

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**VENUE:** Holiday Inn, Bloomsbury, London

**DATE:** 8 September 2009

**Player:** George ROBSON

**Club:** Harlequins RFC

**Match:** London Wasps v Harlequins

**Venue:** Twickenham

**Date of match:** 5 September 2009

**Panel:** Jeremy Summers (Chairman), Peter Budge and Gareth Rees QC (“the Panel”)

**Secretary:** Liam McTiernan

**In attendance:**

George Robson (“the Player”)

Geraint Ashton-Jones – Harlequins RFC

Don Shaw – Harlequins RFC

Dean Richards - Referee (by telephone conference call)

Joe Simpson - London Wasps RFC (by telephone conference call)

**DECISION**

- 1. The Panel found the Player guilty, on his own admission, of the offence of striking an opponent with his head. For the reasons set out below the Panel determined that the Player should be suspended for a period of 6 weeks from Sunday 6 September 2009 to Saturday 17 October 2009 inclusive.**

**PRELIMINARIES**

- 2. The Panel convened to consider a charge alleging that the Player had been guilty of striking an opponent with his head in the first minute (first half) of the match contrary to Law 10(4)(a).**

3. The offence was admitted.
4. It was noted that Mr Rees had represented both Harlequins and Wasps. The Player did not object to the composition of the Panel. He had been able to consider the charge together with the sending off report and confirmed that he was aware of the procedure laid down by the RFU Disciplinary Regulations ("DR") that the Panel was required to follow. No other preliminary issue arose.
5. The Panel considered:-
  - a. The match recording.
  - b. The Sending Off Report.
  - c. A medical report contained in an e-mail dated 8 September 2009 from London Wasps to the RFU Discipline Department.
  - d. Oral evidence from the Referee.
  - e. Oral evidence from Mr Simpson.
  - f. Written submissions from Harlequins RFC.
  - g. Oral evidence from the Player.
  - h. Submissions from Mr. Ashton-Jones.
  - i. Written character references from Dick Best, Paddy Ralston and Mr Shaw.

### **THE FACTS**

6. The Sending Off Report recorded as follows:

*"In the 39th second of the game the Harlequins No.5 brought his head into the face of the Wasps No9 making contact. I had a clear view of the incident. A large melee then occurred involving many players from both sides. I was clear in my own mind that the Harlequins no5 was the culprit. I consulted the Assistant Referee who was unable to confirm the Number of the player so through the communication kit I asked the reserve referee the same question."*

7. The Report further stated: -

*"We had just kicked off. There was no obvious reason for the incident. The Wasps no9 had a cut nose and blood was coming from his nose and mouth area."*

8. Medical evidence, in the form of a report from Prav Mathem of London Wasps was considered by the Panel and read as follows: -

*“At approximately 17:16 on Saturday the 5<sup>th</sup> of September, myself, Dr David Ward and Remi Mobed all attended the field of play for a head injury sustained by [Joe Simpson].*

*On primary assessment of Joe he had sustained a cut across the bridge of his nose and was bleeding profusely from both nostrils. This took around 2 minutes to stem and the cut on the bridge of his nose was covered with Vaseline to prevent it from bleeding further. This had to be applied again twice through the match. Joe did not leave the field of play and showed no signs of concussion. At half time and at the end of the match he was assessed for signs of concussion however, [he] appeared normal.*

*On reviewing Joe the following morning, he reported of a slight headache that had passed from the night previously. At present he is able to train fully with the squad and we do not foresee any further intervention required.”*

9. Mr. Ashton-Jones helpfully submitted written submissions on behalf of the Player in advance of the hearing. As he confirmed to the Panel the Player did not dispute that the Player's head had made contact with the head of Wasps No 9's or that Wasps No9 had sustained the injuries as noted in the preceding paragraph. However, Mr. Ashton-Jones pointed to the ensuing melee and submitted that, on the balance of probabilities, it was not possible to determine that the injuries did not occur at that stage, rather than as a result of any action by the Player.
10. In light of the written submissions the Chairman requested that contact was made with Mr Simpson so that he could give evidence to the Panel.<sup>1</sup>
11. Before receiving oral evidence the Panel first considered the match recording at normal speed, 25% speed and frame by frame. This showed that from the breakdown immediately following the kick off, Wasps No.9 (Mr Simpson) passed the ball to Wasps No.10 who kicked for territory. The Player was then seen to tackle Wasps No.9 after he had completed his pass and both players fell to the ground. Footage was momentarily lost but both were then seen to have regained their feet. At that point the Player whilst holding Wasps No.9

