

DISCIPLINARY DECISION



Match	France v England		
Player's Union	FFR	Competition	2024 Women's Six Nations
Date of Match	27.4.2024	Match venue	Stade Chaban Delmas
Applicable rules	2024 SIX NATIONS DISCIPLINARY AND ANTI-DOPING RULES		

PARTICULARS OF OFFENCE			
Player's Surname	Khalfaoui	Player's Forename(s)	Assia
Player's Date of birth	24/03/2001	Referee's Name	Maggie Cogger-Orr
Foul play	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted	Red card warranted	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.20 (b) A player must not make contact with an opponent above the line of the shoulders.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of sanction	2 weeks, with the Player being entitled to make use of the World Rugby Coaching Intervention Programme		

HEARING DETAILS			
Hearing date	30.4.24	Hearing venue	Zoom call
Chairman/JO	Owain Rhys James		
Other members of Disciplinary Committee	Bogdan Zebega (ex-player) Valeriu Toma (ex-referee)		
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Player's union	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Player's representative(s)	Mr Oliver Harland	Disciplinary Officer and/or other attendees	Tom Price FFR Representatives: Lionel Rossigneux Edward Reay-Jones Observers: Ms Lara Curtis Ms Catrin Gregory-Wallace
List of documents/materials provided to Player in advance of hearing	Papers bundle running to 18 pages including: <ul style="list-style-type: none"> • Referee Report and Television Match Official Report (TMO) – Maggie Cogger-Orr (Ref) and Andrew McMenemy (TMO) • Foul Play Review Officer (FPRO) Report – Brian MacNeice • Statement – Morwenna Talling, England #5 • Statement – Dr Lewis Jones, England, Team Doctor • Letter to Disciplinary Committee Chair - Northridge Law LLP 		

	<ul style="list-style-type: none"> • Player’s Statement • Player's Disciplinary Record • Player's Schedule Correspondence • Hearing Confirmation Letter – 28.04.24 (Sent via email) <p>There was a further e-mail from the referee dated 29 April 2024.</p> <p>The footage was also made available electronically.</p>
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SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE’S REPORT/INCIDENT FOOTAGE

The referee issued a yellow card to the Player on-field. Her report stated:

3 France approached a tackle where 5 England was wrestling with a ball carrier in a upright position. As the tackle was completed, 3 France charged into the tackle zone, from distance at speed, and made contact with the England player’s head with her shoulder. There was a high degree of danger and no mitigation. The player was accepting of the decision on the field.

The FRPO upgraded the yellow card to a red card. The FRPO report stated:
 France 3 made head contact with England 5. The incident was referred by the TMO & on review was deemed meeting the minimum yellow card threshold & sent to the bunker. Upon review I saw direct contact to the head of the Eng player & deemed the incident to be a high degree of danger with no mitigation. I upgraded the YC to a Red Card.

By e-mail of 29 April 2022 the referee confirmed that the relevant law was 9.20 (b).

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

England 5 stated:
 The incident occurred in the 44th minute of the match when i was an assist in a tackle on France no. 2. I had my hands on the ball and was attempting to rip it. A tackle had been called so I went to release while still in a relatively upright position when the player (France no.3) came in to attempt to clear me out. This resulted in the shoulder to head which meant I had to go off the field for a HIA. I passed the subsequent HIA and was cleared to be able to return to play. Since the match Asssia has sent me an apology letter.

The England team doctor stated:
 Following the incident during the 43rd minute of the game between England and France where Morwenna Talling experienced a head impact event she underwent head injury assessments as per the World Rugby protocol. She initially failed the HIA 2 immediately after the match but this morning has passed her HIA3 so does not have a clinical diagnosis of concussion.

She has no symptoms and no other injuries after this incident. There is still the potential that she may develop symptoms when returning to training this week.

We also heard from Lionel Rossigneux, the French team manager. He gave a brief but significant overview of the Player’s record and character. She was described as being an exemplary player in the squad who had been playing at international level for a couple of years. On and off the field she always understood the values of the game. She played an important role in transferring those values to her younger teammates and was seen as a senior player within the squad.

