

RFU SHORT JUDGMENT FORM



Match	Worcester Warriors RFC	Vs	Bristol Rugby RFC
Club's Level	Level 1	Competition	Gallagher Premiership
Date of Match	4/9/2020	Match Venue	Sixways

Particulars of Offence			
Player's Surname	Piutau	Date of Birth	13/10/1985
Forename(s)	Siale Vailea	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bristol Rugby RFC	RFU ID No.	233794
Type of Offence	Punching or Striking		
Law 9 Offence	9.12		
Sanction	3 match suspension from playing		

Hearing Details			
Hearing Date	7/9/2020	Hearing venue	By video
Chairmen/SJO	Matthew Weaver	Panel Member 1	Chris Skaife
Panel Member 2	Mitch Read	Panel Secretary	Rebecca Morgan
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:
Pat Lam (Director of Rugby) Mark Tainton (CEO) Nick Fenton-Wells (Team Manager)	Angus Hetherington (RFU) David Barnes (RFU)

List of documents/materials provided to player in advance of hearing:
Charge sheet Citing report Referee's report Statement of Andrew Kitchener (W19) Letter from Rory Murray (Head of Medical, Bristol Rugby RFC) dated 7/9/2020 Letter from Daniel Walton (Senior Physiotherapist, Worcester Warriors RFC) Statement from the Player E-mail from Nick Fenton-Wells confirming that the Player accepted the charge on the basis that the Player acted in self-defence with numerous mitigating factors Character reference from Iain Williams

Whilst the Referee saw the general incident involving the Player, W19 and W6, he did not see the particular incident for which the Player was cited.

The Citing Report refers to the incident as follows:

"Worcester 6 (W6) carried the ball into contact and was hit hard in a legal tackle by Bristol 12 (B12), Siale Piutau, causing a knock on. B12 landed on top of W6 on completing the tackle and vocally celebrated on top of him. This caused some pushing and shoving and referee Wayne Barnes can be heard on the referee mic asking the players to let each other go. As the incident continues Worcester 19 (W19), Andrew Kitchener, gets involved and grabs hold of B12. The players continue to grapple with hands near faces. B12 is then seen to punch W19 with a clenched fist making contact with the jaw, left side of W19's face. The punch brought further players into the incident and the group of players fell to the floor. As this was happening W19 threw punches at B12 which caught the top of B12's head. The referee saw the 2nd striking incident and issued a Red Card to W19 and also a Yellow Card to B12 for instigating the melee by his vocal celebration in the face of W6. Having studied all television angles and considered the evidence available I believe that in this incident, the actions of Siale Piutau pass the Red Card test and I hereby fully cite Siale Piutau B12 under Law 9.12 for Striking"

The video footage shows a dominant tackle by the Player on W6 which caused the ball to be dislodged. The tackle ended with the Player on top of W6 and the footage shows the Player and W6 pushing and shoving on the ground and the Player shouting in the direction of W6 (see 1.09 to 1.31 of the video). The Player then returns to the defensive line. The game is then stopped and W19 walks towards the Player to confront him following his exchange with W6. W19 and the Player grab each other by the top of the shirt and there is some pushing and shoving. The footage then shows W19 appearing to throw a punch with his right hand at the Player and missing or the punch being blocked (see 3.03 of the video). The Player then punches W19 with his right hand to the left side of W19's face, making contact around W19's jaw (see 3.11 to 3.15 of the video). This causes a general melee and the Player and W19 to fall to the ground, the Player falling underneath W19. W19 then throws 2 or 3 punches at the Player's head, making contact at least once (see 3.25 to 3.48 of the video).

The Player is yellow carded for his involvement in the pushing and shoving with W6 and W19 is red carded for punching the Player on the ground.

W19's statement asserts that:

"During play there was a scuffle going on between Siale Piutau and Ted Hill, then when it broke up Piutau appeared to be taunting Hill, so I went over to confront Piutau. There was some pushing and shoving from both of us, then I felt him strike me in the face. I reacted by grabbing him and as more players came in I pushed him to the floor. I hit him in retaliation before being pushed off by other players."

The Senior Physiotherapist of Worcester Warriors RFC confirmed that W19 suffered no injuries.

Summary of Player's Evidence

The Player's statement read as follows:

"I made a tackle on Ted Hill (no. 6), and during the tackle I was trying to change my momentum and rotate. I did not initially realise that he had lost the ball. I was trying to finish the tackle and he was holding on and grabbing my jersey.

I became aware of Wayne Barnes the referee saying to Ted Hill "leave it, let him go". I then ran back on defence and then the whistle was blown. Ted Hill of Worcester started walking towards me and I was looking towards him when suddenly from the right Andrew Kitchener came in from my blind spot. Andrew came straight at me and I held him to try and protect myself.

Andrew swung with his right hand at me punching across my face. I tried to block the punch with my left hand and held onto his shirt, trying to hold him back at arm's length. He was pushing me backwards at pace and I pushed out with my right hand in self-defence. This was a reaction trying to protect myself as I felt threatened with the opposition players acting extremely aggressively towards me. This was an instinctive reaction in the circumstances of the situation and I acted to defend myself.