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<sup>1</sup> Because of the necessity to conclude disciplinary proceedings expediently the written submissions were only received shortly before the hearing. No criticism whatsoever is made of Harlequins for that fact. Mr Simpson was nevertheless required to be available at short notice and the Panel was grateful to him for doing so.

initially with his right hand, and subsequently also his left hand, moved forward towards Wasps No.9. He then was seen to bend down slightly and, leading with his head, made contact with Wasps No.9's face. Shortly before, or at, the point of contact the Player's right foot appeared briefly to leave the ground. Wasps No.2 then joined the fracas causing Wasps No.9 to fall to the ground whilst still being held by the Player. A number of other players from both teams then became involved charging in from various points. Wasps 9 remained held by the Player throughout, which as Mr. Ashton-Jones agreed left him in a vulnerable position. Order was restored with due speed by the match officials and the footage showed Wasps No.9 receiving treatment whilst the match officials consulted prior to the Player being dismissed from the field of play.

12. In his evidence before the Panel the Referee confirmed that he had seen the Player put his head into the face of Wasps No.9, but was unable to determine how much force had been used in that action. Both players had been holding each other's shirt and the Player had then leant down to make contact with Wasps No.9. The Player's forehead had struck Wasps No.9 in the eye/bridge of the nose area. He did not see anything in the ensuing melee that would have led to the cut to Wasps No.9's nose but had however been concentrating on restoring order. He had only seen blood coming from the nose at the stage when Wasps No.9 was being treated following the incident.
13. Mr. Simpson in evidence, although indicating that events were something of a blur, was certain that his injuries had been sustained as a result of the Player's action and not in consequence of anything that happened in the melee that followed. He had sustained a bloody nose and a cut to the outside of his nose around the bridge area. He had needed treatment on a number of occasions during the game and his nose had still been bleeding a couple of hours after the match.
14. Mr. Ashton-Jones put it to Mr. Simpson that he had not been as clear in his recollection of events when speaking to the press after the game. Mr. Simpson explained that his comments had been made within 30 minutes of the game ending. He still had adrenalin pumping, had not wanted to go into detail and instead had suggested that the video was looked at. He had, also, said he was "pretty sure" he had been head-butted. In response to a question from the

Panel, Mr. Simpson confirmed that the Player had already spoken with him to apologise for his actions before he had made his comments to the press.

### **MITIGATION**

15. The Player gave evidence on his own behalf. He again apologised for his actions and showed clear and genuine remorse. He accepted he had tackled Wasps No.9 late and that they had both grappled thereafter. Wasps No.9 had then come towards him and swung an arm. As he candidly stated "*my intention was to intimidate*" and that he had "*immediately regretted his actions*" the second he made contact with the face of Wasps No.9. At that point he had realised that he had "*messed up*". He also maintained that he had not set out to cause injury and doubted that he could have caused the injuries referred to given that he was wearing a scrum cap.
16. He was forthright in volunteering that he had let his club down, the fans down, and most obviously his teammates down. He had apologised to the Referee and Mr. Simpson (which both confirmed) immediately after the game and had then spoken to the entire Harlequins squad individually.
17. Mr. Ashton-Jones did not seek to dispute any of the evidence given but noted that recollections can be faulty. Whilst Mr. Simpson was clear in his belief, the Player was equally clear in his. He reiterated that, if injury had been caused to Wasps No.9, it had been "*careless*" rather than intentional, and referred to the burden of proof (balance of probabilities) that the Panel would need to be satisfied of.
18. The Player is 23 years of age and has been at Harlequins for 7 years during which time he has played 49 professional games. He has a previously unblemished disciplinary record, and has represented England at U.16 level, as captain, and U.18 level.
19. He is regarded highly both in the club and externally and the references submitted on his behalf spoke volumes in that regard. Paddy Ralston had provided a reference without having been asked to do so. Without seeking to advance this as an excuse, Mr. Ashton-Jones referred to the events of the summer and the unique pressure this had placed on the club generally. He also noted the liberal, as opposed to objective, press coverage that had

followed the incident. In particular, this had ignored the fact that Wasps No.9 had played for 78 minutes before being substituted.

