

RFU SHORT JUDGMENT FORM



Match	Ealing RFC	Vs	Jersey RFC
Club's Level	2	Competition	Greene King IPA Championship
Date of Match	17/04/2021	Match Venue	Ealing

Particulars of Offence			
Player's Surname	Ma'afu	Date of Birth	03/10/1987
Forename(s)	RATU (APAKUKI)	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Jersey RFC	RFU ID No.	02137249
Type of Offence	Citing (not admitted) & Red card (admitted)		
Law 9 Offence	World Rugby Law 9.20(b) (Dangerous Play in a ruck or maul) & 9.13 (Dangerous Tackle)		
Sanction	11 weeks in total (3weeks plus 8 weeks)		

Hearing Details			
Hearing Date	20/04/2021	Hearing venue	Remote
Chairmen/SJO	Ian Unsworth QC	Panel Member 1	Mitchell Read
Panel Member 2	Tony Wheat	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:
Jersey: The Player, Ciff Chipperfield, Chairman of Club Discipline & President of Jersey Reds Harvey Biljon, DOR Guy Hinks, Team Manager Jamie Evans , Team Manager Ealing Trailfinders	Angus Hetherington, RFU Legal Counsel David Barnes, Head of Discipline RFU The Referee, Neil Chivers The Injured Player (Citing)

List of documents/materials provided to player in advance of hearing:
<p>Charge Sheets Two bundles in same form as the parties received them which included the relevant World Rugby Guidance which we had at the forefront of our minds at all times.</p> <p>Additional statement from the AR Match footage</p> <p>The Player faced two matters arising from the same match. Having discussed this with the parties, we decided to adjudicate upon the citing first of all. Thereafter we proposed to move to the issue of sanction.</p> <p>We would wish to commend Jersey Reds and the Player for their approach to this hearing. In every respect their approach was an exemplary one - this was a model for how such hearings can take place.</p>

CITING the Citing Commissioner's Report stated:

E15 carries the ball into contact and is legally tackled by J17 who makes a minimal attempt to roll away. E4 comes into the breakdown to clear J17 on the floor, closely followed by E7 who bends at the hips and gets into a strong position over the ball to secure the breakdown. J12 has a clear view of approximately 1 metre, before entering the breakdown at speed, whilst bent at the hips such that he enters the contact area at roughly a 90 degree angle, lowering his head at the last moment. Although there are players on the ground, the momentum of J12 enables him to stay on his feet and drive through the ruck, leading with his right shoulder, clearing out E7 such that E7 is driven backwards onto the floor. J12 goes beyond E7 before going to ground. The referee has a full view and calls it as a counter ruck. From the footage available, the initial point of contact on E7 is not clear. However E7 appears to be in some discomfort and stays down on the ground, before receiving treatment on the field. E7 stays on the pitch for two minutes before leaving and not returning for the rest of the game. Medical statement confirms E7 left the pitch for a HIA which he subsequently failed. E7 has provided a written statement, confirming direct contact with the head, and with sufficient force to cause a head injury, knock him backwards off his feet and require treatment. J12 has a clear view of the breakdown, and enters it at speed, with a leading shoulder and minimal use of the arms. Direct contact with the head is confirmed by E7 and a medical report submitted. E7 is in a vulnerable position, there is a high degree of danger and force. Clear sight of the ruck and E7 means mitigation is not available. As such, this passes the red card test for the reasons set out above - Full citing

The footage was watched on several occasions and reflected the description within the report.

The RFU submitted that the burden falls on the RFU and that the correct approach in determining whether the citing should be upheld is; Was there head contact? If no, the red card test was not met. The video evidence in itself does not show head contact but that this and the surrounding circumstances were supportive of there being contact. The medical evidence was supportive as was the evidence of what happened on the field afterwards. The Referee and Assistant Referee did not see the incident but had not said it didn't happen. The RFU submitted that the Player was reckless and applying the relevant guidelines, the red card test was met.

We heard the Referee Neil Chivers who described the incident as he saw it. He acknowledged that his position could have been better. He saw the Player's left arm coming in to clear but did not see anything illegal at the time. It seemed to be a good contest and wasn't an unusually quick move given the tempo of the game. He accepted that his view as obscured by several players. The only comment he received was from E9 who (justifiably) complained that he had been tackled afterwards. He felt that the distance travelled by the Player was normal.

