

RFU SHORT JUDGMENT FORM



Match	Wasps	Vs	Bath Rugby
Club's Level	1	Competition	Gallagher Premiership
Date of Match	25/04/2021	Match Venue	Wasps

Particulars of Offence			
Player's Surname	OBANO	Date of Birth	25/10/1994
Forename(s)	Ohwobeno	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bath Rugby	RFU ID No.	734029
Type of Offence	Red card		
Law 9 Offence	Law 9.13 - Dangerous Tackle		
Sanction	5 week suspension.		

Hearing Details			
Hearing Date	27/04/2021	Hearing venue	Remote
Chairmen/SJO	Jeremy Summers	Panel Member 1	Becky Essex
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:
Sophie Bennett, Bath Rugby Operations and Player Welfare Manager	Angus Hetherington, RFU Legal Counsel (Discipline) David Barnes, RFU Head of Discipline

List of documents/materials provided to player in advance of hearing:
27 page bundle including the following documents:- Charge sheet Referees red card report World Rugby HCP March 2021 Sanction table extract Email from Bath Rugby dated 26 April Medical report from Wasps dated 25/04 Medical report from Wasps dated 27/04 (Update) Email trail between RFU and Wasps regarding injury to Wasps Player Submissions on sanction from RFU Email from Bath Rugby with character references from Stuart Hooper and Matt Proudfoot



The Referee (Ian Tempest) detailed the incident as follows:

"I was made aware from the TMO that he had potential foul that he wanted to bring to my attention. Once it was played on the big screen in the stadium the facts were as follows: B17 in attempting to tackle W6 had made head to head contact. Once in the head contact framework I deemed the actions of B17 as foul play as it was avoidable. it was a high degree of danger with no mitigation. As result I red carded B17. W6 had to leave the pitch for a blood injury for treatment to his nose. I made no further comment to B17 post match."

The incident occurred in the 73rd minute of a game that had until then been without incident. The score at the time was 25-29.

The match footage was viewed. This showed Wasps attack with recycled ball close to the half way line in the middle of the pitch. W6 receives a pass from W10 and the Player comes up at speed to close down W6.

Whilst, at the point of impact, the Player's arms have wrapped around W6, he approaches from a front on position and leads upward with his head into the tackle. The top right hand side of his head then makes forceful contact with the face of W6. W6 immediately reacts and appears to be looking at the Referee as he is enveloped by other Wasps defenders.

Play continues until the TMO alerts the Referee of potential foul play. Following the attendant review, the Player is issued with a Red Card. W6 is seen to receive on-field medical attention before being led off the pitch.

An initial medical report (25/4/21) indicated

"Player sustained a open displaced nasal fracture following a high tackle. The player was removed from the field of play as the bleeding (sic) could not be stopped.

The open nature of the injury meant that there was a laceration which require sutures.

The nose was not reduced back to the normal anatomical position, but he will be seeing an ENT specialist tomorrow to determine optimal management.

There was no Concussive consequence of the tackle."

This was updated on 27/4/21 as follows:

"Player was reviewed today by a Doctor with an ENT Special interest. Diagnosis of closed displaced nasal fracture was confirmed with an external laceration not communicating with the nasal passage.

The laceration was healing well with support of steristrips applied at the time and the player will complete a course of Antibiotics to minimise risk of infection.

The player reported some difficulty with breathing out of both nostrils, more noticeable when trying to sleep. Consequently the need to re-align his nose for both functional and cosmetic reasons. [Redacted]

The player wishes to delay this until the off-season as it will be associated with 6 weeks out of contact training & play.

As the wound is healing well and his pain is well managed, we expect him to return to training and play next week."

Summary of Player's Evidence

The Player gave evidence. He had expected W6 to step inside him and he had shaped for that contact. W6 had then taken an outside line and this had led to the Player being in the wrong position. He had not anticipated a static contact, but accepted without equivocation he had gone too high, and that had he not done so he would not be before the Panel. He accepted that his actions had warranted a Red Card.

