

**European Rugby Champions Cup
Decision of Disciplinary Committee
Held at Sofitel London Heathrow,
On the 31st of May 2017**

In Respect of:

Tom Wood (the Player)

And

The ordering off of the Player for a breach of Law 10.4 (b) of the Laws of the Game in the match between Northampton Saints and Stade Francais Paris played on the 26th day of May 2017 at Franklins Gardens Northampton.

Disciplinary Panel appointed to hear the case.

David Martin (Ireland)

Roddy Dunlop Q.C. (Scotland)

Andrea Caranci (Italy)

Present at the hearing in addition to the Disciplinary Panel were the following persons:-

The Player

Richard Smith Q.C (Player representative)

Liam McTiernan, Disciplinary Officer, EPCR

Danny Rumble, EPCR, Regulations and Compliance Executive

Decision of the Disciplinary Panel

1. The Player did not dispute that the Referee had been correct to order him off and the Panel therefore proceeded to determine what sanction, if any, should be imposed upon the Player.
2. The Panel considered that there was no reason not to impose a suspension and the Player was suspended from taking part in the game until midnight on the 26th of August 2017.
3. The Panel made no award as of costs.

Introduction

The Panel was appointed as an Independent Disciplinary Panel by Professor Lauren D. Crerar, Chairman of EPCR Disciplinary Panel, pursuant to the Disciplinary Rules of the European Rugby Champions Cup Participation Agreement Rules 2016/17.

John Lacey was appointment as Referee to the match and dismissed the Player for stamping or trampling contrary to Law 10.4(b) of the Laws of the Game.

Preliminary matters and procedures

At the commencement of the hearing the Chairman noted the identity of those present and narrated the Referee's report and reminded the Player that the report was in respect of the allegation that the Player had committed an act of stamping or trampling contrary to Law 10.4(b) of the Laws of the Game. The Chairman reminded all present that the EPCR Disciplinary Rules referred to above will apply and outlined the procedures to be followed to determine the matter. The Player and those present agreed to proceed on that basis.

The Chairman established what evidence had been placed before the Committee prior to hearing and inquired as to whether all present received same in good time.

The evidence for consideration was as follows:

1. Letter to Chairman of Independent Disciplinary Panel dated the 27th of May 2017.
2. Red Card Report from John Lacey, Referee.
3. Statement of George Clancy, Assistant Referee.
4. Statement of Nigel Correll, Assistant Referee.
5. Letter Professor Lauren Crerar.
6. Statement of Simon McDowell, Television Match Official.
7. Statement of Djibril Camara, Stade Français Paris.
8. Statement of Jeremy Sinzelle, Stade Français Paris
9. Statement of Geoffrey Doumayrou, Stade Français Paris
10. Statement of Alexis Savigny, Stade Français Paris
11. Photographs of injured player.
12. Statement of player and response from Richard Smith Q.C. to standing directions.
13. Video footage of the incident.

The Player's representative confirmed that there were no preliminary issues and in these circumstances the Chairman indicated to the Player that the purpose of the hearing was to determine what sanction, if any, should be imposed upon the Player.

The Player's representative at this stage requested the opportunity to provide introductory remarks on behalf of the Player. The Player's representative stated that the Player in retrospect accepted that he had made contact with the Stade Français player's head and that it was important to understand the Player's intention at the time of the incident. The Player had provided a statement which the Player's representative went through with the Player. Having gone through the Player's lengthy statement his representative explained that the Player is now 30 years of age and had played professional rugby for 10 years having been capped on 50 occasions for England. The Player was in fact selected by England to travel to Argentina during the off season. The Player had played on 150 occasions for Northampton. The Player had previously received two yellow cards and was sent off in 2011 for striking another player in a premiership match in which the Disciplinary Committee considered sending off to be sufficient. Since 2011 to date the Player had no disciplinary record. The Player explained that he saw the game of rugby as one of physical confrontation without any intention to injure and opponent. The Player was upset that there was a suggestion that the incident was deliberate and was saddened by the injury that he had caused to the opposing player although he was not aware of the injury at the time of the incident. The Player saw the game of rugby as one where honesty and integrity is required.

Evidence

The video footage of the incident was played without sound at normal speed.

There were a number of angles of the incident which were also shown in slow motion. The clips show the injured player being tackled on the Northampton Saints right touchline. A ruck forms with a number of players off their feet at which time the Player arrives and is seen to proceed in an upright position into and through the ruck. The Player lifts his right leg and as he does so he makes contact with a Stade Français player who was on his feet and who stopped the Player's forward momentum. The Player's right foot lands in the middle of the ruck whilst the Player is still supported by his left foot. The Player then proceeds to move away from the ruck

which breaks up and shows a Stade Français player gesticulating to the Referee suggesting that an incident had occurred.

