

THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION

(on behalf of The Surrey FC ('SFA'))

Participants: Levi Ankrah and Nana Kwaatie of JGS FC ('JGSFC')

Hearings: Non-Personal Hearings (x2)

Date: 6 November 2023

Incident: Dorking Wanderers ('DWFC') v JGSFC. 9 September 2023 ('the Fixture')

THE DECISION AND REASONS OF THE COMMISSION

Disciplinary Commission

1. The following member was appointed to the Disciplinary Commission:
 - a. Mr Alan Darfi (Independent Chair appointed by The Football Association).(the 'Commission')

Charges

2. In correspondence dated 17 October 2023, SFA issued a charge letter alleging that Mr Ankrah had engaged in Improper Conduct against a Match Official including threatening and/or abusive language/behaviour in breach of FA Rule E3. Rule E3.1 states 'A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behavior' ('Ankrah Charge').
3. It was alleged that Mr Ankrah used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it was further alleged that this constituted Threatening Behaviour Against a Match Official as defined in FA Regulations. This referred to the allegation that the first JGS Youth club assistant Referee (identified by JGS Youth as Levi Ankrah) threatened to knock out the Referee and/or Dorking Wanderers club assistant Referee or similar.
4. Mr Ankrah admitted the Ankrah Charge, requesting the matter be considered at a non-personal hearing.
5. In correspondence dated 17 October 2023, SFA issued a charge letter alleging that Mr Kwaatie had engaged in Improper Conduct against a Match Official including physical contact or attempted physical contact and threatening and/or abusive language/behaviour in breach of FA Rule E3. Rule E3.1 states 'A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behavior' ('Kwaatie Charge') (together with the Ankrah Charge 'the Charges').
6. It was alleged that Mr Kwaatie (JGS Club Assistant Referee at this match) used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it was further alleged that this constituted Physical Contact or attempted Physical Contact against a Match Official as defined in FA Regulations. This referred to the allegation that the 2nd JGS club assistant referee (identified as Nii Nana Kwaatie by JGS Youth) struck the Referee in the face or similar.
7. Mr Kwaatie admitted the Kwaatie Charge, requesting the matter be considered at a non-personal hearing.
8. In accordance with FA regulations, the Charges were considered at a consolidated hearing.

Evidence

9. The Commission had received and reviewed the following documents, in advance of the Hearing:
 - a. SFA charge letters dated 17 October 2023;
 - b. Evidence in support of the Charges; and
 - c. Evidence in response to the Charges.

Decision

10. The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to these cases.
11. The burden of proof was on SFA. The applicable standard of proof is the balance of probability. The balance of probability standard means that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.
12. As the Charges were admitted, the Commission dealt only with sanction.

Mr Ankrah

13. The Commission noted the referee reported that Mr Ankrah shouted 'shut up you fat prick or I will knock you out' to a club assistant referee, who was the referee's father. This was in response to the club assistant referee saying to him 'don't talk to the referee like that' following verbal abuse directed towards the referee.
14. The Commission noted a corroborating statement supporting this version of events.
15. The Commission noted Mr Ankrah stated that the referee kept ignoring his decisions and was rude towards him, resulting in him refusing to continue in the role of assistant referee. The Commission noted Mr Ankrah did not address the allegations against him in his statement.
16. The Commission noted Mr Ankrah had admitted the Ankrah Charge and also that he had seemingly been frustrated with decisions that the referee was making together with his approach.
17. Taking the above into consideration the Commission found it more likely than not that the incident took place as set out by the referee.
18. The Commission noted that, whilst the individual to whom the comments were said was a club assistant referee, he was accepted as acting in the role of a Match Official at the time.
19. The Commission referred to Regulation 40 of the FA Disciplinary Regulations General Provisions which states 'save where expressly stated otherwise, a Regulatory Commission shall have the power to impose any one or more of the following penalties or orders on the Participant Charged...a fine...[and/or] a suspension from all or any specific football activity'.
20. The Commission referred to Regulation 101 of the FA Disciplinary Regulations General Provisions (in respect of threatening behaviour against a Match Official) which states 'Where a Charge ... has been found proven against the Participant, a Disciplinary Commission shall impose ... an order that the Participant completes an education programme before the time-based suspension is served or within 28 days of the Disciplinary Commission's decision, whichever is the later.
21. The Commission considered the Football Association Sanction Guidelines which indicated that, for an offence of threatening conduct against a Match Official, the recommended punishment entry point prior to considering any mitigating or aggravating factors is a 112-day suspension, with a recommended suspension banding of between 56 days and 182 days. It was further noted the recommended fine is up to £100, with a mandatory minimum of £50.

