

RFU SHORT JUDGMENT FORM



Match (home)	Hornets RFC	Vs (away)	Clifton RFC
Club's Level	Level 4	Competition	National 2 West
Date of Match	18/02/2023	Match Venue	Hornets RFC

Particulars of Offence			
Player's Surname	Bachofner-Brown	Date of Birth	02/05/1996
Forename(s)	Reuben	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Hornets RFC	RFU ID No.	2778158
Type of Offence	Red card		
Law 9 Offence	9.12 - Striking with head		
Sanction	3 week suspension from playing		

Hearing Details			
Hearing Date	21/02/2023	Hearing venue	By video
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	Guy Lovgreen
Panel Member 2	Daniel Gore	Panel Secretary	Rebecca Morgan-Scott
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:	
Ian Humphris (Hornets RFC) Tim Coker (Hornets RFC) Steve Fairhurst (Hornets RFC)			
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input checked="" type="checkbox"/> Red Card report	<input type="checkbox"/> Player Statement	Video footage Yes
<input type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input type="checkbox"/> World Rugby Head Contact Process
Other (Please list below) RFU Regulations E-mail from Player			

The Referee's report describes the incident as follows:

It was at a scrum reset. A penalty was awarded to Hornets on the opposite side. The players came up from the scrum and moved away. This is when Clifton 3 was trying to get to Hornets 1 (unsure what has provoked this). A few players were keeping him back when Hornets 1 came towards him. Clifton 3 grabbed his left arm and the Hornets 1 the head butted the Clifton 3. We players were separated and moved away from each other. I have then spoken to the Hornets captain and Hornets 1 to talk through the incident. I then issued the red card for Hornets 1.

The video footage was consistent with the Referee's description of the incident.

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

Summary of Player's Evidence

The e-mail from the Player stated as follows:

My name is Rueben Brown and on Saturday 18th February 2023 I was playing rugby for Hornets at home. I was playing loosehead and after about 28 minutes we had scrum near to the touchline close to the stand. As a result of an infringement by them we had a penalty awarded to us. Their tighthead walked past me retreating to 10 metres and as he did I gave him a little pat on the back. This was just a little bit of gamesmanship on my part and couldn't possibly have been construed as anything else. I was shocked therefore when he became enraged and shoved me hard, twice. If I'm honest I was not expecting it.

He was being held by 2 of our players and I was just smiling thinking what a ridiculous over reaction from him. As I approached him in a very non threatening manner, with my arms down by my sides he reached out with his right hand, grabbed the front of my shirt and pulled me sharply towards him. He was still clearly very angry. I could see the tension in his face and his neck muscles. My first and immediate reaction was that he was going to headbutt me. In order to protect my face I have dipped my head so that if he did make contact with my head it would not contact the soft flesh of my face but my forehead/head.

The referee has then blown his whistle several times and as a result of what he has seen I was sent off. I apologised to the referee after the game but was unable to find the player to apologise to as I had to leave fairly quickly after the game. I can see why the referee thought that I was the aggressor but the lack of any injury to the other player I hope indicates that this was a purely defensive manoeuvre with my head and not an attacking one designed to cause pain and/or injury.

At the hearing, the Player explained the incident to the Panel as described above. He described the contact between heads as slight.

Findings of Fact

The Player admitted the charge.

Decision

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

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 intentional

Nature of actions - Reg 19.11.8(c)

The Player struck the victim to the head with his head

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)

The victim was not obviously injured

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

Not premeditated

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 checked="" type="checkbox"/>	6	<input type="checkbox"/>		<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 that the contact between the heads of the players was not significant and there was no obvious injury to the victim, the Panel were satisfied that a low-end entry point was appropriate

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 charge at the earliest opportunity	The Player has no previous disciplinary offences
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 26 years old. He has 1 international cap for Switzerland	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 regretted his actions	

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
Given the Player's admission of the charge, his remorse, and his lack of any previous disciplinary offences, the Panel concluded that a reduction of 3 weeks by way of mitigation was appropriate.

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:

The Player will be unavailable for the following fixtures:

25.02.2023 - vs Hinckley
04.03.2023 - vs Newport (Salop)
11.03.2023 - vs Luctonians

The Player is also unavailable for Switzerland's international fixture on 11.3.2023.

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	21.02.2023		
Sanctions concludes	13.03.2023		
Free to play	14.03.2023		
Final date to lodge appeal	25.02.2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£200		

Signature (JO or Chairman)	Matthew Weaver KC	Date	23/02/2023
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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