

RFU SHORT JUDGMENT FORM



Match (home)	Northampton Saints	Vs (away)	Sale Sharks
Club's Level	1	Competition	Gallagher Premiership
Date of Match	18/02/2023	Match Venue	Franklin's Gardens

Particulars of Offence			
Player's Surname	TUILAGI	Date of Birth	18/05/1991
Forename(s)	Etuale Manusamoa	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Sale Sharks	RFU ID No.	
Type of Offence	Red Card		
Law 9 Offence	9.11 - Reckless or dangerous play, including leading with the forearm/elbow		
Sanction	4 week suspension (subject to CIP)		

Hearing Details			
Hearing Date	21/02/2023	Hearing venue	Remote
Single JO	Jeremy Summers	Panel Member 1	314836
Panel Member 2		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:	
Alex Sanderson, DoR Scott Needham, Team Manager		Angus Hetherington	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input checked="" type="checkbox"/> Red Card report	<input type="checkbox"/> Player Statement	Video footage Yes
<input checked="" type="checkbox"/> Medical report	<input type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			

The Referees (Ian Tempest) Report stated:

"I was informed by the TMO that she wanted me to check potential foul play by Sale 12. Once on the screen it was clear as Sale 12 who was carrying the ball into contact had led with his non ball carrying arm (away from the body) so that the forearm came into direct contact with the neck / chin of Saints 14.

I deemed this action as highly dangerous and as such issued a red card against Sale 12." That that point the score was 0-5.

Match footage was viewed which showed Sale Sharks with an attacking line out in the N 22m. The ball is played off the top before being thrown long to the Player who receives it just inside the 22m line in the centre of the field. The Player runs direct into contact breaking the first tackle before accelerating forward. N 10 makes a tackle around the Player's hips before sliding down onto the legs. N 14 comes across to make a second tackle high. As he approaches, the Player can be seen to be looking at him before pushing out his right forearm and in doing so makes direct contact to the neck/chin of N14.

Written submissions from the RFU indicated that, in its view, absent a finding that the Player had intentionally targeted N14's head, a mid-range entry point would be the appropriate basis for the sanction to be imposed.

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

Medical evidence in the form of an email from Northampton Saints dated 20/2/23 indicated:

- Tommy was attended to on the field following an incident in a tackle.
- He was complaining of jaw pain but significant injury was excluded on the field.
- Tommy was reviewed post-match and no ongoing medical problem was found.

Summary of Player's Evidence

The Player gave evidence. He unequivocally accepted the charge stating that he took full responsibility for his actions.

His position was that he had mistimed the challenge having misjudged the distance between him and N14.

He had anticipated that N14 would come up faster and effect a dominant hit. In preparing for that impact he had intended to execute a lawful fend with his arm tucked close to his body. In this respect, he took the JO to 0:09 on the footage where he had used a lawful fend to defend the tackle from the first defender who had attempted to stop him.

He accepted that his arm was well away from his body and that he had made contact with N14 that had warranted a Red Card. The incident had happened in a dynamic situation and he had got his timing wrong. N14 was about two seconds behind where he had thought he would be in making the tackle, and he had realised at the time that he had got his action badly wrong.

He knew N14 well and would not have sought to injure him. He had apologised to N14 as he left the field having been dismissed and spoke with him again after the game.

Mr Sanderson submitted that the offending was clearly not in the Player's character as reflected by his record over a long career.

Mr Needham argued for a mid range entry point with full mitigation then being applied.

The Club would apply for the Player to undertake the CIP.

Findings of Fact

The Player led into contact with forearm raised above his shoulder height.

The Payer was tackled from behind by N10 immediately before the contact, but this did not alter the overall dynamics of the incident.

The Player effected a lawful fend to repel the first tackler defending against the Player's run.

The right forearm was clearly away from the Player's body and moved towards N14 in an action that was highly dangerous.

The forearm made forceful contact with the underside of N14's chin and/or neck area.

The force of the impact knocked N14 backwards and to the ground.

The Referee had correctly applied the HCP.

There was no material injury to N14.

Decision

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

The Player had committed the act of foul play as alleged. This had engaged the HCP and the Referee had correctly issued a Red Card, as the Player accepted.

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:

In the finding of the Judicial Officer, the Player had used his arm with the intention of fending off the oncoming N14. In reaching that finding, the JO accepted the Player's evidence and in doing so noted that the Player had lawfully effected a similar fend earlier in the play. The JO further accepted that the Player had not intended to cause injury to N14 or to deliberately target his head.

In the view of the JO, the Player's conduct had been reckless and highly dangerous.

Nature of actions - Reg 19.11.8(c)

Leading with a forearm into contact and in so doing making dangerous contact with N14's head.

Existence of provocation - Reg 19.11.8(d)

None.

Whether player retaliated - Reg 19.11.8(e)

Not relevant.

Self-defence - Reg 19.11.8(f)

Not relevant.

Effect on victim - Reg 19.11.8(g)

No material effect.

Effect on match - Reg 19.11.8(h)

None.

Vulnerability of victim - Reg 19.11.8(i)

No inherent vulnerability.

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:

This was a highly dangerous act and the JO accordingly considered whether it warranted a Top End entry point.

On balance, having found that the offending was not intentional and that no injury had resulted, the JO determined that the the minimum mid-range entry point was the appropriate basis from which the sanction should be imposed.

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 commission of foul play in advance of the hearing and again before the JO.	One relevant previous red card. Dangerous tackle 2020 (6N)
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
Not relevant.	Befitting a player of his status.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
At the time of the incident and repeated again at the hearing.	None.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:

Given the Player's previous disciplinary rerecord, the JO was unable to accede to the submission that the Player should be granted full mitigation. In his view a 33% reduction from the entry point was appropriate given his unequivocal plea and remorse.

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 relevant.

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)

None.

Number of additional weeks: 0

Games for meaningful sanctions:

25/02 v Exeter Chiefs.
05/03 v Saracens.
12/03 v London Irish.
01/04 v Cardiff Blues.

The Club indicated its intention on behalf of the Player to apply to World Rugby to access the CIP. In the event the application is allowed, and the CIP is successfully completed, the Player's suspension will end after the first three of the above matches.

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 weeks (subject to CIP)	Sending off sufficient	
Sanction commences	21/02/23		
Sanctions concludes	04/04/2023 (13/03/2023 if the CIP is completed)		
Free to play	05/04/2023 (14/03/2023 if the CIP is completed)		
Final date to lodge appeal	22/02/23		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Jeremy Summers	Date	21/02/2023
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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