

# RFU SHORT JUDGMENT FORM



Match (home)	Exeter Chiefs RFC	Vs (away)	Bristol Rugby RFC
Club's Level	1	Competition	Premiership
Date of Match	22/04/2023	Match Venue	Sandy Park

Particulars of Offence			
Player's Surname	Jenkins	Date of Birth	05/12/2002
Forename(s)	Dafydd	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Exeter Chiefs RFC	RFU ID No.	2745182
Type of Offence	Red Card		
Law 9 Offence	9.13 - Dangerous tackling		
Sanction	3 weeks suspension.		

Hearing Details			
Hearing Date	25/04/2023	Hearing venue	Remote by Zoom
Chairmen/SJO	Sir James Dingemans	Panel Member 1	Mitch Read
Panel Member 2	Carl Bradshaw	Panel Secretary	Beccy Morgan-Scott
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:	
Sam Jones (counsel). Rob Baxter (Director of Rugby).		Angus Hetherington (RFU Legal Counsel in Discipline) David Barnes (RFU Head of Discipline).	
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 checked="" type="checkbox"/> Red Card report	<input type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input checked="" type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			

The relevant tackle took place in the first half of the match. The material parts of the referee's report are that:

"TMO alerted me to potential foul play by Exeter 5 upon reviewing the footage it was established that;

- there was head-on-head contact
- there was fault as Exeter 5 could have been lower in the tackle
- it was a high degree of danger as the ball carrier is stopped in his tracks from the force exerted in the tackle
- No clear mitigation was present

Therefore a red card was issued. Player left pitch immediately."

In his submissions Mr Jones noted that on the soundtrack of the discussions about the red card there had been discussion about the player knocking Bristol number 2 back, and there was a high degree of danger. In fact as appears below Bristol number 2 moves only marginally backwards on the video and it is fairer to report, as the referee has done, that the ball carrier was stopped in his tracks. The referee did work through the World Rugby Head Contact Process in effect from 1 March 2023 ("HCP") and asked for further angles to consider whether the tackle was dynamic.

The footage showed that the ball was passed out to Bristol number 2 and that the player ran in an upright position forward to make a tackle, before planting his feet for the tackle and bending his knees slightly before moving forwards up into the tackle so that his head and face collided with the head and face of Bristol number 2 before sliding off to the side of the head while attempting to make a wrap of the player, taking part of the shirt of Bristol number 2. There was also contact in the area of the player's shoulder and the shoulder of Bristol number 2. At the same time another Exeter player, number 7, had also tackled Bristol number 2 while standing to the right of the player (as they approached Bristol number 2). The player had then gone to the left (from the player's point of view) of Bristol number 2.

There was an email from Jack Targett, the Bristol Bears Team Manager. He stated that Max Lahiff was removed for a Head Injury Assessment (HIA). Max Lahiff had suffered a significant laceration above the right eye. Six stitches were required to close the cut.

The letter went on to state that Max Lahiff passed the HIA but at that stage the video was not available to the match day doctor, and when it was seen the doctor declared that Max Lahiff was a category one removal, and that Max Lahiff would now enter the graduated return to play concussion process. The email from Jack Targett then concluded stating "the red card incident did not the cause for concussion only the laceration".

This last sentence had obviously been jumbled, and further clarification was sought. Mr Targett confirmed that Max Lahiff had suffered concussion from an earlier incident and the only injury suffered in this incident was the cut above the right eye.

## Summary of Player's Evidence

The player confirmed that he accepted that he had committed foul play because he was too high in the tackle and had made head contact, that he had attempted to get lower, but he disputed that there was a high level of danger so that the red card test was not met. He said that if there was a high degree of danger, there was mitigation.

The player spoke about the circumstances of the tackle, the forces involved and the point of contact. The player said he got the tackle wrong and as he was about to hit he had looked up and Bristol number 2's face had collided with the player's face. The player said his chest had taken the brunt of the power or force, and that the player had suffered a broken nose as well. The bridge of his nose had been the point of contact and he had slipped past Bristol number 2's head so it had been a sort of glancing blow. The player had apologised as soon as he located Bristol number 2 who had been removed from the pitch.

