

## **EPCR SHORT JUDGMENT FORM**

Match	Northampton Saints	Vs	Stade Rochelais
Club's Country	England	Competition	Heineken Champions Cup
Date of match	21/01/2023	Match venue	Franklins Gardens
Rules to apply	<b>EPCR Disciplinary Rules 2022/23</b>		

### **PARTICULARS OF OFFENCE**

Player's surname	Dingwall	Date of birth	07/04/1999
Forename(s)	Fraser	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Northampton Saints		
SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	9.13, A player must not tackle an opponent early, late, or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.		
Summary of Sanction	3 Weeks		

### **HEARING DETAILS**

Hearing date	24 January 2023	Hearing venue	Zoom
Chairman/JO	Declan Goodwin	Panel member 1	Nigel Williams
Panel member 2	Tembelani Mayosi	Disciplinary Officer	Liam McTiernan
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:

Maurice Hartery, Northampton Saints Team Manager

Maria Gyorcsos (EPCR)

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

Disciplinary Officer Letter to Chairman dated 23 January 2023  
Hearing Notice dated 23 January 2023  
Andrea Piardi, Referee, Match Official Report – Red Card  
Eoghan Cross, AR1, Email Report  
Joy Neville, TMO, Match Official Report – Red Card  
Match footage of the incident  
Medical Report from Yves-Marie Fève of Stade Rochelais  
Northampton Saints Fixtures 2022-23  
Statement of the Player  
The Player's Discipline Record  
Statement from Chris Boyd

### **SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE**

**Disciplinary Decision**

The Referee's report states:

"N13 always upright, runs at speed, from distance, always high with no attempt to get low and makes direct head on head contact with the La Rochelle player who stays down and is removed from the field of play for HIA and does not return."

The AR1's report states:

"In terms of both incidents, Andrea and Joy went through the facts on the day to which I agreed with during the TMO referral process. These facts have also been outlined in both Joy's and Andrea's Red Card Reports so there is nothing further to add from my part."

The TMO's report also states:

"N13 always upright, runs at speed, from distance, always high with no attempt to get low and makes direct head on head contact with the La Rochelle player who stays down and is removed from the field of play for HIA and does not return."

Match footage:

The footage shows a passage of play where the ball is passed from a ruck along the back line, eventually reaching Dillyn Leyds, the Stade Rochalais 14 (SR14). The Player runs ahead of the Northampton defensive line at speed to tackle SR14, who dummies the ball before bracing for contact with the Player. The footage shows that upon contact, the Player is upright in the tackle and makes no attempt to adjust the height of his tackle. Whilst his arms and shoulders make contact below the line of SR14's shoulders, the footage shows that the Player's head makes direct contact with SR14's head. Following this contact, the Player slides down SR14 to complete the tackle and both players end up on the ground.

## ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

Medical Report from Stade Rochalais:

"Translation:

After exchanges with our doctor here is his return:

- Paul Boudehent no particular injury on the shock, he joined the French team yesterday.
- Dillyn Leyds, confirmed concussion and fracture of the facial mass, several weeks of work stoppage to be expected.

The two players being absent from the training center since yesterday we unfortunately do not have any additional testimony."

Mr McTiernan made submissions at the hearing as the Disciplinary Officer for this matter. Given that the Player had admitted to foul play warranting a red card, Mr McTiernan's submissions were simply that he agreed with the Player that this was not an intentional act of foul play. Mr McTiernan also drew the Panel's attention to the Medical Report from Stade Rochalais which indicated that SR14 left the field of play after this incident, did not return and is suffering from concussion and a facial fracture.

## SUMMARY OF PLAYER'S EVIDENCE

The Player admitted to the foul play and that his actions warranted a red card at the first opportunity via his responses to the standing directions prior to the hearing, stating:

1. I refer to the red card which I received in the match between Northampton Saints v Stade Rochelais on 21<sup>st</sup> January 2023 and I make this statement.
2. I confirm the following:
  - (a) I confirm that I am the Player that received the Red Card;
  - (b) No preliminary matters will be argued;
  - (c) I accept that I made contact with the La Rochelle 14 above the line of the shoulders and, therefore, committed an act of foul play pursuant to Law 9.13;
  - (d) I accept that my actions warranted a red card;
  - (e) I intend to apply to World Rugby to undertake the Head Contact Process Coaching Intervention;
  - (f) I will be attending the hearing along with Northampton Saints team manager, Maurice Hartery;
3. My intention throughout was to execute a fair and safe tackle of La Rochelle 14. Looking at the video clip of the incident after the event, I can accept that I was too upright in the tackle and unfortunately made contact above the line of the shoulder. Due to trying to get forward and make a tackle behind the gain line, I misjudged my height and unintentionally made contact with the La Rochelle 14 above the line of the shoulder, as stated. I had no intention whatsoever to make contact with La Rochelle 14's head.
4. I apologised to the La Rochelle 14 post match for the tackle, which he accepted.
5. I will be attending the hearing in order to answer any further questions that you may have.

At the hearing, the Player stated that he accelerated hard towards SR14 and misjudged the tackle, putting his shoulder on the wrong side, resulting in him clipping the head of SR14. He confirmed that his intention was to make a legal tackle and that he was in a good position to make a legal tackle, but that SR14 briefly stopped prior to the contact, contributing to the Player ending up on the wrong side.

