RFU SHORT JUDGMENT FORM

Match	Northampton Saints	Vs	Newcastle Falcons
Club's Level	1	Competition	Gallagher Premiership
Date of Match	04/06/2022	Match Venue	Franklin's Gardens

Particulars of Offence			
Player's Surname	Robinson	Date of Birth	08/02/1991
Forename(s)	Sean	Plea	Admitted ☑ Not Admitted ☐
Club name	Newcastle Falcons	RFU ID No.	1001158
Type of Offence	Red Card		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 weeks		

Hearing Details			
Hearing Date	13/06/2022	Hearing venue	On the papers
Chairmen/SJO	Gareth Graham	Panel Member 1	Becky Essex
Panel Member 2	Olly Kohn	Panel Secretary	Rebecca Morgan
Appearance Player	Yes ☐ No ☑	Appearance Club	Yes ☐ No ☑

Player's Representative(s):	Other attendees:
N/A	N/A

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

The Player was provided with the following documents:-
- Charge Sheet
- Red Card Report (from the Referee, Karl Dickson)
- RFU Regulation 19 - Discipline (Appendix 2) - Sanction Entry Points
- World Rugby Head Contact Process
- Confirmation that the Northampton Player suffered no injury

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

The essential element of the Referee's Report reads as follows:-

“Northampton were attacking in Newcastle's 22 and scored in the corner from this attack. After the try had been awarded my TMO was checking why both Newcastle 5 and Northampton 10 were down getting treatment. After checking he said he needed to have a formal check.

On review of the incident which was on the screen we saw Newcastle 5 coming across the field with a clear line of sight and at speed and tackled Northampton 10 while in an upright position. We checked the contact point as originally thought it might of been chest on shoulder then head on head, but was deemed it was a head on head at same time and with the facts of direct head on head, player in upright position and the player having a clear line of sight and coming in at speed which meant it was a high degree of danger with not mitigating factors a Red card was issued."

The Panel also viewed video footage of the incident (at full speed and in slow motion). The description given by the Referee accords with that footage.

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

The Northampton Saints player was not injured in the incident.

Summary of Player's Evidence

The Player provided a helpful written account of the incident to the Panel. The statement read as follows:-

"I was sent off in the recent Northampton versus Newcastle game at Franklin Gardens for a dangerous tackle upon Dan Biggar in the second half of the game. These are my recollections of the incident:

Northampton had made a line break and were attacking our left hand side of the field about 10 m from our line. I was covering across from midfield and found myself with Dan attacking our line with two players outside of him. I had outside of me Mateo Carreras.

Normally in this situation, I would talk to Mateo asking him to stick with Dan until I'd got him covered so that he could then slide onto the next attacker and then when I'd past Dan, the same thing would happen again or alternatively, Mateo would fly in, anticipating Dan getting the ball and take man and ball. However in this instance, as Dan passed the ball to the player outside, Mateo stepped in late to make the tackle on Dan. This hung me out to dry, and with Dan doing what you'd expect in this situation, straightening up to square the defender(s), and with myself travelling at speed to cover the necessary distance quickly I had no time to adjust and nowhere to go. Mateo went low, which means I couldn't, I tried to avoid a heavy collision by trying to push Dan away but found my right leg across his body as we collided. The back of his head caught my cheekbone. When he passed the ball I was about 2m from him travelling at full pace.

The whole incident happened in a fraction of a second and was a complete accident in the sense that there was no intention to cause a collision. I immediately apologised to Dan because between Mateo and I we'd got it wrong, more so Mateo than me. I had defended conventionally and Mateo had neither stepped in to take man and ball or slid out. Had there been an element of recklessness about what I'd done I would certainly hold my hand up to it but my own player went out of system which caused the collision. At the point of contact, we are all looking at where the ball has been played. As a result of the collision, I have a fractured cheek bone which will require surgery at the end of the week."

Findings of Fact

The Panel made the following brief findings of fact, on the balance of probabilities:

1. Northampton were attacking in the Newcastle 22, moving the ball from left to right (from the Northampton perspective).

