

# RFU SHORT JUDGMENT FORM



Match (home)	Newcastle Falcons	Vs (away)	Gloucester Rugby
Club's Level	1	Competition	Premiership
Date of Match	24/03/2023	Match Venue	Kingston Park

Particulars of Offence			
Player's Surname	Palframan	Date of Birth	20/12/1993
Forename(s)	Richard James	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Newcastle Falcons	RFU ID No.	1479008
Type of Offence	Red Card		
Law 9 Offence	Dangerous Tackling, Contrary To World Rugby Law 9.13		
Sanction	3 week playing suspension (2 weeks if the Player completes the Coaching Intervention Programme)		

Hearing Details			
Hearing Date	28/03/2023	Hearing venue	Remote
Chairmen/SJO	Martin Picton	Panel Member 1	Guy Lovgreen
Panel Member 2	Mitch Read	Panel Secretary	Oliver Norris
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 checked="" type="checkbox"/> Red Card report	<input checked="" 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)			
Written submissions on behalf of the Player.			

## Summary of Essential Elements of Citing/Referee/s Report/Footage

At a break in play the TMO alerted my attention to an incident of foul play by Newcastle 3. Once on the screen I observed that there was direct shoulder to head contact, the tackler was at fault due to being upright and that the tackle was a high danger offensive tackle. I observed that the player had lead with his shoulder and not attempted to grasp with his left arm. I issued a Red card as per the HCP.

The video evidence plus the additional stills with which the Panel were provided were consistent with the red card report.

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

Gloucester confirmed that although checked at the time and after the game the Gloucester player did not sustain any injury.

## Summary of Player's Evidence

The Player's account was set out in the written submissions provided on his behalf which were in the following terms:

### SUBMISSIONS ON BEHALF OF THE PLAYER

#### 1. Preliminary matters

No objection is raised to the constitution of the Panel.

#### 2. Plea

The Player does not seek to argue that the referee was wrong to issue a red card and accepts the charge.

#### 3. The Player's Account

3.1 The following account is advanced on behalf of the Player:

Coming off the line, Adam Brocklebank (N1) made initial contact with the ball carrier (G4). I adjusted my body position to get square on in front of G4.

The tackle situation developed quickly and in a split second I felt G4 hit towards me. I made contact and moved to wrap around him with my right arm and began to lift my left arm in an attempt to wrap and eventually as I completed the tackle I managed to get my left arm around him and take him to floor.

After reflection of the incident, how I felt in real time and watching it back I do agree that I do not show any change of height going into the tackle and that I have made shoulder to head contact. I do believe I made an attempt to wrap with my left arm however I feel that the attempt was initially prevented due to the actions of my team mate and the advance of G4. Footage and stills from the reverse angle clearly show that my left hand comes through around the ball carrier as the tackle progresses and a clear wrap with my right arm can be seen. In analysing the incident with the Television Match Official the referee has acknowledged that the actions of N1 should be considered when viewing my actions.

#### 4. Basis of Plea

4.1 The Player accepts the charge on the basis that the red card threshold was met. What is clear from what the referee said at the time but which is not referred to in his report is that having concluded (correctly) that there was head contact involving foul play and a high degree of danger he was precluded from considering on-field mitigation as the Player's actions were always illegal. The Player takes issue with this contention and would argue that there were some on field mitigating factors albeit that he accepts that there would not have been sufficient mitigation to have enabled the referee to have issued a yellow card.

4.2 The Player's contention that he did make an attempt to wrap both arms is supported by the footage and still photographs. Attached to these submissions is a file of 18 sequential photographs of the offending tackle taken from the opposite angle to the broadcast video footage by the club photographer. Image 5 shows that the Player's right arm was not tucked but was extended in a wrapping motion. Image 8, a fraction of a second later, shows the Player's left arm is now wrapped and his right arm is in contact with G4's back. Image 9 shows the Player's left arm in contact with the ball. The Player, accepts, however, that there was no effective wrapping of the arms until after the shoulder to head contact has occurred. In relation to the left arm the initial attempt to wrap was thwarted by the positioning of N1. Whether the referee would have been able to consider on field mitigation had he accepted that there had been a legitimate attempt to wrap is a matter for conjecture. In the event, the Player accepts that he did not at any stage attempt to lower his tackle height and that there was no sudden or significant change in G4's height such as to fundamentally alter the dynamics of the collision and as such the consideration of potential mitigation would not have helped him.

#### 5. Submissions as to Sanction

##### ENTRY POINT

5.1 So far as the circumstances of the offence that are relevant to sanction are concerned the Panel is invited to have regard to the Player's account as set out above. Whilst he accepts that there was insufficient mitigation to have warranted a reduction from a red to a yellow card he does contend that there were mitigating factors relevant to the assessment of the seriousness of the offence. The Panel is asked to have regard to the following:

- i. He did make a genuine attempt to wrap both arms although head contact occurred before effective wrapping was achieved.
- ii. This was a dynamic incident in which the Player was required to make adjustments to his body position in a very short time span.
- iii. The Player's genuine attempts to wrap his arms were to some extent hampered by the actions of the primary tackler, N1.
- iv. No injury was sustained by G4. He did not require on field treatment and was not withdrawn for a head injury assessment. This has been confirmed by his club.

