

## **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

**At:** Office of the Judge Advocate General, Royal Courts of Justice

**On:** Tuesday 6 December 2011

### **JUDGMENT.**

**Player:** Phil Dowson                      **Club:** Northampton Saints

**Match:** Leicester Tigers v Northampton Saints

**Venue:** Welford Road                      **Date of match:** 3 December 2011

**Panel:** Jeff Blackett (Chairman), Christopher Quinlan QC, Jeremy Summers.

**Secretariat:** Bruce Reece-Russel  
Rebecca Morgan

**Attending:** The Player.  
Ian Dixey (Counsel)  
Paul Shields (Team Manager)

### **The Citing Complaint**

1. The Player pleaded guilty to lifting an opponent off the ground and dropping him such that his head /upper body came into contact with the ground first contrary to Law 10(4)(j).

2. The citing report stated:

“Goode No 15 of Saracens is part of a passing movement up the short side after a ruck initiated by a break by Wyles of Saracens. After passing the ball he is tackled above the knees by Dowson No5 for Northampton who then lifts Goode into the air with both hands. Dowson then drops Goode to ground. Goode lands on his shoulder/back region and requires treatment from medical staff. None of the match officials saw the incident.”

3. The Panel viewed the DVD footage which generally reflected the citing report. The Player drove into Goode in a crouched position with his back parallel to the ground. He wrapped his arms around him and drove forward and Goode twisted in the tackle. The Player’s right arm was around Goode’s left upper leg and his left arm was wrapped on the other side of his body. As the Player moved forward Goode was carried into the air and his body was parallel to the ground. The Player let go of Goode who fell to ground, breaking his fall with his left hand and then landing on his back, the first contact being his left shoulder area.

4. The Player said that there was a ruck in the middle of the pitch between the halfway line and the attacking team's ten metre line. Saracens passed the ball from the ruck to Alex Goode who was standing at first receiver and was opposite the Player. He said he was aware that he had a prop inside him and the huge attacking threat posed by Goode. His pace and side step had been identified in the preparatory meetings during the week. The Player said he committed to the tackle and made a positive impact. Due to his size and Goode's diminutive stature, the tackle seemed to take him off his feet and into the air. Goode off loaded the ball, but the Player said he was unaware because of his head position in the tackle. He realised that Goode was high in the air and he released him so as to avoid being penalised for a dangerous tackle. He said that the fact that Goode had gone so high into the air shocked him and he was so concerned about raising his body above the horizontal that he let go. He said it was never his intention to perform a dangerous tackle on Goode nor to cause him any harm. He said that he realised in hindsight that he should not have released him, although it would have been difficult to hold him up, but he did not want to raise him above the horizontal.

### **Submissions on behalf of the Player**

5. Mr Dixey said that the Player who is now 30 has been a professional since 21. He was captain of Newcastle for 2 seasons, has captained England Saxons and deputises for Dylan Hartley when he is away. He has never been cited before and has only received one red card in 2004 when he and a Bath player were sent off for a fight. He received one week suspension. He said he is not a dirty player, or one with a bad disciplinary record.

6. Mr Dixey said that the Player's explanation as to what happened is credible – he was not seeking to drive him into the ground but he dropped him to stop the tackle from being even more dangerous. He cited four previous cases where similar facts led to a determination that the offence was at the low end of the scale of seriousness (Tuilagi (3 Nov 09) Care (15 Dec 09) Elvis Sevali (21 Sep 10) and Haughton (15 Mar 11). He suggested further that the Player's good character, remorse and an apology afterwards meant that he should attract the maximum permissible reduction from the LE entry point.

### **Sanction**

7. In assessing the seriousness of the offending we took account of the following factors:

- We accept (by majority) that the Player did not deliberately lift Goode into the air. He intended to drive Goode backwards, but the dynamics of the contact between a large and a relatively small man colliding at speed, meant that Goode was lifted off his feet and moved into a horizontal position. The Player then deliberately let go because he believed that if he maintained the contact, Goode would have been tipped upside down. The result of this was that Goode did not move through the horizontal, although as he fell to ground after the Player had released him, his legs did flip upwards. In short, the lift was not intentional but the drop was. In reaching that conclusion, we noted the absence of the Player's elbow being bent and pointing upwards in a lifting

motion whilst in contact with Dowson. One would ordinarily expect that action to be present if a player is endeavouring to gain sufficient leverage to lift another off the ground.

- Goode did not fall vertically, which is the classic result of a tip tackle, but at an angle. He twisted as he fell, broke his fall with his hand and then crumpled onto the side of his shoulder and onto his back.
- Goode required on field treatment, but there is no reported injury.
- There was no effect on the game. Players normally react when someone is tipped and dumped head first, but in this instance there was no such reaction.

8. Although all rugby cases of foul play are fact specific, a body of rugby case law has arisen which suggests that where a player deliberately lifts an opponent and then drops him onto the ground and there is no significant injury, that will lead to an assessment of the offending as being in the mid range on the scale of seriousness. That principle was confirmed in a number of cases at RWC11. In the view of the majority of the panel (one dissenting) this case does not fit into that category because the lift was not deliberate or intentional and the opponent was not turned upside down. He did not fall vertically but at an angle and landed on the side of his shoulder and then back rather than his head or the top of his shoulders. In those circumstances we consider that this was at the Low End of the scale of seriousness, the entry point being a suspension for three weeks.

*In reaching that conclusion, we noted the absence of the Player's elbow being bent and pointing upwards whilst in contact with Dowson. One would ordinarily expect that action to be present if a player is endeavouring to gain sufficient leverage to lift another off the ground.*

9. We accept all that has been said and written on the Player's behalf. He is well aware of the dangers of this type of tackle: indeed he told us in his evidence that he was conscious that he did not want to turn Goode through 90 degrees during the tackle. He apologised afterward and his conduct at the hearing was exceptional. We take into account his good playing record and character. In those circumstances we reduce the sanction by one week from the entry point and determine that he should be suspended for two weeks.

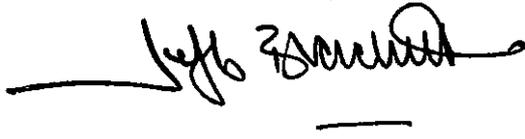
**10. The player is therefore suspended from 6 December until 20 December 2012. He is free to play again on 21 December 2012.**

#### Costs

11. The Player/Club is ordered to pay the normal costs of the hearing of £500.

#### Right of Appeal

12. The Player is reminded of his right of appeal which should be submitted within 48 hours of the publication of this decision.

A handwritten signature in black ink, appearing to read "Jeff Blackett", with a horizontal line underneath it.

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

**Date:** 8 December 2011