

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Banks O' Dee FC

on behalf of

Kane Winton

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the evening of Friday 24th March 2023 to deliberate this Claim.
2. In the Highland Football League fixture between Formartine Utd FC and Banks O' Dee FC played on Wednesday 22nd March 2023, the player, Mr Winton, was dismissed from the field of play by the Referee for A3: Biting or spitting at someone.
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, plus a written statement from the club, player, and a number of independent witnesses.
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 bite the opponent. They claimed there was no confrontation, just a simple coming together, and that the video evidence presented clearly showed the players head did not go anywhere near to bite the opponent. They also pointed to the lack of reaction from the opponent, who they would have expected to react had he been bitten. The witness statements reflected thinking that the player was sent off for unheard comments towards the Assistant Referee, so they were uniformly surprised to discover later that the player was dismissed for biting an opponent. None saw him bite his opponent.
6. The Referee provided a statement explaining why he sent the player off. He had a clear view from 20 yards of the player and opponent getting in brief close contact. He did not see anything related to the incident but was alerted by the Assistant Referee 1, that the player had supposedly bitten his opponent and therefore dismissed him.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimant.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were successful 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 not bitten his opponent. It was clear, in the coming together of both player and opponent, that the player did not move his head towards opponent nor indeed was there any reaction from the opponent or others around him that he had been bitten. The Fast Track Tribunal would have expected at least some reaction to being bitten.

The Fast Track Tribunal accepted the Claimant had demonstrated that the Referee had made an Obvious Refereeing Error in dismissing the player for biting his opponent.

It was absolutely clear to the Fast Track Tribunal from video submitted that there was no biting by the player of his opponent. This was particularly evident on the close up video focusing on the incident itself.

They also noted that the Referee himself, despite having a clear view of the incident, had not seen a bite but was alerted to it by the Assistant Referee and would not therefore have taken any action bar awarding a goal kick to Formartine United, had the Assistant Referee not intervened.

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 demonstrated in their submission that the Referee had made an Obvious Error resulting in the Wrongful Dismissal of the player. They had no difficulty, with the benefit of a clear close up video angle of the incident, in determining that the player had not bitten his opponent.

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

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