

RFU SHORT JUDGMENT FORM



Match	Worcester Warriors	Vs	Gloucester
Club's Level	1st XV	Competition	Gallagher Premiership
Date of Match	02/10/2021	Match Venue	Worcester

Particulars of Offence			
Player's Surname	Hill	Date of Birth	
Forename(s)	Edward	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Worcester	RFU ID No.	281648
Type of Offence	Red card		
Law 9 Offence	Law 9.18 - Tip Tackle		
Sanction	3 Weeks		

Hearing Details			
Hearing Date	05/10/2021	Hearing venue	Zoom
Chairmen/SJO	Mike Hamlin	Panel Member 1	Martyn Wood
Panel Member 2	Rob Vickerman	Panel Secretary	Rebecca Morgan
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:
Jonathon Thomas (Worcester Head Coach)	Luke Broadley (Worcester Team Manager) Angus Hetherington (RFU Legal Counsel) David Barnes (RFU Head of Discipline)

List of documents/materials provided to player in advance of hearing:
RFU Bundle comprising: Referee's Report TV Footage of the incident Various e-mails RFU Regulation 19 RFU Submissions on Sanction

1. Andrew Jackson, the referee stated in his report dated 3rd October as follows:

"After a box kick by Worcester, I observed Gloucester 22 arrive from deep and jump to try and catch the ball.. He knocked it on, I played advantage to Worcester and moved away. After a penalty was awarded to Worcester at a subsequent breakdown, TMO Craig Maxwell-Keys advised me that he had foul play to show me. I viewed the incident on the big screen in the ground. I observed Worcester 6's elbow raised as he lifted Gloucester 22's leg above the horizontal causing him to land dangerously. I also saw that Gloucester's leg was outstretched during the jump and made contact with Worcester 6's head area. We considered this factor, but agreed that this was not an act of foul play; he was merely off balance. We then looked at the landing of the Gloucester player to determine sanction. The landing was on the back of the neck area and his head hit into the pitch. This caused me to determine that the incident was worthy of a red card, which my team agreed with. Play was restarted with a penalty to Gloucester."

2. The Panel viewed the TV footage from various angles both in real speed and frame by frame. The footage showed the Player pursuing a kick and watching the ball in flight as he ran. He initially ran at speed, slowed and then increased speed immediately prior to contact. He can be seen watching the ball. Prior to contact approximately 3/4 metres from G22 a Gloucester player runs directly in front of the Player appearing to obstruct his running and line of sight. The Player however continues towards G22 who jumps in an attempt to catch the ball. The Player can be seen looking at G22 in what appears to be the area of his torso/midriff. As G22 jumps for the ball which he fails to secure, G22's right foot whilst in the act of jumping for the ball, makes contact with the Player's neck area as the Player is closing in to tackle G22. The Player as part of his tackle grasps the right leg of G22 and raises his left elbow which causes G22 to rotate above the horizontal. The player then lets go of G22 and he falls to the ground, his upper shoulders, neck and the lower rear part of his head hitting the ground. The Player immediately stands back with his hands up. G22 is not injured and is able to play on after a short stoppage.

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

There was written confirmation from Gloucester that G22 suffered no injury as a result of the collision with the ground.

Summary of Player's Evidence

1. The Player stated he was very sorry for his actions which were not intentional. He was full of remorse for his actions. He was executing a kick chase after the ball had been kicked by a Worcester player. He had spotted the flight of the ball early and its potential landing area in the vicinity of G22. He followed up the kick intending to tackle G22 by slowing his run as the ball came down. G22 jumped for the ball and as he landed with his rear foot on the ground, his front foot made contact with the Player's neck area and into his eyeline as he was bending at the hips to execute the tackle. He stated he was disorientated for a moment, he carried on grasping G22's leg and raised his left elbow causing G22 to go above the horizontal and then fall when he let go of him. He realised immediately what he had done. He shook hands with G22 after the game. He is 22 years of age. This is his first red card and appearance before a Disciplinary Panel. He was made Captain of Worcester in 2020 and was capped for England against Canada in the summer.

