

## **Section E16 – Sentencing Guidelines**

### **RFL ON FIELD COMPLIANCE PROCEDURES & SENTENCING GUIDELINES – 2012**

#### **1 ON FIELD COMPLIANCE PROCEDURES**

##### **1.1 MATCH REVIEW PANEL**

###### **Composition and Process**

The decision on whether a player should be charged with misconduct is made by the Match Review Panel (the “Panel”).

The Panel is made up of the Compliance Manager (who chairs the Panel) and usually 3 side members drawn from people with appropriate expertise (such as former players, referees and coaches).

In relation to each round of Super League Matches (or Challenge Cup Matches involving Super League teams), each match is reviewed in full by a member of the Panel to identify incidents which should be considered by the Panel. These incidents are then considered by the Panel on the Monday morning following that Round and the Panel decide what action should be taken in relation to the relevant player(s).

In relation to each round of Championship Matches, Northern Rail Cup Matches or Challenge Cup Matches solely involving Championship teams, the Panel meet on the Thursday following the Round in question and consider any incidents that have been reported by Match Officials or otherwise brought to the attention of the Panel.

If a Club wishes to bring any incidents of alleged misconduct to the attention of the Panel they must notify the Compliance Manager by: (a) in the case of Super League Players, no later than 10.00am on the first working day after the incident; (b) in the case of Championship Players, no later than 12.00 noon on the Wednesday following the day on which the incident took place.

###### **Options Available to the Panel**

In relation to each Player considered, the Panel has the following options:

- Charge the Player and refer the matter to an Operational Rules Tribunal
- Caution the Player – in which case, subject to the Player’s right of appeal to an Operational Rules Tribunal, the Caution will be placed on the Player’s record
- Decide there is no case to answer (in which case the Panel may still send the Player a warning/advice letter)
- Where a Player has been dismissed from the field of play, deem the Referee’s decision to send the player from the field of play sufficient punishment and place this finding on the Player’s record
- Refer the matter to the Compliance Manager for further investigation

All decisions of the Panel will be minuted and published on the RFL website.

###### **Charge Letters**

If a Player is charged he will receive a detailed charge letter via his club. The charge letter will include:

- The Law of the Game the player is alleged to have breached
- The detail of the alleged Offence
- The Grade of the Offence (see below)
- The normal suspension range for that Grade & whether the Compliance Manager will be asking the Tribunal to step outside that range (see below)

- The evidence the CM will be relying on
- Whether the player has the opportunity to enter an
- The date of the hearing
- A summary of the player's rights at that hearing

### **Cautions**

If a Player is cautioned he will receive a caution letter via his club, which will include:

- The Law of the Game the Panel consider the Player has breached
- The detail of the alleged Offence
- The evidence the Panel has based its decision on
- Details on how a Player may appeal the Panel's decision to an Operational Rules Tribunal (including the 7 day deadline for doing so)

### **Early Guilty Plea**

A Player who has:

- been charged with an Offence of Grade A-C; and
- who has not been found guilty of any other charge of on field misconduct before the Tribunal, or by submitting a previous Early Guilty Plea, in the 12 months preceding the date of the Match in which the alleged Offence took place; and
- who has not been Cautioned for any other charge of on field misconduct in the 12 months preceding the date of the Match in which the alleged Offence took place;

may elect to make an Early Guilty Plea by informing the RFL Operations department of his intention to do so before 11.00 am on the day of any scheduled hearing. This will result in the lower end of the suspension range for the Grade of Offence set out in the Charge Letter being imposed (i.e. for a Grade B offence a one match suspension will be imposed).

A player making such an Early Guilty Plea will not be subject to any fine but will forfeit the right to any hearing. For the avoidance of doubt the right to make an Early Guilty Plea only applies to initial hearings and not to any appeal hearing.

## **1.2 HEARING OF ON FIELD OPERATIONAL RULES TRIBUNAL**

### **Composition and Process**

Appointments for hearings at the Operational Rules Tribunal (the "Tribunal") will be made by the Operations Department.

At the Tribunal an independent chairman and two side members will consider all the evidence put before them.

