

## **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

**VENUE:** The Holiday Inn, Bloomsbury

**DATE:** 21 February 2012

**Player:** Adriaan FONDSE

**Club:** Newcastle Falcons

**Match:** Newcastle Falcons v London Irish

**Venue:** Kingston Park

**Date of match:** 18 February 2012

**Panel:** Jeremy Summers (Chairman), Gerard McEvilly and Dr Julian Morris ("the Panel")

**Secretary:** Rebecca Morgan

### **DECISION**

1. **The Player was found guilty on his own admission of striking an opponent contrary to Law 10.4 (a). For the reasons set out below he was suspended for a period of one week to run from 22 February 2012 to 28 February 2012 inclusive. He is accordingly free to play again on 29 February 2012.**

### **PRELIMINARY ISSUES**

2. There was no objection to the composition of the Panel, and no preliminary issues arose.
3. Prior to the hearing the player submitted a detailed written witness statement and written submissions were received on his behalf. These argued that the offence should be viewed as a low end offence. The Panel had time to consider the papers in advance of the hearings and formed the view that such an assessment would be appropriate. Newcastle Falcons were informed of that position by telephone and indicated that in the circumstances they did not wish to make further oral submissions. All parties were accordingly content for the matter to be dealt with on the papers

### **CHARGE AND PLEA**

4. The written submission confirmed that the Player admitted that he had struck an opponent contrary to Law 10.4 (a).

## THE SENDING OFF

5. The Panel considered:

- i. The Sending Off Report.
- ii. The match recording.
- iii. Medical evidence from London Irish.
- iv. A written statement from the Player
- v. Written submissions from Mr Hyland on behalf of the club

6. The Sending Off Report read as follows:

*“London Irish ran the ball out of defence from their goal line. Their player was eventually tackled just inside their "22", about 2 metres from touch.*

*A ruck developed with the ball on the Irish side.*

*The Newcastle no.4 Adriaan Fondse, was standing on the blindside of the ruck, on his teams offside line.*

*Before the ball emerged, Mr.Fondse moved forward and punched an Irish player (who was bound onto the side of the ruck) in the side of the head.*

*I flagged for foul play, and when asked by the referee, recommended a red card.”*

7. The incident occurred in the 19<sup>th</sup> minute of the second half at which point London Irish were ahead by a single point (9-10).

8. The match recording was viewed. This showed LI15 looking directly at the Player from the side of the ruck and seemingly “speaking” to him. The Player then used his right hand to strike the left hand side of LI15’s head. It was not possible to determine what part of the Player’s hand i.e. his fist or his palm made contact with LI15. After a short delay LI15 fell to the ground holding his head.

9. The Sending Off Report recorded treatment being administered on the pitch and this was confirmed by a medical report from the London Irish team Doctor which further recorded:

*“This player was struck by a Newcastle player during the second half of the match at Kingston Park on 18th February 2012. Contact was made on his left cheek and lip. Delon sustained a very small abrasion to the inside of his lip and had some minor discomfort in his left temporomadiublar joint (from transmitted force). There was no loss of consciousness or altered mental/cognitive state at all. He was wearing a gumshield and teeth were undamaged.*

*He was treated on the pitch by Declan Lynch, physiotherapist, and reviewed on the pitch by myself. We both thought that he was fit to continue to play and he completed the match without any further problems.*

*Post match, I reviewed him again in the changing room. Apart from the minor abrasion, there was no other problem noted. He was further reviewed by me on 21st February and had made a full recovery. The abrasion was not visible. He has not missed any training”*

### **MITIGATION**

10. The Player accepted that his actions were wholly inappropriate but pointed to a degree of provocation from LI15 in the form of some verbal taunting. As noted above, this was broadly corroborated by the match footage.
11. The Player asserted that whilst he had struck an opponent, this had been a slap rather than a punch. Evidence from the transcript from the ref link was adduced to the effect that the Newcastle captain had immediately claimed that the Player had slapped LI15.
12. The Player is 28 and has been playing rugby (including 5 seasons in SA Super 15's) since he was 8. He had a previously unblemished disciplinary career. He had not sought to challenge the match official decision and had pleaded guilty at the first opportunity. Whilst again not seeking to excuse his actions he felt that LI15 had rather over reacted to the incident.

### **SANCTION**

13. The Panel undertook an assessment of the seriousness of the offending having regard to the criteria set out Regulation 19.11.9 of the RFU Regulations. In this regard the Panel found as follows:
  - a) That the Player had acted deliberately in striking an opponent.
  - b) Recklessness was accordingly not in issue, save as to the risk of injury.
  - c) The offending involved a single strike delivered to the side of the head. Whilst there may have been some slight verbal provocation, as the Player accepted this did not in any way excuse his subsequent actions. The Panel found that the strike might properly have been described as a “cuff” in that it was not simply but had not made contact with the full force of a punch. As such it placed more weight on the evidence of the match official than that of the player as to the nature of the strike.
  - d) There was only minor injury as set out above. This was consistent with the strike not having been a full punch.
  - e) There was no adverse effect on the game.
  - f) There was no apparent vulnerability. There was no premeditation.
  - g) The conduct was complete.

- h) There were no other relevant factors constituting the Player's offending.
- i) There were no other relevant circumstances.

14. In light of these findings, the Panel assessed the offending as being at the LOW END of the scale of seriousness. The low end entry point for this offence is a suspension of two weeks.

15. None of the aggravating factors prescribed by Regulation 19.11.11 were found to be present.

16. Having regard to the mitigating factors present, in particular the Player's record and plea, the Panel reduced the entry point by a period of one week.

17. The Player was accordingly suspended for a period of one week as set out at paragraph 1.

#### **COSTS**

18. A finding of foul play have been made, the Player and/or his club are ordered to pay costs of £500.

#### **APPEAL**

19. The Player was advised of his right of appeal, to be exercised within 48 hours of receipt of this judgment.

*Jeremy Summers*

Chairman

23 February 2012