

RUGBY FOOTBALL UNION DISCIPLINARY HEARING

Constituent Body: NLD Ref 2023/24-007

Venue: Newark RUFC

Date: 26th September 2023

JUDGMENT

Player: Will ELLISON (DoB 28/9/1999 RFU ID 1237948.

Club: Newark RFC.

Match: Newark RFC vs Long Eaton RFC

Match Date: 9th September 2023.

Match Venue: Newark RFC.

Panel: Tim Bembridge (Chair) Ian Roe (V/Chair) & Les Law.

Secretary: Andrew Statham.

Attending: Will Ellison (Player), Tim Barker (Newark Club President) & Simon Wing (Newark Club Discipline Secretary)

Observing: Arlene Moxon (NLD Discipline Panel)

Decision

1. The Panel found that in the balance of probabilities Will Ellison hit the Long Eaton number 9 in the head/neck area with a clenched fist.
2. The Player pleaded not guilty to the offence of punching or striking with hand, forearm, arm elbow or shoulder Contrary to Law 9.12.
3. The Panel determined that the Player should be suspended for a period of three games from 10th September 2023 to 29th September 2023. Return to play date is 30th September 2023.

Preliminary Matters

4. The panel introduced themselves and the chairman outlined the procedure. The chairman also asked if anyone had any objections. Newark club members introduced themselves, the chair mentioned that the level of proof in these cases is "on the balance of probability" i.e., 51/49. Unless the player/club can offer evidence to challenge the referee's report then the discipline panel will accept the referee's account.

Charge and Plea

5. On September 9th Will Ellison punched an opposition player on the chin 16 mins into the 2nd half of the League game between Newark 1st XV and Long Eaton 1st XV.

The Complaint

6. The following are details from the referees red card report:

Following a Newark lineout in the Long Eaton half just outside the 22, a maul was formed. Following this, the ball carrier broke off and a tackle was made. Long Eaton number 9 jackaled the ball legally and won a holding on penalty.

After the whistle had been blown, Long Eaton 9 started an incident with Newark 4 (Will Ellison) on the floor, claiming he had been moved by the neck out of the ruck. After a lot of back and forth during this incident (which only ever involved the two players mentioned), while on the floor, Newark 4, with a closed fist, punched Long Eaton 9, contacting his chin. After it had calmed down, I moved Long Eaton back behind their try line and Newark to the 10-metre line. I called over Long Eaton 9 and his captain and Newark 4 and his captain. I explained what I had seen and that the actions were not appropriate on a rugby pitch. I issued a yellow card to Long Eaton 9 for starting the incident. I then moved on the Newark 4 and explained that his actions (that being a closed fist punch to the head of an opponent) would result in him receiving a red card.

The Player's Case

7. Will Ellison confirmed that he agreed with the initial part of the referee's report but then stated that he had tried to clear the Long Eaton number 9 out of the ruck and had ended up on the floor with the Long Eaton number 9 on top of him with most of the players weight on his neck and chest. He tried to remove him by pushing him away with his arms. He stated that he did not use a closed fist and did not hit the other player in the head. He stated that his flailing arms could have been taken as a punch but was not to the other player's head.

Part of his evidence was an email from the Long Eaton player which said, "I did not see him throw a punch and did not feel any contact with my head or face during the incident."

The player and Newark representatives requested to speak with the referee to ask him if there was any doubt to what he had seen and written in his report.

The referee, Christopher Mulroy was contacted by phone and was spoken to by the panel and Newark, the referee answered all the questions raised. He stated that he had a good view of the incident, he saw a clenched fist from Will Ellison connect with the chin of the Long Eaton player. It was not possible that he had made an innocent mistake, the pushing that Ellison described to him could have been the punch but he saw a clenched fist.

A small section of video was viewed by the discipline panel, but this was not helpful as several players were in front of the ruck obscuring the view of the incident, but it could be seen that the referee was in an ideal position to view everything that had happened.

Sanction

8. We undertook an assessment of the Player's conduct under Regulation 19.11.8 as follows: -

- a) We believed that the act was not intentional.
- b) The offending was reckless as during his actions of pushing away the player he should have known that there was a risk of foul play.
- c) The player was seen by the referee to use a clenched fist.
- d) The only provocation was the fact that the body weight of the victim was across the chest and neck of Ellison.
- e) He was not reacting to any foul play against himself.
- f) Not an act of self-defence.
- g) The victim was yellow carded for his involvement in the incident, no injury caused and return to the field of play after his ten minutes in the sin bin.
- h) Newark played a quarter of the game with 14 players and went on to lose a close game.
- i) The victim was lying on top of Ellison and was unaware that a clenched fist had contacted his chin.
- j) Ellison was the only offender from Newark, the victim was yellow carded.
- k) Offence completed but not with any force.
- l) This was the only incident Ellison was involved in.

Mitigating Factors

10. We considered the mitigating factors under regulation 19.11.10. Ellison immediately apologised not only to the victim but also the referee. He has one other previous red card but that was as a youth player five years ago. Ellison is an experienced regular first XV player. Both Ellison and the club were very complimentary of the referee, they conducted themselves in an exemplary manner at the hearing. He has also worked within the local community and local schools raising funds for equipment, also coaching at a local junior school.

Aggravating Features

9. We considered the aggravating factors under regulation 19.11.13. The panel decided that there were no aggravating factors in this case. As there was head contact although not with any force the panel invoked the RFU/World Rugby Mid-Range Sanction. RFU / World Rugby state: "ANY ACT OF FOUL PLAY WHICH RESULTS IN CONTACT WITH THE HEAD AND/OR NECK SHALL RESULT IN AT LEAST A MID-RANGE ENTRY POINT."

Decision

11. A six game sanction was imposed on Ellison, although Ellison had pleaded not guilty the panel decided that due to his previous good record, his work within the community and club and his demeanour at the hearing and his acceptance of the red card without any complaint they could reduce the sanction by 50%. Final sanction of 3 games, dates to be missed, 16th September; 23rd September and 29th September. Free to play date of 30th September.

Costs

12. £30.00

Right of Appeal

13. There is a right of appeal against this decision. Any such appeal must be lodged with the RFU Head of Discipline by