

RFU SHORT JUDGMENT FORM



Match (home)	Gloucester RFC	Vs (away)	Bath Rugby
Club's Level	Level 1	Competition	Premiership
Date of Match	10/11/2023	Match Venue	Gloucester RFC

Particulars of Offence			
Player's Surname	May	Date of Birth	01/04/1990
Forename(s)	Jonathan James	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Gloucester RFC	RFU ID No.	374763
Type of Offence	Citing		
Law 9 Offence	9.11 or 9.13 - Reckless or dangerous play or dangerous tackling.		
Sanction	3 week suspension (reduced to 2 weeks on completion of the World RUGBY CIP)		

Hearing Details			
Hearing Date	14/11/2023	Hearing venue	On paper
Chairmen/SJO	Matthew Weaver KC	Panel Member 1	Daniel Gore
Panel Member 2	Christian Scotland-Williamson	Panel Secretary	Rebecca Morgan-Scott
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:	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input 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 type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input checked="" type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			
RFU Regulations Written Submissions on behalf of the RFU			



The citing report reads as follows:

Gloucester make a break down the right hand touch and the ball is passed inside to Gloucester 15 who is tackle low by Bath 15 before being wrapped up by Bath 5 and the players go to ground just short of the try line. Bath 13 is covering across to assist defensively at the ruck. Gloucester 14 is also approaching the ruck to clear out and is the first attacking player to arrive with a clear line of sight to the breakdown. Gloucester 14 arriving at pace and upright drives Bath 13 backwards and over the try line. This contact takes place off the ball and to the side of the ruck before Bath 13 had effectively joined the ruck, therefore tackling him early. As a result of arriving upright and at pace, Gloucester 14's head makes contact directly to the head of Bath 13, and from the broadcast video you can witness the head of Bath 13 jolting backwards on contact. Both players stay down for a short while and Bath 13 gets to his feet and takes a few steps before taking a knee and being treated whilst the game has been stopped for a separate technical infringement at the ruck. Using the Head Contact Process which can be applied to head to head collisions.

Has there been head contact - Yes

Was there any foul play - Yes

What was the degree of danger - High - The player arrives at speed and makes direct contact with his head to the face of the defending player

Is there any mitigation - No

I can find no mitigation in that the:

Tackling off the ball is always illegal

Player has a clear line of sight when approaching the breakdown and is the first attacking supporting player

There is no sudden or significant movement in any direction by the defending player

Makes no attempt to reduce height to effect the clear out and is always upright

Level of control - Glos 14 does not slow down and drives beyond the breakdown, making no attempt to slow down and stop at the breakdown to secure the ball

As a consequence of his actions I cite Gloucester 14 Jonny May under law 9:11

Players must not do anything that is reckless or dangerous to others including leading with the elbow or forearm, or jumping into, or over, a tackler.

Or alternatively under 9:13

A player must not tackle an opponent early, late or dangerously.

The video footage matches the description in the citing report. Bath 13 back tracks towards the breakdown and looks to take up a position next to the ruck in what is referred to as the "guard" position. At no point does Bath 13 look to join the ruck. Gloucester 15 approaches the breakdown area from around 5 metres behind the ball carrier and with a clear line of sight. On approaching the breakdown, Gloucester 15 remains upright and targets Bath 13 in an attempt to clear him out. Gloucester 15 makes contact with Bath 13, pushing him off his feet and behind the try line. In doing so, direct head to head contact is made by Gloucester 15 on Bath 13 at force.

Rory Murray of Bath Rugby has confirmed in a letter dated 11 November 2023 that:

I can confirm that Ollie Lawrence sustained a broken nose from the shoulder-to-head collision in the first half of the Gloucester v Bath game on Friday 10th November 2023.

Prior to this incident, Ollie had no previous nasal issues and nor any predisposing factors. This fracture is solely a result of the injury sustained in the game.

In an e-mail dated 13 November 2023, Mr Murray further confirmed as follows:

Undisplaced nasal fracture confirmed.

Ollie Lawrence will remain fit or selection. He will not miss any upcoming fixtures arising from this injury.

Ollie Lawrence, in a Whatsapp message, stated as follows:

During the early minutes of last nights game, I was hit off the ball at a ruck in the face by Jonny May. He came from distance and there was a head on head collision. My nose was broken/fractured during the incident and that will obviously be with me for my career. I don't believe it was intentional at all but the facts are the facts. Deal with it as you may.

Summary of Player's Evidence

Jonny May provided a written statement in the following terms:

I have broken the line and pass the ball to G15, at pace, I am tracking the attacking play in effort to support. G15 is tackled, 2 metres from the Bath try line. I accelerate towards the ball carrier looking for an offload from the floor. G15 is not released by the Bath tackler, and he is unable to get the ball away, realising this I look up and see a Bath player who I believe will enter the breakdown to jackal for the ball, I attempt to clear him away from the breakdown to ensure we have quick ball. I did feel contact to my head, but at the time I was unaware I had made head contact with Bath 13.

