RFU SHORT JUDGMENT FORM

Match	Bath Rugby	Vs	Gloucester RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	19/02/2021	Match Venue	Recreation Ground

Particulars of Offence			
Player's Surname	WILLIAMS	Date of Birth	04/11/1991
Forename(s)	Michael	Plea	Admitted | Not Admitted
Club name	Bath Rugby	RFU ID No.	1587585
Type of Offence	Dangerous tackle.		
Law 9 Offence	9.13		
Sanction	4 week suspension.		

Hearing Details			
Hearing Date	23/02/21	Hearing venue	Remote
Chairmen/SJO	Jeremy Summers	Panel Member 1	Jamie Corsi
Panel Member 2	Chris Skaife	Panel Secretary	Rebecca Morgan
Appearance Player	Yes | No	Appearance Club	Yes | No

Player's Representative(s):	Other attendees:
Sophie Bennett, Team Manager	Angus Hetherington, RFU David Barnes, RFU (observing)

List of documents/materials provided to player in advance of hearing:

Charge Sheet
Red Card Report
World Rugby High Tackle Framework
RFU Regulation 19, Appendix 2
Match footage
Medical report dated 22 February 2021

On behalf of the Player, the Panel also considered:
Written submissions dated 22 February 2021
Copy text Player to G15 22/02/21
Undated chararchter reference letter from Neil Hatley, Head Coach Bath Rugby

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

The Referee (Wayne Barnes) recorded the detail of the incident as follows:

"In the 52nd minute of the match, the G15 caught the ball just outside his 22. He ran forward and was tackled by two Bath players. The tackle was high so I stopped the game and decide to look at the big screen to determine what sanction was appropriate. Upon looking at the screen, I saw B22 make the initial contact with his right arm, B5 then tackled the G15 high, his shoulder hitting G15 directly to the head. I deemed this to be of high danger as it was direct to the head, he had travelled from a distance, he was hitting up and the collision was at high speed. I did not deem that there was any mitigation to the offence. I therefore issued a red card"

Bath were leading 10-6 at the time of the incident.

The match footage was reviewed and found to be consistent with the above narrative. B22 fields a Gloucester kick close to his 22 and the left hand touch line. He accelerates infield towards his 10m line before putting in a long and high clearing kick which is fielded at pace by G15 about 10m beyond his 22 heading into the centre of the pitch. B22 chases up his kick and closes in on G15 from the left. His right arm appears to be attempting to wrap around G15. It hits initially across G15's chest before seeming to rise up and potentially make contact with G15's head. Almost instantaneously, the Player comes in at pace as the second tackler from the right of G15. He is in a virtually upright position and his left arm does not lead in a forwards movement attempting to wrap around G15, although he may be partially blocked in this respect by B22. The Player continues up and into G15 and his left shoulder impacts forcefully with the front of G15's face. Despite the pace at which G15 has attacked the ball, he is knocked backwards, holding his head, and lands heavily on his back. There is initially concern that he has lost consciousness, but shortly afterwards he is seen to get slowly up onto his knees.

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

The Panel considered the following medical update:

"The player was assessed on the pitch and cleared to carry on. He later left the pitch with cramp. Our medical team haven't done any reports as the player was absolutely fine after the incident."

Summary of Player's Evidence

The Player gave evidence, confirming that he accepted the charge against him.

He was very disappointed in himself and had had no intention to hit G15 in the face. G15 had stepped inside had he had just wanted to finish off the tackle started by B22. He had gone "way too high" and had made a big mistake.

He had sent a text to G15 over the weekend to apologise and check on his wellbeing.

Ms Bennett submitted that there had been no malice in the contact and that the Player had been immediately remorseful.

In 10 years as a professional he had only two previous offences recorded against him, one of which went back to 2105 and arose from having been issued with 3 yellow cards in that season. His last offence had been in 2017.

He was in his second season at the club, and was regarded as a very important member of the squad.

She noted that no injury had been sustained. In her submission, the Player should receive full credit for the mitigation available to him.

On behalf of the RFU, Mr Hetherington did not urge that the entry point needed to be elevated beyond the Mid Range mandated for foul play involving contact with the head.