The Tribunal will normally meet each Tuesday (or, in bank holiday weeks, Wednesdays) at RLHQ. The Tribunal will normally consider all matters that have been referred to it by the Panel in the preceding week.

There is a limit to the number of cases that the Tribunal can hear in one session. If there is more than this number of Players charged, some cases may instead be heard on the following evening.

### **Options Available to the Tribunal**

The Tribunal shall determine:

- Whether an Offence has been committed

- If so, the Grade (see below) of the Offence
- Where a Player has been found guilty of an Offence, the appropriate sanction (in accordance with the Sentencing Guidelines)

If the Tribunal does not consider that it can reach a decision on the evidence before it, it may refer the incident to the Compliance Manager for further investigation.

### **Order of Proceedings:**

The Chairman will determine the order of proceedings; however usually:

- The Chairman will read the charge to the Tribunal
- The Player or his representative will admit or deny the Offence (and the Grading of the Offence)
- The Compliance Manager will present the case for the Panel
- The Player or his representative will present the Player's case
- If the Player denies the Offence the Tribunal will consider whether the Offence was committed and the Grade of any such Offence (the Player and Compliance Manager will retire while this decision is made) and only if the Tribunal find that the Player has committed an Offence will it then go on to consider the appropriate sanction
- If the Player admits the Offence or if the Tribunal decides that an Offence was committed then both the Compliance Manager and the Player will have the opportunity to make submissions to the Tribunal in relation to the appropriate Sanction. The Tribunal will then determine the appropriate sanction in accordance with the Sentencing Guidelines
- There will be the usual use of DVDs and reports.

## **1.3 ADJUDICATIONS**

The Tribunal's adjudications will:

- Be published in full
- Include all aggravating and/or mitigating factors taken into consideration
- Explain any deviation from the sentencing guidelines
- Give clear and full reasons for the decision

## **2 SENTENCING GUIDELINES**

### **2.1 Underlying Principles**

- Rugby League is a hard, fast, contact sport played at professional level by athletic players.
- In a sport with high speed collisions there will always be injuries and players take part with this knowledge.
- Disciplinary system is not intended to sanitise the sport.
- However there is no place in the game for players who jeopardise the safety of others by intentional, dangerous or malicious acts.
- The disciplinary system must support and protect match officials

### **2.2 Legal System**

- All sentencing should be carried out on the basic tenets of English Law.
- Everything should be taken into account.
- Each case must be judged on its merits.
- Tribunal will apply judgement & discretion.
- In determining the appropriate sanction the Tribunal will take into account all relevant aggravating and mitigating factors (see below).

### **2.3 AGGRAVATING FACTORS**

**Previous Record**  
**Violence**  
**Retaliation**  
**Injury caused**  
**Incident not part of play**  
**Other aggravating factors**

### **2.3.1 Previous Record**

- Player has record of the same or a similar offence in the past - should result in a higher penalty than would otherwise be the case.
- Player has a disciplinary record for dissimilar offences – not necessarily taken into account unless the player's record is such that it shows a general disregard for the safety and welfare of other players.
- Players who regularly commit acts of foul play – should receive ever increasing suspensions which may lead to a period suspension ie a player with a serious record may receive a substantially longer suspension than a player with no record for an offence of the same nature.

### **2.3.2 Violence**

- No place for acts of intentional violence or thuggery.
- Includes head butting, vicious attacks with fists, intentional high tackles, kicking a prone opponent, an assault on an opponent from behind, gouging.
- Unprovoked violent assaults punished severely & period suspensions considered.

### **2.3.3 Retaliation**

- When retaliation is calculated and intentional it is an aggravating factor.

### **2.3.4 Injury**

- If the Misconduct has caused injury to an opponent, this may result in a higher penalty than if no injury had occurred.
- Panels may consider the length of time an injured opponent is likely to be out of the game when passing sentence.

### **2.3.5 Incident not part of play**

- Where an incident is not part of play ie off the ball or in back play then this may be an aggravating factor.

