

RFU SHORT JUDGMENT FORM



Match (home)	Harlequins RFC	Vs (away)	Coventry RFC
Club's Level	Level 2	Competition	Premiership Rugby Cup
Date of Match	16/09/2023	Match Venue	Harlequins RFC

Particulars of Offence			
Player's Surname	Nayalo	Date of Birth	12/05/1991
Forename(s)	Senitiki	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Coventry RFC	RFU ID No.	1748275
Type of Offence	Dangerous Play In A Ruck Or Maul		
Law 9 Offence	9.20		
Sanction	2 week suspension from playing (to be reduced upon successful completion of World Rugby's CIP)		

Hearing Details			
Hearing Date	19/09/2023	Hearing venue	By video
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	James Wilson
Panel Member 2	Matthew Hearsam	Panel Secretary	Rebecca Morgan-Scott
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:	
Nick Johnston (Coventry RFC) Alex Rae (Coventry RFC)		Angus Hetherington (RFU) Christian Scotland-Williamson (observer)	
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 type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input checked="" type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			

The citing report described the incident as follows:

Coventry is in Harlequin's 22. C#10 is in possession of the ball and evades a tackle by H#8. As he turns left, he is held and taken to the ground by H#2. H#6 joins from behind H#2 and reaches forward to poach the ball. C#8 comes from behind the ball carrier, with a clear line of sight. C#8 bends forward and clears H#6, making direct contact with his right shoulder on the head of H#6. H#6 falls back and can be seen reaching with his left hand to the back of his neck. The MO is meters away but does not observe the action.

Using the latest World Rugby Head Contact process March 2023

1. Has head contact occurred? Yes
2. Was there any foul play? Yes.
3. What was the degree of danger? High. C#8 came into direct contact leading with his right shoulder into the head of H#6
4. Is there any mitigation? It cannot be established from the available footage whether or not C#8 was making a genuine attempt to bind onto H#6. For this reason, the incident cannot be considered as always illegal.

Considerations under the WR HCP were given to:

Was this avoidable? C#8 had a clear line of sight.

Was there a sudden or significant drop in height? There was no sudden or significant drop by H#6.

Was it passive? C#8 is moving forward and with force; therefore, the act is dynamic.

Was there a change in the dynamics of the incident? No change of dynamics due to another player. C#13 assists the clearing after the fact, thus not affecting the initial contact.

Therefore, I cannot find any mitigating factors in this case.

The actions of C#8 pass the red card threshold, and a citing is issued to Coventry #8 NAYALO SENITIKI for breach of law 9.20b.

The video footage shows the incident clearly. It shows H6 attempting to jackal and C8 clearing him out, making direct contact with H6's neck/head in doing so. The video shows an attempt by C8 to wrap his left arm while clearing out but does not show his right arm. C13 can also be seen assisting the clear out but the video clearly shows C13 arriving after C8 and not having any, or any significant, impact on the relevant dynamics of the clear out.

The medical report from Harlequins RFC stated as follows:

Matas reported a direct blow to the top of his head during Harlequins match vs Coventry on Saturday 19th September in the first half.

This resulted in an axial compression.

The Independent Match Day Doctor requested a Head Injury Assessment (HIA) due to the mechanism of impact, as it was felt to have potential to cause a concussive event.

The player passed his HIA 1,2 and 3 assessments.

He continued to suffer from neck discomfort which is being managed as a facet joint irritation.

The RFU made submissions in response to the Player's evidence. The RFU's position was that the matters relied upon by the Player were not sufficient to amount to mitigation under the World Rugby Head Contact Process guidelines and, as such, there was no proper basis upon which to conclude that the citing officer was wrong in his assessment of the incident as meeting the red card threshold.

Summary of Player's Evidence

The Player gave evidence and his position was further explained by Nick Johnston and Alex Rae.

In short, the Player admitted that his actions were an act of foul play but denied that they met the red card threshold. His evidence was that he recalled his chest making contact with the H6's head. The Player submitted that the citing officer erred in failing to take account of the following matters of mitigation:

- a. the fact that the clear out was legal given the Player's attempt to wrap his left arm (the Player stating that he also attempted to wrap his right arm);
- b. a change in the jackaler's height immediately before impact;
- c. the actions of C13.

The Player confirmed that he spoke to H6 after the game and apologised.

Findings of Fact

The Panel reviewed the video evidence and considered the Player's evidence and the submissions made on his behalf and on behalf of the RFU.

The Panel concluded that the video evidence was sufficient to demonstrate an effort on the part of the Player to wrap his left arm during the clear out. As such, it was likely that the clear out was legal and, as such, mitigation was a relevant consideration. The attempt to wrap alone was not sufficient to reduce the incident to below the red card threshold.

C13 joined the clear out but did so after C8 and did not make significant contact with either C8 or H6 prior to C8's clear out. As such, C13's actions made no obvious impact on the dynamics of the clear out.

The video did show a change in height on the part of H6 prior to the impact. H6 lifts his body height, possibly as a result of him deciding against a jackal attempt. However, the video shows clearly that this movement was neither sudden nor significant. As such, it does not amount to sufficient mitigation for the Panel to conclude that the citing officer was wrong to dismiss it in his assessment of the incident.

As such, the Panel concluded that the citing officer was correct and the Player's actions met the red card threshold.

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:

This was a reckless act

Nature of actions - Reg 19.11.8(c)

The player cleared out the victim, making contact directly to the victim's head/neck

Existence of provocation - Reg 19.11.8(d)

None

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)

No significant injury other than a neck facet irritation

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

The victim was not vulnerable

Level of participation/premeditation - Reg 19.11.8(j)

Not premeditated

Conduct completed/attempted - Reg 19.11.8(k)

Completed

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"/>	4	<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 victim was struck in the neck/head, requiring a mandatory minimum mid-range entry point. There is nothing in the circumstances of the incident that make top-end the appropriate 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 foul play at the earliest opportunity	The Player had 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 32 years old	The player conducted himself entirely appropriately at all times

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player apologised to the victim	The Player is plainly a significant asset to his club

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:

Given the admission of foul play, his clean disciplinary record and his obvious remorse, the Panel were content to afford the Player the maximum 50% 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)

N/A

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

Games for meaningful sanctions:

The Player will be unavailable for the following fixtures:

23.9.2023 - vs Hartbury

30.9.2023 - vs Nottingham

Should the Player successfully complete the World Rugby CIP, his sanction will be reduced to 1 week and he will therefore be unavailable only for the match on 23.9.2023

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	2 weeks	Sending off sufficient	
Sanction commences	20/09/2023		
Sanctions concludes	01/10/2023		
Free to play	02/10/2023		
Final date to lodge appeal	22/09/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew Weaver KC	Date	21/09/2023
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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