

RFU SHORT JUDGMENT FORM



Match	Newcastle Falcons RFC	Vs	Exeter Chiefs RFC
Club's Level	Level 1	Competition	Gallagher Premiership
Date of Match	20/02/2022	Match Venue	Newcastle Falcons RFC

Particulars of Offence			
Player's Surname	Chick	Date of Birth	25/11/1996
Forename(s)	Callum Jason	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Newcastle Falcons RFC	RFU ID No.	415597
Type of Offence	Dangerous Tackling		
Law 9 Offence	9.13		
Sanction	2 week playing suspension (subject to completion of World Rugby Coaching Intervention Programme)		

Hearing Details			
Hearing Date	22/02/2022	Hearing venue	By video
Chairmen/SJO	Matthew Weaver	Panel Member 1	Becky Essex
Panel Member 2	Carl Bradshaw	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:
Kingsley Hyland (Newcastle Falcons RFC) Dean Richards (Newcastle Falcons RFC)	Angus Hetherington (RFU)

List of documents/materials provided to player in advance of hearing:
Charge Sheet Referee's report World Rugby Head Contact Process Guidelines RFU Regulation 19 Submissions on appropriateness of red card Submissions on sanction (provided to the Panel after the decision on the appropriateness of the red card) Substitute card for Exeter Chiefs RFC number 15 Video footage (x 3)

The Referee's report reads as follows:

Newcastle 9 box kicks from just outside their 22m. Exeter 15 attempts to catch the kick on the half way line. He is tackled by Newcastle 8. The game comes to a natural stoppage & the TMO brings the incident to my attention. After reviewing the incident, we agreed the following facts which resulted in the Red Card. Foul play - Yes Point of contact - Head Level Of Danger - High Mitigation - None

The various video clips show the incident clearly. They show E15 preparing to catch a box kick and the Player advancing on him at speed in readiness to make a dominant tackle. As E15 attempts to catch the ball, he drops his body height by approximately 10 inches. E15 drops the ball and lowers his head by a further 5 inches or thereabouts. This all takes place when the Player is no more than 5 metres away from E15. The Player has a clear line of sight to E15 at all times and, until he sees him drop the ball, makes no apparent effort to slow his progress to assess the situation. As E15 drops the ball, the Player makes contact with E15, the Player's shoulder makes direct contact with E15's head. Whilst the Player has lowered his height by around 10 inches or thereabouts prior to making contact with E15, there is little evidence of the Player bending at the waist or hips and, as a result, the tackle is an upright one.

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

The Panel received no medical information from Exeter Chiefs RFC but the substitute card provided suggests that E15 was replaced for reasons not associated with this incident. As such, the Panel proceeded on the basis that E15 had suffered no injury as a result of the incident.

Summary of Player's Evidence

The Player's account of the incident was quoted within the written submissions provided as follows:

"I was sent from the field of play in the 24th minute of the game playing for Newcastle against Exeter. We had just converted a try and received the restart when our scrum half Cam Kelemeti put up an exit for us to either compete or tackle the receiver. This was something we'd talked about and prepared for in the conditions, especially knowing the fullback wasn't confident under contestable kicks.

Hodge was moving slightly to his right, I was running in a straight line in anticipation of him catching the ball and moving into my line and then me making the tackle. I knew I would have to lower my body height but was also anticipating Hodge jumping for the ball as 9 out of 10 players would have done in his position.

As the ball came down, Hodge didn't jump to gather the ball but whilst moving to his right dropped the ball forwards. By this stage I had anticipated I was going to have to make a tackle and had started to drop my height. As he dropped the ball though he then dropped his height and more importantly his head as if to look at where the ball had dropped, both his legs were bent almost at right angles. I was committed to the tackle and couldn't pull out but realised that although my target was his nipple area or below as we've been taught, him dropping lower meant I was in the danger zone and started to brake by putting my left leg forward and bending my right knee. Using my left arm I wrapped him around the waist below the height of his shoulder in an attempt to soften the blow, as I also did with my right arm. There was a contact and being truthful I thought I'd done enough to not make contact with his chin or neck.

Hodge didn't stay down, was not injured and played on. I didn't think I'd hurt him. Whilst I accept there was an element of the challenge being my fault, I dropped my height, I braked and wrapped and on collision both my arms were below the lines of his shoulder and I would not have made contact with his chin had he not dropped his height and looked at the loose ball.

Having reviewed footage of the incident it does go to show the whole thing happened in a flash with the dropped ball being the catalyst for it all.

From me being 5m to contact, the time took 0.6 seconds

From the point Hodge knocked on to contact was 0.32 seconds

The point from when Hodge drops his head to contact is 0.16 seconds. At this point I am two feet away from him. He then lifts his head slightly and I drop even more and put the brakes on.

At the point of contact I am trying to drop my shoulder as low as possible as you can see with my hand touching Hodges lower thigh. I believe I must have dropped my height by about a foot as did Hodge. Had he not done so, I would clearly have been nowhere near his chin."

