

RFU SHORT JUDGMENT FORM



Match	Bath Rugby	Vs	Bristol Bears
Club's Level	1	Competition	Gallagher Premiership
Date of Match	05/03/2022	Match Venue	Recreation Ground

Particulars of Offence			
Player's Surname	NAULAGO	Date of Birth	08/06/1991
Forename(s)	Ratu Sivaniolo	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bristol Bears	RFU ID No.	2273759
Type of Offence	Red Card		
Law 9 Offence	9.13 - Dangerous Tackle		
Sanction	4 week suspension		

Hearing Details			
Hearing Date	08/03/2022	Hearing venue	Papers only
Chairmen/SJO	Jeremy Summers	Panel Member 1	Philip Davies
Panel Member 2	Mitch Read	Panel Secretary	Rebecca Morgan
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 Red Card report World Rugby Head Contact Process ("HCP") March 2021 RFU Regulation 19 Appendix 2 Medical Report dated 7 March 2022 Written submissions received from Angus Hetherington for the RFU and Sam Jones of Counsel for the Player

The Referee (Luke Pearce) reported as follows:

As I was playing advantage for a breakdown offence, the ball was carried in to contact by Bath 11. Bristol 14 made a dangerous tackle on him, making clear direct head contact with his shoulder. After a TMO review, we agreed that, as per the High tackle Sanction Framework, the tackle had a) made contact with the head b) was foul play c) was a high degree of danger and d) there was no mitigating factors. Therefore a red card was issued.

It should be noted that the red carded player came to the referees changing room after the game to apologise for his actions. Bath 11 was removed for a HIA and did not return to the field of play.

The incident occurred in the 33rd minute of the match at which point Bristol were ahead 0-21. The Referee had been within 5m of the incident with a clear view. Conditions were good, and there had been no previous incidents of any materiality.

The match footage was reviewed. This showed B11 in possession and attacking at pace beyond the Bristol 10m line on a slight diagonal towards the left hand corner.

The Player closes to make a tackle, but is front on and near upright as he makes contact. Whilst he does attempt to wrap around B11, as he does so he leads with his left shoulder directly up and into the head of B11.

The force of the impact causes B11 to buckle at the knee before going immediately to ground where he is seen lying prone prior to quickly receiving on-field treatment.

The Player appears to realise the gravity of his actions, and is seen to immediately raise his arms in a gesture of apology.

A medical report from Bath read:

In the first half of the fixture the player was attended immediately following a collision to his head during a tackle. He was alert, orientated and completed his on field assessment. There was no concern from any member of the medical team at this time due to the players completion of his assessment. He continued to half time without further issue.

At half time the player reported symptoms in keeping with concussion. At this point the player was immediately and permanently removed from play. This player completed their HIA2 post-match and HIA3 this morning (Monday). The player will continue through the World Rugby approved Graduated return to play protocols as appropriate.

Summary of Player's Evidence

Through written submissions filed on his behalf, the Player accepted he gone high into the tackle and had been reckless in so doing. He apologised for his actions.

The RFU in its submissions agreed with the position advanced on behalf of the Player.

Findings of Fact

This is the reasoned decision of the Panel. Each member contributed to it and it represents our unanimous decision. Given the pressure of time it is necessarily only a summary. No significance should be attached to any particular point being referred to in this decision. We considered all the evidence and submission and gave appropriate weight to it all.

Having done so, the Panel made the following findings of fact:

1. The Player attempted to make a legitimate tackle but did so particularly poorly.
2. Standing front on towards B11, he lead with his left shoulder up and into the head of B11.
3. Contact was made, with significant force, to the front of B11's face.
4. The Player had a clear line of sight. B11 made no material change in his line of attack or his height.
5. The force of impact necessitated urgent medical attention, resulted in B11 being withdrawn from the game shortly thereafter suffering from a concussive injury, and at the date of the hearing he is completing the Graduated return to play protocol.

Decision

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

On his own admission, the Player had been guilty of foul play that had warranted a red card, and a formal finding was made in this regard.

Applying the HCP, there had been contact with the head, which carried a high degree of danger (direct contact; leading shoulder) and no mitigating features were present.

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 a particularly poorly executed tackle, which whilst highly dangerous was not intentional. Of note, the Player had attempted to wrap around B11 and his immediate reaction after contact was to acknowledge he had been at fault.

Nature of actions - Reg 19.11.8(c)

Leading with a shoulder up and into the head of an opponent.

Existence of provocation - Reg 19.11.8(d)

Not relevant.

Whether player retaliated - Reg 19.11.8(e)

No.

Self-defence - Reg 19.11.8(f)

Not relevant.

Effect on victim - Reg 19.11.8(g)

Concussive head injury requiring treatment in line with the WR return to play protocol.

Effect on match - Reg 19.11.8(h)

None.

Vulnerability of victim - Reg 19.11.8(i)

There is some vulnerability, and danger, when a player leads with a shoulder into the head of an opponent who is attacking at speed.

Level of participation/premeditation - Reg 19.11.8(j)

No premeditation.

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:

The Panel had regard to the minimum mandatory mid-range entry point required for a dangerous tackle involving contact with the head. In the submission of the RFU, and the Player this was a mid-range offence.

The Panel gave consideration to the injury sustained, but in all the circumstances not least the lack of intent, found the offending to warrant a mid-range 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)
Full and immediate.	The Player had been suspended for a similar offence this season, with that period of suspension having only recently ended.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
Not relevant.	Not relevant.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Full and immediate.	Reference detailing the Player's off-field contribution both to rugby and the military.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
<p>The agreed position of the parties, which the Panel accepted, was that the Player was not entitled to the maximum 50% reduction and that the appropriate sanction was a 4 week suspension.</p>

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
<p>Player's status as an offender of the laws of the game - Reg 19.11.13 (a)</p> <p>Not relevant, although the Player should appreciate that further offending may trigger this provision.</p>
<p>Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)</p> <p>None.</p>
<p>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)</p> <p>None.</p>

Number of additional weeks: 0

Games for meaningful sanctions:

13.3.22 v Harlequins
18.3.22 v Bath
26.3.22 v Saracens or Army v RAF
30.3.22 v Gloucester

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	4 matches	Sending off sufficient	
Sanction commences	08.03.22		
Sanctions concludes	30.03.22		
Free to play	31.03.22		
Final date to lodge appeal	10.03.22		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Jeremy Summers	Date	08/03/2022
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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