22. The Commission noted Mr Ankrah had a clean discipline record. The Commission noted the threatening language had seemingly not been followed up on. The Commission noted the Ankrah Charge had been admitted. The Commission noted the incident had taken place in youth football.
23. Taking all of the above points into account, the Commission agreed that a suspension of 70 days was appropriate, together with a fine of £60. The Commission ordered that Mr Ankrah complete an online education course before the term-based suspension is served or be suspended until such time as this course is completed.

Mr Kwaatie

24. The Commission noted the referee reported that the physical contact was more of a slap than a punch. However, the Commission noted it was reported that physical contact was clearly made on the referee.
25. The Commission noted the physical contact followed threats made by Mr Kwaatie to the referee that he would 'beat the shit out of him', in response to which the referee said 'go on then'.
26. The Commission noted the referee had chosen not to report the incident to the Police.
27. The Commission noted Mr Kwaatie was forced to apologise to the referee at the end of the Fixture.
28. The Commission noted corroborating statements supporting the referee's version of events.
29. The Commission noted Mr Kwaatie stated that the referee was aggressive towards him and ignored offside calls and other decisions. The Commission noted Mr Kwaatie stated that the referee stated to him 'come on then what are you going to do you (expletive)' and walked towards him aggressively, in response to which he instinctively raised his hands to push the referee away and made contact with his face.
30. The Commission noted Mr Kwaatie accepted he had been frustrated with the referee.
31. Taking everything into consideration, the Commission found it more likely than not that the incident took place as set out by the referee.
32. The Commission noted Mr Kwaatie had a clean discipline record for misconduct offences. The Commission noted that seemingly no injury had been caused and that the contact was more of a slap than a punch. The Commission noted the incident had taken place in youth football. The Commission noted Mr Kwaatie had used a range of offensive comments and threatening language.
33. The Commission referred to Regulation 40 of the FA Disciplinary Regulations General Provisions which states 'save where expressly stated otherwise, a Regulatory Commission shall have the power to impose any one or more of the following penalties or orders on the Participant Charged...a fine...[and/or] a suspension from all or any specific football activity'.
34. The Commission referred to Regulation 101 of the FA Disciplinary Regulations General Provisions (in respect of physical contact against a Match Official) which states 'Where a Charge ... has been found proven against the Participant, a Disciplinary Commission shall impose ... an order that the Participant completes an education programme before the time-based suspension is served or within 28 days of the Disciplinary Commission's decision, whichever is the later.
35. The Commission considered the Football Association Sanction Guidelines which indicated that, for an offence of improper against a Match Official including physical contact, the recommended punishment was a suspension from all football activity for a period of

between 112 days and 2 years, with a recommended entry point of 182 days. The Commission noted the recommended fine was up to £150 with a mandatory minimum of £75.

36. The Commission noted that an FA Education course must be imposed for proven offences of Physical Contact or attempted Physical Contact on a Match Official.
37. Taking all of the above points into account, the Commission agreed that a total suspension of 182 days was appropriate, together with a fine of £100. The Commission ordered the suspension should be backdated to 17 October 2023, when an interim suspension was put in place. The Commission ordered that Mr Ankrah complete a face-to-face education course before the term-based suspension is served or be suspended until such time as this course is completed.

Outcome

38. The Commission ordered that Mr Ankrah be:

- a. Ordered to serve a 70-day suspension from football and all football activities;
- b. Fined the sum of £60; and
- c. Ordered to attend an online education programme before the time-based suspension is served or be suspended until such time as this course is completed; and

39. The Commission ordered that Mr Kwaatie be:

- a. Ordered to serve a 182-day suspension from football and all football activities;
- b. Fined the sum of £100; and
- c. Ordered to attend a face-to-face online education programme before the time-based suspension is served or be suspended until such time as this course is completed.

40. There is the right to appeal these decisions, in accordance with FA Regulations.

Alan Darfi
6 November 2023