2. Jonathon Thomas, the Head Coach of Worcester also gave evidence to the Panel. He said that the Player was in the process of executing a classic example of a tackle following a kick chase. He ran fast initially slowed and accelerated, having identified the position of the ball in the air and its probable landing area and catcher. Players are coached to run fast, slow down, identify their opponent and position and then increase speed into the tackle, with eyes on their opponent's midriff and not to make contact with the opponent whilst in the air. Mr Thomas opined that from the footage the Player was in the process of executing this approach, with his hips bent, aiming for G22's ribs and in control when G22's foot whilst jumping to catch the ball came into contact with the Player's neck area. Until this point the Player had approached the intended tackle perfectly and exactly as he had been coached. His error was grabbing G22's leg and simultaneously raising his elbow causing G22 to go above the horizontal. The Player immediately lets go of G22 who falls to the ground. The Player stands back and raises his arms. Mr Thomas was not convinced that G22 was off balance when his foot struck the Player, as stated in the referee's report.

He also confirmed that the Player had been made Captain of Worcester because of his impressive emotional and physical attitude, character and leadership qualities. Within the club he was an outstanding player who was highly respected. He had also been admitted as a member of the England squad.

Findings of Fact

Having considered the totality of the above evidence including scrutiny of the footage and the Player's evidence and that of Mr Thomas, the Panel find as follows:

1. G22 whilst jumping to catch the ball extends his right foot into the neck area of the Player. G22 was on one leg at the time of impact and it is more likely on the footage evidence that he was off balance at the time his foot connected with the Player's neck.
2. The Player's actions prior to contact with G22 were an example of a well coached player. He executed his approach by watching the ball, slowing down and aiming for the ribs of G22.
3. We accept his approach to the tackle area was hindered by another Gloucester player 3/4 metres before contact but this had no bearing on the Player's actions as he adjusted his approach correctly, in any event.
4. The Player was in control of his body and actions; and was correctly positioned with hips bent to execute a tackle in the area of G22's ribs immediately before G22's foot connected with his neck.
5. The Panel accept that G22's contact with his foot slightly disorientates the Player. The Player grasps G22's leg simultaneously raising his left elbow well above the horizontal and lifts G22's leg thereby causing G22 to rotate above the horizontal. The Player then lets go of G22 who falls to the ground landing on his upper shoulders neck and rear of his lower head simultaneously. We accept the Player realised he was in trouble by immediately standing back and raising his arms. G22 is not injured.

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:

Based upon our findings set out above this was not an intentional act. Indeed, it occurred as a result of a slightly unusual sequence of events. The Player spontaneously acted recklessly by grabbing and lifting G22's leg and raising his elbow causing G22 to go above the horizontal. Had the Player not raised his left elbow and driven straight with his arms into G22 the offence would not have occurred.

Nature of actions - Reg 19.11.8(c)

As set out in our findings above - namely a tip tackle which resulted in G22 landing on the ground with his upper shoulders, neck and lower head simultaneously.

Existence of provocation - Reg 19.11.8(d)

None although the Panel noted the contact by G22 with his foot to the neck area of the Player which was neither reckless nor intentional but part of jumping to catch the ball.

Whether player retaliated - Reg 19.11.8(e)

None

Self-defence - Reg 19.11.8(f)

None

Effect on victim - Reg 19.11.8(g)

G22 was not injured and was able to play on

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

G22 was vulnerable with one leg on the ground and the other being lifted above the horizontal.

Level of participation/premeditation - Reg 19.11.8(j)

There was no evidence of premeditation

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 checked="" type="checkbox"/>	6 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:

1. A reckless act committed in a very fast moving incident where the initial actions of G22 contributed to a slightly unusual sequence of actions and the Player's misconduct.
2. There was no effect on G22 albeit he was vulnerable as set out above.
3. The compelling factors were the manner in which the offence was committed, the absence of intent and the lack of injury or effect upon G22, although the panel recognised the potential risk of injury to G22.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Immediate	Exemplary record and character
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
He is only 22 and is in his early days of experience notwithstanding his club captaincy and England squad selection.	Appropriate for a professional player

Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Immediate and repeated.	None but Mr Thomas's oral testimony was noted

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Panel were satisfied that all mitigating factors were present and taking them into account and the nature of the offending it was appropriate to permit 50% reduction.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

None

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

None

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.10 (c)

None

Number of additional weeks: None

Games for meaningful sanctions:

1. 9/10/21 - Exeter
2. 16/10/21 - Leicester
3. 22/10/21 - Northampton

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	2nd October 2021		
Sanctions concludes	25th October 2021		
Free to play	26th October 2021		
Final date to lodge appeal	7th October 2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Mike Hamlin	Date	06/10/2021
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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