

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

**Pollok FC**

**on behalf of**

**Adam Forde**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 6<sup>th</sup> October 2021 to deliberate this Claim.
2. In the 68<sup>th</sup> minute of the West of Scotland Football League Premier Division fixture; Pollok FC v Auchinleck Talbot FC, played on Saturday 2<sup>nd</sup> October 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 was being held and wrestled to the ground by the opposing defending player. They submitted that he was off balance as he fell, and his forearm may have struck the opponents face as he fell, but this was not deliberate and was a consequence of the foul being committed on the player. They noted that the Referee had awarded a foul against the Auchinleck Talbot FC defender and it took about 20 seconds before the Referee determined to send off Mr Forde only after noting the injury to the face of the defender.
6. The Referee provided a statement explaining his reasoning for the dismissal for violent conduct. He submitted that the opposing defender was holding the player and that the player deliberately and forcefully swung his right elbow back towards his opponent striking him and causing an injury to his face. He deemed this to be an act of brutality which endangered the safety of the opponent.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal. They also carefully considered the written submissions from the Claimant.

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 Claimant the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred. From the angle presented, and after a number of viewings, both in real time and slow motion, it was unclear to the Fast Track Tribunal if the player had accidentally struck the opponent. They noted in contrast that the Referee had a clear and direct view of the incident from a few yards away.

Adam Forde, Pollok FC

The Fast Track Tribunal were provided with video evidence which gave a single angle view of the incident from some distance.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the FTT 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*).

The video footage supplied, despite multiple reviews, was unclear if the injury was, or was not caused by the forearm as part of a fall (as per their submission) or the elbow (as per Referees report). The Fast Track Tribunal noted that the Referee was close to the incident. He had a clear and unobstructed view to determine at the time that this was a red card offence.

Based on this the Fast Track Tribunal were unanimous that the claimant failed to demonstrate in their submission that the Referee had made an obvious error resulting in the wrongful dismissal of the player.

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.

They noted within the Pollok FC Managers' statement the decision was followed by a free kick to Pollok FC. This was the correct decision as the original foul was committed by the opposing defender. The red card offence followed this foul and therefore the free kick was correctly awarded to Pollok FC. The fact their player was sent off after this does and should not 'trump' the original free kick decision.

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