February 2010

JUDGMENT

Player: Tom Woods

Club: Worcester Warriors

Date of Match: 20 February 2010

Panel: Mike Hamlin, (Chairman), Dr Barry O'Driscoll and Peter Rhodes

In attendance: No personal attendances, hearing conducted by telephone conference with Mike Ruddock, Director of Rugby of Worcester Warriors, and the player.

To consider: An act contrary to good sportsmanship, contrary to Law 10(4)(M), in that on 20th February 2010, Tom Woods of Worcester Warriors RFC received two yellow cards, one technical and one for foul play, during the 37th and 59th minutes of the match between Bath and Worcester.

EVIDENCE AS TO FACT

The panel considered:

1. The Report of the referee;
2. The oral evidence of Mike Ruddick and the player by telephone conference;
3. The DVD.

The referees report stated as follows: *"A yellow card against the player for a technical offence in the first half and the second yellow card against another Worcester player for obstruction in the 52nd minute. This was a hard and closely fought match up to the point of the red card"*.

"The second yellow card was following flagging for foul play by the assistant referee (Bob Mullis) which details the incident leading to the issue of the second yellow card to Wood. This followed a yellow card for a technical offence issued in the 37th minute and therefore the player was sent off as the result of the issue of two yellow cards".

The incident which led to the second yellow card is contained in the report of the assistant referee Bob Mullis as follows: *"A maul had taken place which*

was keenly contested just outside the Bath five metres and between fifteen metres and the touchline. Two players on the floor started to wrestle on the floor, a couple of light blows were exchanged. As the name player, Tom Wood, got to his feet, unnecessarily used his knee making contact in the back of the Bath player on the floor. I signalled for foul play and describe the incident to the referee who then asked for a recommendation, I replied: issue a yellow card”.

It was following the issue of the yellow card that the player was sent off.

The panel viewed the DVD which was of no help. The DVD did not show the alleged incident. The DVD merely showed the maul forming from the line out with a Bath player in the maul in an apparent off-side position. It was noted that the Bath player received an elbow in the region of his chest. The DVD was therefore of no assistance to the panel. It transpired that the Sky TV recording of the incident was not at the time of the hearing available to the panel.

The player stated that in so far as the foul play incident was concerned, the ball had been secured by the Worcester front jumper. The Bath player was off-side. The player admitted using his elbow behind him. He was part of the maul. He and the Bath player became detached and fell to the ground. He denied that “light blows” were exchanged. He stated that he was punched. He stood up and dropped his knee into the back of the Bath player. He stated that there was an element of provocation, the player was in an off-side position initially and then when they were on the floor he was punched. The knee which came into contact with the Bath players back was not delivered with any force, there was no impact on the game, no reaction from the Bath player and no injury.

DECISION

The panel finds the allegation against the player proved on his own admission. The panel then undertook an assessment under Paragraph 8.2.5 to 8.2.8 of the Regulations in relation to the entry point. Appendix 2 of the RFU Disciplinary Regulations provides under Law 10(4)(K) for two yellow cards in one match the low entry point is sending off sufficient and the top entry point is the lower end of the range for the more serious of the yellow card offences. The panel therefore had to determine whether this was low entry or top entry.

The low entry point for an offence of striking an opponent with a knee is three weeks.

The panel deliberated at some length concerning the entry point and in accordance with the Regulations found as follows:

- i. The offending act was intentional, there was no question of it being reckless;

- ii. The gravity of the offence on the evidence before the panel was modest. There was no DVD evidence of the incident and the assistant referees report of the incident referred to *“unnecessarily used his knee making contact in the back of the Bath player on the floor”*. This corroborated the player’s view that it was not an act used with any degree of force.
- iii. There was no effect on the victim player, no injury, no treatment and no effect on the game.
- iv. The victim player was in a vulnerable position apparently lying on the floor.
- v. There was no pre-meditation, it was a spontaneous act and the panel found that on the evidence before it the player had been provoked to a certain extent by the alleged punch.
- vi. The offence was completed although the contact in the back of the Bath player on the evidence before the panel would appear to be modest.
- vii. The panel took into account under Regulation 8.2.5 (i) that in the absence of the DVD evidence of the incident, the player’s explanation of modest contact with the victim player’s back was relevant in determining the entry point. The assistant referee, who is a very experienced Premiership assistant referee, did not recommend a red card nor did he describe the incident in any other way other than his knee came into contact with the back of the player. To that extent this was relevant in determining the entry point.

The panel after very careful consideration noted that two yellow cards for technical offences in the same match would almost certainly lead to a low entry and sending off sufficient for technical offences. In this case there was one yellow card for a technical offence and one for an incident of foul play. The act was not considered by the officials worthy of anything more than a yellow card and therefore the panel on the balance of probabilities determined as this was the only incident of alleged foul play that taking into account all the circumstances and on the evidence before it, it was appropriate to determine that this was a low entry.

There were no aggravating factors. The panel having found the allegation merited a low entry, sending off was sufficient. The panel did not carry out an assessment of the mitigating factors in detail but noted that the player was a young professional player aged 23 with an unblemished record.

The player is therefore free to play again immediately and is not made the subject of any suspension. However, the panel determined that the player should be advised, and he was in the oral Judgement given at the conclusion of the hearing, that in view of the absence of the DVD evidence and taking into account all the circumstances the player ought to be aware that the Disciplinary Officer under Regulation 2.6.4. can exercise a right of appeal against any sanction which is deemed wholly inappropriate. This may be invoked if and when the decision is reviewed and if on the evidence of the DVD it is so justified.

COSTS

The panel makes an Order for costs in the sum of £250 against the player/club.

RIGHT OF APPEAL

The player is reminded of his right of appeal and the procedure on appeal as set out in RFU Disciplinary Regulation 12.1.1.

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Signed: ***Mike Hamlin***
 Chairman

Dated: **25 February 2010**