2. Dan Biggar, Northampton 10 (“N10”), carried the ball towards the Newcastle defensive line.

3. The Player was tracking the ball laterally, running perpendicular to N10. He was in an upright position.

4. The Newcastle left wing (“NF11”) stepped in to make a tackle on N10. As he did so, N10 passed the ball to a fellow Northampton player.

4. As N10 passed the ball to his right, NF11 made a legitimate tackle on N10. At the same time, the Player ran towards N10 and collided with him.

5. The Player made initial contact with N10 with his chest. However, the Player had remained in an upright position and his head made direct contact to N10's head.

6. There was a high degree of danger in this forceful collision.

7. There were no mitigating circumstances. This was a dynamic incident; the Player had remained in an upright position and did not make any effort to lower his tackle height or otherwise avoid the collision. NF11's actions did not materially affect the Player's actions.

Decision			
Breach admitted ✔	Proven ☐	Not Proven ☐	Other Disposal (please state below) ☐

The Player accepted the charge.

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 Panel accepted that this was a reckless act of foul play. The Player did not reduce his tackle height in the dynamic incident but there was no evidence that he had intended to make contact to N10's head.

Nature of actions - Reg 19.11.8(c)

As described above.

Existence of provocation - Reg 19.11.8(d)
There was none.
Whether player retaliated - Reg 19.11.8(e)
He did not.
Self-defence - Reg 19.11.8(f)
Not applicable.
Effect on victim - Reg 19.11.8(g)
N10 was treated on field, having initially reported a sore neck. He was able to continue with play and suffered no symptoms thereafter.
Effect on match - Reg 19.11.8(h)
There was none.
Vulnerability of victim - Reg 19.11.8(i)
N10 was attacking the Newcastle line and was aware of the approaching defenders. He was not particularly vulnerable.
Level of participation/premeditation - Reg 19.11.8(j)
There was no premeditation.
Conduct completed/attempted - Reg 19.11.8(k)
The conduct was completed.

Other features of player's conduct - Reg 19.11.8(l)
Not applicable.

Assessment of Seriousness Continued					
Entry point					
Low-end	Weeks	Mid-range	Weeks	Top-end*	Weeks
☐		☑	6	☐	

*If Top End, the JO or Panel should identify, if apropriate, 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 a reckless act of foul play in which the Player made direct (and forceful) contact with the head of N10. Where an act of foul play results in contact with the head/neck, a mandatory minimum mid-range entry point applies. The Panel concluded that there were no factors present which required the entry point to be elevated above the mid-range.

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.	The Player 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)
The Player is a senior player with significant experience. However, the Panel does not consider that this should reduce the level of mitigation available given the circumstances of the incident.	The Player agreed for the hearing to be dealt with on the papers, thereby assisting the process.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player apologised to N10 following the incident, and then after the match.	Not applicable.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The Player accepted the charge at the earliest opportunity and has a good disciplinary record. In all the circumstances of the case, the Panel had no hesitation in finding that the Player was entitled to the maximum reduction (50%) by way of 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)
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:
At this stage, the Club only has limited information as to its fixture over the summer. The Club is to liaise with the RFU once the Player is fit to return to play following his surgery, and once the Club's fixtures are known so that the RFU (and, if necessary, the Panel) can assess which fixtures ought to be taken into consideration by way of meaningful sanction. The Player is to remain suspended from playing until the fixtures to be taken into account have been confirmed. The Club indicated its intention to apply to World Rugby to access the WR Coaching Intervention Programme. The Panel gave permission for the Club to apply to WR and, in the event the application is allowed, and the Programme is completed, noted that the Player will only miss two matches rather than three. 23.08.22: The Player completed the WR Coaching Intervention Programme and the sanction is therefore reduced by 1 week. The two meaningful fixtures to be missed by the Player are therefore 28 August v Leicester Tigers and 2 September v Doncaster Knights.

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	05.06.2022		
Sanctions concludes	05.09.2022		
Free to play	06.09.2022		
Final date to lodge appeal	15.06.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Gareth Graham	Date	14.06.2022

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