

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

Inverness Caledonian Thistle FC

on behalf of

Brad McKay

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on Friday 23rd April 2021 to deliberate this Claim.
2. In the 78th minute of the Scottish Championship fixture; Dundee FC v Inverness Caledonian Thistle FC on Tuesday 20th April 2021, the Player was sent off for A1: Serious Foul Play.
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 and club Interim 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 been travelling at the same speed as his opponent towards the ball and went low to block tackle with the inner instep, in a 50/50 challenge with the ball on the ground. The Player submitted that he was not leading with his studs and that his right foot was on the ground at the point of contact with his knee bent to block tackle the ball. He noted neither he nor his opponent were hurt in the challenge.
6. The Referee provided a statement explaining his reasoning for the dismissal for Serious Foul Play. He submitted that the Mr McKay had lunged at his opponent, straight on, whilst leading with his studs at speed in the challenge. He noted the connection with the opponents' lower leg/ankle and believed the challenge endangered the safety of the opponent. He was, he said, within 10 yards of the incident.
7. The Fast Track Tribunal viewed the single angle video footage in both real time and slow motion of the incident and carefully considered the written submissions from the Claimant. It also considered the definition from Laws of the Game in relation to serious foul play: (*ref IFAB Laws of the Game 2020/21*).

*A tackle or challenge that endangers the safety of the opponent **or** uses excessive force **or** brutality must be sanctioned as serious foul play.*

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

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimant had not successfully demonstrated that an Obvious Refereeing Error had occurred.

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9. Having reviewed the video evidence submitted by the Claimant, the Fast Track Tribunal were unable to agree with the claimant that a refereeing error had occurred. From the angle presented, and after a number of viewings, both in real time and slow motion, the right foot of Mr McKay appeared raised at the point of contact, which supported the Referee's decision that the challenge endangered the opponent.
10. The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident.
11. 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*).
12. The Fast Track Tribunal noted that the Referee was close to the incident. He had a clear and unobstructed view and had no hesitation in determining at the time that this was a red card offence.
13. 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.
14. 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.
15. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.