RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Twickenham Stadium

On: Monday 13th December 2010

JUDGMENT.

Player: Danny Care **Club:** Harlequins FC

Match: Saracens v Harlequins

Venue: Vicarage Road **Date of match:** 5th December 2010

Panel: Jeff Blackett sitting as a single Judicial Officer

Secretary: Liam McTiernan

Attending: The Player.

Connor O'Shea – Harlequins Director of Rugby Geraint Ashton Jones – Harlequins Technical Adviser

The Citing Complaint

1. The Player did not contest the citing report and admitted stamping on an opponent during the 39th minute of the second half of the Aviva Premiership match between Saracens and Harlequins. The citing report stated:

"The Game is in its final phase of play before the referee blows for no side. Harlequins have possession of the ball, are mounting a concerted final attack and a driving maul forms. Play is close to the touch line about 8m from the Saracens goal line. The maul goes to ground and Saracens 18 (Petrus Du Plessis) is left lying on the ground on his back stranded on the wrong side. He moves his body to roll clear and does not obstruct the ball. Harlequins 21 (Danny Care) advances and stamps forcibly downwards onto the exposed abdomen of Du Plessis. This action was remote from the ball. Care then stands over Du Plessis and reaches down to pick up the ball and pass it to his backs to continue the attacking phase. On the Elite Hub tight footage with referee microphone an audible crowd reaction prompts the referee to ask the question of his assistant "have you got anything?" There is no audible response from the assistant and the game continues. From this it is construed that neither saw the incident"

2. Ad addendum to the report submitted by way of e mail to the RFU Disciplinary Manager. He had not managed to speak to the before he submitted the citing report, which he did not wish to delay, but spoke to him subsequently. The

Citing Officer stated that the referee confirmed to him that neither he nor his assistant saw the incident.

- 3. The DVD footage of the incident which was consistent with the citing complaint.
- 4. The Player said that he wanted quick ball and was frustrated because a Saracens' player closed off the ball illegally. This had happened a number of times during the match. The Player said that his intention was just to remind him to get out of the way which he did and that the stamp was on the soft part of the body and not very hard.

Submissions on behalf or the Player

5. The citing report was received at the very end of the citing period on Thursday evening during a week when the club had been preparing for an Amlin Challenge Cup match with the Player selected to play. The Club were concerned about the effect of his late withdrawal on both the team and the Player. In relation to the offence Mr Ashton Jones said that the club had reviewed the incident, accepted it was foul play but suggested that it did not pass the "red card test". It would, he suggested, have been worthy of a penalty or temporary suspension at most. The act was borne out of frustration but was very mild, did not cause any harm or injury and was delivered without any real venom or aggression. In the circumstances he urged me to direct that this should have been a level 1 citing only.

Sanction

- 6. The RFU Citing Regulations are contained in Appendix 4 to Chapter 19 of the RFU Regulations. Paragraph 14 states: "It is not the function of the Disciplinary Panel to decide whether a particular act passed the red card test that is a matter for the citing officer. If a player is cited and the offence was not detected by a match official, the Disciplinary Panel must uphold the citing unless it determines that there was no act of foul play or that the player was mistakenly cited because the offence was committed by another player......" I am, therefore, unable to accede to the Player's submission that this should have been a Level 1 citing even if I agreed with him.
- 7. I undertook an assessment of the seriousness of the Player's conduct:
 - a. The Player intended to stamp on an opponent, albeit to remind him to move away from an offside position.
 - b. The act was not grave in that it was delivered to the fleshy part of the body without any real force.
 - c. The victim player was in a vulnerable position although he placed himself there and must have expected some contact. He was not injured.
 - d. There was no reaction from other Saracens players or the crowd and the offending had no impact on the Game.

- e. There was no premeditation.
- 8. In those circumstances I assessed that this offence was properly classified as being at the Low End of the scale of offending. The LOW END entry point for stamping on an opponent is 2 weeks suspension. There were no aggravating factors and that all of the relevant mitigating factors were present: the Player accepted that he had committed an act of foul play from the outset, he has an good record, he has been playing at the top level for a significant period with only one minor disciplinary sanction, his conduct prior to and at the hearing was outstanding and he showed genuine remorse.
- 9. The appropriate sanction is a suspension of one (1) week. The Player is suspended from 9 December (the date of the citing) until 15 December 2010, noting that he has already missed one match as a result of this citing. He may play again on 16 December 2009.

Costs

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

Right of Appeal

11. The Player was reminded of his right of appeal.

Comment

12. Harlequins raised a number of procedural issues about the citing process and the requirement to adhere precisely to the terms of the RFU Regulations. I have undertaken to deal with those separately.

Signed: Jeff Blackett Date: 15th December 2010