

RFU SHORT JUDGMENT FORM



Match (home)	Gloucester-Hartpury Women	Vs (away)	Exeter Chiefs Women
Club's Level	1	Competition	Premiership Womens Rugby
Date of Match	02/03/2024	Match Venue	Gloucester-Hartpury

Particulars of Offence			
Player's Surname	Van der Velden	Date of Birth	20/02/1995
Forename(s)	Linde	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Exeter Chiefs RFC	RFU ID No.	2599741
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 weeks (subject to succesful completion of the Coaching Intervention)		

Hearing Details			
Hearing Date	05/03/2024	Hearing venue	Papers only
Chairmen/SJO	Daniel Gore	Panel Member 1	Becky Essex
Panel Member 2	Tony Wheat	Panel Secretary	Rebecca Morgan-Scott
Appearance Player	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Player's Representative(s):		Other attendees:	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input checked="" type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
RFU Regulation 19, Appendix 2 (Sanction Table)			
RFU Submissions			
Statement from Kristof Vanhout, Rugby Netherlands Technical Director			
Players fixture list			



The Citing report stated:

"Additional angles obtained to review the incident.

Exeter kick the ball across the field to far touchline where Gloucester retrieve the ball and pass back in field to Gloucester 2.

Gloucester 2 takes the ball forward and is tackled from behind by Exeter 2 and offloads the ball inside to Gloucester 4.

Exeter 4 covering across also makes a tackle during which she makes contact with the head of Gloucester 2.

The tackle of Exeter 2 is a grasp of the shirt and shorts of Gloucester 2 which does not alter either significantly or suddenly alter the height or direction of Gloucester 2 prior to the contact of Exeter 4.

Exeter 4 is tracking sideways is always upright and does not drop her height to make the tackle. The player does lean forward with upper body and shoulder leading into the contact.

Using the HCP

Has head contact occurred – Yes

Was there any foul play – Yes

What was the degree of danger – High

The contact was direct to the head/jaw

The absence of injury does not mitigate the degree of danger

A dynamic action with the left shoulder leading moving forward into the contact with the force knocking the players head backwards after contact.

Is there any mitigation – No

Line of sight – The tackler has a clear line of sight and time to make a safe legitimate tackle by lowering her tackle height.

Sudden and significant drop or movement – Prior to contact the actions of Exeter 2 to not alter the height or direction of ball carrier

Level of control – tackler was in control of her actions

Passive tackler – The tackler was not passive, moving towards the ball carrier and leaning forwards and upwards and a late twist of the upper body so that the left shoulder leads into contact.

There is no attempt to wrap with the left arm and it is always down by side of the tackler with no attempt to grasp or wrap.

Therefore the actions of Exeter 4 meet the red card threshold for dangerous tackling and I cite Exeter 4 under World Rugby Law 9.13."

Dr Harvey Davies, Lead Doctor of Gloucester-Hartpury Women's RFC provided a medical report as follows,

"Kelsey reports receiving head-to-head contact as she was being tackled while running with the ball during the event in question. She was reviewed on-field immediately by a pitch-side therapist and denied any concussion symptoms, and Maddock's questioning was normal. There were no Criteria 1 features indicating immediate player removal (IPR).

Later in the game Kelsey had an episode where she was slow to rise following a tackle, but this was due to jarring her neck and upper trapezius muscles rather than from head contact.

I reviewed Kelsey myself both after the match at the stadium and again today during our team training session. Kelsey remains well, with no symptoms or features of a concussion injury or facial trauma."

The RFU provided written submissions which noted that the charge had been accepted by the Player. The actions were deemed reckless rather than intentional with contact being made to the head of GH2 due to the Player entering contact in an upright manner and failing to lower her position.

No injury was sustained and there was no element of vulnerability due to the GH player bracing for contact, albeit it was accepted that she would not have been expecting contact at that height.

On that basis, the RFU submitted that the mandatory mid-range entry point should apply (6 weeks) with the Player being entitled to apply to World Rugby to undertake the Coaching Intervention should she so wish.