RED CARD

The Report summarised:

4G Pitch on a high tempo on a warm sunny day.

E14 carried the ball into the tackle. He was part tackled by J10 but still upright as J12 joint the tackle. J12 was always upright and was always going up into the contact which resulted in a clash heads with E14

After a 15 min stoppage E14 was stretchered off and taken to hospital.

CITING

We heard from the injured player Simon Uzokwe who confirmed the contents of his statement:

I was at a breakdown which had been secured, and was waiting for our scrum half to pass the ball. Ma'afu attempted a counter ruck, and made direct contact to my head. There was a high level of force as he had a substantial run up. There was immediate pain and I was a little bit dazed, as I wasn't able to brace for the contact. Post game, there was a slight headache and I failed my HIA assessment. I will also have to go undergo the return to play protocol.

In his evidence to us, he remembered getting "a whack to his head". He had no other issues in the half and this was the only incident in which he suffered a blow to the head. He said he was fairly sure the contact was to the top of the head. His headache came on quite quickly. He did not think this was intentional, nor malicious.

The medical report stated:

Simon Uzokwe suffered a concussion today in the game after contact to his head by the opposition player from Jersey. He was 'jackling' at a ruck and was unable to defend himself or see the opposition player coming towards him. He sustained likely contact to the head which resulted in him having to be assessed on field. As a result of this, he underwent a Head Injury Assessment (HIA 1) which he failed and so was removed from the game as a result. He will hopefully make a full recovery within 1-2 weeks depending on how he presents over the next few days.

Mr Evans of Ealing confirmed that there had been no other incidents which could have caused the injury.

RED CARD

The medical report stated

Dean Hammond was knocked unconscious when carrying the ball into contact in the game today. He was initially very unwell and had to have airway support as well as high flow oxygen therapy. He was then extricated from the pitch using full immobilisation on a spinal board and went straight to a major trauma centre in London. He had a CT scan of his head and neck which was reported as normal and a laceration to his lip. He evidently suffered a concussion and will be assessed in the coming days as to how he is and his prognosis. He may be out for a number of weeks.

As of 19th April:

Dean has severe concussion, still has lots of symptoms. Also had lacerated lip repaired, Can't start return to play protocols yet.

CITING

Jersey highlighted that the medical report stated that the injury was 'likely' and that this was an important factor. It was not challenged lightly. The video did not show contact with the head. No other player saw contact and nor did the officials. This was a shoulder to shoulder contact.

The Player addressed us - he saw an opportunity - he was focused on the control of his weight and made contact with the top part of his arm - he felt it was a good contact and pushed through. He felt it was clean contact. He said he was certain of this despite the speed of entry - he wanted to get his right arm under the body. His left arm was behind the knee. At all times he felt he was under control. His feet were driving through.

He had not received any pain in his shoulder which he would have done had he hit his head.

RED CARD

The Player accepted that this was an act of foul play and a red card. He was contrite and genuinely remorseful for what had happened. It was submitted that he was not a violent player, this had clearly gone wrong but there was no malice in his actions. He too had been injured by this. There was no evidence that there had been any build up to this and this was not a reaction to anything that had gone before.

CITING

As a Panel we found the following;

1. The Officials were not best sighted and did not view the incident
2. The video footage showed the Player approaching the ruck at speed
3. The recording did not show the incident clearly
4. We were sure that Simon Uzokwe was struck on the head with force at this time
5. On the balance of probabilities we were satisfied that in an act of foul play, the Player struck the head with his right shoulder. Indeed, on careful analysis there could be no other cause for the striking.
6. It was this strike which caused the injury to Simon Uzokwe
7. This was an act of foul play
8. It merited a red card
9. The citing was upheld

We should add that we found that the Player was genuine in his belief that he had not struck his opponent. This was, however, a mistaken belief. We found the Player to be open and transparent in his approach to this evidence

RED CARD

This was a significant act of foul play. This was not intentional but it was highly reckless and dangerous. It represented a serious error in technique which not only risked and indeed caused a very serious injury but also, risked and caused injury to the Player himself. The injured player was subjected to significant amounts of force and as a result needed airway management. This was a serious incident.

