

# DISCIPLINARY DECISION



[insert logo e.g.]

Match	New Zealand v England		
Competition	RWC 21 Final		
Date of match	12/11/2022	Match venue	Eden Park, Auckland
Rules to apply	RWC 21 Tournament Disciplinary Programme		

## PARTICULARS OF OFFENCE

Player's surname	Thompson	Date of birth	10/02/1992
Forename(s)	Lydia		
Player's Union	RFU		
Referee Name	Hollie Davidson	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.13 Dangerous tackle	SELECT:      Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>  If "Other" selected, please specify:	
Summary of Sanction	3 weeks/matches		

## HEARING DETAILS

Hearing date	21/11/2022	Hearing venue	Remote
Chairman/JO	Jennifer Donovan		
Other Members of Disciplinary Committee	Sarah Smith Oliver Kohn		
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)	Angus Hetherington, Legal Counsel. Harriet Martin, Team Manager David Barnes, RFU Head of Discipline.	Disciplinary Officer and/or other attendees	Brian Hammond, DDO.
List of documents/materials provided to Player in advance of hearing	Notice of Hearing. Referee's Sending Off Report – Hollie Davidson. Medical Report – Dr. Stephen Smith 13/11/2022 Medical Update – Dr. Stephen Smith 18/11/2022. Match Footage. Disciplinary Section of RWC 21 Terms of Participation. Regulation 17. World Rugby Head Contact Process. Standing Directions.  Received From Player – Written Submissions incl. Replies to Standing directions. Decisions re Rob Valantini and Angus Ta'avao. Character Reference from Worcester Warriors Director of Women's Rugby, Jo Yapp. Character Reference from England Women's Head Coach, Simon Middleton.		

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

The Report of Referee, Hollie Davidson, set out that the player had been sent off for a dangerous tackle in the 18<sup>th</sup> minute of the first half of the match. The referee reported "Direct head on head contact. 14 England comes across the field and speed & distance in an upright position and hits 11 Black head on. A red card was given".

Footage was available from numerous angles and the tackle was clearly visible. NZ were in possession and the victim player, Porta Woodman ("NZ11") was positioned on the left wing. She received a long pass and carried the ball forward. The player can be seen running across in defence from infield. She approaches at speed from the right side of NZ11 and makes the tackle just as the ball is passed inside by NZ11. The head of the player can be seen to make direct contact with the head of NZ11 who falls to the ground. A medic who was positioned in the immediate vicinity can be seen to attend to NZ11 who appears in obvious need of medical attention.

The player remains close by and can be seen to raise an arm towards NZ11 on the ground.

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

A report provided by Dr. Stephen Smith, Black Ferns Doctor indicated that NZ11 was knocked out and had tonic posturing following the tackle; that she was unconscious for 60 seconds and required a jaw thrust to maintain her airway briefly; that she became orientated quickly on regaining consciousness but developed nausea and headache on transfer to the medical room. There was no focal neurological abnormality. The following day cognition was reported to be back to baseline. An updated report was proved on 18/11/2022 indicating that NZ11 had been reviewed on the 16<sup>th</sup>. It was reported that she still had a concussion symptom score of 43 and as a result did not travel to Monaco for the World Rugby Awards. She had returned to NZ at that time.

## **SUMMARY OF PLAYER'S EVIDENCE**

The player accepted the offending at the outset and was very apologetic for the effect that it had had on NZ11. The replies to Standing Directions provided on the player's behalf prior to the hearing had made clear that they player would not be contesting any aspect of the awarding of the red card.

The player explained that she was covering across in defence and intended to back a side on tackle, aiming to tackle NZ11 at torso height so that the player's head would be to the back of NZ11. The player said that she knew that it would be a challenging tackle, being familiar with the strength of NZ11 and her ability to drive through tackles. The player said that she did not expect the pass inside from NZ11 and that the slight deceleration from NZ11 when passing resulted in NZ11 being slightly behind where the player expected her to be. The player said that she had hoped to perhaps tackled NZ11 into touch as she was close to the touch line. The player fully accepted that the tackle had gone wrong. She said that she was devastated to see NZ11 on the ground and she found it difficult to watch the footage of the incident

The player said that she tried to prevent anyone from colliding with NZ11 whilst she was on the ground. She was glad that a medic was quickly on the scene. She said that she was trained to move away from an injured player once medical assistance had arrived in order not to interfere with treatment and so she did that. The player explained that she had tried to find out about NZ11's wellbeing during the match by asking a match official and NZ11's partner who was present. NZ11 did return to the pitch after

the final whistle which gave the player an opportunity to speak to her and to apologise. The player said that her apology was accepted by NZ11 and the player was very grateful to the manner in which the apology was accepted by NZ11 and also by the NZ team.