SUMMARY OF PLAYER'S EVIDENCE

The Player gave a full account both by her response to the standing directions, and by her witness statement (a copy of which had been translated into English for the benefit of the Panel). The Player confirmed the statement to be true.

The Player:

- (1) accepted that she was the player shown the red card
- (2) did not raise any preliminary matters
- (3) accepted the reports of the referee and the FRPO
- (4) accepted that there had been foul play contrary to Law 9.20 (b)
- (5) accepted that the act of foul play warranted a red card

A full and candid account was provided by the Player in her witness statement. She stated:

- In the 44th minute of the match, England was leading 35-14. France was in possession of the ball and attacking just inside the England half.
- France #9 (Pauline Bourdon Sansus) passed the ball from the base of a ruck to France #5 (Madoussou Fall). I was standing beside the ruck. When the ball was passed I ran laterally across the pitch to follow the ball to the next breakdown.
- France #5 carried the ball into the England defensive line and offloaded it in the tackle to France #2 (Agathe Sochat). France #2 was then tackled by England #14 (Abby Dow).
- As France #2 was going to ground, her upper body was caught and held up by England #5 who was trying to strip the ball.
- I wanted to clear out England #5 to ensure that France #2 could get to ground and recycle the ball quickly so we could continue attacking. However, I was not sure whether the tackle was complete and France #2 was going to the ground with the ball or whether the ball was going to be held up and stripped by England #5. I believe that this uncertainty led to me going into the contact in a more upright position than I usually would, which in turn led to my right shoulder making contact with England #5's head instead of her chest.
- The Television Match Official reviewed the incident and I was shown a yellow card by the Referee.
- I apologised to the England team as a whole before leaving the pitch. I was not sure at that stage which player I had made contact with.
- The Foul Play Review Officer reviewed the incident in the bunker and determined that the yellow card should be upgraded to a red card. I accepted the decision and was very upset.
- After the match, I sent a message of apology to the England team manager to pass on to the player. That message is exhibited to this statement.

At the hearing the Player confirmed that she had nothing to add to her statement.

In response to questions from the Panel she confirmed that she did not know how she intended to bind onto the England player. The incident occurred in the heat of the moment.

FINDINGS OF FACT

Given the clarity of the footage and the admissions, our findings of fact can be set out briefly.

The Player attempted to enter a ruck situation.

We accept that it was a dynamic situation. French#2 was seemingly held up by England#5. Though lines of sight were relatively clear we accept that matters occurred quickly and that it was dynamic. We also note some interference/interaction of the Player by other players and accept that that added to the dynamic nature of the situation.

We find that there was direct contact by the Players shoulder to England#5's head. England#5 was then seen to fall to the floor.

DECISION

Foul play	Admitted <input checked="" type="checkbox"/> Determined <input type="checkbox"/> Not determined <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>
Red card warranted	Admitted <input checked="" type="checkbox"/> Determined <input type="checkbox"/> Not determined <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>

SANCTIONING PROCESS

References below are to provisions in the 2024 Disciplinary and Anti Doping Rules, which form Schedule Four of the 2024 Six Nations Terms of Participation documentation.

ASSESSMENT OF SERIOUSNESS

Assessment of intent – clause 2.5.89 (a) and (b)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State reasons
We are entirely satisfied that this was not an intentional act of foul play. It was reckless of the Player to enter the tackle situation as she did given her height and that of England#5. Contact with the head of England#5 was always a real risk. However, we accept that it was a dynamic situation, that there was a misjudging of England#5's height, and that this was an attempt at a lawful clear-out.
Nature of actions – clause 2.5.89 (c)
This was an attempt at a lawful clear-out which was misjudged.
Existence of provocation – clause 2.5.89 (d)
n/a
Whether Player retaliated – clause 2.5.89 (e)
n/a
Self-defence – clause 2.5.89 (f)
n/a

