

RFU SHORT JUDGMENT FORM



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|---------------|------------|-------------|-----------------------|
| Match | Wasps | Vs | Northampton RFC |
| Club's Level | 1 | Competition | Gallagher Premiership |
| Date of Match | 09/10/2022 | Match Venue | Wasps |

| Particulars of Offence | | | |
|------------------------|---|---------------|--|
| Player's Surname | Umaga | Date of Birth | 08/07/1998 |
| Forename(s) | Jacob | Plea | Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/> |
| Club name | Wasps | RFU ID No. | 1283863 |
| Type of Offence | Red card | | |
| Law 9 Offence | 9.17 - Tackling, charging, pulling, pushing or grasping the jumper in the air | | |
| Sanction | 3 weeks | | |

| Hearing Details | | | |
|-------------------|---|-----------------|---|
| Hearing Date | 11/10/2022 | Hearing venue | Zoom |
| Chairmen/SJO | Matthew O'Grady | Panel Member 1 | Mitchell Read |
| Panel Member 2 | Alastair Campbell | Panel Secretary | Rebecca Morgan |
| Appearance Player | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Appearance Club | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

| Player's Representative(s): | Other attendees: |
|----------------------------------|----------------------------------|
| Dave Basset (Wasps Team Manager) | Angus Hetherington (RFU Counsel) |

| List of documents/materials provided to player in advance of hearing: |
|--|
| Charge sheet Referee report Judiciary Memorandum (01/08/2017) Sanctions table Email from Northampton RFC Head of Medical Submissions on behalf of RFU (with attachment) Submissions on behalf of the Player Written statement by Wasps Head of Medical Written character reference by Wasps Head Coach |

The Referee's report reads in its relevant parts:

'Attacking 4M inside Wasps 22m zone Northampton 15 put up a cross field kick to Northampton 23. Northampton 23 caught the ball 2.5m from the line 5m in from touch. He was tackled in the air by Wasps 15. Upon consultation with the TMO we recognised that the Wasps 15 was not in a position to contest for the ball, had chosen to tackle Northampton 23 in the air and that Northampton 23 had landed very dangerously with his head bouncing off the floor. A Red Card was issued. As Northampton 23 had caught the ball before he was tackled and subsequently lost the ball I also awarded a Penalty Try to Northampton Saints as but for this action a try would have probably been scored.'

The footage was consistent with the Referee's report.

The written statement from Northampton Head of Medical reads:

'During the above fixture Courtnall was involved in a collision whilst attempting to collect a high ball. He was attended to on the field where he reported neck soreness following the impact with the ground. We were able to clear him of significant neck injury on field but due to the presentation an HIA was called.

Courtnall passed the HIA and returned to complete the match.

Following the match he passed his HIA3 but continued to report neck soreness.

Courtnall has been treated today for his neck pain. He will complete his HIA3 tomorrow and subject to passing that is expected to be able to take some part in training later this week.'

The Wasps Head of Medical Report reads:

'Jacob Umaga was removed from the field of play in the fixture vs Northampton Saints at the CBS Arena on 09/10/22 following a Concussion. Whilst challenging opponent there was direct contact with his head against the opposition hip. We suspect that he lost consciousness on impact. He was also clearly dazed when examined on the pitch. Consequently he was an immediate and permanent removal.

The current GRTP protocol stipulates that an athlete sustaining a Concussion in those circumstances require a minimum of 12 days before be able to return to play. In the absence of any complications or delays, he would be eligible for selection on 21/10/22.

Based on the stage of his Concussion and his Concussion history, we have advised against his attendance on a video conference disciplinary hearing.

However, we are confident in his decision making capability has not being impaired.'

Summary of Player's Evidence

The Player did not attend the hearing or give evidence. The Panel requested confirmation from the Wasps Team Doctor that the Player had capacity to make decisions about the charge (including the capacity to decide whether or not to ask for the hearing to be adjourned and whether or not to admit or deny the charge). We were informed the Player did have that capacity.

We were informed the Player wished the hearing to take place in his absence and without the Panel hearing his evidence.

We were informed the Player admitted the charge.