The player talked through the footage showing that he had come forward to the tackle, but was too upright and had planted both feet so that he was slightly bent. He was aware of the other Exeter player (number 7) coming to the tackle which had reduced the area which he could tackle, and he had looked up and he had hit the Bristol number 2 in the chest and face with the chest taking the force. The main power had come through his team mate. The collision had been in the soft part of the nose. The player accepted that with his feet planted he had come up into the tackle before making contact with Bristol number 2's face. The player had known that he was committing foul play because he was too high so he had gone softer.

A reference was provided by Rob Baxter, Director of Rugby at Exeter Chiefs. The player had joined the academy at Exeter Chiefs in 2021 when studying at Exeter University. He excelled at the University and has been quick to impress at the club. He has captained on several occasions becoming the Premiership's youngest ever captain. He has never had a discipline issue. He has fulfilled at community and corporate activities in a friendly and open manner. He has recently signed a long term contract extension.

A reference was provided by Martyn Williams, Wales Men's Team manager, showing that the player had been a member of the Wales Men's squad since June 2022 and had been a model professional who was honest, trustworthy and conscientious.

## Findings of Fact

Mr Hetherington on behalf of the RFU submitted that there was direct head to head contact, the player had been upright in the tackle, there was a high degree of force, this was a dynamic tackle, best illustrated by the footage at 1.10 showing that the player moved upwards and forward into the tackle.

In written submission on behalf of the player, it was said that the red card test was not met because: (1) the degree of danger of his tackle was not high; and (2) he had mitigation available to him in that he made an effort to wrap in the tackle, he was passive in the tackle in the sense that his feet were planted and his body absorbed the force of the tackle. These points were expanded in oral submissions by Mr Jones on behalf of the player. The Assistant referee's first description was said to have led the referee into error, because Bristol number 2 had been stopped by the player, but not knocked back, he had been knocked back later. There was a medium level of danger which was close to high, but it did not tip over into high, and there was a range. This was not a dominant tackle, the force was not high, but it was accepted that it was not low. There had been simultaneous contact between the head and chest. The injury showed that the level of force was not high. The forward movement occurring after the player had planted his feet was because he was looking up.

Even if the red card test was satisfied there was mitigation, but the points about it being a glancing blow and limited injury should not be lost. There was some level of control, and some part of the tackle in which the player was not in control, there was an attempt to wrap or bind. The World Rugby Head Contact Process (HCP) could not cater for every situation. In conclusion this was medium danger toward the top end but not a high degree of danger, and there was mitigation.

We made the following findings. The ball was passed out to Bristol number 2. The player ran forward in an upright position to make a tackle on Bristol number 2, before planting his feet for the tackle and bending his knees slightly. The player then moved forwards and upwards into the tackle so that his head and face collided with the head and face of Bristol number 2 before sliding off to the side of Bristol number 2's head. The player was attempting to make a wrap of the player, taking part of the shirt of Bristol number 2. At the same time another Exeter player, number 7, had also tackled Bristol number 2 while standing to the right of the player (as they approached Bristol number 2).

There was direct contact between the heads of the player and Bristol number 2 in the area of the player's nose (which was broken) and above Bristol number 2's eye, which caused a cut requiring 6 stitches to close, and also contact around the areas of the player's shoulder and the shoulder of Bristol number 2.

There was an element of control in the tackle, in the sense that the player had planted his feet, but he was out of control to the extent that he drove forwards and upwards into the tackle, from a position which was too high.

This was a dynamic tackle in the sense that having run forward to make the tackle the player planted his feet but drove up and forward into the face of Bristol number 2.

There was no sudden or significant drop in height or change in direction from Bristol number 2. The actions of Exeter number 7 did not alter the dynamics.

The player did make an effort to wrap but did not have time to make the tackle lawfully, the problem was that, as the player had fairly accepted, the player was always too high in the tackle.

## Decision

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

We found that there was foul play (as was common ground) and that the red card threshold was passed and that there was no mitigation.

Applying the HCP:

(1) there was head contact. There was direct contact between the player's head and face and Bristol number 2's head and face.