### **2.3.6 Other Aggravating Factors**

- The Panel shall be entitled to take into account other aggravating factors as they reasonably think appropriate in the circumstances of an individual case.

## **2.4 MITIGATING FACTORS**

**Previous Good Record**  
**Provocation**  
**Technique or Fitness in some cases**  
**Genuine Remorse**  
**Other Mitigating Factors**

**NB the fact that no injury was caused is not usually a mitigating factor**

### **2.4.1 Previous Record**

- Where a player has a good previous record this may be treated as a mitigating factor.
- Must have been playing the game at professional level for long enough to have established a good record eg at least three years.
- Where a player has a previous record but has not committed a similar offence for a period of at least five years his previous record may be discounted.

#### **2.4.2 Provocation**

- An immediate reactionary retaliation to foul play by an opponent may be a mitigating plea as it may be seen as self defence.

#### **2.4.3 Technique or Fitness**

- Rarely a valid defence at first team.
- A player who does not have the appropriate technique or fitness levels may be a danger to other players.
- At academy level some consideration may be given to these factors when accompanied by genuine remorse and intention to resolve the problem.

#### **2.4.4 Genuine Remorse**

- Genuine remorse for the Offence and formal apologies to his opponent may be mitigating pleas.

#### **2.4.5 Other Mitigating Factors**

- The Panel shall be entitled to take into account other mitigating factors as they reasonably think appropriate in the circumstances of an individual case.

### **2.5 LAWS OF THE GAME**

#### **The Laws of the Game On Field Misconduct offences are:**

- 15.1(a) Trips, kicks or strikes another player
- 15.1(b) When tackling or attempting to tackle makes contact with the head or neck of an opponent
- 15.1(c) Drops knees first on an opponent on the ground
- 15.1(d) Uses a dangerous throw
- 15.1(e) Intentionally & continuously breaks the Laws of the Game
- 15.1(f) Uses offensive or obscene language
- 15.1(g) Disputes a decision of the Referee or Touch Judges
- 15.1(h) Re-enters the field of play without the permission of the referee or touch judge
- 15.1(i) Behaves in any way contrary to the true spirit of the game
- 15.1(j) Intentional obstruction of an opponent not in possession

Breaches of the Operational Rules which take place on field are not included in these Sentencing Guidelines.

### **2.6 GRADING & DESCRIPTION OF OFFENCES**

All offences are graded in six grades A – F where Grade A is the lowest level of offence and Grade F the most serious.

The commonest offences are listed in the sentencing guidelines with a description to assist all those concerned in referring to incidents in a standardised manner. It is accepted that there will be incidents not covered by the guideline descriptions and each sub section of the laws includes Other Offences which can be graded from A to F.

## 2.7 SENTENCING GUIDELINES

Law No	Charge	Grade	Guideline Description	
15.1(a)	<b>Trips, kicks or strikes another player</b>			
	Trips	A-B	Reaction trip	
		B-D	Intentional trip	
	Kicks	B-D	Kicks body	
		E-F	Kicks head	
		B-D	Intentionally stands on	
		D-E	Trampling	
		E-F	Stamping	
	Strikes	A-C	Strikes with hand, arm or shoulder – reckless	
		C-D	Strikes with hand, arm or shoulder – intentional	
		B-C	Strikes with elbow – dropping on player	
		B-C	Strikes with elbow – ball carrier – reckless	
		C-F	Strikes with elbow – ball carrier – intentional	
		C-E	Strikes with elbow – tackling – reckless	
		D-F	Strikes with elbow – tackling – intentional	
		D-E	Strikes with elbow off ball reckless	
		E-F	Strikes with elbow off ball intentional	
	Strikes - knee	A-C	Raising knee in tackle	
		B-C	Strikes with knee – reckless	
		D-E	Strikes with knee – intentional	
		D-F	Strikes with knee violent & aggressive	
	Strikes - head butting	B	Head Butting – makes light contact	
		C	Head butting – makes full contact	
		E-F	Head butting – makes full contact in aggressive violent manner	
	Strikes – punching	A-B	Reaction to opponent – lashing out	
		A-B	Punching – self defence	
		A-B	Punching – one on one – minor	
		C-D	Punching – sustained, repeated or violent	
		E	Punching – sustained, repeated, violent & aggressive	
		C-D	Running in & punching	
		E-F	Running in & punching – opponent off guard	
	Other Striking offences	A-F		
15.1(b)	<b>When tackling or attempting to tackle makes contact with the head or neck of an opponent</b>			
	Careless			
		A-B	Careless – flat hand off balance	
		A-B	Careless - Ball carrier dips	
		A-B	Careless - Stepped and reaching	
		A-B	Careless – initial contact with ball or chest	
A-B	Careless – second tackler in – wrapping tackle up			