The RFU's position was that the tackle had been reckless, but that the resultant injury was significant. In light of those facts, it positively argued that the offending merited a Top End entry point assessment. In his submission, and citing Farrell (2020), a finding of recklessness did not preclude a Top End entry point. The starting point within that band was a matter for the Panel. No aggravating features were present.

On behalf of the Player, Ms Bennett submitted that a mid-range entry point should be found. She stressed that the offending had been reckless, that no concussion had resulted and that the Player, whilst requiring surgery in the future, was able to play again immediately. The Player had recently played his 100th game for the club and recently been capped by England. He is 26 with a previously clean disciplinary record, which was significant for a player in his position.

In her submission, a poorly executed tackle did not demand a Top End entry point.

Findings of Fact

The Panel carefully considered all the evidence and submissions. This decision is a summary of the hearing and the fact that a particular point is not recorded does not mean that it was not given due consideration.

The Panel made the following findings:

1. The Player went high into the tackle in circumstances when, as he acknowledged, he should have gone lower.
2. The top of the Player's head made forceful contact with W6's face.
3. There was a high degree of danger in his actions, and no mitigating factors were present.
4. W6 received a significant facial injury resulting him leaving the field and requiring corrective surgery in due course.

Decision

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

On the Player's own admission and having regard to the evidence, the charge was upheld.

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:

This offending resulted from a poorly executed tackle, and was devoid of any malign intent.

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

The risk of serious injury in incidents such as these, and the injury in fact sustained, of necessity require a high degree of gravity being found in the Player's actions.

Nature of actions - Reg 19.11.8(d)

Head on head collision that could clearly have been avoided, as the player acknowledged, by going lower into the tackle.

Existence of provocation - Reg 19.11.8(e)

Not relevant to the offending.

Whether player retaliated - Reg 19.11.8(f)

Not relevant.

Self-defence - Reg 19.11.8(g)

Not relevant.

Effect on victim - Reg 19.11.8(h)

Significant facial injury that will require surgical correction, although he can continue playing at the present time.

Effect on match - Reg 19.11.8(i)

None.

Vulnerability of victim - Reg 19.11.8(j)

None that was material to the offending.

Level of participation/premeditation - Reg 19.11.8(k)

No premeditation present.

Conduct completed/attempted - Reg 19.11.8(l)

Completed.

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"/>	10

*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:

The Panel was mindful of the minimum mandatory mid-range entry point requirement. However, in the view of the Panel, the injury sustained by W6 was a significant feature, distinguishing this case from other similar incidents of dangerous tackles that have come before RFU panels this season, and was such as to require a Top End entry point. Whilst the tackle was reckless, it was wholly unnecessary and avoidable, and that added to the injury led the Panel to determine that Top End was the appropriate entry point.

The Panel noted the need to arrive at an entry point of between 10 and 52 weeks. In its view, the offending was not so serious as to warrant a further increase from the 10 week Top End starting point.

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)

Not applicable.

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 - Reg 19.11.10 (c)

None.

Number of additional weeks: 0

Relevant Off-Field Mitigating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Full and immediate.	Player had a previously clean record
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Not relevant	As befitting a player of his status.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Genuine and timely.	None.

Number of weeks deducted: 5

Summary of reason for number of weeks deducted:

For the reasons set out above the Panel determined that the Player was entitled to the maximum permitted mitigation of 50%.

Games for meaningful sanctions:

01.05 v Montpellier (EPCR Challenge Cup)
08.05 v Bristol Bears
14-16.05 v Sale Sharks
21-22/05 – EPCR Challenge Cup Final*
29.05 v Harlequins
05.06 v Gloucester Rugby**

*Subject to outcome of the Semi Final on 01.05.21

** To be included if Bath Rugby don't make the EPCR Final

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	5 weeks	Sending off sufficient	
Sanction commences	25/4/21		
Sanctions concludes	01/06/2021 (if Bath make EPCR Final) 08/06/2021 (If Bath do not make the EPCR Final)		
Free to play	02/06/2021 or 09/06/2021 subject to fixtures		
Final date to lodge appeal	29/04/21		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Jeremy Summers	Date	28/04/2021
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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