

RUGBY FOOTBALL UNION

APPEAL HEARING

VENUE: Holiday Inn, Bloomsbury

DATE: 17 November 2010

Player: Karl GLEAVE

Club: East Grinstead RFC

Match: East Grinstead v Old Dunstonian RFC

Venue: East Grinstead

Date of match: 2 October 2010

Panel: Jeremy Summers (Chairman), Philip Evans and Elizabeth Riley (“the Panel”)

Secretary: Liam McTiernan

In Attendance:

Matthew Ravenscroft – Hon Secretary

Kenny Gordon – Secretary Sussex RFU Discipline.

DECISION

1. **The Appeal on behalf of the Player was upheld and a decision of a Sussex RFU Disciplinary Panel dated 28 October 2010 suspending the Player for a period of 4 weeks was overturned and replaced with a suspension of 2 weeks. He is accordingly suspended from 17 November 2010 until 1 December 2010. He is free to play again on 2 December 2010.**

PRELIMINARY ISSUES

2. There was no objection to the composition of the Panel. The Panel was informed that the Club had only been informed of the appeal’s listing that day and it had not been possible in the time to secure Mr Gleave’s attendance.

FACTS

3. The Player, whilst playing hooker, was dismissed from the field of play having received 2 yellow cards in the 12th and 30th minute of the match. The Referee’s report indicated that the first temporary suspension related to careless use of the boot involving slight contact with the head, and that the second was for a swinging punch at the opposition front row, with again slight contact having been made.
4. Accordingly the player should have appeared before the Sussex RFU panel charged with an offence contrary to Law 10.4 (m) as prescribed in Appendix 2 to RFU Regulation 19.

5. He was however charged as if having been sent off following a red card for striking and sanctioned at the Mid Range for that offence.
6. As Appendix 2 makes clear, when a player is dismissed having received 2 yellow cards the relevant disciplinary panel must either assess the cumulative offending as being low end in which case the sending off will be sufficient sanction or top end in which case a suspension should be imposed based on the low end entry point prescribed for the most serious of the two offences concerned.

DECISION

7. The Panel accordingly proceeded to determine the case on that basis.
8. The Panel found two acts of foul play had been committed within a very short period of time both of which had the potential to have caused injury.
9. As such the Panel assessed the offending as being TOP END. The low end entry point for both stamping and striking is 2 weeks.
10. The Player had been sent off and suspended in 2006. We were also advised by Mr Gordon that the Player had showed little if any remorse before his panel and if anything had been dismissive of the proceedings.
11. In the circumstances no discount by way of mitigation was given and the Player was suspended for 2 weeks.

COSTS

12. The appeal though having been successful the appeal fee is to be returned.

DIRECTION

13. The Panel was informed that at the hearing before Sussex RFU the Player had denied having been previously suspended or having any knowledge of the relevant incident apparently on the Sussex records. He was represented by his father, who is also the Club's Director of Discipline. He too we were told denied any knowledge of the previous offence.
14. Mr Gordon produced a discipline report dated 20 December 2006 which on its face showed that the Player (as a youth player) had received a 4 week suspension (for kicking an opponent), and that this had initially been imposed by an East Grinstead internal disciplinary panel. It was not therefore immediately apparent how both the Player and the club could have been unaware of this suspension.
15. Neither the Player nor his father was before the Panel and the Panel could not therefore investigate the matter further. Mr Ravenscroft however indicated that the club was in any event investigating the matter.

16. East Grinstead was accordingly directed to fully and properly investigate the position and report to Sussex RFU with its findings and any action taken within 14 days (being 1 December 2010).
17. Sussex RFU can thereafter determine whether further action is necessary.
18. East Grinstead should note that, if an attempt was made to mislead Sussex RFU at the hearing on 28 October 2010, this would constitute a serious matter and that further proceedings against the Player and/or the Club could follow accordingly.

Jeremy Summers

Chairman

21 November 2010