

IN THE MATTER OF A FOOTBALL ASSOCIATION

INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

-v-

RICHARD BREDICE

DECISION AND WRITTEN REASONS OF THE INDEPENDENT REGULATORY COMMISSION

Regulatory Commission:

Jeff Lewis (Chair) – Independent Legal Panel Member

Gareth Farrelly – Independent Football Panel Member

Andrew Adie – Independent Football Panel Member

Secretary to Regulatory Commission:

Marc Medas, Judicial Services Officer

Date: 13th June 2024

Appearances:

Andrew Phillips (Regulatory Advocate, the FA) Craig Harris

(Furnival Chambers) - Instructed by Centrefield LLP

Brief Introduction

1. An FA Independent Regulatory Commission conducted a hearing on Thursday 13th June 2024 to hear a case brought by the Football Association (“**the FA**”) against Richard Bredice (“**RB**”).
2. The hearing was conducted by Microsoft Teams.

The Regulatory Commission

3. The Regulatory Commission (“**the Commission**”) comprised:
 - 3.1 Jeff Lewis (Chair);
 - 3.2 Gareth Farrelly;
 - 3.3 Andrew Adie
4. No objection was raised concerning the composition of the Commission.
5. The Secretary to the Commission was Marc Medas, whose assistance was greatly appreciated by the Commission.
6. For the avoidance of doubt, if these written reasons do not explicitly refer to a particular document, piece of evidence or submission, it should not be inferred that the Commission has overlooked or ignored it; the Commission considered the entirety of the materials put before it both orally and in writing.

The Charge

7. RB was charged with Misconduct under FA Rule E1.2 in respect of 456 bets placed on football matches between 1st November 2014 and 13th December 2022. The breakdown of bets on a season-by-season basis is contained in the FA’s Charge Letter dated 30th January 2024.
8. FA Rule 8 for the 2014/15 season sets out as follows:

References to “Participant” in Rule E8 shall be construed in accordance with the following-

Rule E8(2) applies to any Match Official, referee coach or referee assessor operating at Level 4 or below, and any other person who is a Participant by virtue only of their involvement at a

Club below step 4 in the National League System. Such Participants are not subject to Rule E8(1).

All other Participants are subject to Rule E8(1), and are not subject to Rule E8(2).

All Participants are subject to Rule E8(3).

(1)(a) A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

(i) the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition; or

(ii) any other matter concerning or related to football anywhere in the world, including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters.

The Terms single 'football match' and 'competition' as used in sub-paragraph E8(1)(a)(ii) include any Match or Competition (as appropriate) as defined in Rule A2, and also include any other football match or competition not within those definitions in Rule A2, including but not limited to any football match or competition sanctions by UEFA, or FIFA, or by any other association, federation or governing body....

(2)(a) A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

(i) the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition;

(A) in which the Participant is participating, or has participated in that season; or

(B) in which the Participant has any influence, either direct or indirect; or

(ii) any other matter concerning or related to any Club participating in any league Competition, as defined in Rule A2, that the Participant is participating in or has participated in during that season, including, for example and without limitation the transfer of players, employment of managers, team selection or disciplinary matters.

For these purposes, without limitation to the application of this Rule to other circumstances, all Employees and Officials of the Club are deemed to participate in every football match played by that Club while they are so employed or acting as a Club Official; all Players registered with the Club are deemed to participate in every football match played by that Club while they are so registered...."

9. The relevant FA Rule remained identical for all material purposes for the following seasons up to and including the 2021/22 season and throughout the 2022/23 season (albeit that there was a change in numbering for that season). (There were variations in the rules throughout the years to reflect their application to the Women's Football Pyramid, but, again, these variations are not material for the purposes of the instant matter.)

10. The FA requested that the Charge be amended to include the words “and/or any other matter concerning or related to football” after the words “football matches” in the first line of the charge, so that the charge read-

“You are hereby charged with Misconduct under FA Rule E1.2 in respect of 456 bets placed on football matches and/or any other matter concerning or related to football between 01 November 2014 to 13 December 2022”

By consent, the charge was duly amended.