Summary of Player's Evidence

Linde Van Der Velden provided a statement as follows:

1. I am 29 years old. I joined Exeter Chiefs Women when the club was formed in 2020.
2. I have started in 7 games this Premiership season, and 2 Premiership cup games. I have 18 caps playing for Holland.
3. On March 2nd 2024 at Kingsholm Stadium in Gloucester I was playing in a game against Gloucester Hartpury, I was wearing number 4. At about 47 minutes into the game I received a yellow card for a dangerous tackle on the GH number 2.
4. Our fly half kicked the ball cross field towards the left touch line which I was chasing with team mates. GH made a couple of off loads and GH2 took possession of the ball. I moved towards GH2 to tackle her, then Emily Tutossi our hooker tackled her from behind. As a result of this GH2 was dragged backwards and lowered her body height. At the same time GH2 passed the ball to her support player. The movement of the ball distracted my attention from my tackle. Although I tried to lower my body height, my shoulder caught her on the chin and forced her head backwards. I did wrap my right arm in the tackle. My intention was to tackle with my left shoulder and to stop her handling the ball away.
5. It was never my deliberate intention to tackle her illegally. I would never choose to collide with another player with my shoulder.
6. I accept the charge that has been brought on the basis that the foul play was reckless not intentional.
7. I have not received any red or yellow cards in my career.
8. We are continually reminded by the coaches of the need to avoid high tackles and the danger and penalties if we do not. I am very sorry that my play on this occasion fell below the standards we are set. However I do believe that if available I would benefit from the extra coaching of the World Rugby Coaching Intervention Scheme.

The Club also provided submissions on the Player's behalf as follows,

1. The player accepted the charge at the first possible opportunity and elected to deal with it by written submissions to minimise the inconvenience to all concerned.
2. She has a clean record. It is submitted that she should have the benefit of full mitigation for clean record.
3. The incident in which he was involved lasted a very short space of time a matter of seconds - and the game was not materially interfered with. The incident was not material in any way to the result. The other player seems to have suffered little, if any injury, as far as we are aware. There is no evidence of intent or malice.
4. The mid range entry point should be 6 weeks/games and it is submitted that there are no aggravating factors which would lead to a conclusion that this was not adequate.
5. It is submitted that the player should have the benefit of full 50% mitigation of that penalty.
6. If offered the player will accept the opportunity of the World Rugby Coaching Intervention Scheme.
7. A list of forthcoming fixtures has been provided separately.

Susie Appleby
Exeter Chiefs Women's Head Coach

Findings of Fact

The Panel made the following findings of fact in relation to the incident;

1. Exeter kicked the ball cross field to the far touchline where Gloucester-Hartpury took possession.
2. The ball is passed in-field to GH2 who was tackled from the right hand side at waist level by Exeter 2.
3. The Player approaches GH2 to make a tackle and watches the ball as it is offloaded to GH4.
4. As she watches the ball, she remains upright and makes direct contact with GH2's head.
5. GH2 goes to ground, still in contact with Exeter 2 who retains her grip on her waistband.
6. Play continues.

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:

The Panel accepted the Player's evidence that she had intended to make a legal tackle but had made an error in not reducing her height sufficiently. There was no suggestion that this was a deliberate action.

Nature of actions - Reg 19.11.8(c)

An upright tackle which resulted in head contact to GH2.

Existence of provocation - Reg 19.11.8(d)

Not applicable

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)

None, the Player was assessed on-field but was not injured.

Effect on match - Reg 19.11.8(h)

None.

Vulnerability of victim - Reg 19.11.8(i)

GH2 was not particularly vulnerable albeit she would not have been expecting head contact in this situation.

Level of participation/premeditation - Reg 19.11.8(j)

There was no element of premeditation.

Conduct completed/attempted - Reg 19.11.8(k)

The conduct was 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 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 mandatory minimum mid-range entry point applies. There were no factors to warrant a top end 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 accepted the card at the earliest opportunity.	The Player has a clean disciplinary record.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
The Player is experienced at both Premiership and international level receiving 18 caps for Holland.	The Club and Player assisted the process by providing statements and information when requested.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Remorse was expressed in the Player's written statement upon receipt of the citing.	None

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The Player is entitled to the full mitigation on account of the factors set out above.

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)
Not applicable
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
Not applicable
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)
Not applicable

Number of additional weeks: 0

Games for meaningful sanctions:

The Player is suspended from playing or any match day activity for the following matches

09.03.2024 v Loughborough Lightning (PWR)

16.03.2024 v Columbia

06.04.2024 v Spain*

*as the Player is eligible for the World Rugby Coaching Intervention Scheme the Player may be available to play this match subject to her successfully completing the Coaching Intervention Scheme.

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	05/03/2024		
Sanctions concludes	08/04/2024 (18/03/2024 if the CIP is completed successfully)		
Free to play	09/04/2024 (19/03/2024 if the CIP is completed successfully)		
Final date to lodge appeal	08/03/2024		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature (JO or Chairman)	Daniel Gore	Date	06/03/2024
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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