

RFU SHORT JUDGMENT FORM



Match (home)	Ealing RFC (Trailfinders)	Vs (away)	Penzance & Newlyn RFC (Cornish Pirates)
Club's Level	2	Competition	Championship
Date of Match	25/03/2023	Match Venue	Ealing

Particulars of Offence			
Player's Surname	Beaton	Date of Birth	15/03/2001
Forename(s)	Harvey	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Penzance & Newlyn RFC	RFU ID No.	1497926
Type of Offence	Citing		
Law 9 Offence	9.28 - Physical Contact With Match Official		
Sanction	3 weeks/matches		

Hearing Details			
Hearing Date	28/03/2023	Hearing venue	Remote
Chairmen/SJO	Martin Picton	Panel Member 1	Guy Lovgreen
Panel Member 2	Mitch Read	Panel Secretary	Oliver Norris
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):		Other attendees:	
Warrick Lang (Saracens) Alan Pavers (Head Coach Pirates)		Angus Hetherington, RFU Legal Counsel Mike Hudson (match referee)	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
<p>RFU letter to Aled Davies wherein David Barnes RFU Head of Discipline elected to issue that player with a formal warning arising from the player pushing Christopher Ridley, the referee, in the course of a match between Leicester Tigers and Saracens which took place on Saturday 2nd October 2021. In his email, to which the copy letter was attached, Warrick Lang also referred the Panel to the video footage of the incident (which we studied with care) and Mr Lang stated: "This is to confirm that Harvey Beaton accepts that he did commit an act of Foul play but that the foul play (Law 9.28) does not warrant a red card. That a CCW would suffice for this such offence." In the event Mr Lang's principal submission on behalf of the Player was that a yellow card was sufficient to mark the incident.</p>			

The citing report stated:

Ealing were attacking approximately 3 metres away from the Cornish Pirates line. There is a ruck. The referee moves into position about 3 metres to the left of the ruck on the open side of the field and takes up a position just on the Ealing side of the advantage line. Ealing 9 then passes the ball to Ealing 3 who takes the ball into contact.

As the ball emerges from the ruck the referee moves away from the ruck and then pivots to his left so that he can see the ball being passed and has clear sight of the attacking play. As he pivots he moves slightly towards the goal line and away from the ruck so that his back is facing the goal line and the Cornish Pirates defensive line. As he pivots Harvey Beaton pushes him in the back with both his hands. The push is forceful enough that it moves the referee approximately 2 metres away from the player and causes him to lose his balance and fall over. The referee gets up immediately and carries on refereeing the game.

Play continues for a further 30 seconds with Ealing attacking the Cornish Pirates goal line. The referee then blows his whistle for a penalty against Cornish Pirates for being offside. He calls the Cornish Pirates captain over and speaks to him. I cannot hear the sound but from the footage it appears the referee is pointing to Harvey Beaton and speaking to the captain about being pushed. The referee was not injured in the incident.

I did speak to the referee over the phone the day after the game and asked him about the incident. He said that he felt a player pushing him in the back during the game. As he got up he knew it was Harvey Beaton who had pushed him as when he got back to his feet he could see Harvey Beaton was pointing directly at him and asking him to get out of his way. He confirmed that he did speak to the Cornish Pirates captain about the incident when he stopped play and asked him to warn Harvey Beaton about pushing him again during the game.

I have reviewed additional footage that Ealing provided after the game (I have seen 4 angles of the incident, both in real time and in slow motion). These angles (especially Angle 4 that was provided by Ealing) show the referee being pushed in the back by Harvey Beaton.

In view of the footage and the referee's account of the incident I cite Harvey Beaton (Cornish Pirates 3) for an offence of an act against the spirit of good sportsmanship (9.27).

The video footage was consistent with the citing report.

The referee stated that had he been able to appreciate exactly what the Player had done he would 'probably have issued a red card'. As it was he was unsighted of the Player as he was moving backwards as the game progressed in a sideways manner whilst the attacking side sought to score.

