



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Hearts Women FC

on behalf of

Charlotte May Parker-Smith

1. These are the written reasons for the Determination made by a Fast Track Tribunal which convened on Wednesday 12th May 2021 to determine this Claim.
2. In the 79th minute of the Scottish Women's Premier League 1 fixture between Spartans FC and Hearts Women FC on Sunday 9th May 2021, the Player was dismissed from the field of play by the Referee for the offence A1 Serious Foul Play, as defined by the Laws of the Game. The dismissal resulted from an incident involving the Player and the Spartans FC player number 18.
3. The Claimant lodged a Claim of Wrongful Dismissal on behalf of the Player. In support of the Claim, the Claimant submitted photographs and video footage of the incident as well as a written submission.
4. In summary, the Claimant's submission was that the Player's sole focus was on clearing the ball, and that she had not intended to make contact with her opponent, who reached the ball first from the Player's blind side. The Claimant stated that the Player did not lunge at, use excessive force towards, or endanger the safety of her opponent.
5. The Referee provided a statement confirming the act which he decided was Serious Foul Play. The Referee stated that he dismissed the Player for Serious Foul Play because the Player had swung her foot through towards her opponent, missed the ball and struck her opponent's upper thigh with the base of her studded boot. The Referee stated that by her actions the Player had endangered the safety of her opponent by striking her opponent's upper thigh with her studs, and with excessive force, whilst not making contact with the ball.
6. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, on a balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the Player.
7. An Obvious Refereeing Error, as stated in Annexe F to the Judicial Panel Protocol 2020/21, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.

8. In IFAB Laws of the Game, Serious Foul Play is defined as follows:

“Any player who lunges at an opponent in challenging for the ball from the front, from the side or from behind using one or both legs, with excessive force or endangers the safety of an opponent, is guilty of serious foul play.”

9. The Fast Track Tribunal considered all of the available evidence. The Fast Track Tribunal viewed the photographs and video footage and carefully considered the Claimant’s written submission and the statement of the Referee. Having done so, the Fast Track Tribunal found, on a balance of probabilities, that the Player did not lunge at, use excessive force towards or endanger the safety of her opponent. The Fast Track Tribunal found that the Player missed the ball, as her opponent reached and played it first from the Player’s blind side. The Fast Track Tribunal further found that by carrying on and making contact with her opponent’s thigh, after the latter had played the ball, the Player did make a reckless challenge and accordingly, committed the offence B1c) Recklessly tackles or challenges an opponent. The Fast Track Tribunal observed that after the contact between the Player and her opponent the latter did not fall, carried on running towards the ball and, as the Referee had also noted in his statement, did not require any treatment.
10. The Fast Track Tribunal had the benefit of, and placed particular reliance upon, the video footage of the incident.
11. Accordingly, and on a balance of probabilities, the Fast Track Tribunal found that the Referee’s conclusion and decision to dismiss the Player for Serious Foul Play was a self-evident error and that the Player, by her actions, had in fact committed the cautionable offence of B1c) Recklessly tackles or challenges an opponent.
12. Therefore the Determination of the Fast Track Tribunal was that the Claim be upheld in part, that the sending off offence, and mandatory sanction be rescinded, that the cautionable offence of B1c) Recklessly tackles or challenges an opponent had been committed by the Player, and that the appropriate sanction for that offence be imposed.
13. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to appeal.