“Participant”

11. It was accepted on behalf of RB that he had been employed by Manchester City Football Club (“**MCFC**”) in a full time permanent position as their ‘1st Team Performance Analyst, Set Piece’ between 1st March 2013 and 22nd May 2019 and that he had been employed by Burnley Football Club (“**BFC**”) on a full-time basis as a ‘Lead Performance Analyst and Set-Piece Coach’ since 25th June 2022. For the avoidance of doubt, RB was employed by RSC Anderlecht, and was therefore outside the jurisdiction of the FA, in between those dates.

RB’s Response to the Charge

12. RB admitted the Charge and requested a personal hearing.

Hearing

13. The Commission heard oral evidence from [REDACTED] and RB. The Commission also considered the written evidence of [REDACTED] (2 witness statements), [REDACTED] and RB. The Commission also considered the exhibits to their witness statements. The Commission also considered the letter from Centrefield LLP (“**Centrefield**”) dated 26th March 2024 (and the exhibit thereto), RB’s Reply Form, a report prepared by [REDACTED] [REDACTED], a report prepared by [REDACTED] a supporting statement from Mr Williams on behalf of BFC, a supporting statement from Mr Vincent Kompany (“**Mr Kompany**”), a character reference from [REDACTED] [REDACTED] a character reference from [REDACTED], and a letter from Centrefield to the FA dated 2nd February 2024. The Commission also considered the FA’s response to RB’s Reply

and the email correspondence which was contained in Section D of the hearing bundle.

Attendees

14. The FA was represented by Andrew Phillips.
15. RB attended the hearing himself and was represented by Craig Harris and Centrefield LLP.
16. Also in attendance was RB's solicitor, Deirdre McCarthy, and Matt Williams of Burnley FC. [REDACTED] attended the hearing whilst he was giving evidence.
17. [REDACTED] of the FA also attended the hearing as an FA observer (with the consent of RB) but took no part in (and did not observe) the Commission's discussions.
18. The Commission is grateful to all participants for the courteous and appropriate manner in which they conducted themselves during the hearing. The Commission is also grateful to both Mr Phillips and Mr Harris for their very helpful submissions and assistance during the hearing.

Background

19. RB placed a total of 456 bets on football matches between 1st November 2014 and 13th December 2022. The total profit made by RB from these bets was £2,350.45.
20. Of the 456 bets placed, 67 bets involved games in competitions in which clubs which at the relevant times employed RB participated during the relevant seasons (that is to say, bets placed on MCFC and BFC whilst RB was a Participant there) ("**Own Club bets**"). These are detailed at paragraph 36 of [REDACTED] witness statement. The total profit yielded by these Own Club bets was £2,162.40. 12 of these bets were placed against MCFC, of which 4 were placed on the Double Chance market, meaning that RB had backed MCFC to either win or lose the match. Of the remaining 8 bets against MCFC, 6 of them were as part of accumulators; RB had also placed bets on MCFC to win and draw the same games as part of other accumulators that he had placed.

21. Bet 268, placed on 12th February 2016, involved RB placing a £20 single bet on Chelsea to beat MCFC in the FA Cup, with the game due to take place on 21st February 2016. 5 days after placing the bet, on 17th February 2016, RB cashed this bet out for £19, therefore losing £1.
22. Bet 397, placed on 6th December 2017, involved RB placing a £50 single bet on Shakhtar to beat MCFC in the Champions League later that day. Shakhtar won the game, and RB's bet yielded him a profit of £100.
23. 11 of the 256 bets were spot bets placed by RB on MCFC ("**Spot Bets**"). These 11 Spot Bets, detailed at paragraph 32 of [REDACTED] witness statement, yielded a profit for RB of £312.32.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
24. 209 of 456 bets included MCFC-based selections and games in competitions in which RB's Clubs participated during the relevant seasons. These bets are detailed at paragraph 43 of [REDACTED] witness statement. These bets yielded a loss to RB of £2,607.68.
25. 12 of the 456 bets were described by the FA as "inside information breaches" [REDACTED] was tasked with investigating these bets, and his two witness statements dealt with the results of that investigation. Mr Harris made the point that, in the documentation before the Commission, these bets had assumed a defined term which in his view bore an unfair connotation. For the purposes of these written reasons, these bets will be referred to as "**the Alleged Inside Information Bets**".