	Reckless		
		B-C	Reckless – whole body to go at – tackler in control
		B-C	Reckless – tried to tackle but reckless about outcome
	Intentional		
		D-F	Intentional – clenched fist – intent to make contact with head
		D-F	Intentional – stiff arm tackle – no attempt to tackle legitimately – violent
	Other Tackling offences	A-F	
<b>15.1(c)</b>	<b>Drops knees first on an opponent on the ground</b>		
	Drops knees first	A-F	
<b>15.1(d)</b>	<b>Uses a dangerous throw</b>		
	Dangerous throw	B-C	Other tackler's actions were part of the problem (only applies where Player is not aware of other tackler's actions)
		B-C	Ball carrier's actions were part of problem
		C-D	Lifting & dropping player
		D-E	Throwing player into ground
	Spear tackle	E-F	Driving player into ground on head or neck
	Other Dangerous Throw	A-F	
<b>15.1(e)</b>	<b>Intentionally &amp; continuously breaks the Laws of the Game</b>		
		A-F	
<b>15.1(f)</b>	<b>Uses offensive or obscene language</b>		
		A-B	Foul language
		B-C	Foul & abusive language
		B-C	Foul or abusive language towards a Match Official
		D	Foul and abusive language towards a Match Official
		D-F	Questioning the integrity of a Match Official
		E-F	Verbal abuse based on race, colour, religion, gender, sexual preference, national or ethnic origin
	Other offensive or obscene language	A-F	
<b>15.1(g)</b>	<b>Disputes a decision of the Referee or Touch Judges</b>		
		B	Disputes decision
		C-F	Disputes using aggressive language or body language
		C-F	Disputes using aggressive language & body language
	Other disputes decision	A-F	
<b>15.1(h)</b>	<b>Re-enters the field of play without the permission of the referee or touch judge</b>		
		C	

<b>15.1(i)</b>	<b>Behaves in any way contrary to the true spirit of the game (includes Dangerous Contact)</b>		
		E-F	Gouging
		E-F	Biting
		E-F	Spitting
		F	Testicles – attacking
		D-F	Raking with studs
		F	Threatening words or actions towards match officials
		B-E	Deliberate physical contact with a match official (e.g. placing hand on arm to attract attention)
		F	Physical assault of a match official (e.g. pushing / shoving)
		F (Top end)	Violent and aggressive physical assault of match officials (e.g. punching)
		A-F	Other contrary behaviour
		A-D	Defending player, in or after effecting a tackle, uses any part of his body forcefully to bend or apply unnecessary pressure to the head and/or neck and/or spinal column of the tackled player so as to keep the tackled player at a disadvantage in or after the tackle.
		A-D	Defending player, in or after effecting a tackle, forcefully and unnecessarily grasps (or jerks, or pins or twists) the head or neck of the tackled player.
		A-D	Defending player, in effecting a tackle, forcefully makes contact with the supporting leg or legs of an attacking player who has been held in the tackle and who is deemed to be in a vulnerable position, in a way that involves an unacceptable risk of injury to that player.
		A-D	Defender uses any part of his body forcefully to twist, bend or otherwise apply pressure to the limb or limbs of an opposing player in a way that involves an unacceptable risk of injury to that player.
		A-D	Defender attempting to charge down a kick from an attacking player makes contact with the leg or legs of an attacking player who has kicked the ball, in a way that involves an unacceptable risk of injury to that player.
	Save where otherwise prescribed in the Laws of the Game attempted foul play will be dealt with under 15.1(i).		
<b>15.1(j)</b>	<b>Intentional obstruction of an opponent not in possession</b>		
		A-F	

