

deemed he had not spear tackled the player. There was no flare-up and no injury to the Leeds player. He used the guidelines that referees had been told and issued a yellow card. He did not think it was worthy of a red card. Having reviewed the incident on numerous occasions and after discussions with the match official, I believe the offence still warranted a red card and have therefore initiated this report.”

3. The Panel viewed the DVD footage of the incident which was consistent with the citing complaint, although the Panel observed that Oakley broke his own fall with his right arm before he landed on his back, and there was some whiplash as his head hit the ground. The referee was well placed to observe the entire incident and acted quickly and decisively to deal with the situation.

4. The Player said that he was initially obstructed by Leeds No 9 (corroborated by the DVD footage) before he attempted to tackle Oakley. He had no forward momentum as he went low and drove upwards with the intention of forcing a turnover. As Oakley went upwards the referee blew the whistle, Oakley stopped moving forward and the Player drove him up higher than intended. He was going to try to turn him in the tackle, but he heard the whistle and pulled away allowing Oakley to fall to the ground on his back.

Submissions on behalf of the Player

5. Mr Ashton Jones provided written submissions in advance of the hearing and briefly augmented them with oral submissions. Harlequins initiated an inquiry before the citing complaint was made and held an internal investigation on 10 December. It concluded that the offence merited a Yellow Card but nevertheless decided that the Player should be suspended for one match because he had contravened the Club’s agreed internal standards. However, Harlequins submitted that the referee correctly applied IRB guidelines issued on 8 June 2009.

6. The Player is 22 years old and has played professional rugby with Harlequins for four seasons since joining the Club in 2006. He has played on over 60 professional matches for the club, has 14 England caps and is currently a member of the EPS squad. He has never been cited or sent off during that period. He has also undertaken a lot of work with the local community and is taking on the role of coach for Reeds Weybridge U14s in the New Year.

Decision

7. RFU Disciplinary Regulation Appendix 7 (Citing Procedures) paragraph 14 states:

“where the offence was detected by a match official, but the cited player was not awarded a Red Card, the Disciplinary Panel must dismiss the citing unless it is satisfied on the balance of probabilities that the referee was wrong in not sending the player off.”

8. The Panel therefore examined the referee's reasons for the action he took in relation to this offending. He said that he applied the IRB guidelines on dangerous tackles. Those guidelines, issued by Paddy O'Brien on 8 June 2009 state:

“To summarise, the possible scenarios when a tackler horizontally lifts a player off the ground:

- The player is lifted and then forced or “speared” into the ground. A red card should be issued for this type of tackle.
- The lifted player is dropped to the ground from a height with no regard to the player's safety. A red card should be issued for this type of tackle.
- For all other types of dangerous lifting tackles, it may be considered a penalty or yellow card is sufficient.”

9. Harlequins submitted that the referee was correct to classify this tackle under bullet three – that is “all other types of dangerous lifting tackles.” However, in our view, the most important issue in these types of cases is player safety. Once a tackling player has placed an opponent in a position where there is a risk of injury his sole concern must be for that player's safety and he is under an obligation to ensure that he brings him to ground safely. In this case the Player made no attempt to ensure his opponent was brought safely to the ground – had this occurred when the ground was harder there may have been more serious consequences. It is clear from the DVD footage that once the referee had blown the whistle when Oakley was horizontal in the air, the Player pulled out of the tackle and allowed his opponent to drop to the ground. He has subsequently admitted foul play – he accepted without reservation that the tackle was dangerous as he did not attempt to bring the player safely back to ground.

10. In those circumstances that Panel is satisfied on the balance of probabilities that the referee's reasons for not dismissing the Player were wrong in that this tackle fell into the second bullet of the IRB guideline and merited a red card. The citing is, therefore, upheld.

Sanction

11. The Panel undertook an assessment of the seriousness of the Player's conduct¹.

- a. The Player intended to tackle his opponent but did not intend to drive him through the horizontal and then drop him. He acted recklessly in allowing the outcome.
- b. There is always a risk of serious injury where a player is dropped onto the ground from some height, although the risk is much lower where the tackled player lands on his back rather than his head or shoulders. Whether a tackle is executed correctly or dangerously may depend on a

¹ As required by RFU Regulation 8.2.5 (IRB Regulation 17.14.2)

split second of timing in an extremely dynamic situation. Nevertheless, players must be aware of the risks and take particular care to ensure they do all that is possible to minimise the risk of injury.

- c. Oakley was in a particularly vulnerable position and he was not injured.
- d. There was minimal reaction from other Leeds players who briefly remonstrated with the Player but quickly moved away from any conflict as the referee acted decisively with the incident.
- e. There was no premeditation.

12. In those circumstances the Panel assessed that this offence was properly classified as being at the Low End of the scale of offending. The LOW END entry point for dangerous tackling is 2 weeks suspension. The panel assessed that there were no aggravating factors and that all of the relevant mitigating factors² were present: the Player accepted that he had committed an act of foul play from the outset, he has an impeccable record, he has been playing at the top level for a significant period without having appeared before a disciplinary panel, his conduct prior to and at the hearing was outstanding and he showed genuine remorse.

13. The Panel therefore judged that the appropriate sanction is a suspension of one (1) week. The Player is suspended from 10 December 2009 (the date when Harlequins suspended him) until 16 December 2009. He may play again on 17 December 2009.

14. The Panel commend Harlequins FC for their prompt and responsible action in dealing with this case.

Costs

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

Right of Appeal

16. There is a right of appeal against the decision and this should be lodged with the RFU Discipline Department by 1700 by Wednesday 14th January 2009.

Signed: **Jeff Blackett**
Chairman

Date: **15th December 2009**

² RFU Regulation 8.2.7 (IRB Regulation 17.14.4)