Following the Six Nations Rugby Championship and the upcoming National American Football League, recent discussion and media attention has been focused on the short and long term effects of head trauma.

Whilst head trauma has dominated the headlines, there is another obvious but less discussed threat to participants of sports such as rugby, spinal injuries.

An element of what makes sports such as rugby so appealing to a global audience is its combative nature and high impact collisions. Whilst the majority of sports carry some element of injury risk, the risk of spinal injury in rugby is high.

The probability of a spinal injury occurring can be mitigated by use of good technique and strict officiating; however it is the scrum that is a particular area of concern.

A scrum (short for scrummage) is a way of restarting play in rugby, where there has been a minor infringement. In rugby union the scrum is made up of eight players from each team binding together in 3 rows. The heads of the front row of the scrum will interlock their heads with the opposing team's front row. The ball is then thrown into the space between the two teams and the front rows of both teams will compete for the ball by hooking the ball and sending it backwards with their feet, whilst pushing the opposing team backwards.

When one considers the size and strength of the modern professional rugby player, it is no wonder that so many players sustain spinal injuries whilst in the scrum, whether as a result of continuous trauma...
over an extended period of time, or one high impact. This can be particularly dangerous where the scrum collapses, due to the sheer force applied by each side.

The issue of spinal injury and scrum collapses are amplified at junior level, as juniors will compete against other juniors of a similar age; however there is often a disparity between the height and weight of each competitor, which can result in one team being physically dominant. This is further exacerbated when one considers that not all junior players have the requisite level of skill or experience to properly execute a scrum, which means that scrum collapses are far more common.

One of the most well publicised scrum injuries was sustained by Matthew Hampson in 2005. At the time Matthew was just 20 years old and played for one of the best teams in the country, the Leicester tigers, as well as the England under 21 squad.

Matthew’s accident occurred whilst he was on international duty with the England under 21 squad, as they were preparing for an upcoming under 21 Six Nations match against Scotland. Whilst the team were practising live scrums, the scrum collapsed and Matthew dislocated his neck, severing his spinal cord. This left Matthew paralysed, a tetraplegic and requiring a ventilator in order to breathe.

Matthew has shown enormous mental strength since the injury and 12 years on he acts as an ambassador for the Rugby Football Union Injured Players Fund, along with his own foundation, which helps raise funds for players that have suffered serious injury and provides them with guidance and support.

Whilst Matthew’s story is inspirational, it also serves as a stark reminder of the potential risks that one takes when participating in a scrum and the life changing consequences that this can have.

There have been many, even within the game, that have called for the removal of the competitive scrum. The governing bodies within the sport have made a concerted effort to introduce stricter rules and penalties in relation to scrum conduct, however it is highly unlikely that the scrum will be removed from the sport all together, as it is an integral part of the game.

In some circumstances, players have sought compensation for injuries sustained, as a result of scrum collapses.
In the case of *Benjamin Smoldon v Thomas Whitworth and one other*, Mr Smoldon sued another player and the referee at a rugby match, in which he was badly injured when the scrum collapsed. The claim against the player was dismissed, but the referee was found liable, due to poor officiating. It was held that all circumstances of a match had to be viewed on a case by case basis, including the experience of the players.

In the case of *Vowles v Evans*, the Welsh Rugby Union was held liable for the injuries received by the Claimant when a scrum collapsed. A player had left the field with an injury and the referee permitted another player who played in a different position to take his place, without enquiring about his experience of playing in that position. This was a breach of the rules and it was successfully argued that it was this negligence that caused the scrum to collapse. The referee, Mr David Evans, who was a practicing personal injury solicitor, argued that he did not owe a duty of care to the players. This was rejected and it was held that as rugby is an inherently dangerous sport, players are dependent on the rules to ensure their safety. It was the referee’s job to enforce them and when acting as a referee, they are expected to exercise reasonable care.

Although the threshold of liability is high, it is surprising that there has been so few scrum injury related claims. This could be in part because injury within the game is viewed as an accepted risk.

The scrum by its very nature will always carry a degree of risk and it is important that those involved in the game continue with the difficult task of reviewing and implementing changes that will maximise player safety but not alienate those that enjoy this combative element of the sport.

On the other hand it is important that those participating in the sport understand that there is legal recourse, if they sustain injury as a result of the negligence of those officiating the game.

If you or someone you care about has been affected by a spinal injury, please contact a member of the Medical Negligence & Personal Injury team on 020 7814 1200 or by emailing us at clinnegenquiries@kingsleynapley.co.uk.

---

This blog was written by Malachi Beck, Paralegal in the Medical
Negligence team.

Spinal and Back Injury Claims
With over 20 years’ of experience in spinal and back injury work our team can advise on all aspects of this specialism.

Adult Brain Injury Claims
We act in all types of claims where someone has acquired a brain injury through someone else’s fault.

Medical Negligence & Personal Injury
Led by partners with over 25 years of experience in this area, our clinical negligence lawyers are recognised as specialists in clinical negligence and personal injury.

Choose a specialist area:

Spinal and Back Injury Claims
Adult Brain Injury Claims
Medical Negligence & Personal Injury

Blogs

We welcome views and opinions about the issues raised in this blog. Should you require specific advice in relation to personal circumstances, please use the form on the contact page.

Leave a comment

Your name:

Email address:

Comment:

SEND REPLY

You may also be interested in: