RFU SHORT JUDGMENT FORM

Match (home)	Saracens Women	Vs (away)	Leicester Tigers Women
Club's Level	1	Competition	Premiership Rugby Women
Date of Match	03/03/2024	Match Venue	Saracens Women

Particulars of Offence			
Player's Surname	Cleall	Date of Birth	12/06/1992
Forename(s)	Poppy	Plea	Admitted ☑ / Not Admitted ☐
Club name	Saracens Women	RFU ID No.	642804
Type of Offence	RFU misconduct charge		
Law 9 Offence	RFU Rule 5.12, Conduct Prejudicial To The Interests of the Union and the Game		
Sanction	2 week suspension from playing (1 additional week suspended on condition)		

Hearing Details			
Hearing Date	05/03/2024	Hearing venue	Remote (Zoom)
Chairmen/SJO	Daniel Gore	Panel Member 1	Tony Wheat
Panel Member 2	Becky Essex	Panel Secretary	Rebecca Morgan-Scott
Appearance Player	Yes ☑ / No ☐	Appearance Club	Yes ☑ / No ☐

Player's Representative(s):	Other attendees:
Warwick Lang (Saracens Women) Will Crowley Johnson (Saracens Women) Alex Austerberry (Saracens Women)	Angus Hetherington (RFU) Nikki O'Donnell (Referee)

Conflict of Interests	Conflict raised ☐	No conflict raised ☑	Conflict of Interests	Conflict raised ☐	No conflict raised ☑

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

☑ Charge Sheet	☐ Red Card report	☑ Player Statement	Video footage Yes
☐ Medical report	☐ Citing report	☐ Club Statement	☐ World Rugby Head Contact Process

Other (Please list below)

Yellow Card Report
RFU Referee's Union letter to RFU Head of Discipline
Article on Referee retention
Match Official abuse survey results report
Match Official abuse guide for referees document
RFU Head of Judiciary Sanction Guidance for Match Official abuse
RFU Submissions
Saracens Women Submissions
Previous case authorities (RFU v Botterman, RFU v Sinkler, RFU v Richards, RFU v Ward, RFU v Youngs)

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

The Referee awarded a yellow card for this incident and her report stated that:

"Following kick off receipt in the Saracens 22m, S8 was the ball carrier and was tackled, brought to ground and presented the ball. As another S player was about to play the ball from the subsequent breakdown S8 looked at myself as the referee and shouted “that’s a fucking high tackle”.

I blew my whistle immediately and gave S8 a yellow card for dissent. As the S medics then came onto the pitch I walked to speak to S captain and informed her of what had been said to me. I advised I had not seen a high tackle, but reminded her even of that had occurred this language directed towards a match official was not acceptable.

Following the game S8 apologised for swearing at me, I accepted her apology and reminded her that it’s not acceptable in future."

The Referee provided oral evidence at the hearing and confirmed the content of her statement including the words spoken and her very clear view that the words were "directed" at her. The Referee accepted that she issued a yellow card at the time because she considered the words to be disrespectful and not abusive. She confirmed that the actions of the Player had not instigated other disrespectful comments from other players and that the Player's conduct when the yellow card was issued was as would be expected. An apology was given by the Player.

There is video footage of the incident which includes the Player catching a kick off and running sideways before being contacted by an onrushing player from the opponent's team. There is an "upright" collision after which the Player hits the ground. A ruck forms, with the Player's body lying in a position where her back is facing the opponent's try line with her head on the side closest to the referee. The referee is motioning for the offside line of the defensive line and then deliberately blows her whistle and issues the yellow card.

It was suggested by the RFU that the Player's words can be heard through the audio of the video footage but the Panel struggled to identify it.

There was some debate about the timing of the sequence of events and it appeared to the Panel that the timing was accepted as being as follows: (1) contact took place at around 10 seconds of the video recording, (2) the words were spoken at around the 13/14 second mark of the video recording, (3) the referee blew her whistle at around the 15/16 second mark of the video.

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

N/A

Summary of Player's Evidence

The Club provided a written submission document and that document included a statement from the Player which said as follows:

"5. Use of foul language
I accept that I said the word 'fucking'. However, this was an instinctive reaction after the shock of being hit in the face. I appreciate that there is never justification to use foul language on the rugby pitch, but I wish to make clear that this was not aimed at the referee or anyone in particular. I hope that the panel can understand the feeling shock and pain following a moment of sudden impact.
6. Having just received a blow to my face, I was merely exclaiming that I believed there to be a high tackle. My exclamation of 'high tackle' was never intended to be questioning the referee but borne out of immediate frustration. I was simply exclaiming my thoughts at the time of the tackle rather than processing whether or not there was going to be a sanction.
7. I can see how these comments could also be perceived as being directed to the referee, but it is my submission that this was certainly not my intention. I would never look to disrespect the authority of any match officials and apologised immediately post-match to the referee if it came across in this way."

The Player provided very cogent oral evidence at the hearing which essentially followed her written statement. In particular, the Player made her position clear in relation to the sequence and timing of events which was that she felt the upright contact, went to ground grabbing her head but made sure to secure possession and place the ball back for her team to recycle, following which she felt the pain in her head and shouted the words which she did. She did not direct those words at the referee, was not aware of where the referee was positioned or the proximity of the referee to the ruck and did not intend any disrespect towards the referee at all. She was clear that she did not make eye contact with the referee when speaking the words. This was an instinctual action as a result of the perceived high contact and pain. The Player made sure to confirm the timings of the sequence, as set out above, to show that the various stages of the incident were all relatively immediate and were at least consitent between them (i.e. approximately 2/3 seconds between each phase).

The Player voluntarily accepted that she used foul language when she should not have, particularly on a match which was being live streamed, and that the referee could well have taken the words as being directed at her. She confirmed that in a discussion after the match the referee reiterate her view to the Player that the words were directed at her. The Player readily accepted that the perception of the referee is important in the assessment of cases such as this.

The Club also made submissions on the Player's behalf which supported the Player's explanation of the incident. The Club also accepted that there is "no place in the sport for the words which were spoken" and it is "not a good look for the game". It was argued that this was not a case of targeted abuse at the referee but merely general disrespect which was not directed at the referee. It was submitted that a yellow card and a reprimand would be sufficient in the circumstances. The Panel was also asked to consider the Player's place in the game and her upcoming commitments for the national team. There was some discussion about whether the aggravating factors could be dispensed with. A number of alternative sanctions were also discussed.

Findings of Fact

The charge was accepted but there were two factual points for the Panel to decide and the Panel's findings are:

1. The words spoken by the Player were: "That's a fucking high tackle"; and

2. Those words spoken were directed at the referee.

In coming to that decision the Panel relied upon and preferred the evidence of the referee which was consistent between the yellow card report and the oral evidence given at the hearing. RFU Regulation 19 makes it clear that a Panel must be persuaded on the balance of probabilities that the referee's report was wrong and in this case the Player could not overcome that burden on her. The Panel considered that all of the evidence by the Player broadly supported the referee's explanation of events and the video footage appeared to the Panel to, at the very least, show that the Player's face was in the right direction to direct words at the referee. This is not a case where we do not accept the Player's evidence and, in fact, the Player graciously accepted that the referee could have interpreted the words as having been directed at her. The Player was clearly apologetic of that fact.

The Panel was also minded of the fact that the referee's perspective of events of match official abuse are highly relevant to the assessment by a disciplinary panel as to the factual act and effect of any disrespectful (or, in other cases, abusive) words directed towards match officials.

The Panel was persuaded that words like this are instinctively made by players at all levels of the game as a means of appealing and that it is implicit that words such as this are intended to challenge a referee's authority when a decision is not made. This action must be considered a disrespectful challenge to the authority of the match official. For the avoidance of doubt, the difference between the sentence beginning "it's" or "that's" did not impact the assessment of the offensive part of the sentence (which was agreed).

The Panel was prepared to broadly accept the Player's evidence that she felt that an offence of a high tackle had been committed and that she felt pain as a result of that high tackle. The video footage lends itself to the suggestion that there was a high tackle but is certainly not conclusive on the question (and the Panel makes no finding as to whether a high tackle occurred or not). Regardless of that analysis, it is the Panel's finding that the words were spoken instinctively but were made because the Player felt that a penalty for a high tackle should be awarded and voiced her displeasure at the penalty not being awarded. Whether the Player thought that she was directing the words at the referee or not, the fact is that they were said on the pitch at the bottom of the ruck with the referee standing close to that ruck and clearly relate to a perceived non decision by the referee. The referee felt that they were directed at her and that is a critical part of this assessment. The Panel could not accept that part of the Player's evidence.

There is no justification to appeal a decision generally, especially with offensive language, and certainly no justification to disrespect a match official when a decision is not made (rightly or wrongly). Despite all of this taking place in a matter of seconds, the Panel still considers this analysis to be the most probable explanation of events.

The overall view of the Panel is therefore that the words spoken were a disrespectful challenge to the authority of the match official in relation to the decision around whether or not to penalise a high tackle.

