

RFU SHORT JUDGMENT FORM



Match	Gloucester RFC	Vs	London Irish
Club's Level	1	Competition	Gallagher Premiership
Date of Match	04/02/2022	Match Venue	Gloucester

Particulars of Offence			
Player's Surname	Hoskins	Date of Birth	06/03/1993
Forename(s)	Oliver Matthew David	Plea	Admitted <input type="checkbox"/> Not Admitted* <input checked="" type="checkbox"/>
Club name	London Irish	RFU ID No.	2063792
Type of Offence	Citing		
Law 9 Offence	9.11 - Reckless or dangerous play		
Sanction	None		

* The player accepted foul play had occurred but that the incident did not meet the red card test

Hearing Details			
Hearing Date	09/02/2022	Hearing venue	by Zoom
Chairmen/SJO	Samantha Hillas QC	Panel Member 1	John Greenwood
Panel Member 2	Daniel Gore	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:
Declan Kidney – London Irish Director of Rugby Alex James – London Irish team manager	Angus Hetherington for the RFU Josh Pieteres (observing)

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

- Charge sheet
- Citing Commissioner's Report, Budge Pountney 05.02.22
- Email dated 07.02.22 from Sam Raven, Gloucester Team Manager confirming G17 did not realise anyone had been cited, that he was fine and that there was nothing to report from their side
- Email dated 09.02.22 from Alex James confirming that the Player acknowledges foul play but does not accept the incident passes the red card test
- Video footage of the incident

The detailed report of the incident is set out at paragraph 20 of the CC's report as follows:

"Gloucester 17 comes into ruck to contest ball on the floor. London Irish 3 (Oli Hoskins) arrives at the ruck to clearout Gloucester 17. Hoskins wraps his right arm around the back of G17's neck. Hoskins left arm hooks the right leg of G17, as he hooks the right leg Hoskins lifts and twists G17. As Hoskins lifts and twists he drops his right side to the floor to initiate a roll. As Hoskins rolls and also lifts and twists G17, G17 rotates and is driven in a downward motion and lands with his head and neck taking all the weight of his body through the floor. At one point G17 body is vertical to his head and neck with all his body weight and some of LI3 body weight."

The footage shows G17 coming in to jackal for the ball at the ruck. LI3 engages with G17 with a view to driving him backwards. LI3's right arm wraps around the back of G17 (but the footage shows this is across G17's upper back and shoulders than his neck) and although the footage of the incident does not show clearly LI3's left arm hooking G17's right leg, the footage immediately after the incident indeed shows that LI3 had hold of G17's right leg. However, a careful viewing of the footage shows that, as the ruck was forming, G6 goes off his feet and lands on the other side of the ruck, so that his body his next to LI3 and his legs are in front of LI3's feet. G6 then 'wiggles' forward, in an attempt to get out of the way of LI3 but in doing so, his legs tangle with the feet of LI3, which causes LI3 to fall sideways. As LI3 has one arm around G17's upper back and one arm around his right leg, he takes G17 with him in a rolling motion. G17's head and neck makes contact with the ground before he quickly flips to a sitting position. There appears to be no effect on G17, no reaction from any players nor any reaction from the referee who is standing approximately a meter and a half away and looking directly at the ruck.

There was no injury to G17 as confirmed in the email from Sam Raven dated 07.02.22

Summary of Player's Evidence

The Player's evidence and the submissions made on his behalf can be summarised as follows:-

- He has never stepped onto a field to cause injury
- He is close friends with Harry (G17). They played together for 5 years and G17 was at his wedding. They spoke during that game, the night of the game and the next day; there was no mention of this incident
- G6 rolled out on his side of the ruck and tangled up his legs. He fell sideways and rolled with G17
- He did not make contact with G17's head or neck (but accepted that G17's head and neck made contact with the ground)
- He accepts that this is foul play and accepts responsibility for player safety but this incident does not meet the red card threshold because there was no high degree of danger, given:
 - the low level of force
 - there was no driving action
 - there was no lifting
 - G17 was not injured
- The citing report was incorrect to say:-
 - The player hooked around his G17's neck – it was the top of his back
 - The player hooked around G17's right leg - this did not happen
 - That the Player lifted or drove - it was a roll, not a drive, because he slipped
 - When an incident is slowed down, it always looks worse

Findings of Fact

1. The Panel were not required to find whether this was an act of foul play. That was accepted by the Player. Therefore the issue for the Panel was whether the red card test was met.
2. The act of foul play resulted in G17's head and neck making contact with the ground as can be seen at 18 seconds into the video footage. The Head Contact Process (HCP) is therefore engaged.
3. The principle issue was the degree of danger. If there was a high degree of danger, the red card test was met; if low, the red card test was not met. The Panel's view was that the degree of danger was low because:
 - a) there was no driving action
 - b) there was a low level of force
 - c) the Player did not 'lift' G17; when the Player fell sideways after his legs were tangled by G6, he pulled G17 along with him which caused him to roll onto his head and neck.
4. The HCP indicates that use of low level of force in these circumstances would result in a yellow card.
5. The citing is dismissed and a yellow card is to be noted on the Player's disciplinary record.

Decision

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

Yellow card to be placed on Player's record.

The remainder of the form is intentionally left blank

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:

Nature of actions - Reg 19.11.8(c)

Existence of provocation - Reg 19.11.8(d)

Whether player retaliated - Reg 19.11.8(e)

Self-defence - Reg 19.11.8(f)

Effect on victim - Reg 19.11.8(g)

Effect on match - Reg 19.11.8(h)

Vulnerability of victim - Reg 19.11.8(i)

Level of participation/premeditation - Reg 19.11.8(j)

Conduct completed/attempted - Reg 19.11.8(k)

Other features of player's conduct - Reg 19.11.8(l)

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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 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:

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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)
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)

Number of weeks deducted:

Summary of reason for number of weeks deducted:

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:

Games for meaningful sanctions:

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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	None	Sending off sufficient	
Sanction commences			
Sanctions concludes			
Free to play	With immediate effect		
Final date to lodge appeal	11/02/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	Nil		

Signature (JO or Chairman)	SAM HILLAS QC	Date	09/02/2022
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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