

# RFU SHORT JUDGMENT FORM



Match (home)	Northampton RFC	Vs (away)	Saracens RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	15/04/2023	Match Venue	Northampton

Particulars of Offence			
Player's Surname	Taylor	Date of Birth	05/09/1989
Forename(s)	Duncan	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Saracens	RFU ID No.	415671
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 weeks (subject to completion of the World Rugby Coaching Intervention)		

Hearing Details			
Hearing Date	19/04/2023	Hearing venue	Papers only
Chairmen/SJO	Matthew O'Grady	Panel Member 1	Guy Lovgreen
Panel Member 2	Martyn Wood	Panel Secretary	Rebecca Morgan-Scott
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:	
N/A		N/A	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input checked="" type="checkbox"/> Red Card report	<input type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input checked="" type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
Appendix 2 Sanction table extract			

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

The Referee, Wayne Barnes, summarised the incident in his report as follows,

In the 7th minute of the first half, the TMO, David Rose, asked me to look at potential foul play. I therefore reviewed the incident on the big screen.

I saw N10 catch the ball on approximately the Saracens 10 metre line. He was then tackled by S13. The head of S13 made direct contact with the head of N10. I deemed this to be foul play as S13 could have lowered his tackle height.

The contact was direct to the head of N10. s13 was active in the tackle and was running forward.

I deemed this to be a high level of danger.

I considered mitigation but concluded there was not any and therefore decided I would issue a red card.

I confirmed with my team that they agreed with the sanction and they all did.

Northampton Saints' Head of Medical, Matt Lee, provided a report for Finn Smith.

Re: Finn Smith vs Saracens- 15th April

- Finn was attended to on the field following a tackle incident.
- No signs of head injury or musculoskeletal injury were found on assessment.
- Finn was reviewed post match and again today with no adverse findings.

The RFU provided written submissions ahead of the hearing in which they set out their position on sanction.

In short, given that the Player had accepted the charge, the RFU considered that the mandatory minimum mid-range entry point should be applied for the following reasons;

- a. This was not intentional contact with the head;
- b. This was a reckless tackle.
- c. This was a dynamic situation. DT rushes out the line and having ran round NS14 has to try and readjust his line to make the tackle on NS10. There is a genuine attempt to wrap in the tackle. Head on head contact is made.
- d. This was not an act in provocation;
- e. This was not an act of retaliation;
- f. This was not in self-defence;
- g. The Panel have the benefit of correspondence from NS that indicates that NS10 suffered no injury.
- h. N/A
- i. NS10 was not particularly vulnerable as he was being tackled but would not have expected head contact.
- j. There appears to be no premeditation.
- k. The offending was complete.
- l. N/A

The RFU noted that the Player has accepted the charge and there no aggravating features. In addition, should the Player wish to apply to World Rugby for the Coaching Intervention, he would be able to do so.

## Summary of Player's Evidence

In view of the contact with the head of NS10 we accept that there is a mandatory minimum mid-entry starting point.

There was no injury to NS10 and he continued with the game. This was confirmed by the medical report form NS.

It is therefore Saracens and DT position that this offence constitutes a mid- range entry point. Saracens submit that top end sanctions should be reserved for those cases where there is clear evidence of intent and/or a significant injury is caused neither of which is present in this case.

Saracens and DT rely on the following reasons:

- (a) This was not an intentional act of foul play
- (b) The player accepts that it was reckless and accepts he was to upright in the tackle.
- (c). This was a fast dynamic moving situations. DT spots the ball going out the back and attempts to halt the attack but has not lowered his tackle height therefore makes a head on head collision with NS10.
- (d) No level of provocation
- (e) No act of retaliation
- (f) Was not in Self Defence
- (g) No impact on the player, player was uninjured and continued the game.
- (h) No effect on the match
- (i) NS10 expected to be tackled but so braced for the tackle but did not expect there to be head contact.
- (j) No premeditation.
- (k) The actions were completed by DT
- (l) NA

DT was remorseful apologised to Fin Smith after the game and followed up with a message on social media.

DT accepted the charge at the first opportunity once the hearing bundle had been sent.

DT has an exceptional disciplinary record. This is the players first red card as a professional rugby player who has been a professional for over 13 years.

## Findings of Fact

Reckless, but dangerous, head contact.

### 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 failed to adjust his body height in time to make the tackle at a safe and legal height. It was not a deliberate high shot but an attempt which was not executed correctly.

Nature of actions - Reg 19.11.8(c)

This was an upright tackle which made direct head to head contact with the Northampton saints Player.

Existence of provocation - Reg 19.11.8(d)

None

Whether player retaliated - Reg 19.11.8(e)

Not applicable

Self-defence - Reg 19.11.8(f)

Not applicable

Effect on victim - Reg 19.11.8(g)

None, please see medical report above.

Effect on match - Reg 19.11.8(h)

None save as to remove the Saracens player from the field.

Vulnerability of victim - Reg 19.11.8(i)

Not applicable

Level of participation/premeditation - Reg 19.11.8(j)

This was not a premeditated action.

Conduct completed/attempted - Reg 19.11.8(k)

The tackle was complete

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

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 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:

The mandatory minimum mid-range entry point is applied. In the absence of any injury and intent, the Panel were satisfied that there were no reasons to elevate the entry point to top end.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
The Player accepted the charge at the earliest opportunity.	He has a clean disciplinary record.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
Not applicable.	The Player and Club accepted the charge and assisted the process on the papers.



Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
DT was remorseful apologised to Fin Smith after the game and followed up with a message on social media.	N/A

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The Player has a clean disciplinary record over a long period as a professional. He accepted the charge at the earliest opportunity and apologised to the Northampton player.

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)
Not applicable
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
Not applicable
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)
Not applicable

Number of additional weeks: 0

Games for meaningful sanctions:

23/04 v London Irish  
06/05 v Bath  
13/05 v Premiership Semi-final\*

\*subject to successful completion of the World Rugby CIP

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	18/04/2023		
Sanctions concludes	15/05/2023 (08/05/2023 if the CIP is completed)		
Free to play	16/05/2023 (09/05/2023 if the CIP is completed)		
Final date to lodge appeal	26/04/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew O'Grady	Date	19/04/2023
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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