## **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

At: Holiday Inn, Taunton

On: Monday 18 April 2011

## <u>JUDGMENT</u>

Player: Daniel Sanderson

Club: Northampton RFC

Match: Leeds Carnegie v Northampton Wanderers (Aviva A League)

Venue: Leeds

Match Date: 4 April 2011

Panel: Rick Charles (Chairman), John Doubleday & Mike Curling

Secretariat: Liam McTiernan & Rebecca Morgan

**Attending:** The Player did not attend.

Northampton RFC was not represented.

## Charge and Plea

1. The Player was charged with striking contrary to Law 10(4)(a), in that he struck an opponent during (7<sup>th</sup> minute of the second half) the match Leeds Carnegie v Northampton Wanderers. The Panel was informed by the Secretary that the Player admits the offence.

#### The Facts

2. The Panel read the RFU Discipline Report, dated 5 April 2011 and signed by the Referee, Mr Andrew Jackson. The report describes an incident in the 47<sup>th</sup> minute of the game and states as follows: "The incident occurred in the 47th minute of the game. The first half had been fast-paced and clean, but a minor scuffle in the first 3-4 minutes of the half and a larger confrontation at 45 minutes had respectively resulted in a warning to both captains and a pair of yellow cards for the hookers. As a result of the melée after the red card incident I did not spot whether the player involved had any injuries, but I believe he played on.

The incident occurred roughly 10 metres in from the right hand touchline as Northampton attacked about 15 metres from the tryline. Northampton had just taken a quick tap and made a couple of passes when a man cut back inside and was brought down by a high tackle. The tackle was relatively innocuous and the ball was immediately available (the player who had made the tackle rolled away as normal), so I shouted that I was playing a penalty advantage. I then observed Northampton 19 fall on the player who had committed the high tackle. He then raised himself up and delivered a forceful upper cut-style punch to the head of the player on the floor underneath him, who by virtue of his position was not able to defend himself from the blow.

I immediately blew my whistle repeatedly to diffuse the situation as a number of players who had witnessed the punch ran in to get involved. Once I had separated the players I spoke to my AR2 on that side (Tudor Griffiths) who was signalling that he had seen foul play. I described the incident as I had seen it, and he agreed with the description. I then summoned the Northampton player, showed a red card and sent him from the field. I restarted with a penalty to Leeds."

3. The Panel then viewed the short DVD recording of the incident at normal speed and frame by frame. The recording shows the incident as described by the referee although the camera is moving away at the time of the blow and clear contact cannot be seen.

## Mitigation

4. No mitigation was put forward either by the Player or his Club. The Panel was informed by the Secretary that the Player is 28 years old and does not have a previous disciplinary record.

## Sanction

- 5. The Panel considered the seriousness of the Player's conduct by reference to the factors set out in RFU Regulation 19.8.2.5, including that the offending was deliberate, involved the use of the fist on a vulnerable player and was completed. There was no evidence of any injury being sustained. The Panel accepted that the single blow was not premeditated and that there had been a degree of provocation with the high tackle. The Panel concluded that the offence had some effect on the game in view of the reaction to it involving players from both sides. Taking all the relevant factors into account the Panel determined that the offending was at the Lower End.
- 6. The entry point for a Lower End offence of striking an opponent is 2 weeks' suspension. We considered whether there were any aggravating features and any mitigating factors as set out in Regulations 19.8.2.7 and 19.8.2.8. We gave the Player credit for his

plea of guilty, his previous good record and character. We concluded that no aggravating features were present. The Panel was informed by the Secretary that the Player has been suspended by his Club for a week after the incident and did not play over the weekend of 16/17 April 2011. The Panel determined that the appropriate sanction was that Daniel Sanderson should be suspended from playing rugby for one week. As that suspension has already been served the Player is free to play with immediate effect.

7. The Player's attention is drawn to his right to appeal against sanction.

# Costs

8. The Panel was concerned that the Player and his Club had not participated in the hearing and that information had been relayed through the RFU Discipline Department. The Panel was informed that the Player and Club had been inconvenienced by the adjournment of a hearing before another Panel a week before. This is regrettable but a decision not to take part in person at a hearing should not prevent a written indication of plea and mitigating facts being placed before a Panel to assist in a fair and transparent outcome. The Panel was satisfied that in the context of the particular case it had been able to deal fairly with the case and in the circumstances the Panel did not make an order for costs.

**Signed:** Rick Charles, (Chairman)

**Date:** 25<sup>th</sup> April 2011