

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A (WRONGFUL DISMISSAL) CLAIM BROUGHT BY:

Pollok FC

on behalf of

Shaun Fraser

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on the evening of 30th July 2021 to deliberate this Claim.
2. In the 71st minute of the West of Scotland Football League Premier Division fixture; Rutherglen Glencairn FC v Pollok FC, played on 28th July 2021, the Player was sent off 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 of the incident in question, a written submission and statements from the Player, Club Secretary and Club Manager.
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 upon the balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the Player.
5. In summary, the Claimant's submission was that the Player had not used excessive force or brutality in the incident in question leading to his dismissal. They contended that the Player's fist did not strike the face of the opponent as claimed and that the video evidence clearly showed that the Player had both his hands on the ground when trying to get up from being held by the Opponent.
6. The Referee provided a statement explaining his reasoning for the dismissal for violent conduct. He submitted that he was called over by the Assistant Referee (AR) who informed him that the Player's fist had made contact with the head of the defender, No 5 for Rutherglen Glencairn, and he was therefore required to issue the red card. There was no statement provided by the AR to explain his reasoning for alerting the Referee.
7. The Fast Track Tribunal viewed video footage in real time, slow motion, a zoomed in angle and also from a camera within the goal area where the incident leading to the dismissal occurred. They also carefully considered the written submissions from the Claimant.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred.
9. Having reviewed the video evidence the Fast Track Tribunal were given a clear view which verified the Claimants submission that the Player used both hands to push himself up from the ground whilst being held by his opponent. At no point could they see evidence of his fist hitting his opponents head, despite the Rutherglen Glencairn player holding his own face and rolling behind the goal-line.
10. The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident from two different angles. 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

Shaun Fraser Pollok FC

the Case, that an obvious refereeing error has occurred. That is the error is 'clear, self-evident or easily perceived' (*glossary JPP*). The Tribunal noted that the referee himself did not see the incident and relied on the advice from the assistant referee. There was no evidence at all of the alleged 'fist to the head' which resulted in the red card being issued.

11. Based on this, the Tribunal was unanimous that the Claimant demonstrated in their submission that the referee had made an obvious error resulting in the wrongful dismissal of the player.
12. The Determination of the Fast Track Tribunal was therefore that the Claim be upheld and the sending off be rescinded on the Player's records.
13. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.