20. Harlequins had themselves suspended the Player on the Sunday following the game pending this hearing. He had accordingly not been selected for an 'A' team fixture that day.

### **FINDING**

21. The Panel reminded itself of the standard of proof prescribed, and as required undertook an assessment of the seriousness of the offending having regard to the criteria set out in 8.2.5 DR. In this regard the Panel found as follows:

- a) That that the Player had acted intentionally both as to his actions and the likelihood that at least some injury would be caused. The action was focused and purposeful and on the Player's own admission he had intended to intimidate.
- b) The Panel did not therefore find that the Player's actions could be deemed as simply reckless, or careless, as characterised by Mr. Ashton-Jones.
- c) The offending consisted of a single strike with the head delivered whilst the Player was holding Wasps No.9. Whilst the Panel accepted that Wasps No.9 might have reacted having been tackled late and off the ball, on the evidence this could not be viewed as provocation.
- d) As set out in paragraphs 8 and 13 above, injury was sustained to the nose of Wasps No.9 that required treatment on more than one occasion during the game. Wasps medical staff were clearly concerned as to the risk of concussion, although in the event, and happily, there was no lasting damage.
- e) The offence led to a fracas involving a number of other players which was dealt with by the match officials with commendable speed.
- f) As noted the Player had hold of Wasps No.9 whilst striking him so restricting his ability to defend himself and increasing his vulnerability accordingly.
- g) There was no premeditation.
- h) The conduct was complete.
- i) There were no other relevant factors constituting the Player's offending.

22. In light of these findings, not least the intention, the injury and the ensuing melee the Panel categorised the offence as being at the TOP END of the scale of seriousness.
23. Having found that the offence merited a top end entry point, in accordance with 8.2.6 DR the Panel was then required determine the appropriate starting point for the sanction to be imposed within the periods set out at Appendix 2 DR. For the offence of striking with the head, the prescribed top end starting points are a minimum suspension of 12 weeks and a maximum suspension 104 weeks<sup>2</sup>.
24. In determining the appropriate starting point in this specific case, the Panel carefully considered the Guidance issued by the RFU Disciplinary Officer set out at Note 3 to Appendix 9 DR. The Panel noted the injury, the player reaction and the media interest, all of which are factors referred to in the Guidance. However, in all the circumstances the Panel concluded that it was not necessary to increase the minimum starting point stipulated, and the appropriate starting point was accordingly a suspension of 12 weeks.
25. The Panel proceeded to consider the presence of any of the aggravating features prescribed by 8.2.7 DR, and was mindful both of the damage inflicted to the game generally during the summer months and the fact that the offending occurred at the very beginning of the first showcase event of the English rugby season. Although these were issues that the Panel was satisfied could properly be viewed as *other relevant off field factors*<sup>3</sup>, the Panel concluded that, on the facts of this matter, the starting point sanction did not need to be increased.
26. The Panel considered the mitigation advanced on behalf of the Player to be particularly compelling and having regard to the mitigating factors set out in 8.2.8 DR the Panel found:
- a) The Player had acknowledged his culpability at the earliest moment;
  - b) He had a clear record and was more generally of good character;

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<sup>2</sup> The starting point periods can then be increased and/or decreased in accordance with the aggravating factors and mitigating factors provided for at 8.2.7 and 8.2.8 DR respectively.

<sup>3</sup> 8.2.7 d) DR.

- c) His age and experience, given the pressures referred to by Mr. Ashton-Jones, were in his favour;
  - d) His conduct at the hearing had been exemplary; and
  - e) He was plainly and genuinely remorseful.
27. The Panel therefore felt able to allow the Player the maximum 50% discount from the starting point, and the period suspension was accordingly reduced by 6 weeks.

### **SANCTION**

28. The Player was accordingly suspended for a period of 6 weeks from Sunday 6 September (the date of the Harlequins suspension) until Saturday 17 October 2009. He is free to play again on Sunday 18 October 2009.

### **COSTS**

29. Pursuant to 8.3.1 DR the Player and/or his club shall pay the costs of the hearing of £250 in accordance Appendix 6 DR, such costs to be paid within 21 days of receipt of this judgment<sup>4</sup>.

### **RIGHT OF APPEAL**

30. The Player was advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department within 24 hours of this decision.<sup>5</sup>

*Jeremy Summers*

Chairman

9 September 2009

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<sup>4</sup> 8.3.2 DR

<sup>5</sup> 11.2.3 DR