Findings of Fact

1. After the ball was kicked the Player ran across the pitch to cover the kick.
2. The Player watched the ball as it was kicked.
3. When the Player was about 15m from the Northampton player, he briefly looked at the Northampton player and identified where he was.
4. The Player then resumed looking at the ball.
5. When the Player was about 5m-7m from the Northampton player, he reduced his speed.
6. The Northampton player jumped for possession of the ball (and secured possession).
7. The Player did not jump or contest for possession of the ball.
8. The Player raised his right arm and caught the Northampton player, who by that point was in the air, around his waist.
9. The Player's torso then made contact with the Northampton player's legs.
10. As a result of the Player's actions, the Northampton player rotated beyond the horizontal.
11. The Northampton player landed very dangerously. First, the top of his shoulders made contact with the ground, followed very closely afterwards by his head.
12. The Northampton player passed HIA protocols and resumed playing. After the match he reported soreness to his neck and appears to have not immediately resumed training. Given the Northampton player resumed playing after passing his HIA it cannot be established that the subsequent neck soreness was caused by the foul play or another event in the match.
13. The foul play met the Red Card test.

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 knew the Northampton player was attacking on his wing. The Player ought to have known the Northampton player would contest possession on a cross-field kick. There is no evidence the Player intended to cause foul play.

Nature of actions - Reg 19.11.8(c)

A reckless act in which the Player 'ran through' a player in the air contesting for possession of the ball.

Existence of provocation - Reg 19.11.8(d)

N/A

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

The victim was removed from the match for a HIA test, which he passed. He resumed playing. Whilst the Northampton player does not appear to have returned to training yet, we cannot attribute that to the foul play.

Effect on match - Reg 19.11.8(h)

The match was interrupted by a TMO review.

Vulnerability of victim - Reg 19.11.8(i)

The Northampton player was vulnerable in the air. He was unable to protect himself and landed very dangerously.

Level of participation/premeditation - Reg 19.11.8(j)

Sole participant.

Conduct completed/attempted - Reg 19.11.8(k)

Completed.

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

N/A

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 weeks | <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 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 RFU and Player both submitted to us that the mandatory Mid-Range Entry Point did not automatically apply. Bearing in mind the case of Facey, we accepted those submissions and found that the mandatory Mid-Range Entry Point did not automatically apply (in a case where the head contact in question was indirect or consequential). Notwithstanding this, the question of whether this foul play was sufficiently serious to justify a Mid-Range Entry Point was very finely balanced.

The foul play was highly reckless and caused the Northampton player to fall dangerously and heavily from a height, with his head hitting the ground moments after his upper body. We were unpersuaded that the selection of the Low-End Entry Point in the case of Facey bore meaningful relevance to this case because of the clear factual differences in the landing mechanism of the tackled player. Against this, however, we cannot find the foul play caused any meaningful effect on the Northampton player because he passed the relevant HIAs and was able to continue playing in the match.

On balance the Panel concluded that the elements that would make this foul play Mid-Range were outweighed by those supporting a Low-End Entry Point.

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 admitted responsibility for his foul play at the earliest opportunity | Two previous red cards in less than 2 seasons and 12 calendar months. |
| Youth and/or inexperience of player - Reg 19.11.10(c) | Conduct prior to and at hearing - Reg 19.11.10(d) |
| A professional player, who is experienced at this level. | Did not attend because of advice of medical professionals not to watch monitors whilst recovering from his own injury. |

| Remorse and timing of Remorse - Reg 19.11.10(e) | Other off-field mitigation - Reg 19.11.10(f) |
|---|--|
| The Player apologised after the match. | N/A |

Number of weeks deducted: **1 week**

Summary of reason for number of weeks deducted:

The Player has admitted the foul play (although the case against him was compelling). He apologised for his actions. The Player has an unsatisfactory disciplinary record and is not eligible for the maximum available mitigation.

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)

On balance the Panel concluded that the Player's record did not justify aggravation. Whether that will be the case on a further occasion now he has three disciplinary matters against him will be for a future Panel to determine.

Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)

N/A

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)

N/A

Number of additional weeks: **0 weeks**

Games for meaningful sanctions:

The Player is presently injured and unable to play. The Team Doctor must advise the RFU when the Player is fit for selection. The suspension will not apply until such time as the Team Doctor confirms the Player is fit to play.

Since the hearing, the Player's club has been suspended from the Gallagher Premiership and faces the prospect of longer term suspension upon entering Administration. Until such time as the Player has meaningful fixtures with an active club the suspension cannot run.

The RFU and Player may make further representations to the Panel on this topic.

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 | 09/10/2022 | | |
| Sanctions concludes | TBC | | |
| Free to play | TBC | | |
| Final date to lodge appeal | 15/10/2022 | | |
| Costs (please refer to Reg 19, Appendix 3 for full cost details) | £500 (Under the relevant regulation costs are invoiced to clubs and not players) | | |

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|----------------------------|-----------------|------|------------|
| Signature (JO or Chairman) | Matthew O'Grady | Date | 14/10/2022 |
|----------------------------|-----------------|------|------------|

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