



NOTTINGHAMSHIRE, LINCOLNSHIRE & DERBYSHIRE
RUGBY FOOTBALL UNION

DISCIPLINARY DECISION

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JUDGMENT OF THE PANEL

Venue: Newark RUFC

Date: Thursday 26 September, 2019

The Player: Owen Stevenson ('the Player')

Club: Mansfield RUFC

Match: Mansfield RUFC 1st XV v Kesteven RFC 1st XV

Match Date: Saturday 14th September, 2019

Panel: Matthew O'Grady, Chairman
Ian Roe
Andy Stout

Secretary: Andrew Statham, NLD Disciplinary Secretary

Attending: The Player
Peter Steffan, Club Captain

Decision of the Panel

- (i) **The Player failed to prove the Referee was wrong to send him off for a dangerous tackle.**
- (ii) **The Player be suspended for a period of 4 weeks.**

Preliminary Issues

1. There was no objection to the composition of the Panel.
2. We reminded those present of the contents of Reg 19.11.1, that the burden was on the Player to prove that the Referee's decision to send off the Player was wrong. The standard of proof is the simple balance of probabilities. That is to say, it is more likely than not that the Referee was wrong. If the Panel considers that neither event is as likely as the other (essentially a 50-50 position), then the standard is not met, the burden is not discharged and the Referee's decision is treated as not being wrong.
3. The Player confirmed he did not want this hearing to be postponed so that those who had provided written statements for him could attend the hearing to give oral evidence. It was confirmed that there is no video footage of the incident.

Charge and Pleas

4. The Player was sent off tackling an opponent dangerously contrary to Law 9.13.
5. The charge was put to the Player and he denied the offence. His position was that the act was an accident or rugby incident and not an act of foul play.

The Evidence

The Referee

6. Mr. Wayne Franks ('**the Referee**') prepared a written Red Card report. The alleged offence happened 25 minutes into the second half of the match. The report describes a hard dry pitch on a sunny day. The Referee reported concisely that he was 1m away and what he saw was:

“Mansfield number 6 was in a crouched position to tackle Kesteven 10 who went to side step ducked and Mansfield 6 tackled him and contact was made with shoulder to Kesteven 10s head with some force.”

7. The Referee gave evidence by telephone and was asked questions by the Panel and on behalf of the Player.
8. Both players were described as moving towards each other at the relevant time. It was put to the Referee that the Kesteven player had tripped or stumbled, but the Referee did not accept that was correct. Although the action was not targeted we were told but in his tackling technique the action was shoulder to head, rather than the Kesteven player falling into the Player accidentally. The connection was shoulder to chin. The Referee was asked about any height the Kesteven Player lost at the relevant time. We were told it was a “duck” as if to barge in the tackle. At the most it was a quarter of the ball carrier's own height. The Referee could not recall there being a sudden drop in height. The contact caused the ball carrier to fall back to the ground.
9. We were told that what the Referee saw was definitely foul play, but it was not deliberate. It was more reckless than anything else.

10. The Referee was asked whether he had said to members of Mansfield RUFC after the match that he only gave the Red Card because he was being assessed. The Referee could not recall saying that.

The Player

11. The Player told us that he was filtering into the defensive line. He was targeting one player and put himself in a low tackling position (we had the benefit of the player demonstrating this for us). The Player said that at the last moment Kesteven 10 became the man he had to defend. They were both moving towards each other. The Player believed he was in a low position and that Kesteven 10 fell into him, although he also said that in the moments before the tackle he possibly lost sight of the man he was going to tackle. In the Player's view this was an accident caused by a trip or stumble.

The Club Officers

12. The Panel was provided with emails from Martin Troop and Andy Foster. We have considered their emails in their entirety and nothing is to be read into us not referring to any specific detail within those emails.
13. Those emails generally support the Player's view that there was a stumble or loss of balance by the ball carrier. That being said, they say that at the material moment the Player was upright and not crouched. Mr. Troop says he could see that the act would justify a penalty (therefore it would be foul play and not an accident).

