

RFU SHORT JUDGMENT FORM



Match	Wasps FC	Vs	Northampton Saints
Club's Level	1	Competition	Gallagher Premiership
Date of Match	10/10/2021	Match Venue	Coventry Building Society Arena

Particulars of Offence			
Player's Surname	Oghre	Date of Birth	25/05/1998
Forename(s)	Gabriel	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Wasps FC	RFU ID No.	620220
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous tackling		
Sanction	3 weeks		

Hearing Details			
Hearing Date	12/10/2021	Hearing venue	Papers only
Chairmen/SJO	Gareth Graham	Panel Member 1	Leon Lloyd
Panel Member 2	Olly Kohn	Panel Secretary	Rebecca Morgan
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:
Richard Smith QC	N/A

List of documents/materials provided to player in advance of hearing:
Charge sheet Citing Commissioner's Report World Rugby Head Contact Process RFU Regulation 19 Appendix 2 Medical information as to the injured player

The essential elements of the citing report state as follows:

“From a Northampton Saints lineout, on their left hand side, just inside the Wasps half, they play open and to the opposite touchline; from there, the No 9 (Alex Mitchell) runs laterally and gets tackled high by No 16 (Gabriel Oghre). Oghre starts in a high upright position and finishes in an upright high position with clear sight of Mitchell, making direct contact with his arm to Mitchell's head (his arm might have slightly brushed the ball on the way through but it didn't change the direction of his arm). It is a swinging arm and has force but there was no obvious injury, as Mitchell does not receive any treatment and plays on. Mitchell throughout his carry doesn't dip or lower his height into the tackle. The TMO (Rowan Kitt) communicates into the Referee (Craig Maxwell-Keys) to review the high tackle. Slightly earlier and just before the high tackle, there is a tackle off the ball which collides with the high tackle but this does not impede either Mitchell's carry or Oghre's tackle. Maxwell-Keys and Kitt review the tackle and after a small discussion a yellow card is awarded to Oghre. In my opinion, there is no mitigation to bring this high dangerous tackle down from red, there is a swinging arm contact direct to the head, there is force and Oghre has clear sight and is upright and high throughout the whole tackle process with no lowering of height by Mitchell; with all these details and following the 'Head Contact Process', this is a red card offence and I have awarded a full citing.”

The Panel had the opportunity to view video footage of the incident at full speed, and in slow motion, from a number of angles. The incident was as described by the Citing Commissioner.

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

The tackled player, Alex Mitchell, required no medical attention and was not injured as a result of the incident.

Summary of Player's Evidence

The Panel received helpful written submissions from the Player's representative, in which the Player's account was contained.

The Player stated that he had no intention to make contact with the head of the Northampton Saints player and that it was an unintended consequence of a poorly executed tackle.

The Player had been seeking to make contact with the opposing player and the ball. Whilst the first point of contact was with the ball, the Player accepted that such contact did not ultimately change the overall 'character' of the tackle. The Player candidly accepted that he got his positioning and execution wrong. The Player submitted that it is worthy of note that the tackle off the ball made by the fellow Wasps player resulted in that tackled player being pushed into Alex Mitchell, so moving him sooner into contact with the Player.

By his plea, the Player accepted that the referee's decision on the field (which was to give the Player a yellow card) was incorrect having regard to the implementation of the Head Contact Process.

Findings of Fact

The Panel made the following brief findings of fact on the balance of probabilities:

1. Alex Mitchell, the Northampton Saints scrum half, carried the ball from the base of a ruck towards the Wasps defensive line, albeit in a lateral direction.
2. The Player moved towards the Northampton player and tackled him, starting and ending in a high, upright position.
3. As the Player attempted to wrap the Northampton player with his right arm, he used a swinging arm. The Player's right arm made contact with the top of the ball before carrying on to make direct contact with the Northampton player's head.
4. As was candidly accepted by the Player, any contact that there was with the ball did not change the character of the tackle.
5. Just before the Player made the tackle, there was a (separate) tackle off-the-ball made by another Wasps player that resulted in that tackled player being pushed into Alex Mitchell, so moving him sooner into contact with the Player. This did not have any material effect on the Player's conduct.

Decision

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

The Player candidly accepted that he had made a poorly executed and dangerous tackle that made direct contact with the head of the Northampton Player. By his plea, the Player accepted that this was a tackle that passed the red card threshold.

In light of the admission from the Player, and in all the circumstances of the case, the Panel had no hesitation in finding the matter proven.

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 account, supported by the video footage, that this was a poorly executed tackle that was reckless, rather than being a deliberate attempt to make contact with the head of the Northampton player.

Nature of actions - Reg 19.11.8(c)

As described above.

Existence of provocation - Reg 19.11.8(d)

There was none.

Whether player retaliated - Reg 19.11.8(e)

There was no retaliation.

Self-defence - Reg 19.11.8(f)

The Player was not acting in self-defence.

Effect on victim - Reg 19.11.8(g)

The Northampton player did not require on-field medical attention and was not injured.

Effect on match - Reg 19.11.8(h)

There was no effect on the match.

Vulnerability of victim - Reg 19.11.8(i)

The Northampton player was not particularly vulnerable.

Level of participation/premeditation - Reg 19.11.8(j)

There was no premeditation; the Player was the sole participant in the offence.

Conduct completed/attempted - Reg 19.11.8(k)

The conduct was completed.

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

There were 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:

This was a poorly executed, reckless, tackle that made direct contact to the head of the Northampton player. There was some force in the contact, but there was no injury caused to the victim player.

There is a mandatory entry point of at least a mid-range sanction in cases where there is contact to the head/neck of an opposition player.

The Panel had no hesitation in concluding that in all the circumstances of this case a mid-range entry point was appropriate.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
The Player accepted the charge at the earliest opportunity.	The Player has one previous off-field disciplinary matter to his name, namely a COVID-19 breach in February 2021. The Player has no previous on-field disciplinary matters to speak of, and he is of good character.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
The Player's age and experience is not greatly relevant in this case.	The Player assisted the Panel by agreeing to the matter being dealt with on the papers.

Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
The Player showed an immediate apology on the field of play.	There is none.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Player accepted the charge at the earliest opportunity, is of good character, and has a clean disciplinary record in relation to on-field offences.

In its helpful submissions, the RFU adopted the stance that the off-field disciplinary matter relating to a breach of the COVID-19 regulations should not count against the Player for the purposes of mitigating factors.

In the circumstances, the Panel accepted that the Player was entitled to the maximum deduction of 50% by way of 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 19.11.10 (a)

Not applicable

Need for deterrent to combat a pattern of offending - Reg 19.11.10(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 19.11.10 (c)

Not applicable

Number of additional weeks: 0

Games for meaningful sanctions:

The following matches are to be counted by way of meaningful sanctions:

1. Wasps v Exeter Chiefs (16 October)
2. Wasps v Saracens (24 October)
3. Wasps v Bath (30 October).

The Player has indicated that he intends to apply for World Rugby's Head Contact Process Coaching Intervention. The Panel agrees to permit the Player to apply for the Coaching Intervention. In the event of the Player receiving a confirmation of completion from World Rugby, the final match of the Player's suspension will be substituted by the successful Coaching Intervention.

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	12/10/2021		
Sanctions concludes	01/11/2021		
Free to play	02/11/2021		
Final date to lodge appeal	14/10/2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Gareth Graham	Date	12/10/2021
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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

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