

RFU SHORT JUDGMENT FORM



Match (home)	Bristol Bears	Vs (away)	Sale Sharks RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	14/04/2023	Match Venue	Ashton Gate

Particulars of Offence			
Player's Surname	Genge	Date of Birth	16/02/1995
Forename(s)	Ellis	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bristol Bears	RFU ID No.	1384419
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 week suspension from playing (reduced to 2 weeks if CIP is completed)		

Hearing Details			
Hearing Date	18/04/2023	Hearing venue	On papers
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	Mitch Read
Panel Member 2	Carl Bradshaw	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:	
N/A			
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 type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
RFU Regulations Written submissions on behalf of the Player Written submissions on behalf of the RFU Character reference from Pat Lam E-mail from Sale Sharks confirming no injury to Tom Curry			

The citing report reads as follows:

As a ruck forms Bristol 1 enters the right-hand side of the ruck and attempts to legally clear out Sale 7. Bristol 1 quickly gets back to his feet and looks to get into a new defensive position. As he does so Sale 6 picks up on the far side of the ruck from Bristol 1 and makes a break forward. Bristol 1 sees Sale 6 make the break and accelerates to make the tackle. Sale 6 is in open play and can see Bristol 1 coming to make the tackle. There is no significant or sudden dip prior to the tackle being made.

Bristol 1 has a clear line of sight and starts upright and remains upright to affect the tackle and his upper body is forward of his legs and hips as he does so Bristol 1 drives up through his left shoulder.

Bristol 1 left shoulder makes direct contact to the left side of Sale 6 head. The left arm of Bristol 1 swings through and he grasps Sale 1 by the shirt and then pulls the player to ground.

This action led to a fracas involving most of the players from both sides, but no single action warranted any follow up.

Using the latest World Rugby Head Contact process March 2023

Has head contact occurred? – YES.

Was there any foul play? – YES.

What was the degree of danger? – HIGH.

High – Player ran into contact and drove his weight up and through his shoulder contacting direct to the head of the ball carrier. (Left touch camera angle)

The act of leading with the shoulder to the head is always illegal so no mitigation can apply.

Additional considerations in accordance with the WR HCP was given to:

Was it avoidable? – Player was always upright with a clear line of sight and had time to adjust.

It was direct, high force and dynamic.

No sudden or significant drop.

No clear attempt to reduce tackle height.

Not passive – It was dynamic with body moving forwards or upwards with force through the hips/legs/shoulder.

No change in dynamics due to another player in the contact area

There was a wrap, but this came after the initial direct contact to the head.

Under the HCP, injury or the lack of injury is not a factor in assessing the degree of danger.

Therefore, the actions of Bristol 1 pass the red card threshold and I cite Bristol 1 – Ellis Genge – under world rugby law 9.13.

A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.

The video footage accords with the above save that the Panel considered that it showed an attempt to make a legal tackle.

Sale Sharks have confirmed that Tom Curry suffered no injury.

Summary of Player's Evidence

From the written submissions relied upon by the Player, his account of the incident is as follows:

The Player asserts that his actions were reckless rather than intentional.

He accepts that he remained 'too high' into the tackle. He was taken by surprise, to an extent, by Sale 6's break off the back of the breakdown and his step towards him and failed to sufficiently adjust in time.

The player does not accept that he was 'always illegal' – but for the contact with Sale 6's head the tackle would have been legal. He made an attempt to wrap Sale 6 in the tackle with his left arm.

The player nevertheless accepts that due to the force of the tackle and the degree of danger involved that the red card test is met.

As to mitigation, the Player's written submissions say the following:

The Player has indicated his acceptance of the charge and so an acknowledgement of foul play warranting a red card at an early stage (this against the background of him having received a yellow card from the referee).

The Player has an excellent disciplinary record – he has one previous dissimilar matter recorded against him from over a decade ago.

The Player is experienced – he has made over 150 first class appearances and has over 40 caps for his country.

The Player has demonstrated remorse– he apologised to Sale 6 before leaving the field and again, after the match.

In addition, the Player provided a very positive character reference from Pat Lam.

Findings of Fact

The breach was admitted

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:

This was a misjudged attempt to make a legal tackle

Nature of actions - Reg 19.11.8(c)

The Player's left shoulder made direct contact to Tom Curry's head

Existence of provocation - Reg 19.11.8(d)

None

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

Tom Curry suffered no injury

Effect on match - Reg 19.11.8(h)

The incident led to a fracas involving most of the players from both sides, but no single action warranted any follow up.

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

Not premeditated

Conduct completed/attempted - Reg 19.11.8(k)

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:

Contact with the head requires a minimum entry point of mid-level. Nothing about the incident caused the Panel to conclude that a top end entry point was appropriate.

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 admitted the charge at the earliest opportunity	Save for one prior incident some 10 years ago, the Player has an impressive 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 28 years old and has played over 150 top flight club games and 40 games for England	N/A

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player apologised to Tom Curry both at the time of the incident and afterwards	The character reference from Pat Lam was extremely complimentary

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
Given the Player's early admission of guilt, his obvious remorse and his impressive disciplinary record, the Panel considered that the maximum of 50% mitigation ought to be applied

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)
N/A
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
N/A
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)
N/A

Number of additional weeks: 0

Games for meaningful sanctions:

The Player will be unavailable for the following matches:

22.4.23 – Exeter Chiefs v Bristol Bears

6.5.23 – Bristol Bears v Gloucester

5.8.23 – Wales v England (if selected) OR first pre-season fixture for Bristol Bears

Should the Player successfully complete a World Rugby Coaching Intervention Programme, his suspension will be reduced to 2 weeks and, as such, he will only be unavailable for the matches on 22.4.23 and 6.5.23 above.

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 week suspension (2 weeks if CIP completed)	Sending off sufficient	
Sanction commences	19/04/2023		
Sanctions concludes	07/08/2023 (08/05/2023 if CIP completed)		
Free to play	08/08/2023 (09/05/2023 if CIP completed)		
Final date to lodge appeal	22/04/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew Weaver KC	Date	21/04/2023
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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