Effect on victim – clause 2.5.89 (g)
We note that there was contact to the head of England#5 and note the medical evidence. Thankfully there was no serious injury caused and England#5 passed her HIA3 meaning that there was no clinical diagnosis of a concussion.
Effect on match – clause 2.5.89 (h)
Save for the fact that there was an act of foul play, there was no other significant effect on the match.
Vulnerability of victim – clause 2.5.89 (i)
We accept that England#5 was somewhat vulnerable, being involved in a tackle situation. However, she was standing and in an active position with relatively good lines of sight. This was not an unprotected, vulnerable and/or passive player who was on the floor, for example.
Level of participation/premeditation – clause 2.5.89 (j)
n/a
Conduct completed/attempted – clause 2.5.89 (k)
n/a
Other features of Player’s conduct – clause 2.5.89 (l)
n/a

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks/matches	Mid-range	Weeks/matches	Lower end	Weeks/matches
<input type="checkbox"/>		<input checked="" type="checkbox"/>	4 weeks	<input type="checkbox"/>	

*If top end, the JO or Disciplinary Committee must identify, based on his/her/its assessment of the seriousness of the conduct, an entry point between the top end and the maximum sanction and provide the reasons for selecting this entry point, below (see clause 2.5.90).

Reasons for selecting entry point above top end

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of foul play (and timing) – clause 2.5.91(a)	Player’s disciplinary record – clause 2.5.91 (b)
We accept that there was an early acceptance of the Yellow Card, on field, and the Red Card from the FPRO. There was an early admission of foul play warranting a red card.	The Player has no previous red cards. We do not view her previous yellow cards as being material to the instant act of foul play.

Youth and/or inexperience of Player – clause 2.5.91 (c)	Conduct prior to and at hearing – clause 2.5.91 (d)
The Player is relatively young though has 14 caps and is viewed as a senior player.	The Player’s conduct has been impeccable. Together with the early admission there has been a full account provided both in response to the standing directions and by her witness statement. The Player fully engaged with the hearing.
Remorse (and timing if remorse) – clause 2.5.91 (e)	Other off-field mitigation – clause 2.5.91 (f)
We accept that the Player has shown genuine remorse. There was an apology letter written swiftly and in good spirit.	We accept the evidence of the Player’s general good character.

Number of weeks/matches deducted:

2

Summary of reason for number of weeks/matches deducted:

The early, and full, admission together with the Player’s good record leads the Panel to conclude that it is appropriate to award 50% mitigation.

RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – clause 2.5.94 (a)
n/a
Need for deterrence – clause 2.5.94 (b)
To the extent that it is required we are satisfied that it is catered for by the mandatory mid-range starting point.
Any other off-field aggravating factors – clause 2.5.94 (c)
n/a

Number of additional weeks/matches:

0

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – CLAUSES 2.5.14 AND 2.5.33.

Total sanction	2 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	27.4.24	
Sanction concludes	00:00 on 20.5.24	
Matches/tournaments included in sanction	<p>Stade Bordelais v Stade Villeneuvois Lille Metropole (12.5.24)</p> <p>Stade Bordelais v [xxxxxx] (Quarter Finals, 19.5.24)</p> <p>The Panel is satisfied that the Player is eligible for and should be afforded the opportunity of using the World Rugby Coaching Intervention Programme. In the event that she successfully completes the programme, subject to World Rugby’s assessment of the same, she will be eligible to play after 1 week.</p>	

Costs	Not sought
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Signature (JO or Chairman)	Owain Rhys James	Date	30.4.24
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NOTE: THE PLAYER WILL HAVE UNTIL 4PM (GMT) ON THE THIRD DAY (EXCLUDING WEEKENDS) AFTER RECEIPT OF THE WRITTEN NOTICE OF THE DECISION OF THE CHAIRMAN/JO TO FILE AN APPEAL WITH THE CHAIRMAN OF THE DISCIPLINARY PANEL C/O THE DISCIPLINARY OFFICER – CLAUSE 2.6.4. APPEAL TO BE EMAILED TO disciplinary@sixnationsrugby.com.