

RFU SHORT JUDGMENT FORM



Match (home)	Bristol Rugby	Vs (away)	Leicester Tigers FC
Club's Level	1	Competition	APXV
Date of Match	03/12/2022	Match Venue	Bristol

Particulars of Offence			
Player's Surname	Van Wyk	Date of Birth	30/07/1991
Forename(s)	Francois	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Leicester Tigers FC	RFU ID No.	2186133
Type of Offence	Red Card		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 weeks (subject to the World Rugby Coaching Intervention)		

Hearing Details			
Hearing Date	06/12/2022	Hearing venue	Video
Chairmen/SJO	Oliver Clark	Panel Member 1	Alastair Campbell
Panel Member 2	James Wilson	Panel Secretary	Rebecca Morgan-Scott
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:
Leigh Jones, General Manager-Rugby	Angus Hetherington, RFU Legal Counsel

List of documents/materials provided to player in advance of hearing:
Charge sheet Red Card report World Rugby HCP Extract from the RFU Sanction Table Email from Bristol Rugby with injury update Email from Leicester Tigers including character reference from Steve Borthwick

The red card report described the incident as follows,

"Post a B try the TMO alerted me to some foul play for review.

Upon review it was established that L17 had made head contact with B1 and was at fault as he could have been lower. The degree of danger was high, as force was exerted through the tackle to stop B1 in his tracks. Having then assessed any mitigation none was present so a RC was shown. Player left field immediately."

Footage was available which showed the incident clearly. The Players evidence at the hearing in respect of the footage and incident is set out below.

Bristol Rugby confirmed there was no injury caused in this incident.

Steve Borthwick provided a character reference which spoke of the Player's attitude both in games and around the Club since joining in July 2021.

"Francois's attitude and application towards developing himself as a professional rugby player has been exemplary, displaying a mature outlook towards the game and his own personal development. He has become a valuable and respected squad member for both the Gallagher Premiership and Premiership Cup squads, having represented the Club in both competitions this season.

Throughout this development process Francois has always been respectful and open-minded in his dealings with fellow players, game officials, staff and supporters alike.

Furthermore, while he can be regarded as an abrasive and uncompromising player, I know he up-holds strong sporting values around fair-play and integrity (something his current disciplinary record supports), and always takes the field with those values at the forefront of his mind. I very much hope therefore that the panel take into consideration the nature of the incident, and Francois's good character, in arriving at their final deliberation.

A further consideration also in allowing Francois to apply for the Coaching Intervention programme. As in previous communication, I applaud the introduction of such an initiative and believe Francois will greatly benefit from the ongoing education it can provide under the guidance of Kevin Sinfield and myself."

Leigh Jones, Leicester Tigers Team Manager, spoke at the hearing on behalf of the Player. He said that the Player was full of remorse, there was no premeditation in this action and that B1 played on with no lasting impact or injury. The Player said that he had spoken to B1 post-match and they had exchanged messages online the day before hearing as well to check that he was ok.

In written submissions provided ahead of the hearing, the RFU considered that this was a case where a mid-range entry point would be appropriate. Whilst there were no submissions on mitigation advanced, the RFU found no aggravating features. The Player was also able to apply to World Rugby for the Coaching Intervention if he chose to do so.

Summary of Player's Evidence

The Player viewed the footage along with the Panel. He said he Club as a whole try to ensure that their tackles are safe and that they look after themselves and the opposition. When the tackle was made, he didn't realise at first it was a high shot. He said that George Martin shot up out of the line quite quickly and made a low tackle on B1. The Player accepted he was too high and that as a result he made contact with B1's head.

Findings of Fact

The Panel found that this was an attempt to make a dominant tackle. The first Player in was up fast from the line and gave the Player limited space to make his tackle. It was not an intentional act but rather an issue of poor technique.

The Player expressed a wish to apply for the World Rugby Coaching Intervention and the Panel agreed that that was appropriate.

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 a reckless tackle arising out of poor technique and the involvement of another Player.

Nature of actions - Reg 19.11.8(c)

A high tackle which made shoulder to head contact.

Existence of provocation - Reg 19.11.8(d)

None

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)

None, there was no injury to B1 who played on.

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

Not applicable

Level of participation/premeditation - Reg 19.11.8(j)

This was not a premeditated action.

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

<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 mandatory minimum entry point of mid-range applies. There are no factors that would warrant this being increased from mid-range to top.

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.	He 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)
He is an experienced Player.	As expected of a Player at this level of the game.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player apologised to B1 post-match and again via social media in the days following the match.	Character reference from Steve Borthwick was provided which spoke of the Player in positive terms since joining the squad ahead of the 21-22 season.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
As above. There were no reasons not to award full mitigation of 50%.

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)
Not applicable
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
Not applicable
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:

11/12 v Ospreys (EPCR)
17/12 v ASM Clermont Auvergne (EPCR)
24/12 v Gloucester*

The three week sanction may be reduced by one further week if the player satisfactorily completes the World Rugby CIP.

*The Player will be available for this game if he successfully completes the World Rugby Coaching Intervention.

The Player completed the CIP on 15/12/2022 and therefore the sanction is reduced to 2 weeks meaning he is eligible for the match v Gloucester on 24/12/22.

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	06/12/2022		
Sanctions concludes	26/12/2022 (19/12/22 if the CIP is completed)		
Free to play	27/12/2022 (20/12/22 if the CIP is completed)		
Final date to lodge appeal	08/12/2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Oliver Clark	Date	07/12/2022
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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