Maurice Hartery, Northampton Saints Team Manager, also addressed the Panel with regards to the appropriate sanction for this matter. Mr Hartery stated that this was an unintentional incident which occurred at speed. He acknowledged that a Mid-Range sanction was the minimum sanction for this type of incident. His view was it was an unfortunate that SR14 was injured following this unintentional clash, but that SR14's injury should not contribute to raising the sanction entry point to the Top End. Mr Hartery also emphasised the Player's clean disciplinary record.

## FINDINGS OF FACT

The Player has admitted that head contact occurred, that this head contact amounted to foul play and that it warranted a red card, and the Panel agreed with this.

The footage shows a collision between SR14 and the Player, with direct head on head contact. The Player runs at speed towards SR14 and is upright at all times until after the head contact. As such, the Panel finds that there was a high degree of danger that the Player's action would result in a collision involving head contact contrary to law 9.13, with a Red Card being the correct outcome.

The footage also shows that there is a clear line of sight between the Player and SR14 at all pertinent times prior to the collision. SR14's height is consistent throughout, there is no sudden drop in height. There was no attempt by the Player to lower the height of his tackle. As such, the Panel finds that there is no basis to apply any mitigation to the Red Card.

The Panel was not able to establish the full effect of this incident on SR14, with the medical report from Stade Rochalais only stating that "several weeks of work stoppage to be expected". The Panel, which did not consist of anyone with any medical expertise, did not want to make any assumptions with regards to the meaning of "several weeks" here, and therefore interpreted this in the shortest sense, meaning two or three weeks.

### DECISION

Breach admitted  Proven  Not proven  Other disposal (please state below)

### SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)

**PLEASE TICK APPROPRIATE BOX** Intentional/deliberate  Reckless

State reasons

The Panel accepts the Player's evidence that he was attempting a legal tackle, but his approach was misjudged. As such the Panel determined that the Player's actions were reckless rather than intentional or deliberate.

Gravity of player's actions – R 7.8.32 (c)

The Player's actions resulted in contact with the head of SR14, who left the field and did not return. Stade Rochalais have provided a medical report stating that SR14 is suffering from concussion and a facial fracture.

Nature of actions – R 7.8.32 (d)

The Player stood upright and tackled SR14 at speed resulting in head-on-head contact whilst having a clear line of sight of SR14 prior to the tackle.

Existence of provocation – R 7.8.32 (e)

None.

Whether player retaliated – R 7.8.32 (f)

Retaliation was not a factor.

Self-defence – R 7.8.32 (g)

There was no element of self-defence.
Effect on victim – R 7.8.32 (h) Stade Rochalais have provided a medical report stating that SR14 is suffering from concussion and a facial fracture. The Panel had no detailed information regarding the full extent of such injuries other than the comment that “several weeks of work stoppage to be expected”.
Effect on match – R 7.8.32 (i) SR14 left the field and did not return.
Vulnerability of victim – R 7.8.32 (j) SR14 was vulnerable in that he took the ball into contact and clashed heads with the Player.
Level of participation/premeditation – R 7.8.32 (k) Full participation with no premeditation.
Conduct completed/attempted – R 7.8.32 (l) Completed.
Other features of player’s conduct – R 7.8.32 (m) None.

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>6 Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>		<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 this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End

**RELEVANT OFF-FIELD MITIGATING FACTORS**

Acknowledgement of guilt and timing – R 7.8.35(a)	Player’s disciplinary record/good character – R7.8.35 (b)
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The Player fully acknowledged that he was guilty of foul play warranting a red card at the earliest opportunity.	Prior to this incident, the Player had an exemplary disciplinary record. Attestations as to his good character were also provided and this was also demonstrated by his conduct at the hearing.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The Player is an experienced professional of 6 years and former England U20 Captain.	The Player’s conduct prior to and at the hearing was excellent.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
The Player’s statement states that he apologised to SR14 following the match.	None.

Number of weeks deducted: 3 weeks

Summary of reason for number of weeks deducted:
<p>The Player has met all of the mitigating factors to be considered in that:</p> <ul style="list-style-type: none"> <li>• he admitted to the foul play and that his actions warranted a red card at the first opportunity;</li> <li>• this is the Player’s first red card having been a professional rugby player for 6 years;</li> <li>• the Player apologised to SR14 following the match; and</li> <li>• his conduct prior to and at the hearing was excellent.</li> </ul> <p>As such, the Panel provides the Player with full mitigation of 50% of the entry point, being 3 weeks.</p>

#### ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 7.8.34 (a)
N/A
Need for deterrence – R 7.8.34 (b)
None.
Any other off-field aggravating factors – R 7.8.34 (c)
None.

Number of additional weeks: 0

#### SANCTION

**NOTE:** PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 7.2.5

Total sanction (weeks)	3 weeks	Sending off sufficient <input type="checkbox"/>	
Sanction commences	24 January 2023 and shall cover 3 meaningful matches: 28 January, Leicester Tigers v Northampton Saints 10 February, London Irish v Northampton Saints 18 February, Northampton Saints v Sale Sharks	Costs	None.
Sanction concludes	Midnight on 18 February 2023		
Free to play	19 February 2023		

The Panel acknowledges that the Player has indicated that he intends to apply for the World Rugby Coaching Intervention Programme. The Panel consents to the Player applying for the Coaching Intervention Programme. If the Player receives a confirmation of completion from World Rugby, the final specified match of the Player's suspension will be substituted by the successful Coaching Intervention.

Signature (JO or Chairman)	Declan Goodwin	Date	25 January 2023
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**NOTE:** YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 8.1 AND 8.2 OF THE EPCR DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 8.2.1 TO 8.2.4 OF THE REGULATIONS