Findings of Fact

1. Initial contact with G15 was made by B22, with the on-field officials and TMO not viewing that incident as foul play.
2. Almost immediately after that contact the Player joined the play to assist in making the tackle.
3. He is almost upright at the point of contact, with his left shoulder leading without his arm being materially raised in an attempt to make wrap around G15.
4. The left shoulder impacts with the front of G15's face with significant force knocking him backwards to the ground.
5. Although G15 lands heavily and appeared dazed, in the event, no injury was sustained, and all HIA tests were passed.

Decision			
Breach admitted [I]	Proven [ ]	Not Proven [ ]	Other Disposal (please state below) [ ]

On the Player's admission, and on the basis of the evidence, the Panel found that the Player had committed an act of foul play that had warranted the issue of a red card.

The offending involved a high tackle involving direct contact with an opponent's head, which carried a high degree of danger. Both the Player and G15 were in open space and the Player had a clear line of sight and time before contact in which to adjust his position and tackle lower. These factors pointed away from the offending being mitigated down to a yellow card but, and in any event, none of the mitigating factors prescribed on the World Rugby High Tackle Framework were present.

SANCTIONING PROCESS

England Rugby

Assessment of Seriousness		
Assessment of intent - Ref 19.11.8		
PLEASE TICK APPROPRIATE BOX	19.11.8(a) Intentional/deliberate [ ]	19.11.8(b) Reckless [I]

Reasons for finding as to intent:

This was a dynamic incident to which B4's near upright position had contributed. Whilst the Panel found that the Player had not deliberately targeted B4's head, his actions were plainly dangerous and he should have been aware of the risk of foul play arising.

Gravity of player's actions - Reg 19.11.8(c)

The dangers associated with head injuries are well known, and going into contact in a manner that clearly risks such injury must be viewed seriously even if the action, as was the case here, is unintended. The World Rugby High Tackle Framework has been adopted to reflect the risks in this type of offending.

Nature of actions - Reg 19.11.8(d)
High tackle leading to direct contact between shoulder and head with force as described above.
Existence of provocation - Reg 19.11.8(e)
None.
Whether player retaliated - Reg 19.11.8(f)
Not relevant to the incident.
Self-defence - Reg 19.11.8(g)
Not relevant to the incident.
Effect on victim - Reg 19.11.8(h)
Whilst G15 appeared to be initially stunned, no injury was in fact sustained.
Effect on match - Reg 19.11.8(i)
None.
Vulnerability of victim - Reg 19.11.8(j)
None material to the assessement of the offending.
Level of participation/premeditation - Reg 19.11.8(k)
No premeditation.

Conduct completed/attempted - Reg 19.11.8(l)
Completed.

Other features of player's conduct - Reg 19.11.8(m)
None.

Assessment of Seriousness Continued					
Entry point					
Low-end	Weeks	Mid-range	Weeks	Top-end*	Weeks
☐		I	6	☐	

*If Top End, the JO or Panel should identify, if apropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.
In making this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:
The Panel followed the minimum mid range entry point required for foul play involving contact with the head. The Panel found no grounds in the offending that necessitated a Top End entry point assessment. This was a reckless act where no injury resulted.

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10
Player's status as an offender of the laws of the game - Reg 19.11.10 (a)
Not relevant.
Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)
None.

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)
None.

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Full and immediate.	The Player has two previous matters recorded against him. A totting up offence (3 yellow cards) in 2015 and a citing in 2017 that resulted from a dangerous charge into a ruck. He received 1 week suspensions for both matters.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Not relevant to the offending.	Befitting a player at the elite level.
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Genuine and prompt.	None.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
Whilst the Player admitted the offence, he did not have a clear record and accordingly the Panel felt unable to grant the maximum credit available in mitigation. Having regard to all the mitigating factors present, the Panel determined that a discount of 33% from the entry point was appropriate. In reaching this determination, the Panel carefully considered the submission made on behalf of the Player, that he should receive the maximum possible 50% reduction. That submission was however not accepted. Although not recent, as above the Player had been the subject of two previous disciplinary sanctions, the last of which also involved contact with an opponent's head. In the view of the Panel, this prevented them from being able to allow a full mitigation credit.

Games for meaningful sanctions:
The Player will miss the following Gallagher Premiership matches: Sun 27 Feb Northampton Sat 6 March Exeter Sat 13 March Newcastle Sat 20 March Worcester

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	4 weeks	Sending off sufficient	
Sanction commences	19/02/21		
Sanctions concludes	22/03/21		
Free to play	23/03/21		
Final date to lodge appeal	25/02/21		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Jeremy Summers	Date	24/02/21

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