Other players reached us and we went to the ground. It is clear that Andrew wanted to cause me harm as he continued to throw punches at me, while I was shielding myself on the floor with my arms covering my face. I received two more punches to the top of the head whilst we were on the ground.

This was an unfortunate incident, but my actions were in self-defence rather than in retaliation."

At the hearing, the Player's evidence was straightforward. Having had some pushing and shoving with W6 (during which the Player maintained that he was simply verbally celebrating the fact that he had dislodged the ball in the tackle), the Player returned to the defensive line to then see W6 and W19 approaching him. As W19 and he grabbed each other's shirts, and the Player saw W19 aim a punch at him (albeit it missed). The Player feared for his own safety and therefore threw a punch at W19 in order to protect himself. The Player made the point that he was 5ft 11 and W19 is 6ft 7. In addition, he has suffered a number of concussions in the past and was concerned about being punched to the head.

Findings of Fact

In line with the Player's admission of the charge, it was accepted by the Player that he punched W19 and that the punch passed the red card threshold. As such, the Panel was primarily concerned with the appropriate sanction for the offence.

Whilst the entire incident could be said to have originated from the Player's altercation with W6 following his tackle, the video footage shows that this incident had all but ended by the time W19 got involved. There is no doubt that W19 involved himself in a dispute between the Player and W6 by approaching the Player in a threatening manner. Given the size difference between the Player and W19, it is entirely possible that the Player felt threatened and concerned for his safety. Having seen W19 throw what he perceived to be a punch at him, the Player retaliated by punching W19. There is a clear gap in time between W19's attempted punch and the Player punching W19 such that it cannot sensibly be viewed as an immediate or instinctive reaction by the Player. That said, the Player's explanation that he was concerned for his safety is credible.

Notwithstanding the above, the Panel are clear that there is no excuse for the Player's actions despite his concerns. Whilst the Player referred to his actions as being in self-defence, the delay between W19's attempted punch and his response was sufficiently long for the Panel to conclude that the punch was more a reaction and response to W19's attempted punch than it was genuine self-defence. Whilst the Panel do not doubt that the Player has concerns about being hit in the head (as many if not all rugby players almost certainly do), the Panel did not consider that this was the dominant reason behind his decision to punch W19.

The Panel considered that the presence of other Bristol Bears RFC players at the time the Player threw his punch could be thought to diminish the Player's concerns for his safety.

Decision

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

The Player admitted the citing and admitted that his actions in punching W19 once to the face passed the red card threshold

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate



19.11.8(b) Reckless



Reasons for finding as to intent:

This was a deliberate punch

Gravity of player's actions - Reg 19.11.8(c)

The Player landed one punch to the head of W19

Nature of actions - Reg 19.11.8(d)

As above

Existence of provocation - Reg 19.11.8(e)

The Player responded to an attempted punch at him by W19 who instigated the incident

Whether player retaliated - Reg 19.11.8(f)

The Player retaliated

Self-defence - Reg 19.11.8(g)

Whilst the Player referred to his actions as being in self-defence, the Panel considered that this was more a case of retaliation to W19's attempted punch rather than genuine self-defence

Effect on victim - Reg 19.11.8(h)

W19 did not suffer any injury as a result of the punch

Effect on match - Reg 19.11.8(i)

None

Vulnerability of victim - Reg 19.11.8(j)

Not applicable

Level of participation/premeditation - Reg 19.11.8(k)

This was not premeditated but was a reaction to W19's attempted punch

Conduct completed/attempted - Reg 19.11.8(l)

Completed

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

None

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 type="checkbox"/>		<input checked="" type="checkbox"/>	6	<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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

As this was a punch to the head, the mandatory minimum entry point is mid-range. In the absence of any injury, premeditation or vulnerability on the part of the victim, there were no factors present to warrant a top-end entry point.

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

Not applicable

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

Not applicable

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

None

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors

Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
The Player admitted the citing	The Player has one previous disciplinary matter, a 3 week suspension in June 2013 as a result of a strike in a Pacific Nations Cup match
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
The Player is 34 years old and an experienced player	The Player conducted himself entirely appropriately
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
The Player exchanged apologies with W19 after the match	The Player received a glowing tribute from Pat Lam in which his role within the club and his community was praised together with his leadership position within the club and his availability to other players in the club who might have issues

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

Whilst the Player has one previous disciplinary matter, the Panel considered that the fact that this was more than 7 years ago and in light of the Player's response to the citing and the character references provided by Pat Lam and Iain Williams, he ought to receive the maximum 50% mitigation.

Games for meaningful sanctions:

The Player will miss the following fixtures:

vs Northampton Saints

vs Wasps

vs Newport Gwent Dragons

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 match playing suspension	Sending off sufficient	
Sanction commences	8/9/2020		
Sanctions concludes	19th September 2020 (or immediately after the third match of the suspension is concluded)		
Free to play	19th September 2020 (or immediately after the third match of the suspension is concluded)		
Final date to lodge appeal	9/9/2020		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature
(JO or Chairman)



Date

8/9/2020

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