

RFU SHORT JUDGMENT FORM



Match (home)	Gloucester RFC	Vs (away)	Saracens RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	06/01/2023	Match Venue	Kingsholm Stadium

Particulars of Offence			
Player's Surname	Farrell	Date of Birth	24/09/1991
Forename(s)	Owen	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Saracens	RFU ID No.	455689
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous tackling		
Sanction	4 weeks		

Hearing Details			
Hearing Date	10/01/2023	Hearing venue	Video
Chairmen/SJO	Philip Evans KC	Panel Member 1	Becky Essex
Panel Member 2	Mitch Read	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:
Richard Smith KC Warrick Lang, Saracens Team Manager	Angus Hetherington, RFU Legal Counsel (Discipline) David Barnes, RFU Head of Discipline

List of documents/materials provided to player in advance of hearing:
Bundle including Charge sheet, Citing report dated 07/01/2023 World Rugby HCP (March 2021) Extract of Sanction Table (Appendix 2 to RFU Regulation 19) Message from Jack Clement to James Hall, Citing Commissioner Email from Sam Raven, Gloucester Rugby, dated 08/01/2023 PowerPoint slides showing 4 still photos of the tackle Character reference from Mark McCall, Saracens Details of upcoming fixtures Additionally, footage of the incident from a number of different angles was provided in advance.

The Citing Commissioner described the incident as follows.

“Saracens box kick the ball down field, which is caught by G10 who is tackled on his own 10m line towards the left hand side of the pitch. A ruck is formed with several Gloucester players rucking past the ball.

G20 (Jack Clement) is at the base of the ruck nearest the ball. S10 (Owen Farrell) comes from the far side of the ruck to become first defender on the near side. G20 picks up the ball and accelerates forward. S10 leans into the tackle and makes direct contact with his right shoulder to the chin area of G20. Following the initial contact S10 wraps up G20 and is assisted by S4 bringing him to ground with a ruck forming.

The tackle is not penalised by the match officials at the time. However, several plays later the ball goes out for a lineout. The TMO brings potential foul play to the referee’s attention, however it cannot be established if the incident occurs in the previous phase. Therefore, the incident is not reviewed.

After the game I have watched several additional angles of the incident and requested a victim statement which confirms the player felt the impact on his chin. S10 makes direct contact with the head with high force. G20 entering contact at speed, and S10 attempting a dominant tackle indicates that there was a high degree of danger. I have considered mitigation and conclude that there is none. S10 has a clear line of sight, and significant time to select his tackle height. G20’s body position is of a consistent height going into contact.

I therefore cite S10 (Owen Farrell) contrary to law 9.13 “A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders”.

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

Sam Raven, Gloucester Rugby Head of Operations, confirmed that there was no assessment of the Player on-field by the Medical team. Post-match, the Player was assessed and reported no injury.

Summary of Player's Evidence

The Player told the Panel that he had played approximated 340 professional games.

In regard to the tackle he acknowledged it was his responsibility to tackle safely. He said he was expecting his opponent to run over him so he dropped his height to where he felt the tackle would be properly executed. He hinged both at the hips and at the knees. He said in hindsight he would have liked to have been a couple of inches lower.

He said a number of times that he felt he had made primary contact through the chest area and that he had made a fair tackle. He said he believes all his force went through the chest area. He said he thought it would have felt different had he put the force through the chin.

It was only when he got on the team bus to come home that he watched the clips and realised contact was made with the chin. When he realised he contacted his opponent to apologise.

He denied the suggestion made by the RFU that he had caused the chin to be pinned backwards by his contact.

The Player helpfully talked the Panel through the footage and as he did so he explained why he felt the force went through the chest area rather than the chin. He felt that the contact with the chin was not significant. It was described as fleeting. He said his opponent continued to contest the ball following the tackle and then continued to play in the rest of the game.

Findings of Fact

The Charge was put to the Player. He admitted that he had committed an act of foul play. He also admitted that he had made contact with the chin of the Gloucester 20. He denied that his actions warranted a red card.

This Panel concluded that whilst the decision to tackle high up the opponents body was intentional the contact with the head or chin was not intentional but instead reckless. In the circumstances the Player had the opportunity make a choice as to how he tackled, he chose to strike the player to the top of his torso and his execution of that tackle went wrong.

This was not an upright tackle. The Player did hinge at the hips and at the knees.

The Player made direct contact first with the chin of his opponent with the back of his shoulder. The shoulder led into the tackle, followed later by an attempt to wrap his arms. The initial contact caused the opponents head to be forced back and up.

It was after the initial contact had occurred with the chin that subsequent contact was made into the opponent's chest as the Player drove upwards to continue the tackle.

Although the tackle was not made at high speed the Player managed to stop his opponent in his tracks, something which in the circumstances required significant power. The tackle can properly be described as a dominant tackle.

The Panel accepts the Player believed he had primarily struck his opponents chest. The footage, in our view, demonstrates he was wrong.

The circumstances created a high degree of danger to the Gloucester player. There was no mitigation available in relation to the circumstances of the tackle.

Decision

Breach admitted <input type="checkbox"/>	Proven <input checked="" type="checkbox"/>	Not Proven <input type="checkbox"/>	Other Disposal (please state below) <input type="checkbox"/>
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The parties agree that RFU Regulation 19 Appendix 4 paragraph 11 sets out the appropriate test. "In the case of a citing complaint, the function of the Disciplinary Panel is to determine whether the decision of the citing commissioner to cite the player was wrong. The Disciplinary Panel shall only determine this if they are persuaded on the balance of probabilities that the decision of the citing commissioner was wrong because of (i) [does not apply here] (ii) the red card test has not been met (...). The burden of proof will fall on the Player to demonstrate that the Citing Commissioner's decision was wrong."

