

RFU SHORT JUDGMENT FORM



| | | | |
|---------------|------------|-------------|-----------------------|
| Match | Wasps | Vs | Northampton |
| Club's Level | Level 1 | Competition | Gallagher Premiership |
| Date of Match | 05/01/2020 | Match Venue | Ricoh Arena |

| Particulars of Offence | | | |
|------------------------|---------------------------------------|---------------|--|
| Player's Surname | Collins | Date of Birth | 03/07/1994 |
| Forename(s) | Thomas George Peter | Plea | Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/> |
| Club name | Northampton | RFU ID No. | 997950 |
| Type of Offence | Red Card | | |
| Law 9 Offence | 9.17 - Tackling the jumper in the air | | |
| Sanction | 2 week playing suspension | | |

| Hearing Details | | | |
|-------------------|---|-----------------|---|
| Hearing Date | 08/01/2020 | Hearing venue | Doubletree Hilton, Coventry |
| Chairmen/SJO | Matthew Weaver | Panel Member 1 | Ruth Middleton |
| 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: |
|--------------------------------|--------------------|
| Maurice Hartery (Team Manager) | David Barnes (RFU) |

List of documents/materials provided to player in advance of hearing:

Charge Sheet
Red Card Report from the Referee
E-mail from Maurice Hartery confirming that Player admitted the charge
Letter from Maurice Hartery confirming Player's clean disciplinary record
Letter from Ali James (Head of Physiotherapy at Wasps) confirming that victim sustained a concussion, remains symptomatic and will commence his graduated return to play once he becomes symptom free.

The Red Card report describes the incident as follows:

"Following a box kick from Northampton 9 from close to there own 22m, N14, Tom Collins chased the kick. Unfortunately when W10 jumped to catch the ball Mr Collins, who had his eyes on the ball at all times ran underneath Wasps 10 at what I would call high speed, causing W10 to fall very dangerously. My view of this live was not completely clear but following review with TMO and discussion with all of my team and all the potential factors involved, we came to the decision that a red card was appropriate sanction."

The video footage accords with the Referee's report. In short, the Player runs into W10 whilst he is in the air, catching a box kick. As a result of the impact, W10 falls onto the Player (landing on his backside), then falls onto the middle to top of his back and finally his head makes contact with the floor in a "whiplash" manner.

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

Wasps have confirmed that W10 suffered a concussion and will return to play in accordance with the graduated return to play protocol. No further details about the concussion have been provided. There is no suggestion that W10's absence from playing will be significant (albeit it seems likely that he will miss the upcoming fixture).

Summary of Player's Evidence

The Player admitted the charge and admitted his recklessness. He also accepted that he had a duty of care to W10. That said, he was clear that this was an error of judgment on his behalf and that he did not intend to tackle W10 in the air or to cause any injury.

Findings of Fact

The Panel readily accepted that the Player did not intend to commit an act of foul play. He made an error of judgment whilst keeping his eye on the ball at all times. The incident was reckless and caused W10 to fall initially onto his backside, landing directly on N14 which acted as a pivot for W10 to then fall onto his back, triggering his head to make contact with the ground.

The Player apologised to W10 and W10 accepted the apology with no hesitation (via social media) and remained contrite at the hearing.

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/deliberate

19.11.8(b) Reckless

Reasons for finding as to intent:

The Player was focused on the ball at all times and did not intend to tackle W10 in the air

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

The player made contact with W10 in the air, causing him to fall to the ground

Nature of actions - Reg 19.11.8(d)

Contact in the air

Existence of provocation - Reg 19.11.8(e)

N/A

Whether player retaliated - Reg 19.11.8(f)

N/A

Self-defence - Reg 19.11.8(g)

N/A

Effect on victim - Reg 19.11.8(h)

W10 was removed from the game, having suffered a concussion

Effect on match - Reg 19.11.8(i)

None - Northampton were leading by 4 points when the incident occurred and went on to win the game by 4 points.

Vulnerability of victim - Reg 19.11.8(j)

W10 was in the air at the time of impact

Level of participation/premeditation - Reg 19.11.8(k)

None

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 checked="" type="checkbox"/> | 4 | <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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

Whilst there was contact between W10's head and the ground, the Panel were satisfied that this did not trigger the mandatory mid-range entry point. In so finding, the Panel followed the dicta of Christopher Quinlan QC in his decision dated 21/07/2018 in Facey which confirmed that the mandatory mid-range entry point ought not to apply to incidental contact with the head (in circumstances where the incident in Facey was similar to this incident in that the victim's head made contact with the ground as a result of the nature of his fall to the ground). The RFU very helpfully, and sensibly, accepted that the Panel was not bound to apply the mid-range entry point as a mandatory minimum.

Whilst W10 suffered a concussion, his injury does not appear to be significant. Taking into account the lack of intent, the nature of the contact, the way in which W10 fell to the ground (landing on his backside and back), and all the circumstances of the incident, the Panel concluded that it merited a low-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)

N/A

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

N/A

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 Mitigating 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 charge at the earliest possible opportunity | Previous clean record |
| Youth and inexperience of player - Reg 19.11.11(c) | Conduct prior to and at hearing - Reg 19.11.11(d) |
| The Player is 25 | Exemplary |
| Remorse and timing of Remorse - Reg 19.11.11(e) | Other off-field mitigation - Reg 19.11.11(f) |
| The Player was apologetic | |

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:

The Player's clean record, remorse and acknowledgment of guilt all give rise to the maximum mitigation of 50%

Games for meaningful sanctions:

The Player will miss the following fixtures:

12.01.2020 v Benetton

08.01.2020 v Lyon

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 | 2 weeks | Sending off sufficient | |
| Sanction commences | 05/01/2020 | | |
| Sanctions concludes | 20/01/2020 | | |
| Free to play | 21/01/2020 | | |
| Final date to lodge appeal | 10/01/2020 | | |
| Costs (please refer to Reg 19, Appendix 3 for full cost details) | £500 | | |

| | | | |
|----------------------------|----------------|------|------------|
| Signature (JO or Chairman) | Matthew Weaver | Date | 09/01/2020 |
|----------------------------|----------------|------|------------|

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