

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

East Kilbride FC

on behalf of

Neil McLaughlin

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 17th May 2023 to deliberate this Claim.
2. In the Lowland Football League Cup fixture between East Kilbride FC v University of Stirling FC played on Saturday 13th May 2023, the player was dismissed from the field of play by the Referee for A2 - Violent Conduct.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted video footage showing the incident in question and a written statement from the club and player.
4. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and not opinion, that the Referee made an Obvious Refereeing Error in dismissing the player.
5. In summary, the Claimant's submission was that the player did not commit an act of Violent Conduct. They agreed that there was contact between the player's foot and opponents head, but there was no 'intent' nor was it violent. They submitted that this was a natural movement of the foot whilst the player was getting to his feet, there was no excessive force or brutality, and the force was negligible. They challenged the time it took the Referee to show the red card and his report describing the movement as subtle, but felt this was contradicted later by the Referee describing it in his report as clear and not negligible. The player submitted that he was attempting to roll over whilst opponent was laying on him, and accidentally caught his opponents head with his foot.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. He submitted that the player had been fouled in the box with a reckless aerial challenge. He then observed the player subtly kicking out with his leg, striking his opponent on his head. The movement was clear and not part of a natural collision post challenge. He further noted that the Assistant Referee had informed him of the actions of the player, though noted he could not be definitive on the contact occurring. He noted an abrasion on the rear of the head of the opponent which did not prevent him from continuing post treatment, but could not be certain it was a consequence of the actions of the player.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to violent conduct: *(ref IFAB Laws of the Game Glossary 2. Football Terms)*

Violent Conduct is an action, which is not a challenge for the ball, which uses or attempts to use excessive force or brutality against an opponent, or when a player deliberately strikes someone on the head or face unless the force used is negligible.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the video evidence submitted by the Claimants it was clear to the Fast Track Tribunal that the player had moved his foot towards the opponent in what appeared to be a deliberate motion. The Referee had a clear and unobstructed view of this and was alerted also to it by the Assistant Referee.

It was clear to the Fast Track Tribunal from the video submitted that there was movement of the player's foot towards his opponent and the force was not negligible, albeit it was neither excessive force nor brutal, as the club contended. However, as the player appeared to deliberately move his foot towards the opponent and stuck his head, intentionally or not, then it meets the criteria for Violent Conduct as noted above.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal must be satisfied that it is more likely than not, in all of the circumstances of the case, that an Obvious Refereeing Error has occurred. That is the error is 'clear, self evident or easily perceived' (*glossary JPP*).

Based on this the Fast Track Tribunal were unanimous that the Claimant had not demonstrated that the Referee, with the benefit of a clear, uninterrupted view from close range, made an Obvious Error. It was neither clear, self evident, or easily perceived on multiple reviews of the incident that the Referee had made an error.

The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and mandatory sanction should be applied.

The Fast Track Tribunal did not believe this to be a frivolous claim, as considered under section 15.9 of the JPP, therefore no further sanction has been imposed.

The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.