The Alleged Inside Information – the FA's case

26. Much of the evidence and submissions before the Commission related to the Alleged Inside Information Bets. Similarly, the interview which was carried out by [REDACTED] and [REDACTED] of RB on 29th November 2023 ("**the RB interview**") focused on these bets. The FA's allegation, in terms, was that RB had been motivated to place the Alleged Inside Information

Bets by reason of having been privy to information by virtue of his involvement with/employment by MCFC. Whilst denying that he was privy to any inside information (as set out below), RB does not deny that he placed the Alleged Inside Information Bets.

27. All of the Alleged Inside Information Bets related to player transfer markets and, the FA alleged, involved a player either leaving or remaining with MCFC or being linked with MCFC. The Alleged Inside Information Bets were as follows:-

27.1 Bet 277 – related to a bet placed by RB on MCFC player [REDACTED] to sign for [REDACTED] before [REDACTED]. RB placed a £31.25 stake on this event at odds of 8/1, which bet was successful and yielded a profit to RB of £250.00.

27.2 Bet 278 – related to a bet placed by RB on [REDACTED] on MCFC player [REDACTED] to join [REDACTED] prior to [REDACTED]. RB placed a £50.00 stake on this election at odds of 5/6, which bet was successful and yielded a profit for him of £41.67.

27.3 Bet 279– related to a bet placed by RB on [REDACTED] on MCFC player [REDACTED] to join [REDACTED] prior to [REDACTED]. RB placed a £50.00 stake on this election at odds of 8/11, which bet was successful and yielded a profit for him of £36.36.

27.4 Bet 366 – related to a bet by RB on [REDACTED] in which RB placed a £55.00 stake at odds 1/5 on MCFC player [REDACTED] remaining at MCFC by the end of the transfer window on [REDACTED]. This bet, which was placed by RB very early in the transfer window (i.e. some 3 months before the end of the transfer window), was successful and yielded a profit for RB of £11.00.

27.5 Bet 368 - related to a bet placed by RB on [REDACTED] on player [REDACTED] joining MCFC from [REDACTED] prior to [REDACTED]. RB placed a £200.00 stake on this selection at odds of 4/6, which bet was successful and yielded a profit for him of £133.33.

27.6 Bet 369 – related to a bet placed by RB on [REDACTED] on [REDACTED] signing for [REDACTED] by [REDACTED]. RB placed a £100.00 stake at odds of 9/4, which bet was successful and yielded a profit for RB of £225.00.

27.7 Bet 370 - related to a bet placed by RB on [REDACTED] on MCFC player [REDACTED] to join [REDACTED] prior to [REDACTED] RB placed a £200.00 stake on this selection at odds of 1/4, which bet was successful and yielded a profit for him of £50.00.

27.8 Bet 371 – related to a bet placed by RB on [REDACTED] on player [REDACTED] remaining at MCFC by the end of the transfer window on [REDACTED] RB placed a £30.00 stake on this selection at 6/1, which bet was successful and yielded a profit for him of £180.00.

27.9 Bet 372 - related to a bet placed by RB on [REDACTED] on player [REDACTED] signing for [REDACTED] by [REDACTED] RB placed a £107.14 stake at odds 7/4, which bet was successful and yielded a profit for him of £187.50.

27.10 Bet 416 - related to a bet placed by RB on [REDACTED] on MCFC player [REDACTED] to join [REDACTED] prior to [REDACTED] RB placed a £750.00 stake on this selection at odds of 1/2, which bet was successful and yielded a profit for him of £375.00.

[REDACTED] and also that this was by far RB's largest stake, being almost 4 times as much as any previous bet of this nature.

