RFU SHORT JUDGMENT FORM

Match (home)	Northampton Saints	Vs (away)	Newcastle Falcons
Club's Level	1	Competition	Gallagher Premiership155/10/22
Date of Match	15/10/2022	Match Venue	Franklin's Gardens

Particulars of Offence			
Player's Surname	STEVENSON	Date of Birth	19/07/1998
Forename(s)	Benjamin	Plea	Admitted ☐ Not Admitted ☑
Club name	Newcastle Falcons	RFU ID No.	1156510
Type of Offence	Citing		
Law 9 Offence	9.13 - Dangerous Tackle		
Sanction	Citing dimissed		

Hearing Details			
Hearing Date	18/10/2022	Hearing venue	Papers only
Chairmen/SJO	Jeremy Summers	Panel Member 1	Olly Kohn
Panel Member 2	Mitch Read	Panel Secretary	Rebecca Morgan
Appearance Player	Yes ☐ No ☑	Appearance Club	Yes ☐ No ☑

Player's Representative(s):	Other attendees:

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

Hearing Pack
RFU Submissions
Match Footage

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

The Citing Commissioner's (Greg Garner) report read as follows:

"Nor attacking. There is a ruck on the New 22 metre line 20 metres in from touch. The ball is passed left to Nor 12. Nor 12 carries the ball forward and then steps infield off his left foot. New 13 is coming across and makes the tackle. In the process of making the tackle there is direct head on head contact with the ball carrier. New 13 is upright in the tackle. He does attempt to grasp the ball carrier with both arms but he is leading with his head and there is direct contact to the head of the Nor ball carrier. The ref plays advantage for a high tackle and then stops the game approximately 5 seconds after the incident occurs. Ref gives a YC after consulting with the TMO."

Match footage reviewed and was broadly consistent with the above report.

N12 is attacking on the 22 close to the 5m line on the left touchline, with a support player outside closer to touch. The Player is closing in at speed from N13's right and is always in close to an upright position. Just before impact N13 steps back inside towards the Players and a brief clash of heads, which appears to be cause in largely equal measure by N13 moving towards the Player and the Player closing in on N13.

The audio footage of the conversation disclosed that the Referee considered the clash of heads to have been a glance and so not involving a high degree of danger. He also noted the sudden change in direction concluding that a YC was the appropriate sanction.

Submissions from the RFU included the following section:

"Head contact process

6. An offence of Law 9.13 is governed by the Head Contact Process, where head contact occurs. The RFU will say as follows in respect of the various questions asked under the HCP:

a. Head contact – Head contact occurred.

b. Foul play – BS was upright when making the tackle and could have lowered his height. This was not accidental. BS was therefore at fault and foul play occurred.

c. Level of Danger – There was a high degree of danger in the tackle. The contact was direct head on head and there was a high degree of force with the players coming together at speed.

d. Sanction – the offence therefore sits at a red card.

e. Mitigation – The RFU are of the view that NS 12’s step back inside changed the dynamics of the tackle suddenly and significantly. The RFU consider that without this change of dynamics BS would have had time to adjust and/or avoided contact with the head.

7. Citing commissioners are independent officers of the RFU Disciplinary Department. The Citing having been put forward by the Citing Commissioner, must be determined by an RFU Disciplinary Panel (see paragraphs 3 and 11 and Appendix 4 of RFU Regulation 19).

8. The RFU are of the view that based on the evidence submitted, the Citing should be overturned.

9. It is open to the Disciplinary Panel to determine that the step in from Northampton 12 was insufficient mitigation and to reduce the red card to a yellow card. However, as set out above, the RFU are of the view that there is sufficient mitigation to reduce the matter to a yellow card."

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

Northampton Saints confirmed that their Player immediately left the field to undergo an HIA which he failed and thus never returned to the field.

Summary of Player's Evidence

Submissions on behalf of the Player read as follows:

"1. Ben Stevenson ('the Player') pleads not guilty to the charge.

2. His account of the incident is as follows:

As can be seen from the footage Northampton were attacking and moved the ball from their right to left. Northampton 15 changed the direction of the attack to his right which left me tight in the defensive line. As a result, I had to chase outwards to catch up to Northampton 12 when he received the ball.