The Player's evidence to the Panel was entirely consistent with the above explanation. He assumed that E15 would jump to catch the ball and that he would, in fact, catch the ball and, in his view, the head contact was as a result of E15 dropping his body height following dropping the box kick. Whilst the Player attempted to avoid head contact by dropping his own height and trying to slow down prior to impact, he could not avoid the collision.

On behalf of the Player, the Panel were asked to consider the short period of time between the Player being 5 metres from E15 and making contact and E15's sudden and significant drop in height (as demonstrated on the videos from Newcastle Falcons RFC). The Player was attempting to make contact with E15 at around the nipple line as he had been coached to do.

The RFU asked the Panel to take into account whether the drop in height was sudden and/or significant. In addition, to take into account that the Referee had to balance all relevant factors, not just the drop in height, to determine whether mitigation ought to be applied and whether the Player's assumptions as to the likely movements of E15 (in attempting to catch the ball) may have contributed to the incident.

Findings of Fact

The Player, to his credit, admitted that the incident involved direct contact with E15's head; was the result of foul play; and involved a high degree of danger. As such, the only issue for the Panel to determine was whether the drop in height on the part of E15 ought to have been viewed by the Referee as sufficient mitigation under the World Rugby Head Contact Process Guidelines to reduce the appropriate sanction from the starting point of a red card to a yellow card.

Under RFU Regulations 19.5.1.1 and 19.11.1, the Panel can only overturn a red card if satisfied on the balance of probabilities that the Referee was wrong either as to mistaken identity or where the Panel consider that the red card threshold is not met.

Having viewed the video footage a number of times and considered the Player's evidence, the submissions made on his behalf and the submissions from the RFU, the Panel were not satisfied on the balance of probabilities that the Referee's decision to issue a red card was wrong.

Whilst both the Player and E15 lowered their height immediately before the contact, much of E15's lowering was as part of attempting to catch the box kick. Contrary to the Player's assumptions, E15 did not jump to catch the ball, rather he steadied himself and dropped his body height to cushion the ball as it fell. Whilst this was not what the Player expected, it cannot be viewed as entirely unexpected or out of the norm and, as such, the Referee's decision not to view it as sudden and/or significant is not clearly wrong. Whilst it is right that the Player had little time to adjust his tackle height prior to the incident, this was not due to an obstructed view or interference by another player. The Player had a clear and unobstructed view of E15 for the majority of the time that the ball was in the air and therefore had every opportunity to adjust his running to ensure that he had sufficient time to adjust to any movements from E15 on catching the ball. That he did not have sufficient time to adjust fully is a consequence of his decision to attempt to take man and ball. The fact that he did not adjust his tackle height by bending at the waist or hips meant that the resulting upright tackle always carried a degree of risk.

The Panel accepted entirely that this was a reckless rather than deliberate act and that the Player made some effort, once he anticipated a potentially dangerous tackle, to reduce his height and speed to protect E15. However, the Panel did not consider the Referee to have been wrong to consider all of the above but to reject it as being insufficient to merit reduction of the sanction from red card to yellow card.

As such, the Player's appeal against the red card was dismissed.

Decision

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

The Player admitted all elements of the offence at the earliest opportunity but challenged the appropriate sanction.

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 reckless rather than intentional act

Nature of actions - Reg 19.11.8(c)

The Player's shoulder made direct contact with E15's head with force

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)

None

Effect on match - Reg 19.11.8(h)

To the extent that it impacted on the match, it was to Newcastle Falcons RFC's disadvantage

Vulnerability of victim - Reg 19.11.8(i)

Given that E15 was not jumping to catch the ball and could see the Player coming, he was not particularly vulnerable

Level of participation/premeditation - Reg 19.11.8(j)

The tackle was obviously premeditated but the dangerous element of it was not

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:

Given the contact to the head, the mandatory minimum mid-range entry point applies. Given the circumstances of the incident and the lack of any injury to E15, there is nothing to warrant consideration of a top-end entry point

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 foul play at the earliest opportunity	Previously clean 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 25 years old. He has represented England at u16s, u18s and u20s, captaining the u18s and u20s sides. He has also represented the England senior mens side and has played 99 matches for his club	The Player's conduct was exemplary

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player apologised to the Referee after the match and sought out E15 to check that he was ok after the match	The Player is a Level 2 coach and coaches at a university and at a local club

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The Player's early admission as to foul play, his previously clean disciplinary record and his clear remorse warrant 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)
None

Number of additional weeks: 0

Games for meaningful sanctions:

v Bath - 26.2.2022
v Harlequins - 4.3.2022
v Saracens - 12.3.2022 (unless the Player completes the World Rugby Coaching Intervention Programme, in which case he will not be suspended for this fixture)

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	20/2/2022		
Sanctions concludes	Either 7.3.2022 or 14.3.2022		
Free to play	Either 8.3.2022 or 15.3.2022		
Final date to lodge appeal	24.2.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Matthew Weaver	Date	23/02/2022
----------------------------	----------------	------	------------

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