27.11 Bet 429 – related to a bet placed by RB on MCFC to sign [REDACTED] from [REDACTED] before [REDACTED] On [REDACTED] RB placed a £125.00 stake on this selection at odds of 3/1.

This was the only bet of the 12 Alleged Inside Information Bets which was unsuccessful, resulting in a loss to RB of his stake of £125.00.

27.12 Bet 447 – related to a bet placed by RB on [REDACTED] player [REDACTED] to sign for MCFC before [REDACTED] On [REDACTED] RB placed a £515.62 stake at odds of 8/11, which bet was successful and yielded a profit of £375.00.

28. The FA's case, based on research by [REDACTED] as to what information was publicly available at the time that RB placed these respective bets, was that 4 of the Alleged Inside

Information Bets were placed by RB before any information had appeared in the public domain (namely, bets 279, 369, 371 and 416).

29. The FA's position was also that all 12 bets involved a player either joining or leaving MCFC or being linked with joining MCFC, save for bet 372, which related to a player [REDACTED] joining [REDACTED] after having been heavily linked with joining MCFC during the relevant period.
30. 11 of the 12 Alleged Inside Information Bets were successful, resulting in an overall profit over these 12 bets of £1,739.86.

The Alleged Inside Bets - RB's case

31. RB denies that he was privy to any inside information. His case was that he was not in possession of any information which was not at the time already in the public domain in respect of the transfers which comprised the Alleged Inside Information Bets.
32. RB said in the RB interview and in his witness statement that he was "the smallest of small cogs" during his time at MCFC, which is a "massive organisation". He said that his role at MCFC was to perform analysis reports/videos of the opposition team and that he was a very junior member of the analysis team. He said that he was never privy to transfer information regarding any players during his time at MCFC and that he never attended any meetings about transfers or overheard discussions about player transfers during his time at MCFC.
33. RB stated that MCFC is very professional (he described it as "regimented") in its operations, and that player transfer information was treated as highly confidential information, and to which he, as a junior employee, was never privy. He said that such matters would not even be spread by rumour throughout MCFC staff and that those entrusted with such confidential information would not run the risk of spreading it loosely in conversation.
34. RB said that, as a junior member of the analysis team at MCFC, he was not friendly either within or outside of work with any first team players or any players in the squad. He said that players did not talk to him or any of his colleagues in the analysis team about their career or transfer plans and that that type of interaction between players and non-playing staff in RB's role simply did not happen during his time working at MCFC.

35. RB strongly rejected any suggestion that he was friendly with players at MCFC, specifically those players who were the subject of the Alleged Inside Information Bets. RB contended that the FA had not called any evidence from any of those players if undertaken any investigation to support its assertions in that respect.
36. RB said that, to the extent that he gave consideration to the detail of bets at all [REDACTED] [REDACTED] [REDACTED]), the Alleged Inside Information Bets were placed by him based on his football instinct and knowledge of the game in terms of what a player's skillset was and based on information that was already in the public domain. RB said that he has a "very technical eye" when it comes to watching football and how players perform and that for most of the Alleged Inside Information Bets (i.e. those relating to existing MCFC players) it was obvious to anybody who follows football that certain MCFC players would not fit in with MCFC manager Pep Guardiola's style of play after he became MCFC manager in July 2016 (for example, [REDACTED]).
37. It was submitted on behalf of RB that the FA's approach of relying on Google searches and online news sources, particularly news sources such as the Daily Mail and The Sun, is unsatisfactory. RB went on to point out that, for him to have placed any of the Alleged Inside Information Bets in the first place, there would already need to have been a market for those bets opened by the relevant bookmakers, which (he said) confirms that the potential for these transfers to take place was already in the public domain (or was at least known to the bookmakers). RB went on to say that, in the modern era of online news, digital and social media, news or rumour of any description is widely disseminated through many mediums and that therefore it is virtually impossible to be definitive as to where and when information first enters the public domain.
38. Furthermore, RB's solicitors, Centrefield, had "easily" found links to articles published about the particular player transfers in question before RB placed the Alleged Inside Information Bets. It was therefore submitted on behalf of RB that the FA's case as to the Alleged Inside Information Bets is unsustainable.