Decision							
Breach admitted	☑	Proven	☐	Not Proven	☐	Other Disposal (please state below)	☐

The charge was accepted and the Player is guilty of a breach of RFU Rule 5.12. The Panel determined that the comment made by the Player amounted to the category of disrespect of a Match Official consistent with a breach along the lines of World Rugby Law 9.28. This will have to result in a match ban.

As a result of that decision in relation to the charge under RFU Rule 5.12 and the sanctioning process which will follow, the Panel exercises its powers under RFU Regulation 19 to expunge the yellow card from the Player's record.

SANCTIONING PROCESS

England Rugby

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:

While an instinctual comment, it is clearly deliberate following the incident in question and the words were intended to be spoken.

Nature of actions - Reg 19.11.8(c)

A single and contained statement using offensive language directed at the referee following the perceived failure of the referee to award a penalty.

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)
Felt the need to stop the game and issue a yellow card while also explaining the position to both captains.
Effect on match - Reg 19.11.8(h)
Game was stopped for yellow card to be awarded, Player did also seek medical treatment which would have delayed the game in any event.
Vulnerability of victim - Reg 19.11.8(i)
All match officials in these circumstances are vulnerable to incidents such as this and match official abuse of any kind is a serious stain on the game at the moment.
Level of participation/premeditation - Reg 19.11.8(j)
Full participation, no premeditation
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					
Low-end ☐	Weeks	Mid-range ☐	Weeks	Top-end* ☐	Weeks

*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 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:
Under a breach of RFU Rule 5.12, the Panel has the right to determine a sanction at large but can be guided by the entry points for breaches under Law 9 which may be appropriate comparisons. In the circumstances, the Panel determined that it would be appropriate to follow the low end entry point for the charges under 9.28 of disrespecting a match official of 2 weeks. This was a single and contained comment to the referee which did not permeate throughout her team or instigate any other challenges to the referee's authority. While this was at the very low end of incidents of this type, the referee felt the need to issue a card and the RFU decided that the incident was serious enough to bring a subsequent charge under Rule 5.12. Given that the charge was accepted by the Player, and on the basis of the Panel's findings of fact about the incident in question, the Panel felt that a yellow card alone would not have been a sufficient sanction. The Player is a very experienced player, with a high profile in the game, and is clearly a role model to others. While this was an instinctual reaction, it is nevertheless the type of disrespectful comment towards match officials which the game is trying to eradicate. A match sanction is therefore appropriate and 2 weeks is the low 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)
Clear acknowledgment and acceptance of the charge at the earliest opportunity.	Good disciplinary record.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
Very experienced player having been capped over 50 times for England.	Exemplary conduct at hearing.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Clear remorse immediately following the incident, after the game and through the disciplinary process.	N/A

Number of weeks deducted: 1

Summary of reason for number of weeks deducted:
The Panel considered it appropriate for full mitigation of 50% to be applied. While the Player is experienced in the game all the other relevant features are engaged and this was not enough to impact this assessment and reduce the 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)
In accordance with the RFU Head of Judiciary Sanction Guidance for Match Official Abuse cases which came into effect on 1 January 2024 and, therefore, applied to this incident, an automatic addition of 2 weeks must be added to the sanction. This is mandatory aggravation which is not at the discretion of the Panel and must be applied in these cases. As the guidance states, match official abuse is an issue which has to be addressed in the game of Rugby. It may feel unfortunate for the increase to apply in this case but it is necessary as a deterrent to avoid future incidents such as this.
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)

Number of additional weeks: 2

Games for meaningful sanctions:
The Player is suspended from playing or match day activities for the following matches: 10.03.2024 Saracens Women v Bristol Bears Women 24.03.2024 England Women v Italy Women In line with other similar cases, and following submissions from both the Club and the RFU, the Panel decided to exercise its powers under RFU Regulation 19.11.20 to suspend 1 week of the sanction for the remainder of the 2023/2024 season and to replace it with a practical aspect which we considered to be beneficial to the game. The Panel determined that the Player should provide a presentation to the Saracens Academy U16 age group (an age group which the Panel considered could most benefit from the input from such a high profile player) which reinforces the core values of the sport and emphasises the need for good behaviour on the pitch generally and particularly towards referees both during and after matches. The Player is required to provide the RFU with video evidence of the presentation which confirms her compliance with this requirement by the end of the 2023/2024 season. Should the Player fail to comply with this requirement then the 1 week suspension will need to be reinstated and the matter should be referred back to the Panel. If there are any practical issues in giving this presentation then the Club should liaise with the RFU.

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	2 weeks (plus 1 suspended)	Sending off sufficient	
Sanction commences	05.03.2024		
Sanctions concludes	25.03.2024		
Free to play	26.03.2024		
Final date to lodge appeal	07.03.2024		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Daniel Gore	Date	06/03/2024

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