The Player's representative requested that the Player explain his actions by going through the video clip. He explained that when the ruck initially formed he stood out from the ruck with the intention to protect his side's position to the left of the ruck. He claims that he saw his own player Ben Foden had stripped the ball from the Stade Français player and that there was poor protection from the ball by his opponents which presented an opportunity for him to attack the ball. The Player said that he could see the ball and that he could step through the ruck to the other side of the ruck and that he intended to do so by stepping over. He says as he stepped through the ruck the Stade Français player had got into a position to stop him from stepping as far as he intended.

At this stage the Player stated that he intended to move forward with his right foot to force a clear out and thought that there was space for him to do this. He said that the Stade Français player getting to his feet stopped him from going forward and he was unaware that there was any contact with the injured player as he said he barely put his foot down and had to steady himself. He was not aware that the player was injured and his only intention was to step beyond the ball which had been ripped by Ben Foden. The video clip shows that the Stade Français who had got to his feet made contact with the Player's knee and shin before his foot came down.

Following this the Player moved away from the ruck.

The Referee blew his whistle and the Player turned and noticed that Stade Français players were gesticulating and simulating stamping action.

The incident was reviewed by the TMO who communicated with the Referee that he had seen the Player made contact with the head of the opponent on the ruck. The Referee called the Player and stated that there had been "a clear strike to the head". The Player was surprised at this as he was unaware that any contact had been made and said that the Referee "how could there be a strike to the head".

As he left the pitch he was seen to remonstrate with the Stade Français player. The Player explained that at the time he thought there had been no contact made by him with an opponent and that the opposition player may have been involved in a

simulation as a result of which he felt he had been erroneously shown a red card. The Player accepted that upon reviewing the different camera angles of the incident in slow motion that his foot did make contact with this opponent's head. He said that he was very upset about this as he had absolutely no intention or knowledge of so doing.

Sanction

As the offence involved contact with the head the Committee was left with no discretion other than to apply a top end entry point which is 12 weeks plus. The Disciplinary Officer advised that he was not advocating for an uplift of this entry point. Notwithstanding this it is the function of the Committee to consider the facts of the case and to determine the seriousness of the Player's conduct. In determining the seriousness of the offence the Committee considered each of the facts set out in Disciplinary Rule 7.8.32.

- (a) The offending was neither intentional nor deliberate.
- (b) The offending was reckless.
- (c) The Player made use of his boot and made contact with the opposing player's head.
- (d) The Player had an obligation to ensure that he must ruck at or near the ball and has a duty of care in doing so to ensure that he does not cause injury to the head of an opposing player who is on the ground in the ruck.
Notwithstanding that there is no suggestion of force and that the Player did genuinely compete for the ball.
- (e) The Player used his boot in the incident.
- (f) There was no provocation and the Player did not act in retaliation.
- (g) The Player was not acting in self-defence.
- (h) The injured player required treatment and subsequent medical attention to the injury but was able to carry on with the match following the incident.
- (i) The Player's actions did not have an effect on the match in that the player was in a position to continue following treatment and there was no breakdown in discipline arising from the incident.
- (j) The victim player was in a vulnerable position in that he was lying on the ground and could not defend himself from the Player's boot.
- (k,m,l) It is accepted that there was no pre-meditation in the participation and that the Player's act was completed.

- (n) The Player did react to the issuing of a red card in remonstrating with the opposition player. He did explain that this was due to his thought that the injured player was play acting although he subsequently accepted that this was not the case.

The Committee having considered all of the relevant matters and the provisions of regulation 7.8.33 did not consider it necessary to go beyond the starting point of 12 weeks.

On turning to the mitigating factors it was submitted that the Player had acknowledged his culpability immediately and this was confirmed by his response to standing directions.

The Player's representative had earlier outlined the Player's playing history and argued that the Player was one of good character and an experienced player who although he had a previous disciplinary record he had not been involved in any incidents requiring disciplinary attention since 2011. The Player had demonstrated remorse and had apologised to the injured player when he met him after the match. It was accepted by the Player that his actions were reckless but that there was no intention to commit an act of foul play as his actions were a genuine attempt to win the ball. The Committee did not find that there were any other off field mitigating factors although the Committee had received a number of character references.

Having considered the manner in which the Player approached the issue the Committee considered that a full mitigation of 50% should apply in this case that is six weeks.

As this was the Player's last match of the season the Committee were provided with the Player's playing schedule during the off season. It was confirmed that the Player was selected to travel to Argentina with the England team where he would have been eligible for selection in two matches on the 10th and 17th of June 2017. The Player would not be involved in any further matches until the 12th of August 2017 at which time he would be eligible for pre-league season matches on the 12th of August, the 17th of August, 19th of August and 25th of August. It was submitted that the Player would be eligible to be selected for part of the matches on the 17th and 19th of August and almost certainly if eligible would have played a part in both of these games. In the circumstances the Committee took the view that these dates would be

considered as a period of four weeks and that the Player should be suspended for six weeks up to midnight the 26th of August 2017. The Player's right of appeal was drawn to his attention.



David Martin
Chairman

19 June 2017