(2) there was foul play. It is common ground that there was foul play in that the player tackled Bristol number 2 above the line of the shoulders, making contact with the head of Bristol number 2. The player was always upright in the tackle. This was reckless offending, in that Bristol number 2 was there to be seen but the player did not intend to make head contact.

(3) there was a high degree of danger. This is because there was direct contact between the heads of the player and Bristol number 2 in the area of the player's nose and above Bristol number 2's right eye. There was high force in that Bristol number 2 was coming forward and although the player had planted his legs he went forward and up into the head contact as appears from the footage, making this a dynamic tackle. This was reckless and not intentional offending and this was not always illegal foul play because the player was intending to make a legal tackle. We have therefore considered mitigation.

(4) There was no mitigation to reduce the red card to a yellow card. This is because the player had a clear line of sight. There was no sudden and significant drop or movement on the part of Bristol number 2. The player made no clear attempt to reduce height before impact. The player did have a level of control in that he had planted his feet but he had lost control in moving up into contact meaning that this was not a passive tackle. The player did make an attempt to wrap arms and did reduce his speed at contact, but he was too upright throughout and he did move up into contact. The tackle had stopped the Bristol number 2 and there was force in the head collision.

## 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:

This was reckless offending, in that Bristol number 2 was there to be seen but the player did not intend to make head contact.

Nature of actions - Reg 19.11.8(c)

A high tackle as set out in the findings of fact.

Existence of provocation - Reg 19.11.8(d)

None.

Whether player retaliated - Reg 19.11.8(e)

No.

Self-defence - Reg 19.11.8(f)

Not relevant.

Effect on victim - Reg 19.11.8(g)

Bristol number 2 suffered a cut requiring 6 stitches. There was no concussion.

Effect on match - Reg 19.11.8(h)

Play had been stopped for another incident. The player was sent off.

Vulnerability of victim - Reg 19.11.8(i)

There was no vulnerability.

Level of participation/premeditation - Reg 19.11.8(j)

The player intended to make a tackle, but was reckless in that he was always too high going into the tackle.

Conduct completed/attempted - Reg 19.11.8(k)

The tackle was completed.

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

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"/>	<b>6 weeks</b>	<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:

There was a mandatory minimum mid-range entry point because there was contact with the head. Bristol number 2 suffered an injury in the sense that he had a cut above his right eye requiring 6 stitches.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

<b>Acknowledgment of the commission of foul Play &amp; timing - Reg 19.11.10(a)</b>	<b>Player's disciplinary record - Reg 19.11.10(b)</b>
The player accepted foul play.	The player has not had any previous disciplinary matters.
<b>Youth and/or inexperience of player - Reg 19.11.10(c)</b>	<b>Conduct prior to and at hearing - Reg 19.11.10(d)</b>
The player is young, but his references show that he has demonstrated exceptional maturity.	The player co-operated fully with the process.



Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The player apologised to Bristol number 2 at the first available opportunity.	The player has contributed to all club programmes.

Number of weeks deducted: **3 weeks**

Summary of reason for number of weeks deducted:
The player was entitled to full mitigation.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
<p>Player's status as an offender of the laws of the game - Reg 19.11.13 (a)</p> <p>He is not a previous offender.</p>
<p>Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)</p> <p>The need for deterrence is covered by the HCP and the mandatory minimum mid-range entry point for head contact.</p>
<p>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)</p> <p>None.</p>

Number of additional weeks: **0 weeks**

**Games for meaningful sanctions:**

La Rochelle 30 April 2023;  
London Irish 6 May 2023.

We agree that one week of the sanction may be replaced by the World Rugby Coaching Intervention Programme (CIP), subject to the agreement of World Rugby. If that is not successfully completed then the other meaningful matches will be 20 May (depending on progress in the Cup competition) or 5 August (for Wales). The player will need to ensure that the RFU are informed about the CIP and, if necessary, the position in relation to the other matches.

**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	22 April 2023		
Sanctions concludes	6 May, if CIP or 20 May or 5 August 2023 depending on matches		
Free to play	7 May, or 21 May or 6 August 2023.		
Final date to lodge appeal	27 April 2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	James Dingemans	Date	26/04/2023
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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