

# RFU SHORT JUDGMENT FORM



Match	Sale Sharks RFC	Vs	Exeter Chiefs RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	03/10/2021	Match Venue	Sale

Particulars of Offence			
Player's Surname	Van Rensburg	Date of Birth	
Forename(s)	Rohan Janse	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Sale Sharks RFC	RFU ID No.	02282043
Type of Offence	Red card		
Law 9 Offence	9.13 - High tackle		
Sanction	3 weeks		

Hearing Details			
Hearing Date	06/10/2021	Hearing venue	Remote by Zoom
Chairmen/SJO	Sir James Dingemans	Panel Member 1	Leon Lloyd
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:
Scott Needham, Team Manager. Hugh Jenner (Sale Sharks analyst).	Angus Hetherington, legal counsel for RFU. David Barnes, head of discipline for RFU. Dan McMeekin, Legal & Governance administrator for RFU.

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

RFU Bundle for the hearing which included the charge; the referee's report; the World Rugby Head Contact process dated March 2021; relevant extracts from RFU Regulation 19; an email containing details of the Exeter player's condition; an email from Mr Needham; and written submissions on behalf of the RFU.

## Summary of Essential Elements of Citing/Referee/s Report/Footage

The incident happened in the second half. The referee did not see the incident and was alerted to it by the TMO. The referee's report states: "TMO alerted me to foul play by S13. Upon review of the incident we concluded there was direct head contact from S13, he was at fault as he could have reasonably expected to be lower in the tackle, the danger was high level and no clear mitigating factors were present. A RC was shown and the player left the pitch immediately."

The video footage shows that the player came at speed into the tackle in a upright position and that his right shoulder made direct contact with the head (in the jaw area) of the Exeter Chiefs player, No.10. The video was reviewed on the pitch and the player was shown a red card. As the player left the field he raised his hand in apology, and further footage showed him seeking out the Exeter player to apologise.

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

Jamie Fulton, Head of Medical Services for Exeter Chiefs reported that: "The player was removed from play following a query from the match day doctor. Following the match, the player completed a HIA2 and passed. He had a 24hr stand-down and was reviewed today for HIA3 and passed. Dr Lewis Jones declared the player not concussed. He will be monitored throughout the week for changes in symptoms."

### Summary of Player's Evidence

The player stated that he had no intention to hit the Exeter player high, but he come forward at high speed to get up the pitch and make the tackle. He had not realised, until the footage was shown on the pitch, that he had made contact with the Exeter player's head, he had immediately apologised, and he recognised that he needed to improve his tackling technique to avoid being in this situation in the future.

## Findings of Fact

We find that the player came from some distance at speed into the tackle. He was in an upright position and his right shoulder made direct contact with the head (in the jaw area) of the Exeter Chiefs player, No.10. The player was intending to make the tackle, but he not intending to make contact with the head of the Exeter player. The player's high position as he moved forward to make the tackle meant that there was a real risk of making contact with the head of the Exeter player. The Exeter player took some time to get to his feet and he was removed from the field of play, but he did pass his Head Injury Assessment. The player immediately apologised for his actions.

## 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:

The player was intending to make the tackle, but not intending to make contact with the head. The player's high position as he moved forward to make the tackle meant that there was a real risk of making contact with the head of the Exeter player.

### Nature of actions - Reg 19.11.8(c)

There was contact between the player's right shoulder and the head, around the jaw area, of Exeter player.

Existence of provocation - Reg 19.11.8(d)

There was no provocation.

Whether player retaliated - Reg 19.11.8(e)

There was no retaliation.

Self-defence - Reg 19.11.8(f)

There was no self-defence.

Effect on victim - Reg 19.11.8(g)

The Exeter player took some time to get to his feet. He was removed from play. He completed and passed a Head Injury Assessment and was not concussed.

Effect on match - Reg 19.11.8(h)

The player was sent off and there was a substitution of the Exeter player.

Vulnerability of victim - Reg 19.11.8(i)

The Exeter player was exposed as he was making the pass, but had braced.

Level of participation/premeditation - Reg 19.11.8(j)

The player did not intend to hit the Exeter player's head.

Conduct completed/attempted - Reg 19.11.8(k)

The conduct was completed.

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

None relevant.

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"/>	<b>6 weeks</b>	<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:

This was contact between the right shoulder of the player with the Exeter player's head. There was recklessness but no intention to make contact with the head. The Exeter player was removed from play but did not suffer concussion. This was an act of foul play which resulted in contact with the head and therefore required at least a mid-range sanction pursuant to the note in RFU Regulation 19. There were no features to make this top end entry point.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
The player acknowledged his guilt.	The player has one previous on field disciplinary matter.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
The player is not inexperienced.	The player co-operated fully with the disciplinary process.

Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
The player apologised as he was leaving the pitch.	The player has provided assistance to other players.

Number of weeks deducted: **3 weeks**

Summary of reason for number of weeks deducted:
The player acknowledged his offence, apologised and co-operated fully with the disciplinary process.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
Player's status as an offender of the laws of the game - Reg 19.11.10 (a)
None.
Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)
No, because covered by the minimum mid-range entry point.
Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.10 (c)
None

Number of additional weeks: **0 weeks**

### Games for meaningful sanctions:

The player sought to take advantage of the coaching intervention in an effort to improve the player's tackling technique. It is apparent from the relevant match that the coaching intervention should assist both the player, and reduce risks to those who he is tackling. If the player applies to World Rugby, is accepted for the intervention, and completes the coaching intervention to the satisfaction of World Rugby, his suspension will be reduced by one week to a suspension of two weeks. As it stands the games for the meaningful sanctions are: Gloucester 9 October; Harlequins 15 October; and Leicester 23 October 2021.

### 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 weeks	Sending off sufficient	
Sanction commences	4 October 2021		
Sanctions concludes	25 October 2021		
Free to play	26 October 2021		
Final date to lodge appeal	8 October 2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	James Dingemans	Date	07/10/2021
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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