

RFU SHORT JUDGMENT FORM



Match	Bath Rugby	Vs	Sale Sharks RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	17/09/2022	Match Venue	Recreation Ground

Particulars of Offence			
Player's Surname	Schonert	Date of Birth	20/09/1991
Forename(s)	Nicholas	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Sale Sharks RFC	RFU ID No.	174205
Type of Offence	Red Card		
Law 9 Offence	9.13 - Dangerous Tackling		
Sanction	3 weeks/matches		

Hearing Details			
Hearing Date	20/09/2022	Hearing venue	Zoom
Chairmen/SJO	Matthew O'Grady	Panel Member 1	Rob Vickerman
Panel Member 2	Martyn Wood	Panel Secretary	Rebecca Morgan
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:
Alex Sanderson (Director of Rugby) Scott Needham (Team Manager)	David Barnes (RFU Head of Discipline) Angus Hetherington (RFU Counsel) Christian Scotland-Williamson (Observing)

List of documents/materials provided to player in advance of hearing:
Charge sheet Referee Red Card report World Rugby Head Contact Process RFU Sanctions Table Email from Bath Rugby Head of Medical Footage

The Referee's report states:

'Bath 4 was in possession attacking in Sale's half. After a stoppage the TMO asked me to review potential foul play. After reviewing I deemed Sale 3 had made an upright tackle on Bath 4 causing direct head on head contact with a high degree of danger. No mitigation was applicable.'

The footage was consistent with the Referee's report (see details in findings, below).

The report from the Bath Rugby Head of Medical states:

'Dave Attwood sustained a 4cm wound above his right eye which required 4 stitches post game. There is no suspicion of head injury - in keeping with a glancing blow to the head rather than blunt trauma.

Dave Attwood is expected to be available for selection for the coming week.'

Summary of Player's Evidence

The Player admitted committing an act of Foul Play that justified a Red Card.

He accepted he got the tackle wrong and he should have been lower. The Player was caught out by a last moment step by the Bath player off of his right foot. The Player accepted that, whilst that might possibly be a form of mitigation, it was not sufficient to mitigate the foul play to a Yellow Card because it was not a sufficiently significant change.

The Player apologised to the Bath player by text message after the match and was very remorseful for his actions.

We were told the Player is highly committed. He has played at least 100 professional games over 13 years. He coaches at community level.

Findings of Fact

1. The ball was passed to Bath 4. When Bath 4 received the ball the Player was approximately 5m from him.
2. The Player was defending right to left.
3. As the two players came in close contact with each other, Bath 4 stepped on his right foot, which caused a change in his direction. The change in direction was not significant.
4. The Player's head made direct contact with Bath 4's head.
5. The contact with Bath 4's head was caused recklessly. The Player did not intend to hurt Bath 4 or make head contact with him.
6. The actions involved a high level of danger because there was forceful contact with the head by a hard part of the body.
7. The Player did partially lower his body height from an upright position, but not sufficiently to avoid direct head contact.
8. Bath 4 sustained an injury, as described by the Bath Rugby Head of Medical, which was caused by the Player's recklessness.

Decision

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

N/A

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 Player got the tackle wrong. There was a level of mitigation given Bath 4's change of direction, but the Player conceded it was not sufficient to mitigate the foul play below a Red Card.

Nature of actions - Reg 19.11.8(c)

Glancing direct head-on-head contact in the tackle.

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)

Bath 4 sustained a cut that required stitches. He is not expected to experience time away from playing.

Effect on match - Reg 19.11.8(h)

N/A

Vulnerability of victim - Reg 19.11.8(i)

The Player made contact with a vulnerable part of Bath 4's rugby.

Level of participation/premeditation - Reg 19.11.8(j)

N/A

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 weeks	<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 Player got his tackle technique wrong. His actions were reckless and have no no lasting impact on Bath 4.

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 he committed foul play that justified a Red Card at the earliest opportunity	See detail, below.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
An experienced player with over 100 professional game in a 13 year careers.	Befitting a professional player.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Remorseful and communicated directly to Bath 4	Coaches community rugby in his own time.

Number of weeks deducted: **3 weeks**

Summary of reason for number of weeks deducted:

The Player was cited for foul play in the match between Ospreys v Sale Sharks (EPCR) on 12 December 2021. The EPCR Disciplinary Committee found the Player joined a maul in a 'highly reckless' way, with force and caused dangerous head contact with an opponent. The Player received a 3 week suspension. He was granted a Coaching Intervention and served a 2 week suspension. The nature of the Coaching Intervention was to address the manner of joining mauls (not tackle technique).

This RFU Panel considered it finely balanced whether the Player earned full mitigation (3 weeks) or a lower level in light of that December 2021 offence.

On the one hand: 1) the December 2021 offence was recent (being less than 12 months ago and less than one full season); and 2) it also involved reckless and dangerous head contact.

On the other hand: 1) the foul play was different given this foul play occurred in the tackle and not a maul; and 2) we are required to consider the Player's disciplinary record in the context of his whole playing career.

There are some Player's with far shorter careers than this Player's, who have a disciplinary matter in their past, but are nonetheless treated as having a good record because it occurred (say) 4-5 years previously. That is despite the fact that the mere passage of time is not a factor referred to in the Regulations and there is no reference to weighting past offences based on when they occurred.

Even though the Player has a disciplinary matter less than 12 months ago, we judge he is capable of earning 50% mitigation in the context of having just one prior matter in a long 13 year career. We have reached this conclusion weighing all the relevant mitigating factors. We recognise a different Panel could quite properly come to the conclusion that less than 50% mitigation has been earned. Lest this decision be referenced in the future, it turned on its own facts and is not intended to be 'precedent setting'.

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:

v Leicester Tigers (22/09/22)
v Newcastle Falcons (26/09/22)
v Exeter Chiefs (01/10/22)

The Player is not eligible for a 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/matches	Sending off sufficient	
Sanction commences	17/09/2022		
Sanctions concludes	03/10/2022		
Free to play	04/10/2022		
Final date to lodge appeal	23/10/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Matthew O'Grady	Date	22/09/2022
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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