Due to the dynamic nature of play (line break, try scoring opportunity), players are moving at speed, the change of picture, which changes my decision from looking to receive an offload, to clearing out a defender, I admit I make contact with Bath 13 (head on head).

I had no intention of hurting or making contact with Ollie Lawrence's head. I apologise for the incident, which due to the dynamic nature of play, the change of picture and my adjustment to this all in a fraction of a second, I fail to reduce my height appropriately. I am relieved that Ollie was able to continue and finish the match, although I apologise for the injury caused to him.

I pride myself on my work ethic and developing my game, and I will be working on my decision making and attacking break down technique in training, and I will ensure I continue to improve in this area.

Findings of Fact

Jonny May admitted the charge and, as such, the only issue for the Panel was the appropriate sanction.

The Panel reviewed the video footage and the statements from all involved together with the citing report. The video footage is clear in that it shows Jonny May attempting to clear out a player who had not joined the ruck. As such, in clearing out or tackling a player who was not part of a ruck and was not in possession of the ball, his actions are always illegal. Whilst Jonny May's statement refers to a dynamic situation with players moving at speed and a "changing picture", the footage shows that he had a clear line of sight to the breakdown and to Ollie Lawrence. Ollie Lawrence's movements gave no obvious indication that he would attempt to jackal or join the ruck. He was moving backwards and was upright when he was hit by Johnny May. This was not, therefore, an occasion where sudden changes in dynamics or rapid movement of players can be said to have contributed significantly to the incident.

The Panel concluded that Jonny May's actions, in accelerating into the breakdown area; targeting a player who was not part of the breakdown and was unlikely to be part of the breakdown; failing to reduce his own body height prior to contact and therefore making direct head to head contact with Ollie Lawrence were highly reckless.

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 not a deliberate act but a highly reckless one

Nature of actions - Reg 19.11.8(c)

Jonny May "cleared out" a player who was not part of the ruck in an upright position

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)

Ollie Lawrence received an undisplaced nasal fracture

Effect on match - Reg 19.11.8(h)

This incident was in the first half of the match and left Ollie Lawrence to play the remainder of the game with a fractured nose

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 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:

A mandatory minimum mid-range entry point applies given contact with the head. The Panel gave serious and prolonged consideration to whether this incident merited a top-end entry point. Jonny May's actions were not intentional but were highly reckless, he targeted a player who was not part of a ruck and made direct head to head contact with sufficient speed to drive Ollie Lawrence off his feet and back over his own try line. Jonny May made little, if any, attempt to lower his body height and in targeting a player who was not part of the breakdown, his actions were always illegal. Jonny May had a clear line of sight to the incident and, as such, there are no factors which might excuse, even in part, the recklessness of his actions.

It is purely by chance that Ollie Lawrence suffered only relatively minor injuries and will not miss any rugby as a result. Players have a duty of care and Jonny May's actions here fell substantially below the appropriate level of care. But for the relatively minor injuries, the Panel would almost certainly have considered this appropriate for a top-end entry point. However given the circumstances, a mid-range entry point is appropriate.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

<u>Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)</u>	<u>Player's disciplinary record - Reg 19.11.10(b)</u>
The Player admitted the charge	The Player has one previous red card as a result of receiving two yellow cards in one game for technical offences
<u>Youth and/or inexperience of player - Reg 19.11.10(c)</u>	<u>Conduct prior to and at hearing - Reg 19.11.10(d)</u>
The Player is an experienced international player	N/A

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player expressed his remorse for the injury caused	The Player is a supporter of the Gloucester Rugby Hitz Programme, spending time attending sessions held at Kingsholm.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
Given the Player's previous disciplinary record, his early admission of guilt, his remorse and his off-field activities, the Panel were content to apply the maximum 50% 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)
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:

Games for meaningful sanctions:

The Player will be unavailable for the following matches:

Exeter Chiefs v Gloucester Rugby - 19 November
Gloucester Rugby v Leicester Tigers - 25 November
Bristol Bears v Gloucester Rugby - 2 December

Should the Player successfully complete the World Rugby Coaching Intervention Plan, the sanction will be reduced by one week and, as such, the Player will be available for the match on 2 December 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	14/11/2023		
Sanctions concludes	4/12/2023 (or 27/11/2023 if World Rugby CIP completed)		
Free to play	5/12/2023 (or 28/11/2023 if World Rugby CIP completed)		
Final date to lodge appeal	16/11/2023		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew Weaver KC	Date	15/11/2023
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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