39. RB also pointed out that MCFC conducted a total of 130 transfers (including both incoming transfers and outgoing transfers) during the course of RB's employment by MCFC and submitted that it was not credible to suggest that, if he were privy to confidential information, he had inside information on just 12 out of those 130 transfers. He said that this supported his evidence that he bet on those 12 transfers simply because bookmakers had opened odds on those transfers and that, combined with publicly available information, he had chosen the bets based on his general football knowledge (and not as a result of any inside information passed to him or gleaned from his involvement with MCFC).
40. RB also reminded the Commission that one of his bets, that involving ██████████ (bet 429), resulted in a loss. It was submitted on behalf of RB that if RB was in receipt of inside information regarding this bet, then he would not have placed the bet, or he would have retracted or somehow hedged it, if he knew that the transfer was not going to go ahead, so as to ensure that he did not make a loss.
41. RB also highlighted to the Commission that bet 372, relating to ██████████ was not in any way connected to MCFC, arguing that the FA's reliance on reports suggesting that he may move to MCFC was speculative and without foundation.
42. Mr Harris submitted on behalf of RB that, when the odds were at their lowest, the size of RB's stake was at its highest and that this showed a normal betting pattern (that is, one which was not influenced by inside information).

The Commission's Findings

43. The Commission considered both parties' submissions carefully and reminded itself that the test in relation to its findings was the 'balance of probabilities' test, i.e. whether it was more likely than not that RB had used inside information to inform his bets. The Commission took note in particular of the following:
- 43.1 The Alleged Inside Information Bets represented 2.6% of the total number of bets placed by RB but represented 20% of the overall amount staked by him. Across six seasons of football betting, RB staked a total amount of £11,285.08 on 456 football bets, of which £2,214 was on

the Alleged Inside Information Bets. The Commission accepted the FA's submission that this betting pattern suggested greater confidence by RB in the Alleged Inside Information Bets than for his other bets, which led, in the Commission's view, to the inevitable conclusion that RB was more confident in the Alleged Inside Information Bets than in his other bets. This suggested, in the Commission's view, that RB was in possession of strong information to suggest that the Alleged Inside Information Bets would be successful. Although taking note of the submission made on behalf of RB to the effect that the higher stakes simply reflect the lower odds, the Commission did not consider that there was a sufficiently distinctive pattern to RB's bets to support this proposition, and indeed the Commission noted that the odds for the Alleged Inside Information Bets were not always "odds-on" and in fact went as high as 8/1.

43.2 No fewer than 11 of the 12 Alleged Inside Information Bets were successful. This represented approximately a 92% success rate. Of the other 444 football bets placed by RB, 15 were voided or cashed out for the same stake, 300 lost, and 129 provided a return. This represented an approximate 29% success rate. Whilst accepting that this may be down to "good fortune", as RB contended, the Commission's view was that the differential between the success rate in relation to the Alleged Inside Information Bets and that in relation to the balance of RB's football bets was so stark that it could not credibly be said that this was down to "good fortune" or coincidence. The strikingly high success rate of 92% led the Commission to believe that RB had special knowledge of the matters upon which the Alleged Inside Information Bets were placed, such that the success of these bets could properly be attributed to his having had inside knowledge. The Commission accepted that one bet (bet 372) failed, but this was but one bet out of 12; in any event, the Commission considered that RB could not "have it both ways": he could not on the one hand point to the one unsuccessful bet as evidence that he did not have inside information whilst ignoring the fact that the 92% success rate prima facie led to the conclusion that he did have inside information.

43.3 The 92% success rate of the Alleged Inside Information Bets took on a particular significance when the nature of those bets was taken into account, in the Commission's view. It was accepted by RB, in cross-examination, quite fairly, that there can be many variables when transfers of players are considered. Not only does the transfer have to be satisfactory to both

of the participating football clubs but also there are many other factors to take into account. By way of example, the terms would have to be acceptable to the player, there were various personal/family factors which could come into play (for example, the player's family circumstances, the availability/location of suitable schools). In other words, the factors which influence a transfer of a player can be volatile, and so a bet in relation to the transfer of a player is on the face of it more likely to fail than many other football bets are. The Commission's concerns in this regard were heightened by, in particular, bet 366, in which the bet that [REDACTED] would remain at MCFC, which was successful, was placed no less than three months before the end of the transfer window.

