RUGBY FOOTBALL UNION

DECISION OF RFU DISCIPLINARY PANEL

Venue: The Holiday Inn, Filton, Bristol
Date of hearing: Wednesday 14 October 2015
Appeal Panel: Sir James Dingemans, John Doubleday, Dan White
Secretary: Danny Rumble
Attending: Mitchell Eadie (player), Andy Robinson (Director of Rugby) and John Hanson (Team Manager), Stuart Tennant (RFU Discipline Case Manager – Observing)

Player: Mitchell Eadie, RFU Id No. 0293768
Club: Bristol Rugby
Match: Ealing Trailfinders v Bristol Rugby
Match date: 10 October 2015
Level: Championship
Competition: League
Offence: Acts contrary to good sportsmanship, law 10.4(m)
Plea: Admitted
Decision: Proved
Sanction: 6 week suspension

Introduction
1. This is the judgment of the RFU Disciplinary Panel following the hearing on 14 October 2015 of the charge brought against Mitchell Eadie for acts contrary to good sportsmanship, contrary to law 10.4(m). Mr Eadie admitted the charge on the basis that he had been reckless and had made contact by pushing the referee. At the hearing we announced the sanction of a suspension of 6 weeks. This case raised an interesting point about the proportionality of sanctions for physical abuse of match officials where the contact with the referee had been reckless and not intentional, where the contact had taken place in a dynamic game situation, and where there was no effect on the continuing game. These are the written reasons for our decision.

Citing report, video and evidence
2. We had the benefit of a citing report and a video. The evidence showed that Ealing Trailfinders (“Ealing”) had recycled a ball from a ruck. Mitchell Eadie, playing No.8, was lined up for Bristol Rugby (“Bristol”) to take on an Ealing player, No.20, lined up against him. The referee was situated infield of the ruck, between the Ealing and Bristol players. As the ball came out the referee jogged backwards as the Ealing first receiver ran towards the Bristol tackler, with Mr Eadie inside that tackler waiting for any offload. Mr Eadie ran forward with the Bristol tackler towards the referee, who was between him and the tackle area.

3. Mr Eadie, who had looked up towards the Ealing No.20, pushed the back of the referee, who was backing towards Mr Eadie. This caused the referee to make contact with the shoulder area of Ealing No.20, causing the referee to spin before he recovered his balance and carried on. The referee did not know how the incident had occurred and the game continued. Although the citing report said that there had been no injuries the
referee, who gave evidence by email and telephone, confirmed that he had suffered some discomfort after the game in the form of a headache and pain in the left ear which resolved after he had taken paracetamol.

4. Mr Eadie was also unaware of the incident until it was pointed out to him after receipt of the citing report. He wrote an immediate letter of apology to the referee. He accepted the charge against him on the basis that the contact with the referee had been reckless and not intentional. The evidence before us also showed that Mr Eadie had been coached to push away from opposing players after the attacking and defensive lines had come into contact.

Findings

5. We accept Mr Eadie’s evidence both that he did push away the referee, and that he did not intend to make contact with the referee. This is because it is apparent from the video that he was looking up at the Ealing No. 20. We accept the submission made on behalf of Mr Eadie that the contact with the referee was reckless (within the meaning of the definition of reckless by World Rugby, set out in Appendix 5 to RFU Regulation 19). This was because Mr Eadie made contact with the referee without giving any thought to the possibility that he might make contact, and even though the referee was there to be seen. Mr Eadie had been concentrating on the Ealing No. 20 and had given no thought to the position of the referee as the referee was moving backwards and towards him. We also consider it very likely, and find, that Mr Eadie had unthinkingly treated the referee as if he was an opposing player, and as he was coached to do, pushed him away before retreating. The offence of physical abuse of a match official is therefore proved.

6. After the referee had spun round he continued to referee without interruption. He suffered discomfort in the form of a headache and pain in the ear which was treated by paracetamol.

7. Mr Eadie apologised in writing as soon as the incident was brought to his attention, and he accepted the offence before us. He is 23 years old and is a Bristol Rugby England Academy player. He joined Bristol Rugby as an 18 year old and has made 89 appearances. He has not had any disciplinary issues in the past, and he mentors year 7 and 8 youths, works with schools, and has promoted RWC through Bristol Rugby. He opened the new outpatient children’s playroom at Southmead Hospital in Bristol, and is held in high regard.

