# **RUGBY FOOTBALL UNION**

# **DISCIPLINARY HEARING**

On: Thursday 19<sup>th</sup> November 2009

**At:** Park Inn Hotel, Heathrow, London.

**JUDGMENT** 

Player: Henry Head

Club: Richmond RFC

Match: Richmond RFC v Westcombe Park RFC

**Venue:** Richmond Athletic Ground

Match Date: 24<sup>th</sup> October 2009

Panel: Jeremy Summers (Chairman), Michael White & Dr. Julian Morris

**Secretary:** Liam McTiernan

**Regarding:** The sending off of Henry Head of Richmond RFC ("the Player") for receiving two yellow cards in the match Richmond v Westcombe Park, contrary to Law 10(4)(k).

# Charge and Plea

The Player requested that the case be heard in his absence, having plead guilty by post. He was content for the case to be heard on a papers-only basis.

## Evidence as to Fact

The Panel considered:

- a) The Sending Off Report;
- b) The Disciplinary Report submitted by Andrew Gordon of Richmond RFC.

#### Evidence

The Sending Off Report recorded: "In the first 5 minutes of the 2nd half, Richmond gave away two penalties at the breakdown, both denying Westcombe Park quick ball, I spoke to Mr. Head, in his capacity as Richmond Captain, warning him his team needed to desist. Two minutes later Mr. Head gave away a penalty at the breakdown, within the Richmond 22, again

denying Park quick ball. I Yellow Carded Mr. Head, for team repeated infringement; In the last minute of the game, play was in the middle of the field, Park lost the ball forward, advantage to Richmond, Mr. Head went to ground over the ball and stayed there. I saw a Park player approaching Mr. Head, at speed, I immediately blew my whistle to stop play; the Park player visibly slowed but still went to ground, there was minor contact between the Park player and Mr. Head but from my view, not deliberate and was not foul play. Mr. Head stood up with the ball, threw the ball at the Park player and slapped him, very softly, around the side of the face. A melee then erupted. I also saw Mr. Head throw at least 2 punches with a clenched fist, uppercuts, these punches were aimed at a Park player who was not in a position to see them coming, I saw one of the punches land in the upper chest region of the Park player. The Park No.1 then entered the melee and punched Mr. Head with a clenched fist, also an uppercut which landed in the upper chest area of Mr. Head. After the melee subsided I issued Yellow Cards to Park No.1 and then to Mr. Head, it being Mr. Head's 2nd Yellow Card I also showed him the Red Card."

The Sending Off Report also considered this was a well-tempered game with no major flare-ups or foul play prior to the incident that involved the second yellow card. During the incident one Westcombe Park player sustained a cut above one of his eyes which bled profusely; it is unknown if this was as a result of Mr. Head's actions.

### **Entry Point**

The Panel assessed the Player's conduct<sup>1</sup> and found as follows:

- a) The Player had acted intentionally.
- b) As such his actions could not be viewed as reckless.
- c) The offending consisted of two attempts to strike an opponent. There was limited provocation, insofar as the Player was impacted while on the ground, albeit not in a way which constituted foul play in the mind of the referee or should have elicited a response of the type demonstrated by the Player.
- d) There was no injury which could be debited to Mr. Head.
- e) There was no effect on the game.
- f) The opponent was vulnerable and in a position where he could not have seen the blows coming.
- g) There was no premeditation.
- h) The conduct was completed and repeated.
- i) There were no other relevant features.

In light of these findings, the Panel had no hesitation in categorising the offence as being at the top end of the scale of seriousness. The top end entry point for the offence contrary to Law 10(4)(k) is the low end entry point for the

-

<sup>&</sup>lt;sup>1</sup> As required by RFU Disciplinary Regulation 8.2.5

most serious offence for which the yellow cards were issued. The second offence, one of striking, carries a low end entry point of 2 weeks<sup>2</sup>.

## Mitigation and Aggravation

The Panel carried out an assessment of the aggravating and mitigating circumstances surrounding the incident<sup>3</sup>. The Panel that concluded that there were no aggravating circumstances and that all the mitigating circumstances were present. The Panel were particularly assisted by the minutes of the internal disciplinary hearing conducted by Richmond RFC. The Panel deemed that a discount of 50% on the entry point should apply.

### Sanction

The Player was accordingly suspended by his club for 1 week from 24<sup>th</sup> October to 31<sup>st</sup> October 2009. The Panel endorse that decision. Having served that suspension, he is free to play again immediately.

#### Costs

The Player and/or his club shall pay the costs<sup>4</sup> of the hearing of £75<sup>5</sup>, such costs to be paid within 21 days of receipt of this judgment<sup>6</sup>.

## Right of Appeal

The Player is hereby advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 1000hrs on the 14<sup>th</sup> day following receipt of this judgment.<sup>7</sup>

**Signed:** Liam McTiernan, on behalf of Jeremy Summers, Chairman.

Date: 1<sup>st</sup> December 2009.

3

<sup>&</sup>lt;sup>2</sup> As per DR Appendix 2.

<sup>&</sup>lt;sup>3</sup> As required by DR's 8.2.6 and 8.2.7.

<sup>&</sup>lt;sup>4</sup> As required by DR 8.3.1.

<sup>&</sup>lt;sup>5</sup> As per DR Appendix 6.

<sup>&</sup>lt;sup>6</sup> Regulation 8.3.2

<sup>&</sup>lt;sup>7</sup> Regulation 11.2.3