5.2 In summary, applying the factors which determine the on field sanction in such cases as laid out for referees in the World Rugby Head Contact Process, the Player does not seek to argue that the referee was wrong in his conclusion that the red card threshold was reached. It is submitted on behalf of the Player that with little time to react to imminent danger he got his tackle technique wrong.

5.3 In relation to the factors informing the starting point for sanction in RFU Regulation 19.11.8 we would respond as follows on behalf of the Player:

- (a) The Player's sole intention in going into contact was to try to complete an effective tackle and there was no intent whatsoever to initiate a head contact.
- (b) Given his relatively upright position at the point of contact the Player acknowledges that his actions must be deemed to have been reckless.
- (c) This is a matter for the Panel to assess in the light of the evidence submitted.
- (d) There is no suggestion that the Player had been provoked.
- (e) There is no suggestion that the Player's actions were in retaliation to anything that might have occurred.
- (f) The Player does not seek to argue that he was acting in self-defence.
- (g) The offence does not appear to have resulted in any injury to the ball carrier.
- (h) The incident had no obvious impact on the match. There was no adverse reaction from players close to the incident.
- (i) There was no obvious vulnerability on the part of the ball carrier beyond that which any player experiences when facing a two-man tackle.
- (j) It is the Player's case that he had absolutely no intention to initiate head contact and so he would contend that his actions which resulted in the head contact were not pre-meditated.
- (k) The Player's actions should be treated as 'completed' as opposed to merely 'attempted'.
- (l) There are no other obvious relevant features.

5.4 In terms of entry point this is a case where a minimum mid-entry sanction must be imposed. In the light of the above, in particular the absence of intent or any significant injury to the ball carrier, it is contended on behalf of the Player that there is nothing regarding the circumstances of the offence which would warrant anything other than a mid-entry starting point.

#### 6. MITIGATING FACTORS

6.1 It is submitted on the player's behalf that the following relevant mitigating factors apply in his case:

##### 6.2 Acknowledgment of culpability

The Player's intention to plead guilty to the charge was notified to the RFU in advance of the hearing. Given the Player's assertion that there was a genuine attempt to wrap his arms so that the referee was in error in determining that he could not consider mitigation it is submitted that he should receive full credit for his guilty plea and not seeking to argue that the referee might have felt able to mitigate the on field sanction to a yellow card.

##### 6.3 Disciplinary Record/Character

The Player is now aged 29. He was born in South Africa where he played his early rugby representing Natal Sharks at Under 19 level. He came to England in 2012 and joined London Irish for whom he made 28 appearances. Following a season with London Scottish he joined Worcester Warriors in 2018. After making 43 appearances for Worcester he joined Newcastle in the summer of 2021. He has not previously received a red card and therefore deserves credit for his disciplinary record.

##### 6.4 Conduct at the hearing

This will be a matter for the Panel to assess.

##### 6.5 Demonstration of remorse

In issuing the red card the referee did not speak directly to the Player but gave his explanation to the team captain. The Player left the field without question or show of dissent. By the time the Player had completed the post-match formalities the referee had left the changing room area but the Head Coach Mark Laycock made a point of speaking to the referee on behalf of the Player and the club.

6.6 It is submitted in the light of all of the above that the player is entitled to the maximum permitted discount on sentence to reflect his acceptance of culpability and disciplinary record.

#### 7. AGGRAVATING FEATURES

It is submitted that there are no aggravating features meeting the Regulation 19.11.13 criteria.

Coaching Intervention Programme.

If deemed appropriate the Player would be willing to undertake the World Rugby coaching intervention process.

## Findings of Fact

The Player made an upright tackle that resulted in his shoulder impacting directly to the head of Gloucester 4. In accordance with the HCP, and as accepted by the Player and his club, the referee was right to issue a red card.

### Decision

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

The Player had committed the act of foul play as alleged. This had engaged the HCP and the Referee had correctly issued a Red Card, as the Player accepted.

## 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:

N/A

#### Nature of actions - Reg 19.11.8(c)

See above.

Existence of provocation - Reg 19.11.8(d)

N/A

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)

None.

Effect on match - Reg 19.11.8(h)

None.

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)

N/A

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:

Given the contact to the victim's head, a mandatory minimum mid-range entry point applies. Nothing about the incident makes a top-end entry point 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 act of foul play at the earliest opportunity.	Good.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
N/A	The approach of the Player and the Club to these proceedings has been exemplary. The written submissions from the Club represent a model of how these things should be handled.



Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Genuine and immediate.	N/A

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The Player's acceptance of the act of foul play, his remorse and his clean disciplinary record makes it appropriate to apply the maximum 50% mitigation

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 fixtures:

15.04 v Harlequins  
21.04 v Northampton  
06.05 v Sale

If the Player successfully completes the Coaching Intervention Programme, he will only be unavailable for the matches vs Harlequins and Northampton and will be available for the fixture against Sale.

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 (2 weeks with CIP)	Sending off sufficient	
Sanction commences	29/03/2023		
Sanctions concludes	08/05/2023 (24/04/2023 if the CIP is completed)		
Free to play	09/05/2023 (25/04/2023 if the CIP is completed)		
Final date to lodge appeal	31/03/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	M Picton	Date	30/03/2023
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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