43.4 Nine of the 11 successful Alleged Inside Information Bets related to players staying at, signing for or leaving MCFC (the club where RB worked). The other two successful bets related to RB successfully identifying which club players who had been linked to MCFC [REDACTED] would ultimately sign for. The Commission accepted the FA's submission that there does not appear to be any reasonable explanation for the absence of any bets whatsoever on any of the other vast number of transfers taking place across world football during the relevant period and which are entirely unrelated to MCFC.

43.5 The average stake across the Alleged Inside Information Bets was £184.50. The average stake placed by RB across the other 444 bets was £20.43. Notably, RB staked £515.62 on [REDACTED] to sign for MCFC. This bet was placed on [REDACTED] and was successful. The Commission accepted the FA's submission that that bet represented an inordinately high stake, especially when it was borne in mind that RB's overall betting average stake was £20.43. This, in the Commission's view, led inevitably to the conclusion that RB had inside information that [REDACTED] was likely to join MCFC.

43.6 The Commission's view as expressed in the immediately preceding sub-paragraph, in relation to [REDACTED] is reinforced by the particular circumstances concerning RB's bet in relation to [REDACTED] (bet 447). RB's evidence was that the evening before placing that bet, he had been at a MCFC staff party to celebrate MCFC's victory in the [REDACTED]. In the RB interview, RB said, looking back, "I hope I was still drunk, but I don't recall the specifics in terms of I don't remember placing it." In cross-examination, RB was clearer about the fact that there had been a party the previous

there is an argument for saying that, actually, if his bets were based on football knowledge, the greater likelihood is that RB would be betting on players at other clubs (rather than at the club at which he worked).

43.9 Indeed, and as the FA submitted, it is one thing for RB to utilise his skills to identify players that would not fit in with Pep Guardiola's style of play, but what RB had to do in order to succeed with the Alleged Inside Information Bets was to identify correctly which team the player was going to sign for if and when they left MCFC. In other words, it is not enough for RB just to identify that certain players would not fit with Pep Guardiola's style of play; he had to identify which, of all of the dozens of clubs in world football, that player may join. In the Commission's view, the level of success which RB had in relation to betting on which clubs MCFC players [REDACTED] might join was so strikingly high that it reinforced the Commission's view that RB was relying on more than instinct and football knowledge.

44. For all of the reasons set out above, the Commission found as a fact and concluded that, in relation to some (if not all) of the Alleged Inside Information Bets, RB was in receipt of inside information (that is, information which came to him by virtue of his employment by MCFC).

45. The Commission is fortified in its view, if such were needed, by two further factors. The first is that RB's evidence was that, for several years, the MCFC playing staff and the office in which RB worked were located in the same building. RB's evidence was that the players were based down a corridor and a set of stairs from where RB worked, and that there was no interaction with the players, no small talk, and that in fact he found the players "frightening" because of their status. However, RB said in cross-examination that he ate in the same area as the players. In the Commission's view, even if RB was not in direct contact with the players at the MCFC training ground (where he worked), he would have been constantly, or at least occasionally, mixing and mingling with people 'in the know', whether that be in the gym (which he said he visited most days) or in the canteen or generally in and around his office. Furthermore, RB travelled to away games with the team and was therefore around the players and staff at the time. In the Commission's view, there was certainly plenty of opportunity for RB to, at the very least, pick up titbits of information to inform him and his betting. As discussed above in relation

to [REDACTED] RB was present at a party for all staff on the night of [REDACTED] and, as discussed above, it is the Commission's view that, at that party, RB was in sufficiently approximate contact with players or people 'in the know' to have been informed of the likelihood that [REDACTED] would be joining MCFC, such that the following morning he placed a large bet on that happening.