Sanction

8. It was common ground that any contact with the referee was a very serious matter. The game cannot be played without referees. Referees are in a vulnerable and exposed position on the pitch. The laws of the game exist to protect, among others, referees.

9. The starting point for a low entry point for the physical abuse of match referees is 24 weeks. This was a low entry starting point because the pushing was inadvertent and reckless, and indeed Mr Eadie was not even aware of it until after the game, and the referee was able to continue with the game.

10. Mr Eadie is entitled to full credit of 50 per cent to reflect his prompt acknowledgment of guilt, his good character and record, his conduct, his remorse and his other off field mitigation. This reduces the sanction by 12 weeks leaving a sanction of 12 weeks.
11. However this leaves open the critical question in this case of whether a sanction of 12 weeks “is wholly disproportionate to the level and type of offending involved” within the meaning of RFU Regulation 19.11.13 given that there are off field mitigating factors and this is a low entry point for the offence.

12 weeks is disproportionate

12. We were referred to a number of other decisions involving the reckless contact with a referee where disciplinary panels had found that the sanction, even at 50 per cent of the low entry point, was wholly disproportionate. These cases include Kieran Brookes, a decision of the RFU Disciplinary Panel dated 4th March 2014, and Brian Mujati, a decision of the European Rugby Cup judicial officer dated 2 November 2009. There were differences with these cases, in one the referee was in an unusual position and in the other the player had suffered injury before the collision with the match referee, but both decisions shared the feature of being reckless, as opposed to deliberate, contact with a match official, in a dynamic match situation, where the referee had been able to continue with the game.

13. It is obvious that entry points in the RFU Regulations, which are taken from the entry points imposed by World Rugby and which were themselves agreed after careful consideration by players, referees, judicial officers and others at what were called “morality conferences” must be respected and enforced. This means that a finding a sanction is “wholly disproportionate” is likely to be very rare. However it is also right to note that, given the justifiably very high entry point for the physical abuse of match officials, it is possible that in certain situations such as the current case and the cases of Brookes and Mujati, the entry point for reckless contact (and therefore physical abuse of a match official) which occurs in a dynamic game situation and which does not prevent the referee from continuing with the game, may be disproportionate.

14. Having regard to the fact that even a further 50 per cent reduction from 12 weeks still leaves the very considerable sanction of a suspension for 6 weeks, and having regard to the fact that the contact was reckless, in a dynamic game situation and did not disrupt the game, we were of the unanimous view that a sanction of 12 weeks would be wholly disproportionate. We were also of the view, having regard to the entry points for other offences, and the need to protect referees, that the proper sanction was one of 6 weeks.

15. We should make it clear that any case of deliberate abuse of a match official merits the most serious sanction. In the course of submissions we were shown another clip in the same match in which the referee had backpedalled into and blocked a defender, after which the referee stopped play. It was said that a player in such a situation might wonder whether to tackle a referee. We make it clear that any player who deliberately makes contact with a match official, even one who may be in the wrong position, will be very severely punished. The remedy is to hope that the referee stops play, as occurred in this match in the video clip shown. We should also note that the practice of coaching players to push off opposing players increases the risk of reckless contact with a referee. We say nothing to suggest that such a tactic is legal (which was not in issue before us in these proceedings, and it has been suggested that the tactic involves contact which is not justifiable), but we emphasise that those coaching such tactics should consider the matter very carefully. This is because coaching such a tactic increases the risk of reckless contact with a referee, exposing players such as Mr Eadie to the severe sanctions (even when reduced as in this case) applying to contact with referees.
Conclusion
16. In the circumstances we impose a sanction of a suspension of 6 weeks.

17. It appears that Bristol have a fallow week during the period of suspension, and therefore that week will not, on the evidence before us, count as part of the period of suspension. This is in order to ensure that the sanction is meaningful. However it was later suggested that there might be a match already arranged for that fallow week in which Mr Eadie might have participated. If it can be shown that there was a meaningful fixture in that week, then the period of suspension will be adjusted. Any such further representations may be made by email.

18. The standard costs order of £250 applies.

Sir James Dingemans  
John Doubleday  
Dan White  

15 October 2015