The referee told the Panel that having been pushed to the floor he then got back to his feet and had to issue a yellow card for another infringement but having done so he spoke to the acting captain from Pirates and told him that he thought he had been pushed. The referee stated that he had seen the Player immediately after the push and it was obvious that he was responsible as he was gesticulating as if to suggest what had happened was the referee's fault. The referee stated that the Player did not speak to him at the time or later in the club house but he very fairly accepted that it was extremely busy after the match and he would have imagined the Player would have struggled to locate him had he tried to do so (in fact the Player was to recount that after the match he had to go and have some stitches inserted due to him having injured his hand).

In response to questioning the referee stated that he had been so acting for 10 years and although he had experienced the occasional bump when transitioning between phases he considered it quite rare to be knocked over. The referee stated that he was moving backwards as the Player was moving forwards and commented that because of that the video footage 'looks more dramatic'.

In response to the Player interjecting that he had not meant to push the referee 'anywhere near as hard as I did' the referee stated that he 'had some sympathy with the Player's point there'. He said he had believed he was moving straight backwards but from the footage he could discern that in fact he was moving at a 45 degree angle thus interfering with the play. He accepted that as a consequence the Player had been left with a difficult decision given his desire to tackle the opposing player in an attempt to stop a try being scored.

The referee stated that he had received a call from the Player on the day of the hearing wherein he apologised to the referee. As the referee put it: 'Fair credit to him for doing that'.

Summary of Player's Evidence

In a letter submitted in advance of the hearing the Player stated:

I, Harvey Beaton, accept the sanction against me in reference to Law 9.28.

I acknowledge that it is never acceptable to make physical contact with a match official. There was no malicious intent in my action. I was trying to get into best position in a defensive goal line situation to stop the threat. The referee ended up between me and the opposition ball carrier and in the heat of the moment I tried to get past him to make the tackle. I did not intend, in any way, to push the official to the ground. I did communicate with the Referee after I made the tackle about being in my way, due to my surprise that he ended up on the floor.

I feel remorse for my actions and feel I acted more on instinct rather than intent.

I have contacted Mr. Hudson to check his well-being and to apologise for the situation.

The Player told the Panel that he was 3m from his own try line and intent on trying to stop the opposition from scoring yet another try. He said that the teams plan that day was to get off the line quickly in defence. He stated that he had seen the referee and believed him to be in the way of him making the tackle that he wanted to do. He said that he chose to push the referee out of the way in order to be able to attempt a tackle although he was later to accept that in fact he was unsuccessful in so doing. He referred to his action as being 'in the heat of the moment' and motivated by his strong desire to stop the opposition scoring. He accepted that he should not have done what he did. When asked whether he gave any thought to just letting the referee know he was in the way, as opposed to seeking to remove the referee from being proximate to the tackle area by way of pushing him, the Player commented that if the try had been scored the referee might not have accepted that he was at fault and disallowed the score. The Player appeared reluctant to accept the proposition that it would have been better for the opposition to score a try than for him to push the referee out of the way in order to be in a better position to attempt a tackle. He did, however, emphasise the limited thinking time that he had when presented with the juxtaposition of the referee and the attacking players. Asked whether if presented with the same situation now he would still act in the way that he had done the Player stated: 'I would not have done what I did but in the heat of the moment I didn't want to concede another try. Now I would try the third option i.e. let the referee know by way of words and gestures that he was in the way'.

Findings of Fact

The Panel were entirely satisfied that the Player deliberately pushed the referee when he was confronted with the official being between himself and the attacking player. The Player used sufficient force so as to cause the referee to fall to the floor. We were troubled by the body language of the Player as depicted in the footage whereby he appeared to consider himself entitled to act as he did. He gave the appearance of being annoyed with the referee even after the official had regained his feet when in fact he should have been apologetic and remorseful there and then. Whilst we accept that the Player was prevented from seeking out the referee after the game due to the need for medical attention he would have had ample opportunity to speak to the referee in advance of that but did not do so. We were also disappointed that the Player took some persuading that he should have acted differently from the way in which he did.

We considered with care the submissions made by Mr Lang on behalf of Saracens (to whom the Player is contracted) but we considered his argument that what occurred here should be seen as the equivalent of the Aled Davies case wholly misconceived. The Panel felt strongly that Mr Lang was seeking to compare chalk with cheese. The Aled Davies incident was an accident and it was apparent from the footage that all concerned, and most particularly the referee himself, considered it to be such, the referee apologising and stating that what took place was his 'fault'.

