

### **Guidance on Grading for Dangerous Contact (Late hit on passer)**

The RFL has been asked to provide further clarity around the guidance used for determining the grade of Dangerous Contact charges, specifically for the charge under Law 15.1 (i):

***Behaves in any way contrary to the true spirit of the game (includes Dangerous Contact)***

***A defending player makes contact with an opponent after the ball has been released by an opponent in a vulnerable position which causes flexion to the head, neck or spinal column on an attacking player, which poses an unacceptable risk of injury to that player.***

For the avoidance of doubt, this document relates solely to this particular section contained within Dangerous Contact of the On Field Sentencing Guidelines pursuant to the above Charge. It is not intended to apply to any additional contact to the head offences which fall under Laws 15.1 (a) *Trips, kicks or strikes another player*, 15.1 (b) *When tackling or attempting to tackle makes contact with the head or neck of an opponent* or 15.1 (k) *Shoulder Charge*.

The Laws of the Game serve to protect players from concussions and sub concussions caused by flexion to the head, neck or spinal column as a result of intentional, reckless or careless *late hits*.

Any contact with a player after he or she has released the ball amounts to Misconduct pursuant to the Laws of the Game.

Players have a duty to their opponents to operate within the Laws of the Game.

The Laws of the Game state that it is illegal to tackle or obstruct a player who is not in possession, (*International Laws of the Game Section 11 Law 1*). Accordingly, it is Misconduct to tackle a player who no longer has the ball. Any such contact shall be deemed Misconduct pursuant to Law 15.1 (i) of the On Field Compliance Procedures and Sentencing Guidelines set out with the RFL's Operational Rules as outlined above.

On the Field of Play, such offences result in a range of sanctions starting with on field penalty and going through to temporary or full dismissal.

The RFL On-Field Compliance Procedures and Sentencing Guidelines set out the range of factors for the Match Review Panel ("MRP") to consider when determining whether, and at what Grade, to charge a player.

Charges can be brought within a range of gradings, namely, Grade A to F:

- Grade A – B deemed careless
- Grade B – D reckless and
- Grade D and above being deemed intentional.

The Rules further set out the test for determining intent, recklessness, or carelessness: each being an objective test. These are set out below.

This further guidance is issued to provide additional clarity on the appropriate Grading for On Field Misconduct relating to late hits. The below is **not exhaustive** and all elements of the

tackle / contact will be taken into account by the MRP and/or Operational Rules Tribunal (“ORT”) when determining the appropriate Grade.

Tackles / other contact which breach (or potentially breach) Law 15.1(i) inevitably involve multiple factors: the Grade of On Field Misconduct will be determined by the tackle / other contact overall rather than one specific element of it. For the avoidance of doubt, the fact that parts of a tackle / other contact charged as Misconduct fall within the descriptions of a lower Grade (as set out below) does not mean that the tackle /contact in question should be that lower Grade.

### **Intentional Grade D (Refer to Tribunal)**

Players are deemed to have intent with respect to the outcome when:

- It is their purpose to make contact with the opponent after the ball has been released; or
- Although it was not their purpose they are aware that contact with the opponent after the ball has been released would have occurred (or almost certainly would).

Intent does not require for the event to have been planned before or during the match and can be formed on the spur of the moment. Examples of factors that point to contact being intentional include but are not limited to:

- Defending player makes no legitimate attempt to tackle
- The lateness of the contact – ball has clearly gone and defending player is or ought to be aware of this
- The nature of the contact – attacking player does not use a recognised or acceptable tackle technique
- The forcefulness of the contact – excessive and significant flexion of head, neck or spinal column.

### **Reckless Grade B - D**

Players are deemed to have acted recklessly and not intentionally if the person making the tackle is or ought to be aware that:

- There was an obvious risk that acting or failing to act in a particular manner will bring about the result of making contact with the opponent after the ball has been released or
- An obvious risk that the circumstances exist or that the result will follow; or
- An obvious risk of dangers or of possible harmful results.

But nonetheless carries out such a tackle. Examples of reckless contact include but are not limited to:

- Defending player approaches the tackle in an uncontrolled manner – e.g., enters the tackle at speed
- The defending player fails to moderate his behaviour
- The nature and type of the contact is unnecessary and/or avoidable
- Considerable flexion of head, neck or spinal column to opponent

### **Careless Grade A - B**

Where a tackle is neither intentional nor reckless then charges should be brought if the player nonetheless acted carelessly when making the tackle. The assessment is an objective test

based on a reasonable player. It does not matter that the person was unaware that the result of their act/omission might happen; a reasonable player would have realised the risk and taken steps to avoid it.

