

# RFU SHORT JUDGMENT FORM



Match	Bath Rugby	Vs	Northampton RFC
Club's Level	Premiership	Competition	Premiership
Date of Match	22/10/2022	Match Venue	Bath

Particulars of Offence			
Player's Surname	Attwood	Date of Birth	05/04/1987
Forename(s)	David	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bath Rugby	RFU ID No.	119233
Type of Offence	Red card		
Law 9 Offence	9.12 - Punching or Striking		
Sanction	3 weeks/matches		

Hearing Details			
Hearing Date	25/10/2022	Hearing venue	Remote
Chairmen/SJO	M Picton	Panel Member 1	Alastair Campbell
Panel Member 2	Mitch Read	Panel Secretary	Oliver Norris
Appearance Player	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Player's Representative(s):	Other attendees:

List of documents/materials provided to player in advance of hearing:
Citing report Video footage of incident Statement from Player Email from Northampton re effect on Fraser Dingwall RFU's submissions as to sanction



The citing report states:

Bath are attacking on the Nor 5 metre line. Bath 12 takes a pass and goes into contact. He is tackled by Nor 2 and Nor 12. Nor 12 pulls him to ground and ends up on the wrong side of the tackle. Bath 4 then arrives at the tackle to try and clear him out of the way. Nor 12 is on the ground and Bath 4 is on his feet. Bath 4 then strikes Nor 12 on the back of his head with his forearm and forces Nor 12's face into the ground. He then strikes Nor 12 a second time in his head with his right forearm. The referee is playing advantage and blows his whistle.

There is a reaction from 3 Nor players to this incident. Nor 2 pulls Bath 4 off his feet. Nor 5 jumps onto the back of Bath 4 and Nor 13 runs in from approximately 10 metres away and also jumps on Bath 4.

Nor 12 gets up and goes immediately over to the referee. He shouts to the referee 'he has f\*\*\*\*\* slammed my head into the floor'.

The TMO has a look at the incident informally but doesn't see any clear footage to bring it to the attention of the referee. The incident was not formally reviewed by the referee team.

The video of the incident is consistent with the report.

## Essential Elements of Other Evidence (e.g. medical reports)

Fraser Dingwall, who was struck by the Player, suffered a nose bleed which was treated on the field and thereafter he continued to play. There have been no other effects.

## Summary of Player's Evidence

I wish to accept the charge and am providing the following statement in the hope of being able to save the panels time and allow them to consider this matter on the papers.

I, Dave Attwood, wish to plead guilty to the charge of foul play under RFU Regulation 9.12 - Striking with the arm.

In the second half of a fiercely competitive match against Northampton saints, I found myself attempting to clear out a ruck close to the Northampton Line. Northampton 12 had effected the tackle and it was my opinion that he did not make sufficient attempt to remove himself from the tackle area. With frustration, I took it upon myself to highlight this to both Northampton 12 and to the referee by attempting to jostle him vigorously and bang him into the floor. While It was not my specific intention to slam Northampton 12s head into the floor, my actions were reckless and I should have been aware of that being a possible, if not likely repercussion of my actions given the mechanics at play - it was much easier for me to articulate the upper torso/head neck area than the bulk of the midriff/torso. While there was not a high level of speed or impact collision, there was reasonable force and the contact of my forearm to the upper back/neck/head area of Northampton 12 certainly warrants this being elevated under the head protocol guidelines past the low range entry point.

Other than deliberately obstructing the ball, there was no provocation from Northampton 12. He did not retaliate and although several Northampton players charged in to make remonstrations on Northampton 12s behalf, it did not sour the game and the remainder was played in good spirit. Northampton 12 was not removed from the pitch and played the remainder of the game.

At the next break in play, I took the opportunity to apologise to Northampton 12, I further reiterated this to him after the final whistle and messaged him privately that evening. I will be happy to provide a screen copy of this message exchange if required but quoting it...

"Hey Dude, tough shift today. I'm sorry for losing my shit. I crossed a line and I'm not proud of it. I would have reacted worse if it was me. I'm Sorry. I'm a better person than that and today I wasn't. Good luck for the rest of the season. Will see you at your place in the New Year" - Dave Attwood

"All Good Mate - as I said [on the pitch], I get it and it would have just happened in the heat of the moment. I do really appreciate the message and could tell you regretted it soon after anyway but don't worry, I'm not holding any grudges.... see you at our place" - Fraser Dingwall.

Speaking to mitigation... While I am unfortunately not (in rugby terms) youthful and inexperienced, I have worked hard to maintain an exceptionally high disciplinary record throughout my career. I was banned in 2011 for recklessly stamping, but with that aside, I have maintained a career over 17 years of at the top of professional rugby with that being the only real blemish.

I have and do readily admit that my conduct fell greatly below the standards required by the RFU but also far below the high standards I hold for myself.

Instead of celebrating the first win of the season with my team mates, I spent the evening apologising to my team mates and coaches and family.

I have taken an interest in supporting other players with disciplinary issues over the past 3/4 season and have appeared in front of many panels discussing these matters, and I am embarrassed to be here representing myself and my own poor conduct.

I am held in high regard by most, if not all, referees as someone who has good communication skills, good emotional control and a good understanding of the laws of the game. Despite being someone renowned for physicality, I have thus far managed to ensure that always remained on the right side of the law and I am sorry to have breached that commitment.

I will be happy to submit a further character reference should the panel wish to read one.

My understanding is that the RFU sees this as a mid range offence and, as stated above, I agree with them and will wait to hear thoughts on mitigation, before hopefully it can be requested that the panel consider dealing with this matter on the Papers.

## Findings of Fact

The Player acted in the manner described in the citing report, depicted on the video and accepted by the Player in his statement to the panel. The offence was clearly made out and the Player's actions merited a red card as he accepts.

### Decision

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

## 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:

See above.

Nature of actions - Reg 19.11.8(c)

See above.

Existence of provocation - Reg 19.11.8(d)

None

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)

See above.

Effect on match - Reg 19.11.8(h)

The Player should have had a red card.

Vulnerability of victim - Reg 19.11.8(i)

He could not avoid the Player's actions.

Level of participation/premeditation - Reg 19.11.8(j)

See above.

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 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 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:

Head contact.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

<b>Acknowledgment of the commission of foul Play &amp; timing - Reg 19.11.10(a)</b>	<b>Player's disciplinary record - Reg 19.11.10(b)</b>
As soon as match was over.	As per Player's statement - clean record for many years now.
<b>Youth and/or inexperience of player - Reg 19.11.10(c)</b>	<b>Conduct prior to and at hearing - Reg 19.11.10(d)</b>
N/A	Exemplary in the sense that clear admission and acceptance of inevitability of sanction. Agreed to the case being dealt with on the papers.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Full and immediate after the game.	

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
Admission, remorse and playing record.

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)
N/A
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:

05/11 v Newcastle Falcons  
11/11 v Leicester Tigers  
20/11 v Barbarians

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	<b>3 weeks/matches</b>	Sending off sufficient	
Sanction commences	25/10/2022		
Sanctions concludes	21/11/2022		
Free to play	22/11/2022		
Final date to lodge appeal	27/10/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	<b>£250</b>		

Signature (JO or Chairman)	M Picton	Date	<b>25/10/2022</b>
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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