In this case the Player made a conscious decision, albeit in a very short space of time, to deliberately push the referee out of the way. The Player chose to prioritise his desire to tackle an opponent over the physical integrity and safety of the referee. To do such in our very firm view clearly merited a red card.

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

Although the breach was admitted the Panel were troubled by the fact that the hearing was conducted in a manner more consistent with a contested case. Whilst the principal argument was directed to whether a yellow card would suffice the stance in the email sent on the evening of the hearing contended that the matter should be dealt with by way of a CCW. That said we were conscious of the fact that up until Saracens became involved the hearing appeared to be heading toward a much more straightforward guilty plea process, albeit as stated earlier the attitude of the Player left something to be desired. The Panel were prepared to proceed on the basis that the Player would have learnt from this experience.

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional



19.11.8(b) Reckless



Reasons for finding as to intent:

The Player accepted that he chose to push the referee.

Nature of actions - Reg 19.11.8(c)

See above.

Existence of provocation - Reg 19.11.8(d)

N/A

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

No injury sustained.

Effect on match - Reg 19.11.8(h)

None.

Vulnerability of victim - Reg 19.11.8(i)

Not expecting to be touched by one of the players in the match let alone pushed from behind with no opportunity to brace himself.

Level of participation/premeditation - Reg 19.11.8(j)

The Player chose to act as he did albeit in the heat of the moment.

Conduct completed/attempted - Reg 19.11.8(k)

Completed.

Other features of player's conduct - Reg 19.11.8(l)

N/A

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input checked="" type="checkbox"/>	6	<input type="checkbox"/>		<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

On viewing the footage the Panel's preliminary view was that the offence would merit a mid-range entry point. The evidence provided by the referee led us to conclude that the Player's actions could (just) be considered as falling within low-end particularly by reference to the referee informing us that the dynamics of movement made the incident appear worse than it looked simply by reference to the footage. We were also influenced by the referee's comment that he had some sympathy with the Player's assertion that he had not meant to push the referee anywhere near as hard as he actually had. The referee, who had the benefit of the real-time experience, also commented that the Player had been put in a position of having a difficult decision to make. The Player should feel grateful to the referee for his measured and reasonable evidence.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
The Player did acknowledge an act of foul play. It would have been better had he done so at the time. As set out above we were troubled by the Player's apparent attitude as conveyed by his body language.	Good.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
The Player is still young and could be assessed as exhibiting a somewhat naive attitude.	We were careful not to hold against the Player the way the hearing was approached by the club to which he is contracted. We were confident that left to his own devices the hearing would not have proceeded as it did.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Could have been more clearly expressed and also earlier but as mentioned the Player's attitude rather smacked of naivety.	None.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

As the charge was admitted and, at least so far as the Player is concerned, would not have involved raising most of the issues with which the Panel had to deal, we concluded that we should adjust our initial view that only 2 weeks should be deducted on the basis of mitigation. We reached the conclusion, having had some further submissions from the RFU and the Saracens representative, that full mitigation should be allowed. We did, however, consider that as a guilty plea process this was at the outer limits of a case where full mitigation should still be available.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13

Player's status as an offender of the laws of the game - Reg 19.11.13 (a)

None.

Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)

N/A

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)

N/A

Number of additional weeks: 0

Games for meaningful sanctions:

The Club must provide details of games the Player would otherwise have played. The Panel made clear that on the information available that should be limited to games he could have expected to otherwise play for Cornish Pirates.

The Club confirmed that the Player would play in the following three fixtures;

02.04 v Caldy

15.04 v Doncaster Knights

22.04 v Hartpury University

The Panel received additional submissions from Saracens in respect of the Player's upcoming schedule, and details of issues in relation to Player availability more generally, on Thursday 6 April 2023. As a result, the second and third games which the Player would miss are as follows;

- 08.04 v La Rochelle
- 15.04 v Northampton Saints

The dates of suspension have therefore been amended accordingly.

Sanction

NOTE: PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	3 weeks/matches	Sending off sufficient	
Sanction commences	28/03/2023		
Sanctions concludes	17/04/2023		
Free to play	18/04/2023		
Final date to lodge appeal	31/03/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	M Picton	Date	29/03/2023
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NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC