RUGBY FOOTALL UNION

DISCIPLINARY HEARING

Venue: The Holiday Inn, Bloomsbury, London

Date: 21st November 2011

JUDGMENT

Player: Sam Arnott

Club: Southend RFC

Match: Clifton RFC v Southend RFC

Venue: Clifton RFC

Match Date: 12th October 2011

Panel: Philip Evans (Chairman), Dr Julian Morris & Peter Budge

Attending: Sam Arnott (player)

Chris Green (Director of Rugby, Southend RFC)

Secretariat: Rebecca Morgan (Discipline Administrator, RFU Discipline Department)

PRELIMINARY MATTERS

1. Mr Arnott confirmed he did not object to the constitution of the panel. The charge was put, namely, that on the 12th November 2011, he struck an opponent with his head during the 40th minute of the first half of the match. He denied that charge.

THE EVIDENCE

- 2. The panel were provided with a referee's report which had been completed on behalf of the referee Mr Daniel Jones (WRU). That report confirmed that Mr Arnott was shown a red card immediately after the referee had blown the whistle for half time.
- 3. There was no video footage available due to a technical problem which had prevented Clifton recording the game.

- 4. The panel heard evidence from the referee Mr Jones. He said he blew his whistle for half time and noticed, about 7 metres in front of him, the Clifton number 2 pulling the shirt of the Southend number 9 (Sam Arnott). Both players were standing up. Mr Arnott was in front with his back to the Clifton player. He saw Mr Arnott tilt his head backwards and strike the cheek/jaw area of the Clifton player with the crown area of his head. He saw the Clifton player rubbing his cheek afterwards. He had an unobstructed view of the incident and said that Mr Arnott had definitely made contact. He said he went and spoke to Mr Mossford the assistant referee; he confirmed he had seen the same things that Mr Jones had described. Mr Jones decided to show Mr Arnott a red card.
- 5. The assistant referee Mr Grant Mossford said the first half had just finished and everyone was beginning to walk off. He noticed the Clifton number 2 and Mr Arnott in close proximity. He saw Mr Arnott moving his head, he saw him strike the Clifton hookers head but did not recall precisely where it made contact. He was at an angle of 45 degrees to the incident and just a few metres away. The referee had approached him and they confirmed what each had seen.
- 6. It was confirmed by Clifton RFC that their hooker had not been injured and was able to continue playing.
- 7. Mr Arnott told the panel that he had had his shirt pulled a number of times during the game. He recalled the whistle blew either for an infringement or for half time. At that time he had been involved in getting the ball away from the base of a breakdown. He described his shirt being pulled again (something the panel accepted had happened). He said he had pushed towards the Clifton hooker with his hand and gestured with his head. In his statement which the panel were asked to read he described his actions as follows "I pushed my hand towards him to break his grip and also motioned backwards with my head. I did not make contact with either my head or strike with my arm." He said he believed the Clifton player was play acting when he held his face.
- 8. The panel also considered written evidence from Mark Williams the Southend captain who did not see the incident but was involved in the conversation with the referee before Mr Arnott was sent off. The panel were also provided with and considered a statement from Martin Freeman.

DECISION

9. The panel were impressed with the evidence of the referee and the assistant referee. They both had a clear view of the incident. They had confirmed each other's accounts of the incidents immediately after it had taken place. Both described the incident in similar terms and were sure that contact had been made by Mr Arnott's head to the face of the Clifton hooker. Having considered that and all of the evidence presented by Mr Arnott the panel were satisfied that he had struck the Clifton hooker, with his head. He was therefore found guilty of the offence.

SANCTION

- 10. The panel heard mitigation from Mr Arnott and Mr Green. It was confirmed by both Mr Arnott and the RFU that Mr Arnott had no matters recorded on his disciplinary record. Mr Arnott told the panel he had never received a yellow card. He had played representative rugby for England at various levels and had been signed for Gloucester RFC and from there had been loaned out to another club.
- 11. Although he had contested the charge Mr Arnott had expressed his regret and remorse for having behaved in a way which left him in this position.
- 12. An internal disciplinary hearing had been held by Southend at which Mr Arnott was suspended pending the decision of this panel.
- 13. The panel concluded the following matters were relevant to the assessment of the seriousness of this conduct. The offending was intentional, but we concluded that given the particular circumstances of this offence as they had been described the gravity of his actions were not as serious as they often are in other cases of this nature. There had been some provocation. There had been no injury caused and no effect on the game. The Clifton player cannot be described to have been vulnerable and there was not premeditation.
- 14. As a consequence of that assessment the panel concluded this matter could be classified as being at the lower end of seriousness, there were no aggravating features and therefore the appropriate starting point was 4 weeks suspension.
- 15. Considering all of the mitigation set out above the panel felt able to reduce the sanction by 1 week. The total suspension is for a period of 3 weeks beginning from the day that Southend had suspended the player. Mr Arnott will therefore be free to play again on the 6th December 2011.
- 16. Costs will be paid in the sum of £200.

APPEAL

17. The player has the right to appeal this decision by providing written notice to the RFU Disciplinary Manager within 14 days of this notice.

Philip Evans (Chairman)

25th November 2011