46. The second factor is that, when questioned in the RB interview about bet 416 ([REDACTED] move to [REDACTED]), RB, apparently shocked by the size of that bet (£750), said:

"I had to have known, for me to have put that much money on it. I don't recall how I know. But, to place £750 on that, I have to have known".

When pressed on this by [REDACTED] as to whether RB had used inside information from somewhere to place that bet, RB's response was:

"I can't say specifically that I knew. But, I hope I knew, based on that stake. I don't remember specifically having a conversation that said, 'This is going to happen.' but, that stake is really shocking."

47. When questioned in cross-examination about this, RB said that he now could not have known about [REDACTED] prospective move to [REDACTED] and that his reaction in the RB interview ("*I have to have known*") was an instinctive reaction. Whilst the Commission accepted that an instinctive reaction may not always reflect the truth of the matter, and that on reflection and 'in the cold light of day', it is possible for a person legitimately to disown their instinctive reaction, the Commission considered that this would be a highly unusual thing for RB to say if, in keeping with his case, he could never have had any inside information as to player transfers. The Commission considered that these words ("*I have to have known*") are entirely inconsistent with RB's case that he could never have known from inside sources about prospective player moves.

48. In reaching the conclusions set out above, the Commission disregarded the links to newspaper articles which had been produced by the FA. The Commission accepted that tracking the history of which articles appeared where and at what time is unreliable and that the possibility

of speculation or social media means that online articles (especially limited as they are to what is available now) means that no reliable chronology exists as to what appeared when. Therefore, the Commission regarded the fact of the online articles produced by both sides to be a neutral factor.

49. Similarly, the Commission considered that the fact that 67 out of 456 of RB's bets were on Own Clubs (that is, 15% of the total) is a neutral factor. RB's position was that the number of bets placed on Own Clubs was not a high amount, whereas the FA says that it was. The Commission considers that no conclusions can be reached as to this and that, therefore, this is a neutral point.
50. Finally before turning to sanctions, the Commission wishes to make clear that it does not accept RB's criticisms of the way in which ██████████ carried out his task. Although it was put to ██████████ by Mr Harris that he was relying on assumptions and that, essentially, having been tasked with investigating the matter he was liable to jump to conclusions, the Commission's view was that ██████████ approached the matter objectively and with an open mind and that his conclusions were well-founded and thought through. Furthermore, whilst the Commission accepted that the contents of paragraph 33 of ██████████ first witness statement (in which he talks about the assumption that ██████████ would have wanted to say goodbye to players and staff before travelling to ██████████), is speculative, the Commission deprecates (and disagrees with) the characterisation of this speculation in Centrefield's letter of 26th March 2024 as "absurd".

Sanctions

51. The Sanction Guidelines for betting cases charged under FA Rule E8 appear at page 231 and 232 of the hearing bundle. Given that RB's bets include bets placed on his own team to lose, the appropriate sanction is a fine and a ban of between six months and life (to be determined by certain listed factors).
52. The factors to be considered when determining the appropriate sanctions include the following:

- Overall perception of impact of bet(s) on fixtures/game integrity. The Commission accepted the point made on RB's behalf that he is not a player and that therefore there is less of a perception that RB could influence the game than if the breach had been committed by a player. Nevertheless, the Commission considers that the integrity of the game is undermined.
- Player played or did not play – not applicable.
- Number of bets – 456 bets were placed across six seasons.
- Size of bets – the Commission accepted that, with two or three exceptions, the size of the bets was relatively small.
- Factors and circumstances surrounding pattern of betting – the Commission takes note of the point [REDACTED] (which is referred to below).
- Actual stake and amount possible to win – RB's total stake was £11,285.08, and his net profit was £2,350.45.
- Personal circumstances – see below.
- Previous record – the Commission accepts that RB has no previous breaches and that he has testimonials in his favour (as discussed below).
- Experience of the participant.
- Assistance to the process and acceptance of the charge. The Commission accepted that RB accepted the charge and gave a full interview but noted that he denied that bets were placed as a result of inside information.