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

The Citing was upheld

The red card was admitted

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate

19.11.8(b) Reckless

Reasons for finding as to intent:

CITING - obviously reckless act as submitted by the RFU

RED CARD - highly reckless but not intentional

Gravity of player's actions - Reg 19.11.8(c)

CITING - not the gravest act of its kind

RED CARD - this was an act of some significance

Nature of actions - Reg 19.11.8(d)

CITING - see our findings above

RED CARD - approaching at high speed and subjecting his opponent and himself to significant forces

Existence of provocation - Reg 19.11.8(e)

CITING No

RED CARD No

Whether player retaliated - Reg 19.11.8(f)

CITING No

RED CARD No

Self-defence - Reg 19.11.8(g)

CITING No

RED CARD No

Effect on victim - Reg 19.11.8(h)

CITING - see above

RED CARD - see above (this was a significant injury). This injury is a stark reminder as to why the Game is taking a robust approach to acts of play such as this.

Effect on match - Reg 19.11.8(i)

CITING - some short delay but play continued

RED CARD - significant stoppage

Vulnerability of victim - Reg 19.11.8(j)

CITING - yes

RED CARD -yes

Level of participation/premeditation - Reg 19.11.8(k)

CITING -no pre-meditation

RED CARD -no pre-meditation

Conduct completed/attempted - Reg 19.11.8(l)

CITING - completed

RED CARD - completed

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

None relevant

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(C)	<input checked="" type="checkbox"/>	12 (R)

*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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

CITING - applying the Guidelines, this was an automatic mid - range starting point. There was no justification for this being top end

RED CARD - the highly reckless act and the injury caused clearly elevated this to a top end entry point. Of offences of this type this was a serious one and, taking into account all relevant features in our judgement demanded an upwards adjustment to 12 weeks (from 10 weeks+)

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

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

He has a previous matter for Dangerous Tackle in 2019 for which he received a 4 week sanction. Details were provided to the panel.

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

No - notwithstanding this game, the Player is well thought of and is not someone who has exhibited a pattern of offending

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

No

Number of additional weeks: 0 (for both offences)

Relevant Off-Field Mitgating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
CITING - The Player did not accept the citing. RED CARD - The Player accepted the charge at the earliest opportunity.	Apart from above, good over a long career
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
	The Player's conduct impressed us greatly. He was open, articulate, sincere. He was clearly deeply remorseful for injuries caused and was visibly upset. He was a credit to himself and his Club.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Genuine remorse for injuries caused - immediate, after the game and at the hearing	

Number of weeks deducted: 1 (Citing) 4 (Red Card)

Summary of reason for number of weeks deducted:

CITING

The Player's behaviour throughout went beyond that which might be expected - we felt that we ought to mark it with one week. He could not receive double credit for this but we applied that to the citing offence (the contested hearing) this reducing the sanction from 4 weeks to 3 weeks.

RED CARD

The fact, nature and proximity and of the Player's previous offences meant that we could not apply full credit. However, he had shown genuine remorse from the outset and had admitted the offence throughout. He was therefore entitled to credit of 1/3, reducing the sanction from 12 weeks to 8 weeks

OVERALL SANCTION

We reminded ourselves of our duties and powers. In our judgment, these two distinct offences each causing head injuries meant that consecutive sanctions were appropriate. Reflecting on each and the severity of the red card injury in our judgment a total sanction of 11 weeks was fair, proportionate and properly reflected the principle of totality. Players who risk injuries to others in this way must expect severe sanctions.

Games for meaningful sanctions:

24/04 v Nottingham
01/05 v Ampthill
15/05 v Coventry
22/05 v Hartpury
29/05 v Cornish Pirates

And potentially

12/06 – Championship Final (leg 1)
19/06 – Championship Final (leg 2)

The balance of the 11 games will be served in meaningful games post the current season. These must be notified to the RFU. This suspension applies to all games of Rugby Union globally.

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	11 weeks	Sending off sufficient	
Sanction commences	20 April 2021		
Sanctions concludes	Upon completing 11 meaningful games		
Free to play	As above		
Final date to lodge appeal	23 April 2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Ian Unsworth QC	Date	22 April 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