As I was attempting to catch up to Northampton 12 he suddenly stepped off his left foot back towards me. This was the opposite direction to the way I was running and as a result he left me little time to react before contact occurred.

My head made contact with his head as I was attempting to wrap my arms round him but unfortunately the glancing contact between our heads occurred before I had managed to make contact with my arms/shoulder.

I feel that the sudden change of direction from the ball carrier left me in a situation where I didn't have enough time to react to drop my body height.

There was absolutely no intent on my part.

I apologised to Rory Hutchinson after the game whilst we were shaking hands.

3. This case boils down to the correct interpretation of the World Rugby Head Contact Process (HCP). The incident was viewed by the on field officials in conjunction with the Television Match Official (TMO). It will be the Player's case that the on field officials and TMO were correct in their assessment that the incident warranted no more than a yellow card. They concluded that there was not a high degree of danger and made reference to the Northampton player's sudden change of direction which would constitute mitigation had the officials determined that the starting point on field sanction was a red card.

4. Applying the HCP it is accepted that there was head contact and that this involved foul play – although there was no intent on the part of the Player the contact was 'avoidable'.

5. With regard to the degree of danger it is accepted that the head contact was direct but it is noted that the referee described it as 'glancing blow', a view with which his Assistants and the TMO appear to have agreed. This was not a high speed collision in that although Northampton 12 was advancing forward at speed the Player was tracking in a sideways direction prior to his opponent stepping off his left foot. Whilst no fault attaches to Northampton 12 it was his sudden change of direction which generated much of the force involved in the collision.

6. Should the Panel conclude that, contrary to the views of the on field officials and TMO, the collision did involve a high degree of danger it is submitted that the following recognised mitigating factors are such that the incident fell short of satisfying the red card test:

i. Immediately prior to the collision there was a sudden and significant change of direction by Northampton 12 resulting in a significant change to the dynamics of the collision which left the Player with little or no time to react.

ii. Despite the Player being forced to attempt to make the tackle sooner that he might have done but for the Northampton 12's change of direction the Player did attempt to wrap his arms around his opponent, a fact acknowledged by the Citing Commissioner.

7. For the reasons set out above it is submitted on behalf of the Player that the citing should be dismissed."

Findings of Fact

Player upright in tackle.
N13 steps inside in a sudden change of movement.
Brief clash between front/side of both heads.
N13 brought to ground by ensuing contact not clash of heads.
No injury resulted.

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

The Panel was exercised by this incident, giving it very careful consideration and not simply taking the RFU position as a given.

It noted that there was no clear and compelling evidence that it had available, which would not have been available to the Referee, from which it could established that the Referee had been wrong in his decision.

The Panel was split on whether the contact could be categorised as having a high degree of danger, given the brief and glancing nature of the contact, but was unanimous in concluding,that following the HCP as was required, there had been a sudden change in movement by N13, which would have in any event mitigated any red card warranted by the contact down to a yellow card.

In those circumstances it concluded that the Referee had not been wrong in his decision and the citing was dismissed.

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SANCTIONING PROCESS

England Rugby

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:		
Nature of actions - Reg 19.11.8(c)		

Existence of provocation - Reg 19.11.8(d)

Whether player retaliated - Reg 19.11.8(e)

Self-defence - Reg 19.11.8(f)

Effect on victim - Reg 19.11.8(g)

Effect on match - Reg 19.11.8(h)

Vulnerability of victim - Reg 19.11.8(i)

Level of participation/premeditation - Reg 19.11.8(j)

Conduct completed/attempted - Reg 19.11.8(k)

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

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

*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:

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)
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)

Number of weeks deducted:

Summary of reason for number of weeks deducted:

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

Number of additional weeks:

Games for meaningful sanctions:

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	None.	Sending off sufficient	
Sanction commences	N/A		
Sanctions concludes	N/A		
Free to play	N/A		
Final date to lodge appeal	20/10/22		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	Nil		

Signature (JO or Chairman)	J Summers	Date	19/10/2022

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