

# RFU SHORT JUDGMENT FORM



Match	Rosslyn Park FC	Vs	Loughborough Students RFC
Club's Level	3	Competition	Pre-season friendly
Date of Match	21/08/2021	Match Venue	Rosslyn Park

Particulars of Offence			
Player's Surname	Adami(Addams)	Date of Birth	28/03/1997
Forename(s)	Joshua	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Rosslyn Park FC	RFU ID No.	1025086
Type of Offence	Red card		
Law 9 Offence	World Rugby Law 9.17 - Tackling, Charging, Pulling, Pushing or Grasping The Jumper In The Air		
Sanction	8 weeks suspension from all forms of rugby		

Hearing Details			
Hearing Date	2nd September 2021	Hearing venue	Remote via Zoom
Chairmen/SJO	Ian Unsworth QC	Panel Member 1	Tony Wheat
Panel Member 2	Phil Davies	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:
Robert Evans, Rosslyn Park FC Dominic Shabbo, Managing Director Rosslyn Park FC	None

List of documents/materials provided to player in advance of hearing:
Charge Sheet Referee's Report Match Footage Extract from RFU Regulations Email correspondence with AR1 Letter from Dominic Shabbo to RFU, dated 24th August re response to charge (and in which it was wrongly claimed that the Player had been removed from playing pending this decision. In fact, the Player was subject to the concussion protocol and could not play. This was a material fact and ought to have been made clear)

The Referees' report stated:

Rosslyn Park kicked ahead from inside their own half on the main stand side of the ground. Josh Addams, Rosslyn Park 11 ("RP11") chased the ball, which alighted near the halfway line. A Loughborough Students ("LS") player jumped for the ball and there was a heavy collision between the LS player and RP11. RP11 was not in a realistic position to contest for the ball, and as a result of the collision the LS player landed directly on his head. I had an unobstructed view from approximately 5 metres away.

After the collision there was a small scuffle between several players on both sides which was confined to pushing and shoving. This quickly resolved. I called time off and consulted with AR1, Simon Bourne, who was also positioned close to the incident. I explained to Simon what I had observed and he confirmed that he had seen the same. I therefore said that there was no option but to issue a red card to RP11.

Both players involved in the collision required treatment. The LS player was treated relatively briefly and I believe was able to resume playing. I was not informed that he sustained any injury. RP11 required more lengthy treatment by medical staff from both teams, and I was subsequently informed that he had sustained a concussion. Whilst he was treated I explained to both captains that I had decided to issue a red card and there was no objection or dissent from either side. I waited until RP11 was fit to be helped to his feet and leave the field and then issued him with a red card.

The game concluded without incident.

This was an isolated incident of foul play within the game, and had no apparent impact on the outcome, as Rosslyn Park increased their lead prior to the end of the game.

In an email AR1 stated:

'Kick ahead from a Rosslyn Park player with the ball coming down around the halfway line. A Loughborough player jumped to gather and a Rosslyn Park player (I believe it was no.11), who really wasn't in a position whereby he could adequately contest for possession, collided with the Loughborough player in mid air, with the Loughborough player coming to ground head first. My view as with that of the Referee was unobstructed.

We watched the match footage on a number of occasions. The referee's description accurately described what could be seen. The Player could be seen running through opposition players and was clearly oblivious to the catcher. He jumped at a time when his opponent was already in the air. The charge into him was of a nature and force that it had the effect of completely disorientating his opponent who toppled over in the air and came to land down, from height, directly on his head. We were informed that no serious injury had been caused to the victim player.

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

We were informed that no serious injury had been caused to the victim player.

## Summary of Player's Evidence

This was an unusual case in which the Club seemingly took a view that was wholly inconsistent with the manifestly truthful evidence of the Player himself. In a letter dated 24th August Dominic Shabbo, MD of the Club stated that the Club and player did not accept the charge and sought to advance an argument that there was no tackle and that in their view had the victim player not been there, the Player would have caught the ball that this in some way absolved the Player from any responsibility.

At the outset of the hearing and mindful that the player was unrepresented we explained the charge to the Player and the broad nature of the allegation, the nature of the hearing, the issue of credit whilst emphasising that this was a matter for him and that we had not formed any view pending the hearing of evidence. We emphasised that whilst the particulars provided for the short form description of "tackling" the actual allegation was drafted in its most broadest and fullest sense.

We allowed time for the Player to consult with his Club officials. Having done so, the Player denied the charge. His evidence was wholly inconsistent with that position. We accepted that his evidence was manifestly truthful and he was an entirely honest witness. He said that there was a box kick, the ball had gone up in the air, his intention was to catch it. In a telling phrase he said that as far as he was concerned his opponent wasn't there. He said that if he was looking at the ball throughout and did not know that his opponent was there and in the air. He thus freely admitted that he had not had any regard to whether (as could be fully expected) there was an opponent seeking to catch the ball. When asked if he felt that he ought to have been aware of his opponent, he repeated that he simply hadn't seen him. He was asked whether he accepted that his opponent was in a position that might be described as "above level" or winning the space." We were told that this was a 50/50 situation and this was simply an unfortunate collision.

The Player told us that he had been subject to the concussion protocol and was still unable to play. If approved by a suitable medic he would be able to return to training on Monday 6th September. At the time of the hearing, that was still uncertain. This evidence flew in the face of information the Club had provided to the RFU in which it was stated that the Player had been removed from playing pending the hearing. That, in our view, is simply unacceptable. Had we not elicited that the Player was subject to the protocol then this may have caused the subsequent sanction to be diluted by at least two games. Disciplinary Panels must expect Clubs to provide accurate and full information concerning such important matters.

