

RFU SHORT JUDGMENT FORM



Match (home)	Harlequins RFC	Vs (away)	London Irish
Club's Level	1	Competition	Gallagher Premiership
Date of Match	29/10/2022	Match Venue	Harlequins

Particulars of Offence			
Player's Surname	Donnell	Date of Birth	02/08/2000
Forename(s)	Ben	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	London Irish	RFU ID No.	800610
Type of Offence	Red Card		
Law 9 Offence	Law 9.13 - Dangerous Tackle		
Sanction	3 week suspension from playing (reduced to 2 if Coaching Intervention Programme completed)		

Hearing Details			
Hearing Date	01/11/2022	Hearing venue	Papers only
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	Mitch Read
Panel Member 2	Alastair Campbell	Panel Secretary	Ollie Norris
Appearance Player	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Player's Representative(s):	Other attendees:

List of documents/materials provided to player in advance of hearing:
Charge Sheet Referee's report World Rugby Head Contact Process Guidelines RFU Regulations Written submissions from Angus Hetherington, RFU Statement from Player



The Referee's report describes the incident as follows:

Post a try scored by Harlequins and as part of the try being cleared as is process by the TMO I asked to ensure a high tackle on Q1 was cleared to ensure sanction was not more than a PK as I had live. On replays it was apparent it was a higher sanction so was reviewed. It was established that there was head contact, the tackler could have been lower so was at fault. It was high danger as the force is focused to the head with no clear mitigation here in terms of no sudden/significant drop in height so we entered at and remained at a RC. LI player was already off the field I believe for medical treatment.

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

Summary of Player's Evidence

The Player's statement reads as follows:

Please see below my on-field account of the incident v Harlequins Saturday 29 October
*Harlequins attack from a quick tap penalty towards the London Irish try line LI? is calling players around the breakdown and setting his width, due to the quick tap and the quick nature of the proceeding ruck the LI defensive line is not organized LI? comes off the line to shut down H1 to attempt make a "man and ball" tackle LI? reduces height (hips and knees bent) and brings arms up to make a legal tackle H1 reduced his own height before the contact due to bracing for the collision but also turning into LI? (left knee bent) to pivot so he can offload the ball to H 10 LI? makes contact (head on head) with H1, the contact is a deflection (low level of force) due to H1 pivoting in the collision, thus meaning H1 can continue carrying the ball and offload for Harlequins to score the try.

I had no intention of hurting or making contacting with Joe Marler's head. I apologise for the tackle; Although I make an attempt to reduce my height appropriately, I still do not anticipate the reduction in height of the ball carrier and for that I apologise. I am relieved that Joe Marler was able to continue and did not suffer any injury.

I pride myself on my excellent disciplinary record, working on my tackle technique in training has always been an important part of my weekly preparation and I will ensure I continue to improve in this area."

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:

As the RFU submit, the incident was a reckless rather than intentional high tackle

Nature of actions - Reg 19.11.8(c)

The Player made contact to H1 's head with his shoulder

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)

None

Vulnerability of victim - Reg 19.11.8(i)

None

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 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 contact with the head, the mandatory minimum mid-point entry level applies. Nothing about the incident makes a top-end entry point 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 a 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 22 years old	N/A

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player clearly regrets the incident	The Player is a regular supporter of the London Irish Foundation and has attended numerous fundraising events

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

Given the Player's remorse, admission of the charge and previous clean disciplinary record, the Panel were satisfied that a 50% deduction ought to be made

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)

Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)

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: 0

Games for meaningful sanctions:

The Player will be unavailable for the following fixtures:

12.11.2022 - vs Exeter Chiefs

18.11.2022 - Premiership Cup fixture, opposition TBC

27.11.2022 - vs Leicester Tigers (unless the Player completes the World Rugby Coaching Intervention Programme)

Should the Premiership Cup game not take place, the Player's suspension will also include the game on 3.12.2022 vs Newcastle Falcons (again, subject to completion of the World Rugby Coaching Intervention Programme)

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 week suspension	Sending off sufficient	
Sanction commences	01/11/2022		
Sanctions concludes	28/11/2022		
Free to play	29/11/2022		
Final date to lodge appeal	03/11/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature
(JO or Chairman)

Matthew Weaver KC

Date

02/11/2022

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