RFU SHORT JUDGMENT FORM

Match	Leicester Tigers RFC	Vs	Saracens RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	18/06/2022	Match Venue	Twickenham Stadium

Particulars of Offence			
Player's Surname	Davies	Date of Birth	19/07/1992
Forename(s)	Aled	Plea	Admitted ☑ / Not Admitted ☐
Club name	Saracens	RFU ID No.	2582252
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 weeks		

Hearing Details			
Hearing Date	22/06/2022	Hearing venue	Papers only
Chairmen/SJO	Matthew O'Grady	Panel Member 1	
Panel Member 2		Panel Secretary	Rebecca Morgan
Appearance Player	Yes ☐ / No ☑	Appearance Club	Yes ☐ / No ☑

Player's Representative(s):	Other attendees:

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

Hearing bundle comprising the following information:-

Charge sheet
Citing report dated 18/06/2022
World Rugby Head Contact Process
Extract from RFU Regulation 19, Appendix 2 (Sanction table)
Medical report from Joe Barton, Medical Lead at Leicester Tigers
Email from Warrick Lang (Saracens Team Manager) confirming that the Player accepts the charge and is happy to proceed on the papers.

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

The Citing Commissioner's report of the incident;

Saracens overthrow a lineout in the 24th minute of the game; a game which was close throughout and at the time of the incident found Saracens leading Leicester by 3 points to zero.

L2 gathers the ball after it bounces at the back of the lineout and makes ground before being confronted by S9 who is coming across at pace to make a tackle. S9 in an upright position braces on his heels and comes forward lifting his right leg up as contact is made showing a clear forward motion and with force. Contact is clearly made with S9's left shoulder directly to the head of L2.

In the match officials review of the incident they were all in agreement that what they had seen, was contact had been made directly to the head; from the angles and clips obtained as well as the slow motion from the broadcast footage there is no doubt direct head contact is made.

There is no dispute that foul play has occurred here as law 9.13 states a player should not attempt to tackle an opponent above the line of the shoulders.

In following the head contact process we conclude that there is no doubt that direct head contact occurred and there is foul play. In looking at any of the mitigating factors to reduce fault of S9 I do not find any - there was a clear line of sight; there was no significant or sudden drop in height of the ball carrier; there was no change in any dynamics due to any other player involvement; and there was time for the tackler to adjust his tackle and not tackle above the line of the shoulders to avoid head contact. We therefore conclude S9 is at fault.

The match officials agreed up to this point through the process.

The next part if the process is to decide on the degree of danger of the tackle. In assessing this I have taken into account the speed at which S9 is coming across the field, the setting of his feet and then a clear forward motion of his shoulder with his right foot leaving the ground as he makes direct contact with his left shoulder to the head of L2. He is upright and dynamic. As he hits L2 - the head of L2 is rocked backwards and he falls to the ground going forward from the momentum of L2's speed into the contact. The fact that the hit to his head takes him off his feet also suggests to me this was with high force. I do not accept that the dominance of the ball carrier in falling forward post the collision to be a reason for this to suggest a low degree of danger; I find the hit is direct, with force and with dynamism; hard enough to bring the player to the floor.

My conclusion is therefore to cite S2 according to law 9.13 A player must not tackle a player dangerously. In following the head contact process I find a direct dynamic shoulder to head tackle with high force which brings this to a red card sanction.

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

Leicester Tigers Medical Lead, Joe Barton, provided a medical report as follows:

Julian Montoya took a direct blow to the head from the shoulder of Aled Davies in the 24th minute of the Gallagher Premiership Final. Julian passed his initial on-field assessment and maddocks questions before continuing to play.

At half-time he reported no concerns when assessed again.

In the second half, he began to be slow to return to his feet following contact and was identified as needing a HIA2 by the PVR. Julian failed the HIA1 due to significant changes on balance and word recall. He also reported symptoms post match and failed his HIA2.

Julian was therefore diagnosed with concussion and will undergo the GRTP.

Julian was asymptomatic by the HIA3 and passed this with no concerns.

The RFU provided written submissions on the incident. Noting that this is an offence that resulted in head contact, they submitted that the offence requires a minimum entry point of mid-range. When considering Regulation 19.11.8, there were no factors which required the entry point to be uplifted to Top End.

Whilst the Player will deal with the issue of mitigation, the RFU noted that the Player accepted the charge at the earliest opportunity. There were no identified aggravating features under Regulation 19.11.13.

Summary of Player's Evidence

Findings of Fact

The facts were not disputed by the Player and therefore are adopted as the findings of fact.

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 an attempted tackle which was poorly executed by the Player. There was no deliberate action to target the head/neck area.		
Nature of actions - Reg 19.11.8(c)		
An upright tackle which resulted in head contact being made.		

Existence of provocation - Reg 19.11.8(d)
Not applicable
Whether player retaliated - Reg 19.11.8(e)
Not applicable
Self-defence - Reg 19.11.8(f)
Not applicable
Effect on victim - Reg 19.11.8(g)
Whilst initially able to continue playing, LT2 was removed from play in the second half of the match and sustained a concussion injury. He later passed his HIA3 and will undergo the Graduated Return To Play (GTRP) protocols.
Effect on match - Reg 19.11.8(h)
LT2 was removed in the second half of the match but there was no wider impact on the match.
Vulnerability of victim - Reg 19.11.8(i)
Whilst LT2 would not have been expecting head contact, he would have been expecting to be tackled at that point.
Level of participation/premeditation - Reg 19.11.8(j)
This was not a premeditated tackle. It arose as a result of bad technique.
Conduct completed/attempted - Reg 19.11.8(k)
The conduct was complete.

Other features of player's conduct - Reg 19.11.8(l)
None

Assessment of Seriousness Continued					
Entry point					
Low-end	Weeks	Mid-range	Weeks	Top-end*	Weeks
☐		☑	6	☐	

*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:
The mandatory minimum entry point of mid-range applies to offences under Law 9.13. Whilst there was an injury sustained by LT2, the action by the Player was reckless and there was no wider reaction on-field. There are no reasons to elevate this to a top 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)
The Player accepted the charge at the earliest opportunity.	The Player has a clear disciplinary record in a 10 year career.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
	Not applicable as case was dealt with on the papers although the Player and Club assisted with providing information in a timely manner.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player aplogised to his opponent after the match.	

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
This is the Player's first offence, he admitted responsibility for his actions at the first opportunity and was genuinely contrite.

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)
The Player has a clear disciplinary record
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
None
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)
Not applicable

Number of additional weeks: 0

Games for meaningful sanctions:
Three match suspension. Fixtures to be agreed between the Player and the RFU once next season's fixtures are known. To be referred to the SJO in the event of a disagreement on the applicable fixtures. The third game may be replaced by the World Rugby Coaching Intervention should the Player opt to apply for the CIP and complete it successfully.

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	22/06/2022		
Sanctions concludes	TBC when fixtures are known		
Free to play	TBC		
Final date to lodge appeal	12:30pm, Tuesday 28th June 2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew O'Grady	Date	22/06/2022

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