Findings, Conclusion & Decision of the Panel

14. It was conceded by the Player that his shoulder made contact with the chin of his opponent. As such, the decision the Panel needed to make was whether that contact was accidental, reckless or deliberate. We had regard to the World Rugby Decision Making Framework for High Tackles. A reckless or deliberate act is sufficient to amount to foul play. Whether or not the 'Red Card test' is met depends on the degree of danger and the presence of clear and obvious mitigating features.
15. We considered all the evidence and gave appropriate weight to it. As there is no video footage of the incident our decision turns on our assessment of the evidence we have heard and read, which is informed by our own experience in the game.
16. There was only one material factual dispute, namely whether the ball carrier fell, tripped or otherwise stumbled immediately before contact with the Player.
17. On the one hand there is the evidence of the Referee, who did not accept there was anything other than a side step combined with a duck into the tackle. The Referee was within 1m of the incident. He was charged with officiating foul play in the match. His immediate view was that a Red Card was justified.
18. On the other hand, there is the evidence of the Player and those who submitted emails to support his position. The Player accepted that he may not have been looking at the ball carrier at the material time, which undermines his evidence. We have not been able

to give meaningful weight to the written evidence from the Club's officers. Importantly, there is a significant and material factual difference in their accounts to the agreed position of the Referee and the Player, namely that the Player was upright to tackle rather than crouched. As spectators they were in a much poorer position than the Referee to report the events accurately.

19. Our findings are as follows:

- a) The Player was in motion filtering into the defensive line.
- b) As he filtered into the defensive line the Player was targeting one player.
- c) At the last moment Kesteven 10 became the attacking player that the Player had to defend.
- d) The Player commenced in a crouched position.
- e) Both players were in motion moving towards each other.
- f) The Player was not stationary waiting for the tackle to come to him.
- g) There was a lowering in the ball carrier's height as he lowered himself or ducked to brace or barge into the tackle, but this was not anything that was unexpected or untypical of a ball carrier going into contact.
- h) The ball carrier did not trip, stumble or fall. There was no sudden or significant drop in the ball carrier's height.
- i) In the moments before the contact the Player lost sight of the ball carrier and his tackling technique was compromised. He was not in a position to adjust or react to the ball carrier.
- j) The Player was not at his full height, but was sufficiently high for his shoulder to connect with the ball carrier's chin.
- k) There was force in the contact.
- l) The Player's actions were not deliberate and he did not intend to cause any injury. His actions were reckless.
- m) The combination of force and the contact created a high degree of danger.
- n) There were no clear and obvious mitigating features.

20. It follows that the Panel finds that there was an act of foul play and the Red Card test is met.

Sanctions

21. Having determined that the Player's actions were reckless, the Panel assessed the factors set out at regulation 19.11.8A and concluded that this incident warranted no more than the mandatory Mid-Range entry point of 6 weeks. This conclusion took account of the fact that there was no effect on the victim or the game and that the actions were not deliberate, but the Player got his tackle technique wrong
22. There were no off-field aggravating factors.
23. The Player has no previous disciplinary issues. Although he did not accept the incident was foul play he expressed remorse. He apologised to his opponent at the time and left the field without complaint. Whilst the Panel rejected elements of the Player's evidence and his explanation for the incident, the Player conducted himself entirely appropriately at the hearing. He is a young man, just 18 years old, and has been playing rugby for this club since he was 12 years old. It follows, he is not experienced at this level of rugby. The Player joins the senior coaching team and contributes to his Club.
24. We were not able to give the Player the maximum discount of 50% because he denied the charge, however the maximum discount was otherwise justified. The Panel decided 2 weeks should be deducted.
25. The Player is therefore suspended for a period of 4 weeks. The Player is prohibited from playing until Saturday 19th October 2019 and is free to resume playing on Sunday 20th October 2019.

Costs

26. Costs of £30 to be paid to the NLD RFU.

Appeal

27. There is a right to appeal against this decision. Any such appeal must be made within 14 days of this judgment being sent.

Matthew O'Grady
Chairman, for and on behalf of the Panel

Saturday 28th September, 2019