Overall, we found the Player's conduct to be exemplary throughout. His evidence was straightforward and honest. Objectively though, he appeared to be advancing mitigation than a defence.

## Findings of Fact

We found the following:

1. The Player chased a box kick.
2. He showed an awareness of 2 opponent players by running and threading through them as he chased the ball.
- 3 He ought to have been aware of the presence of his victim opponent. It was manifestly obvious that he could have expected an opponent to have positioned himself to catch the ball.
4. The Player decided to pay no regard to whether there was such a player there.
5. In the Player's mind, his opponent "wasn't there."
6. In our judgement this was a grossly reckless and manifestly dangerous move. It is simply unacceptable for a Player to say that his single mindedness is such that nothing and no one else matters. He ought to have been aware of his opponent. Had he done so, he would, as countless others do, have stopped, waited for his opponent to complete his catch and then lawfully tackle him in a recognised way.\*
7. The effect of player's recklessness was that he charged into his opponent who had already lifted into the air. He could not have been in a more vulnerable position.
8. The impact of this caused the victim to topple over and land, from height, directly onto his head.

\* After we had delivered our decision, we were surprised that Mr Evans, who having expressed himself as bewildered by our decision, asked what he was supposed to tell other players who find themselves in such a position. Notwithstanding this highly unorthodox expression of disapproval of our decision which we do not expect to ever be repeated, we should emphasise that we are not a coaching advisory panel and that any need for learning ought to be directed at others. Given the circumstances and the highly dangerous event in this case, we recommend that the RFU makes contact with the Club to ensure that what has happened here is not something that has resulted from a particular coaching technique. This should be done as matter of urgency. Equally, we would urge the Club to reflect as to its own approach to these proceedings.

### Decision

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

There was clear evidence from the match footage that this offence was made out. The Player's evidence reinforced that view.

## 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:

Although not intentional, this was a grossly reckless and highly dangerous move.

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

This was a very serious case of its type.

Nature of actions - Reg 19.11.8(d)

Grossly reckless charging into player who was airborne and catching the ball

Existence of provocation - Reg 19.11.8(e)

None

Whether player retaliated - Reg 19.11.8(f)

No

Self-defence - Reg 19.11.8(g)

No

Effect on victim - Reg 19.11.8(h)

Player dropped from air directly onto his head and neck. Fortunately no serious injury resulted

Effect on match - Reg 19.11.8(i)

Short stoppage as described above

Vulnerability of victim - Reg 19.11.8(j)

Highly. He could not have been more vulnerable

Level of participation/premeditation - Reg 19.11.8(k)

Wholly committed and single minded act without any thought to the manifestly obvious probability of an opponent being present.

Conduct completed/attempted - Reg 19.11.8(l)

Complete

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

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 type="checkbox"/>		<input checked="" type="checkbox"/>	12

\*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:

Given the above, applying our rugby knowledge this clearly called for a top end entry point. However, given the reckless (albeit gross) nature of the offence as opposed to being deliberate, we felt that this case could be properly reflected in no upward adjustment from 12 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)

No

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

No

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

Relevant Off-Field Mitgating Factors	
<b>Acknowledgement of guilt and timing - Reg 19.11.11(a)</b>	<b>Player's disciplinary record/good character - Reg 19.11.11(b)</b>
Not available although his evidence was in conflict with his denial	Exemplary
<b>Youth and inexperience of player - Reg 19.11.11(c)</b>	<b>Conduct prior to and at hearing - Reg 19.11.11(d)</b>
Young but experienced	Exemplary. The Player was a model participant.
<b>Remorse and timing of Remorse - Reg 19.11.11(e)</b>	<b>Other off-field mitigation - Reg 19.11.11(f)</b>
He was obviously sorry for what had occurred and was relieved that his opponent suffered no serious injury	The Player had apologised and had been subject to the Return to Play Protocol

Number of weeks deducted: 4

**Summary of reason for number of weeks deducted:**

In our judgment the combined weight of the Player's previous good character, his conduct, obvious remorse and approach to the proceedings demanded a downward reduction of 1/3.

## Games for meaningful sanctions:

It is our intention that the Player will miss 8 matches. His suspension must only begin when the Club provides the RFU with suitable medical information that the Player is fit to train again. Assuming that is in the week of the 6th September 2021, this will mean he will miss:

11/09 - Leeds Tykes  
18/09 - Taunton  
25/09- Darlington Mowden Park  
02/10 - Bishop Stortford  
09/10 - Rams  
16/10- Sale  
23/10 - Free weekend  
30/10 - Cinderford  
13/11 - Birmingham Moseley

Any change to these games must be notified to the RFU. Any delay to return to play will mean the suspension commences later.

We note that had we accepted the Club's initial position that the Player had been stood down then the effect of our decision would have been to dilute the suspension to one of 6 further games.

## 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	8 weeks	Sending off sufficient	
Sanction commences	03/09/21 (subject to being fit to play)		
Sanctions concludes	13/11 (subject to above qualifications)		
Free to play	14/11 (subject to above qualifications)		
Final date to lodge appeal	09/09/2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£200		

Signature (JO or Chairman)	Ian Unsworth QC	Date	08/09/2021
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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