

# DISCIPLINARY DECISION



Match	England v Canada		
Competition	July Internationals 2021		
Date of match	15 July 2021	Match venue	Twickenham Stadium
Rules to apply	World Rugby Regulation 17		

## PARTICULARS OF OFFENCE

Player's surname	Ludlow	Date of birth	11 September 1994
Forename(s)	Lewis		
Player's Union	England		
Referee Name	Craig Evans (WRU)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.12 - Striking with the knee  Amended to Law 9.11 – Players must not do anything that is reckless or dangerous to others	SELECT:    Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>  If "Other" selected, please specify:	
Summary of Sanction	4 weeks (reduced to 3 depending on the success of coaching intervention)		

## HEARING DETAILS

Hearing date	15 July 2021	Hearing venue	Via Zoom
Chairman/JO	Roddy Dunlop QC (Scotland)		
Other Members of Disciplinary Committee	Jamie Corsi (Wales), former professional player Frank Hadden (Scotland), former international coach		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Richard Smith QC	Disciplinary Officer and/or other attendees	Yvonne Nolan (World Rugby) Brian Hammond (World Rugby) Joyce Hayes (World Rugby, Disciplinary Coordinator)
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> <li>• Citing Commissioner Report</li> <li>• Match Official Reports (Referee YC report; TMO report)</li> <li>• Statement of Jake Ilnicki, Canada #3</li> <li>• Medical report (John Longland, Canada Team Physician) including follow up from Dr Billy Longland</li> <li>• Clips as referenced in CC report</li> <li>• Broadcast clip (single incident)</li> <li>• Team sheet</li> <li>• World Rugby Regulation 17</li> <li>• Player's response to standard directions &amp; submissions, including references</li> </ul> <p>HCP: World Rugby's Head Contact Process can be found here: <a href="#">Law Application Guidelines   World Rugby Laws</a></p>		

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

In stepping through the ruck in an attempt to hook the ball, the player's knee makes contact with the head of Canada #3, who is required to leave the pitch for an HIA.

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

Canada #3 did not report any ongoing concussion symptoms, but did have some ongoing tenderness and swelling of his nose and face.

## SUMMARY OF PLAYER'S EVIDENCE

It was accepted that what occurred was reckless, though not intentional. The Citing Commissioner's description of the player's actions as "clumsy" was accepted. The player had apologised to Canada #3 and was remorseful, especially given that this was his first cap and that he had, most unusually, been made captain in his first cap.

## FINDINGS OF FACT

1. A ruck developed with Canada in possession.
2. The player joined the ruck with several Canadian players in front of him but in a situation where the ball was visible to him.
3. The player stepped through the ruck in what would otherwise have been a legitimate attempt to hook the ball.
4. However, in doing so he lifted his leg in close proximity to Canada #3, resulting in his knee connecting with moderate force to the head of Canada #3.
5. In so doing, the player acted recklessly. He did not, however, intend to make contact with Canada #3 and was rather targeting the ball.

## DECISION

Breach admitted  Proven  Not proven  Other disposal (please state)

## SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)

Intentional  Reckless

State Reasons

The video footage clearly shows the player targeting the ball and not the opponent, although in circumstances where the proximity of the opponent made the conduct dangerous.

Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
As above.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
Not applicable.
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
Not applicable.
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)
Not applicable.
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
Left the pitch for an HIA.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
Not applicable.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
Moderately vulnerable in that his head was in a lowered position.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Not applicable.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Completed.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
Not applicable.

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks/Matches</u>	<u>Mid-range</u>	<u>Weeks/Matches</u>	<u>Low-end</u>	<u>Weeks/Matches</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 this assessment, the JO/Committee should consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) 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 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
Immediate,	Not applicable: two prior dismissals from the field of play, both for trampling at a ruck (2014 – 1 week suspension; 2018 – 4-week suspension).
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
Not applicable.	Exemplary.
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
Rapid apology tendered to Canada #3.	Not applicable.

Number of weeks/matches deducted: 2 (3)

Summary of reason for number of weeks/matches deducted:

All mitigating factors were apparent save for prior disciplinary record.

Mr Smith QC for the player argued that the antecedents were of sufficient antiquity to be ignored. However, the Committee felt that a suspension for 4 weeks for trampling at a ruck in 2018 was sufficiently recent that it required to be taken into account. Moreover, it accepted the submission for World Rugby that this could be described as a pattern of dangerous play at rucks. Accordingly, one-third mitigation was deemed appropriate.

Mr Smith QC also indicated that the player wished to be considered for inclusion in World Rugby’s newly announced coaching intervention programme which would, if successful, potentially allow for a further deduction of one week.

In this regard, the committee expressed some doubt as to whether the index offence was something that could adequately be addressed by coaching. Two of the panel have substantial experience in coaching, and were not convinced that coaching could adequately mitigate what had occurred. Nevertheless, and with hesitation, the committee were persuaded to accede to the submission that the coaching intervention option should be exercised, for the following reasons:

1. Mr Smith QC was able to indicate ways in which the intervention process might assist.
2. The submissions for World Rugby accepted that the situation was something that could be addressed by coaching.
3. The committee accepted that the introduction of the intervention process was to be welcomed, and used unless obviously inappropriate.
4. Ultimately, the ability of the intervention process to assist is a coaching decision, not a disciplinary one. Albeit this committee had members with significant coaching experience, some will not. Whether or not a case is deemed appropriate for such a process should not depend on the make-up of the committee.
5. It is for the player and his club to persuade World Rugby’s expert intervention panel that the coaching intervention has been appropriate and useful. If they cannot do so, the extra week’s deduction will not be granted.
6. For these reasons, the committee took the view that admission to the coaching intervention process would be allowed unless on no realistic view could it be expected to be helpful, with any reasonable doubt being exercised in favour of admission to the process (as any such doubt would become apparent to World Rugby’s expert intervention panel).

### ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
As above, and already accounted for in the discounted mitigation.
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
Not applicable: already accounted for in the mandatory mid-range entry point.
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
Not applicable.

Number of additional weeks/matches:

0
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### SANCTION

**NOTE:** PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	4 (3 subject to coaching intervention)	Sending off sufficient <input type="checkbox"/>
Sanction commences	Immediately.	
Sanction concludes	Following the conclusion of Gloucester's match v Northampton, 18th September. In the event of World Rugby being satisfied by steps taken in the coaching intervention process, the sanction will end following the conclusion of Gloucester's match v Hartpury, 11th September.	
Matches/tournaments included in sanction	4 (or 3, as above)	

Costs	N/a
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Signature (JO or Chairman)	Roddy Dunlop QC	Date	15 July 2021
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**NOTE:** YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.24.2(a) (or equivalent Tournament rule)