

**RFU – AVIVA PREMIERSHIP**

**DISCIPLINARY HEARING**

**At:** RFU Headquarters, Twickenham

**On:** Tuesday 21 September 2010

**JUDGMENT.**

**Player:** Chris Robshaw      **Club:** Harlequins

**Match:** Harlequins v Northampton Saints

**Venue:** The Stoop      **Date of match:** 11<sup>th</sup> September 2010

**Disciplinary Panel:** Jeff Blackett (Chairman), Peter Budge, Jeremy Summers

**Secretariat:** Bruce Reece-Russel  
Liam McTiernan

**Attending:** The Player.  
Connor O’Shea – Director of Rugby, Harlequins  
Geraint Ashton Jones – Analyst, Harlequins

**Preliminary Issues**

1. Mr Ashton Jones submitted that the citing report should be dismissed because the citing officer had not fully complied with the RFU Disciplinary Regulations in speaking to all of the match officials about the incident. In particular he had not apparently contacted the Assistant Referee to confirm that the act was not detected. The DVD footage of the incident showed that the Assistant Referee was very close but had not signalled foul play. It was important to establish whether or not he had seen the incident, and if he had, why he did not consider the act to be foul play.

2. Second, Mr Ashton Jones submitted that there was a material inconsistency in the evidence. The citing report states: “In my discussions with Andrew Small [referee] he stated that he did not see the incident as he was playing advantage for a previous scrum infringement.” However, the sound track of the incident disclosed that immediately after the incident the referee said: “That’s an accident, gentlemen, that’s an accident.” Mr Ashton Jones submitted that the referee must have seen what occurred (because he was so close and because of what he was heard to say) and so he must have formed a view that there was no act of foul play.

3. Mr Small gave evidence by telephone. He said that he noted that the Player was off side and signalled penalty but played advantage. He followed the ball but out of the corner of his eye saw the Player land on top of an opponent. That was what he referred to as “an accident”. He said he did not see a tip or dump tackle and the

assistant referee did not indicate any foul play. When he subsequently spoke to the citing officer he told him he did not see the incident, because he had not seen a tip or dump tackle.

4. The Panel reminded itself of RFU Regulation 19.6.4.4 which states:

*“Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the Disciplinary Panel’s proceedings, findings or decisions.”*

In our view, the Player has not been so prejudiced by the citing officer’s apparent omission, or the apparent evidential discrepancy, that he cannot have a fair hearing. He knew that he had been cited for a dangerous tackle and he knew the basis upon which that citing had been made. In those circumstances we will not dismiss the citing on the basis of any perceived omission or technicality. However, Mr Ashton Jones raised an important issue about the burden of proof. If a match official sees an incident but decides not to issue a red card, then a disciplinary Panel must be satisfied that he was wrong in not issuing a red card before it can uphold a citing. If the referee does not see an incident then the Panel only have to be satisfied that an act of foul play occurred before upholding the citing. On the basis that Mr Small saw something which he declared to be an accident, we decided to proceed on the basis that Mr Small had seen sufficient of the incident to determine that a red card was not warranted and that the Panel would have to decide that he was wrong before we could uphold the citing.

### **The Citing Report**

5. The Player was cited for dangerously tackling an opponent. He admitted the act of foul play but asserted that the referee was correct in deciding to take no further action. The citing report stated:

“Following an advancing Northampton scrum on the halfway line, 10m in-field Northampton no 9 (Lee Dickson) picks up at the base and begins to make an incursion into Harlequins territory. He meanders between Harlequins No 8 (Nick Easter) and Harlequins No 9 (Danny Care) before his progress is halted by Harlequins No 6 (Chris Robshaw). Harlequins No 6 stoops as if to effect a legal tackle, driving his shoulder into the abdomen of Northampton No 9 and grasping him in the area behind both knees.

Rather than drive through to complete the tackle, Harlequins No6 using his left arm, picks up the right leg of Northampton No 9 (his right arm by this time around the waist of Northampton No 9), and while still grasping the area behind the right knee, raises it to a point just above the plotted point of the waist, keeping his right arm around the waist, supporting the undercarriage of Northampton No 9, whom has begun to twist out of the tackle an off-loaded the ball.

Harlequins No 6 begins to advance with Northampton No 9 still in his grasp, his lifting left elbow at an angle approaching 90 degree to his body. The effect of this manoeuvre is that he is unable to further support the weight of Northampton No 9, whom begins descending to ground, upper body first, at an angle also approaching 90 degrees.

Harlequins No 6 completes this manoeuvre by going to ground himself, directly on top of the player, whom is trapped underneath the body of Harlequins No 6. Northampton No 9 appears to absorb the weight of the Harlequins No 6 falling on top of him, and receives treatment on the field in the immediate aftermath of the tackle but completes the game.

The referee, Andrew Small, awards a penalty for an earlier infringement for which he was playing advantage, that being that Harlequins No6 had broken his bind on the original scrum before the ball had emerged. He appeared not to have seen the incident, appearing to have been following the path of the off-loaded ball.

In my discussions with Andrew Small (15.9.2010 pm) he stated that he did not see the incident as he was playing advantage for a previous scrum infringement. I therefore cite Harlequins No6 for dangerously tackling an opponent, contrary to Laws 10(4)(e)/(j).”

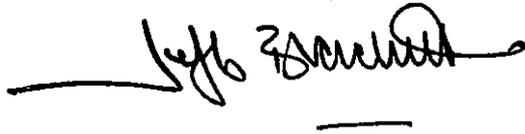
6. The Panel viewed the DVD footage of the incident. The Player started to execute a legal tackle, as described by the citing officer, but as he made contact Northampton 9 twisted so that he could pass the ball out of contact. As a result the Player lifted him into a horizontal position, face downwards. The Player did not appear to be lifting Northampton 9 but rather was supporting him in the horizontal position. Both players continued to move in the direction they were facing and the Player lost his footing so that they both went to ground. The tackled player was heading for the ground face first but the dynamics of the situation meant that the players tumbled over. Northampton No 9 hit the ground upper body first at an angle of about 45 degrees and as he tumbled on the ground his legs went up to a vertical position. The Player rolled clear and got to his feet and the Northampton No 9 stayed on the ground where he was treated by a physiotherapist before continuing to play.

7. The Player said that he intended to make a straightforward tackle but the Northampton No 9 twisted during contact and that caused their bodies to move as they did. Had he not twisted the tackle would have been normal with the Northampton No 9 landing on his back.

### **Decision**

8. This tackle was clearly dangerous because the tackled player ended up tumbling over his back awkwardly with the Player on top of him. However, it was not the type of tackle for which Law 10.4(j) was specifically introduced because the Player did not lift a player from the ground and drop or drive him downwards head first. The result of the contact was caused because the tackled player twisted in contact and was solely concerned with off-loading the ball before the tackle was

complete and the Panel could not conclude that the Player had either deliberately or recklessly placed his opponent in a dangerous position. The Referee determined that this did not merit any sanction and the Panel agrees with that view. As we could not find that the Referee was wrong then we are required to dismiss the citing. The Player is free to play again with immediate effect.

A handwritten signature in black ink, appearing to read "Jeff Blackett". The signature is written in a cursive style with a long horizontal stroke extending to the left. Below the signature is a short horizontal line.

Signed: **Jeff Blackett**  
**Chairman**

Date: **22 September 2010**