## 2.8 SENTENCING GUIDELINES FOR EACH GRADE OF OFFENCE

GRADE	NORMAL SUSPENSION RANGE
A	NFA -1
B	1 – 2
C	2 -3
D	3-5

E	4-8
F	8+ or period suspension

## 2.9 NORMAL SUSPENSION RANGES – GUIDELINES ONLY

Players and Clubs should be aware that the normal suspension ranges are guidelines only and the Tribunal has the discretion to step outside of the normal ranges in the following three circumstances:

- If the Compliance Manager has advised the Player that, in the light of specified aggravating factors, she is going to seek a higher sanction and the Tribunal agree that such factors mean a higher sanction should be imposed;
- If the Tribunal has previously advised the Player that it will apply a higher sanction next time that Player is found to have committed a misconduct Offence; or
- If the Tribunal feels that in the light of the aggravating and mitigating factors present it is appropriate to step outside of the normal suspension range (irrespective of whether this has been requested by the Compliance Manager).

## 2.10 FINES

The Tribunal may continue to impose fines on players found guilty at hearings. Fines are not and will not be issued instead of suspensions and will not be used in an exemplary manner. The fine structure is as set out below

LEVEL	Fine
Academy amateur	£10
Academy professional	£25
Reserve – Championship	£25
Reserve – SL	£50
Championship 1	£50
Championship	£50
Super League	£200 - £300

## 2.11 DEFINITIONS

### 2.11.1 Zero Tolerance

- Defined in the Operational Rules as the RFL policy of not tolerating racist or other “unacceptable behaviour” of any type and imposing severe penalties with no exceptions.
- Policy to be applied to player found guilty of racist behaviour on the field of play.
- Severe penalties to be applied.

### 2.11.2 Definitions of Intentionally (Deliberately), Recklessness and Carelessness

#### Intentionally (Deliberately)

A person acts intentionally with respect to a result (for example contact with the head or neck when tackling or attempting to tackle) when: (i) it is his purpose to cause it; or (ii) although it is not his purpose to cause that result, he is aware (or should be aware) that it would occur or almost certainly occur in the ordinary course of events if he were to succeed in his purpose of causing some other result (for example stopping a player).

A person who intends to harm a person and harms another person instead shall be deemed to have intended to harm the other person.

An intention need not necessarily be planned before or during a match; an intention may be formed on the spur of the moment, just before (or even during) the contact or other event (for example during a tackle).

### **Recklessness**

(a) something is caused recklessly if the person causing the result (for example contact with the head or neck when tackling or attempting to tackle) is, or ought to be, aware of an obvious risk that acting or failing to act in a particular manner will bring about that result but nonetheless acts or fails to act in that manner where a reasonable person would not do so;

(b) a person acts recklessly with respect to a circumstance or as to a possible result of an act, if the person is, or ought to be, aware of an obvious risk that the circumstances exist, or that the result will follow, but nonetheless acts where a reasonable person would not do so.

(c) a person acts recklessly if the person is, or ought to be, aware of an obvious risk of dangers or of possible harmful results (for example contact with the head or neck when tackling or attempting to tackle) in so acting but nonetheless acts where a reasonable person would not do so.

In showing that a person has acted recklessly the Compliance Manager need not show that the person intended or wished for a particular result to occur.

A person may become aware or ought to have been aware of an obvious risk just before (or even during) the contact or other event (for example during a tackle).

### **Carelessness**

A person acts carelessly if his conduct falls below the standard expected of the ordinary reasonable player. The test is objective, based on the hypothetical player, and involves the person either doing something the reasonable player would not do, or not doing something which the reasonable player would do. It does not matter that the person was unaware that the result of his act/omission might happen, if the reasonable player would have realised the risk and taken steps to avoid it.

In showing that a person has acted carelessly, the Compliance Manager need not show that the person intended or acted recklessly in relation to the result.