

## **Appendix Ten**

### **HIA Review Process**

The process set out in this Appendix Ten ("HIA Review Process") establishes the procedure by which any incident that takes place in (or is related to) a Match that (a) is connected with HIA and/or concussion and/or related matters; and/or (b) is either routinely reviewed or referred by EPCR to the HIA Review Processor and/or the EPCR HIA Review Panel ("Head Injury Event") may be reviewed.

For the avoidance of any doubt, neither this HIA Review Process, nor any action taken pursuant to this HIA Review Process, precludes the Disciplinary Officer from investigating any such incident and/or bringing disciplinary proceedings in respect of any such incident (or taking any other action he considers appropriate pursuant to the Disciplinary Rules).

#### **Initial Review by the HIA Review Processor (Alligin Performance and Independent Video Reviewers (IVR's))**

1. EPCR (or World Rugby where it requests it) may refer Head Injury Events to the HIA Review Processor for the purposes of review. The HIA Review Processor will review all Head Injury Events (a) as part of the routine post game video review process or (b) if referred by EPCR. If any third party wishes to refer an incident to the HIA Review processor, it may only do so through the EPCR Disciplinary Officer, who will refer the matter to the HIA Review Processor and inform the referrer of the outcome.
2. The procedure by which such review is carried out is intended to be flexible and will be at the discretion of the HIA Review Processor, where appropriate under direction or guidance from EPCR. It is anticipated that the HIA Review Processor's review will include (at least) a review of the video footage of the relevant Head Injury Event.
3. The HIA Review Processor may request, from any Club or Person, documents, video footage, statements, answers to questions (whether by correspondence through a secure online portal or in a meeting, at the discretion of the HIA Review Processor) and/or other materials to assist the HIA Review Processor with its review.
4. All Clubs and Persons must comply in full with such requests, and must facilitate compliance by others (for example, if requested to do so by the HIA Review Processor, Players must permit Club Medics to disclose to the HIA Review Processor details of their respective injuries and illnesses, treatment and other relevant matters), and it will not be a valid excuse for a Club and/or any of its Persons that has failed or refused to comply with such a request to rely on any privilege against self-incrimination: any such privilege is deemed to have been waived by the Club and its Persons.
5. In the event of a disagreement between the IVR and the Club doctor on the interpretation of a video, the IVR shall inform the Chief Medical Officer (CMO) of the Club's Union who may consult with the World Rugby Independent Video Interpretation Expert Group. If consulted, the World Rugby Independent Video Interpretation Expert Group shall ordinarily provide its written report within 24 hours of receipt of the review request. Notwithstanding any referral to (or report from) the World Rugby Independent Video Interpretation Expert Group, the IVR still has the ability to refer a case in accordance with paragraph 8 below.
6. If the IVR and CMO of the Club's Union concludes that there is a justifiable medical reason or explanation for an incident, no further referral will be required and the CMO of the Club's Union will decide whether further education and/or training is required.
7. If the IVR and/or CMO of the Club's Union concludes that there is anything other than a justifiable medical reason or explanation for an incident, the HIA review processor and CMO of the Club's Union must refer the case to the HIA Review Group set out in paragraph 8 below. By way of guidance only, below is a non-exhaustive list of examples which should result in a referral to the HIA Review Group:
  - (a) a deliberate or reckless failure to comply with the World Rugby Head Injury Assessment Protocol (for example, off-field assessment completed in a time that compromises quality of assessment, or potential tactical manipulation);
  - (b) a failure in the delivery of video viewing (for example, no side-line video link);

- (c) a deliberate attempt by any team member to influence a medic in relation to HIA;
- (d) repeated errors (more than two in a two-year period) in the application of the World Rugby Head Injury Assessment Protocol;
- (e) evidence of a deliberate obstruction of the World Rugby Head Injury Assessment Protocol or the HIA Review Process; and/or
- (f) existence of any other act or omission in relation to the World Rugby Head Injury Assessment Protocol that significantly jeopardises player welfare.

Subsequent Review by the EPCR HIA Review Panel

8. The HIA Review Group shall be appointed by the Chairman of EPCR's Independent Disciplinary Panel and ordinarily be composed of an:
  - (a) Independent Lawyer (who must be eligible to sit as a Judicial Officer under World Rugby Regulations) who shall chair the HIA Review Group;
  - (b) CMO of the Club's Union (in the event that the CMO of the Club's Union is unavailable then the CMO of another Club's Union will be appointed) ;
  - (c) a World Rugby nominated representative; and
  - (d) a representative from EPCR.

For the avoidance of doubt, the CMO of the Club's Union shall be entitled at any point to informally consult with the CMO of the other participating Union if he/she so wishes.

9. The chair of the HIA Review Group may, if he/she wishes:
  - (a) invite a representative(s) of other participating unions/federations to sit as additional members of the HIA Review Group; and/or
  - (b) consult with other third parties such as tournament organisers.
10. The HIA Review Group will preferably meet in person (or via conference call if absolutely necessary) within 36 hours of a referral by the IVR or the CMO of the Club's Union.
11. The HIA Review Group may at any point make further enquiries of the club, the independent reviewer and/or the World Rugby Video Interpretation Expert Group and such individuals or groups must provide responses to such enquires by the deadline set by the HIA Review Group.
12. The HIA Review Group has the power to investigate all matters referred to it and all clubs must cooperate in full with such investigations, including providing requested information within the timeframes provided. Provided all timeframes set by the Group are complied with, the Group will ordinarily issue its findings within 14 days of the referral.
13. Following conclusion of an investigation, the HIA Review Group may in its absolute discretion:
  - (a) make recommendations for further education and training for the Club personnel, including the Club doctor;
  - (b) make recommendations for the World Rugby HIA Working Group to consider an alteration in the process, education and/or training; and/or
  - (c) make a referral to the EPCR Disciplinary Officer to consider further disciplinary action.
14. The HIA Review Group must send a written report to the Club, Club's Union and relevant competition organiser setting out its recommendations.

15. There is no power to appeal any decision of the HIA Review Group.

Confidentiality

16. Subject to the following, all proceedings before the HIA Review Processor and/or the EPCR HIA Review Panel will be confidential:
- (a) EPCR may, at its discretion, publish (in whole or in part) the decisions and reports of the HIA Review Processor and/or the EPCR HIA Review Panel, including a summary of such decisions and reports. EPCR will ordinarily consult with the HIA Review Processor/HIA Review Group and the CMO of the union/federation concerned before making any public statement.
  - (b) Ordinarily, the report of the EPCR HIA Review Panel will be disclosed by EPCR to the Clubs and Persons that are connected with the HIA Incident, but that will be at EPCR's discretion (and EPCR might, for example, elect not to disclose it or to disclose only a redacted version).

For the avoidance of doubt, unless the chairman of the EPCR HIA Review Panel expressly orders otherwise, the written report of the EPCR HIA Review Panel, and all material reviewed by the HIA Review Processor and/or the EPCR HIA Review Panel in respect of the relevant HIA Incident, will be provided to the Disciplinary Officer and will be capable of being used as evidence in any subsequent disciplinary proceedings.