Examples of careless contact include but are not limited to:

- Immediacy of making tackle – proximity of defender to attacking player
- Vulnerability of opponent – e.g., contact is expected by the attacking player
- Defending player has shown [some] moderation of behaviour
- Minimal flexion of head, neck, spinal column to opponent

### **Aggravating & Mitigating Factors**

For each Grade of Misconduct Offence, the Sentencing Guidelines set out the range of Sanctions.

The aggravating and mitigating factors for Sanction are also set out within the Guidelines (Schedule 1). It is for the ORT to take these into account when determining Sanction within a Grade and/or considering whether they should go outside the recommended sanction range for that Grade.

Injury can be used by the MRP (and consequently by the ORT) when considering an appropriate Grading in order to assess the degree of force and as an indication of the point of contact by a player when effecting a tackle. For example, if a player sustains a serious injury which results in a period of time away from the game as a result of misconduct, this may mean the grading is increased.

## Schedule 1

### **6.3. Aggravating and Mitigating Factors**

In determining the appropriate sanction, the Operational Rules Tribunal will take into account all relevant aggravating and mitigating factors (see below for a non-exhaustive list). For the avoidance of doubt the Operational Rules Tribunal shall apply appropriate weighting to any aggravating and mitigating factors when considering the relevant sanction, however it shall not be the case that each aggravating or mitigating factor invoked equates to a one match enhancement or reduction.

#### **6.3.1. Aggravating Factors**

**Previous Record  
Violence**

**Retaliation**

**Injury caused**

**Incident not part of play**

**Other aggravating factors**

##### **6.3.1.1. Previous Disciplinary Record**

- Player has record of the same or a similar Offence in the past - should result in a higher penalty than would otherwise be the case.
- Player has a disciplinary record for dissimilar Offences – not necessarily taken into account unless the Player's record is such that it shows a general disregard for the safety and welfare of other Players.
- Players who regularly commit acts of foul play – should receive ever increasing suspensions which may lead to a period suspension ie a Player with a serious record may receive a substantially longer suspension than a Player with no record for an Offence of the same nature.

##### **6.3.1.2. Violence**

- No place for acts of intentional violence or thuggery.
- Includes head butting, vicious attacks with fists, intentional high tackles, attacks on a prone opponent, an assault on an opponent from behind, gouging.
- Unprovoked violent assaults punished severely and period suspensions considered.

##### **6.3.1.3. Retaliation**

- When retaliation is calculated and/or intentional it is an aggravating factor.

##### **6.3.1.4. Injury caused**

- If the Misconduct has caused injury to an opponent, this may result in a higher penalty than if no injury had occurred.
- For the avoidance of doubt, if an incident has caused a Player to receive a concussive injury, the Operational Rules Tribunal should consider it as an aggravating factor.
- The Operational Rules Tribunal may consider the length of time an injured opponent is likely to be out of the game when passing sentence.

#### **6.3.1.5. Incident not part of play**

- Where an incident is not part of play i.e. off the ball or in back play then this may be an aggravating factor.

#### **6.3.1.6. Other aggravating factors**

- The Panel shall be entitled to take into account other aggravating factors as they reasonably think appropriate in the circumstances of an individual case.

### **6.3.2. Mitigating Factors**

#### **Previous Good Record**

#### **Provocation**

#### **Technique or Fitness in some cases**

#### **Genuine Remorse**

#### **Other Mitigating Factors**

NB: the fact that no injury was caused is not usually a mitigating factor.

Mitigating factors are not ordinarily sufficient to go below the minimum of the range of suspensions of the charge the Player is found guilty of, other than in truly exceptional circumstances.

#### **6.3.2.1. Previous Good Disciplinary Record**

- Where a Player has a good previous record this may be treated as a mitigating factor.
- The Player must have been playing the game at professional level for long enough to have established a good record e.g. at least three years.
- Where a Player has a previous record but has not committed a Similar Offence for a period of at least five years their previous record may be discounted.

#### **6.3.2.2. Provocation**

- An immediate reaction to foul play by an opponent may be a mitigating factor as it may be seen as self-defence.
- Due consideration must be given to the distinction between self-defence, provocation and retaliation.

#### **6.3.2.3. Technique or Fitness (*in some cases*)**

- Rarely a valid defence at first team level.
- A Player who does not have the appropriate technique or fitness levels may be a danger to other Players.
- At academy level, some consideration may be given to these factors when accompanied by genuine remorse and intention to resolve the problem.

#### **6.3.2.4. Genuine Remorse**

- Genuine remorse for the Offence and formal apologies to the opponent may be mitigating pleas.

#### **6.3.2.5. Dismissal**

- The Tribunal, when sanctioning a Player, may consider whether that Player was dismissed from the field and the time of dismissal.

#### **6.3.2.6. Other Mitigating factors**

- The Panel shall be entitled to take into account other mitigating factors as they reasonably think appropriate in the circumstances of an individual case.
- Credit will not be given for a guilty plea at appeal stage if the charge was contested at first instance.