The Panel has reached its decision by following World Rugby's head contact process.

The Player accepted head contact occurred, that there had been foul play and that he had been at fault. The issue is as to the degree of danger the Player created by making contact with the head. Having considered the footage carefully, for example the angle from behind the Player at approximately timer 1m 15secs, the Panel has come to the view that contact was made first between the leading shoulder of the Player, all be it the back of the Player's shoulder, making contact against the chin of G20. That contact with the chin was direct and it was not in our view fleeting contact. The contact was made with force and it caused the opponent's head to recoil and go up and backwards.

Although the Player did bend at the waist and did bend his legs before and as he tackled, the contact with the chin continued with some force and in an upward motion. This was then followed by his shoulder going into the upper chest area of his opponent.

The tackle was a dominant tackle and it was executed with sufficient force to stop G20 in his tracks. To perform such a tackle on a player who had picked from the base of a ruck and was driving towards the Player, required a significant degree of force and power. The Panel accepts that the Player thought he had struck the chest of his opponent but in our view the footage confirms he was wrong.

The Panel considered the evidence of the Gloucester 20 which was extremely brief and given the admissions of the Player had no real significance in regard to the issues the Panel had to decide.

We acknowledge there was no injury to the opposition Player and have taken this into account in our decision. We do not however think that this effects our conclusion that a high degree of danger existed.

Given that the contact was direct to the chin and involved a significant degree of force and occurred in the context of a dominant tackle undertaken with sufficient power to stop the Gloucester player in his tracks, the Panel has concluded the Citing Commissioner was entitled to decide that a high degree of danger was created and that a red card was warranted. We are not persuaded that the Citing Commissioner was wrong in his conclusion and we uphold the citing.

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX	19.11.8(a) Intentional <input type="checkbox"/>	19.11.8(b) Reckless <input checked="" type="checkbox"/>
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Reasons for finding as to intent:

The Panel saw no evidence that the Player's conduct in making contact with the head was intentional. It was a reckless act brought about by a misjudgment of the appropriate tackle height required in the circumstances

Nature of actions - Reg 19.11.8(c)

As described above

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)

The opposition player continued in the game and is reported to have been uninjured by the incident.

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

A player approaching an opponent in such circumstances is always vulnerable and reliant on his opponent to tackle safely.

Level of participation/premeditation - Reg 19.11.8(j)

There was no premeditation here.

Conduct completed/attempted - Reg 19.11.8(k)

Completed

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

Nothing of relevance

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 Panel did not conclude the features of the offending warranted a Top-end entry point and in the circumstances of this offending where contact is made with the head the regulations require at least a mid-range 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 indicated well in advance of the hearing that he accepted his actions amounted to foul play and he accepted he had made contact with the chin of the opposition player. Following that early indication of a single issue to determine, under Regulation 19.11.10 (a), the Player is entitled to some mitigation for his plea.	The Player has only one relevant matter on his record from September 2020. Predominantly due to its age the Panel consider it appropriate to disregard a matter from 2016.
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's conduct was exemplary.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player did express remorse for his actions in having committed an act of foul play and in having made contact with an opponents head.	The Player provided an exemplary reference from Mark McCall. The Player contacted his opponent to apologise.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:

Given the Player's previous offending he is not eligible to receive the 50% reduction for mitigation which would otherwise be available to him. However given the Player's timely acknowledgment of his offending and considering his behaviour following the incident, during the hearing and leading up to the hearing, sitting alongside other mitigation available to him the Panel does feel able to reduce the sanction by a period of 2 weeks.

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)

The Player has one previous matter on record from September 2020 for which he served a 5 match ban for dangerous tackling and another old matter which occurred in 2016. Given the date of the first matter the Panel conclude the Player is not a repeat offender who's status warrants an increase in sanction for this reason.

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

None identified by the RFU or World Rugby.

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)

None identified

Number of additional weeks: 0

Games for meaningful sanctions:

The Player indicated his intention to apply to World Rugby to take part in the Coaching Intervention Process. The Panel agreed that he is eligible to take part. The dates of fixtures are provided on the basis of a 4 week suspension but will be amended should the Player complete the CIP.

Having indicated the period of suspension we considered appropriate, the Panel was provided with details of the Player's forthcoming fixtures. The Panel was informed that no announcement has yet been made as to the England Squad for the forthcoming 6 Nations fixtures. Both parties submitted, and the Panel agrees, that RFU Regulation 19.11.15 applies and the question as to whether forthcoming fixtures are meaningful can only be judged on the best information available at the time of the decision. As the Player is currently eligible for selection in the Saracens games on the 14 January against Lyon, on the 22 January against Edinburgh and on the 28 January against Bristol Bears, the Panel finds that those fixtures are meaningful. The Player indicated the fourth match to be included (should the Player not complete the World Rugby Coaching Intervention) will be the 19 February against Leicester Tigers.

Should those games be cancelled or rearranged, or should there be a change of circumstances, then it will be the responsibility of the parties to consider the position and to ensure that the sanction imposed by this Panel remains meaningful. If necessary, the Player's free to play date will be amended to ensure the sanction remains meaningful. That responsibility was made clear to the Parties during the hearing.

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	4 Weeks	Sending off sufficient	
Sanction commences	10/01/2023		
Sanctions concludes	20/02/2023 (subject to succesful completion of the World Rugby CIP)		
Free to play	21/02/2023 (subject to succesful completion of the World Rugby CIP)		
Final date to lodge appeal	12/01/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Philip Evans KC	Date	10/01/2023
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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