It was submitted on behalf of the player that the appropriate entry point should be mid-range, it being accepted that mid-range would in any event be the mandatory minimum entry point as a result of the head contact. It was submitted that the offending was reckless but was not highly reckless and that the player had intended to execute a correct tackle but had gotten it wrong. It was submitted that the player had given an honest account of her actions and that her explanation was fair and logical. It was acknowledged that NZ11 had suffered a serious injury but it was argued that that must be balanced against all of the other factors including the fact that this was a high speed, dynamic situation. Decisions in the cases of Rob Valentini (27/11/2021) and Angus Ta'avao (13/07/2022) were referred to along with a very recent case arising out of a France v South Africa match. Whilst acknowledging that each case must be dealt with on its merits, it was pointed out that the cases referred to involved similar or more serious injuries and that a mid-range entry point was applied in each.

In respect of mitigation, it was submitted that the maximum reduction of 50% should be applied. The player had no previous disciplinary issues throughout a ten-year international career, she accepted that she had committed an act of foul play at the earlier opportunity and she apologised to NZ11 at the earliest opportunity. The written submissions outlined the player's involvement in off-field activities including the RPA Player Welfare Advisory Board. Positive reference from Simon Middleton, England Head Coach and Worcester Warriors Director of Rugby, Jo Yapp were also provided. It was submitted that there were no aggravating factors.

#### **FINDINGS OF FACT**

It was found, as admitted by the player, that the player committed a dangerous tackle in breach of Law 9.13. It was found, on the basis of the player's evidence that the offending was reckless. It was found that direct, forceful contact was made with the head of NZ11 as a result of that tackle which resulted in a concussion injury to NZ11. It was found that the offending met the red card threshold. Again, this was admitted by the player.

The Player applied to participate in the Coaching Intervention Programme. The Committee was satisfied that this would be an appropriate case and approved the application.

#### **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 <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
The committee accepted the explanation of the player as to her intentions and was satisfied that the offending was reckless rather than intentional.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Direct head on head contact at speed.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
N/a
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
N/a
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)
N/a
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
NZ11 has to be removed from the field of play. She was concussed and unable to return to play. She remained symptomatic some four days later and as a result was unable to attend to the World Rugby Awards on the 20/11/2022
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
Detrimental effect on the player's own team who had to play the majority of the match with 14 players.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
NZ11 was on her feet and not in a particularly vulnerable position. She would presumably have been anticipating contact but not contact with her head.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Full participation. No premeditation.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Tackle completed.
Other features of player's conduct – R 17.18.1(l) (or equivalent Tournament rule)
N/a

## ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks/Matches	Mid-range	6 Weeks/Matches	Low-end	Weeks/Matches
<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 17.18.1(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)
Acknowledged in replies to Standing Directions and again at the outset of the hearing	The player has a clean disciplinary record.
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)
The player has 10 years international experience	Excellent
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)
Player apologies to NZ11 at earliest opportunity	Player is involved in Player Welfare Advisory Group and in England Team's off field leadership group as set out in written submissions.

Number of weeks/matches deducted:

3

Summary of reason for number of weeks/matches deducted:

Having considered the relevant factors outlined above, the committee was satisfied that the maximum reduction in respect of mitigation should be applied.

### 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)
N/a
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
N/a
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/a

Number of additional weeks/matches:

0

### 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	3 weeks / matches, subject to a possible one match reduction on successful completion of the Coaching Intervention Programme.	Sending off sufficient <input type="checkbox"/>
Sanction commences	12/11/2022	
Sanction concludes	Midnight 08/01/2023	
Matches/tournaments included in sanction	Worcester v Wasps 17/12/2022  Worcester v DMP Sharks 31/12/2022  Worcester v Gloucester 07/01/2023	

Costs	Nil
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Signature (JO or Chairman)	Jennifer Donovan	Date	22/11/2022
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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)