Aggravating Factors

53. The Commission considered that the fact that RB had placed bets based on information received through his involvement with MCFC (as alleged by the FA in relation to the Alleged

Inside Information Bets and as the Commission has found proven) is an aggravating factor. Such bets go to the integrity of the game.

54. The Commission was urged by Mr Harris not to regard the fact of such bets, if proven, as an aggravating factor. Mr Harris submitted, on behalf of RB, that the possibility that a Participant's breaches in relation to betting might include betting based on inside information is "baked in" to the Sanction Guidelines and that therefore any finding that RB had used inside information cannot be seen as an aggravating factor. This submission, previously ventilated at paragraph 10 of Centrefield's letter of 26th March 2024, appears to be based on the fact that no other Participant has been charged with passing RB any inside information and that RB himself had not been charged as having been party to any such arrangement in contravention of FA Rule E8.2 (for the [REDACTED]) (FA Rule E8(1)(b) in previous seasons relevant to this case).
55. The Commission did not accept this submission. Whilst it is correct that RB had not been charged with the more serious rule (i.e. FA Rule E8.2 and its predecessors), and whilst it is true that no other Participant has been charged with passing RB any inside information, that does not mean that it is not an aggravating factor that RB has used inside information to inform his bets. Similarly, the Commission rejected the submission that, because the sanctions for using or providing inside information for the purposes of betting are the same as those applicable to the breach with which RB has been charged, the fact that RB used inside information to inform his betting should have no impact on the sanction.

Mitigation

56. RB advanced a number of submissions in mitigation, as follows:
- 56.1 RB had admitted the charge in full and had not sought to challenge any of the bets. RB appeared to have co-operated fully with the FA in relation to the FA's enquiries and had not attempted to deny placing the bets. That said, and as noted above, the Commission noted that RB has denied utilising inside information.

56.2 RB had expressed remorse for his breach of the FA's betting rules and had expressed regret that his knowledge of those rules was limited. The apology which he made in his witness statement was repeated at the start of his evidence.

56.3 [REDACTED]

56.4 [REDACTED]

56.5 The Commission noted that RB asserts that he did not receive any education on the FA's Betting Rules during his time working as a performance analyst whilst at MCFC until he joined BFC.

56.6 The Commission noted that RB has never previously been charged with a breach of FA Rules and that therefore he hitherto had an excellent disciplinary record. The Commission also noted the character references provided [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]. The Commission also noted the letters of support provided by Mr Williams, Chief Operating Officer and Club Secretary of BFC, and Mr Kompany, BFC's Manager and who has worked with RB for several years now.

56.7

[REDACTED]

56.8 The Commission also noted that a large number of the bets were placed by RB some considerable time ago, when he first joined MCFC. The Commission also noted that RB's last bet on football was some 18 months ago (13th December 2022).

56.9 The Commission also noted that, according to a letter from Mr Williams dated 25th March 2024, in the event that a period of suspension is imposed for any significant period of time then BFC is likely to terminate RB's employment.

Outcome

57. The Commission considered all of the circumstances, including the aggravating factors and the mitigation. By reference to the Sanction Guidelines, the Commission came to the view that a ban of 18 months was the starting-point before any mitigation was taken into account, and came to the view that the mitigation was sufficiently strong to reduce the period of suspension by one-third. Thus, the Commission arrived at the conclusion that a ban of 12 months was appropriate.

58. Being mindful that the Sanction Guidelines mandate that any fine should include, as a minimum, any financial gain made from the bets (being £2,350.45), the Commission considered that a fine of £4,500.00 was appropriate.

59. The Commission considered that it was appropriate to order that RB pay a contribution towards the costs of the hearing of £500.00.

60. In considering the financial penalties, the Commission had regard to RB's weekly salary.

Suspension of Ban

61. Mr Harris urged the Commission to suspend all, or a large part, of any period of suspension which might be imposed. The basis for such a pleading was the [REDACTED] and the risk to him of his losing his job. The Commission is mindful that there must be a "clear and

compelling reason” to suspend any ban, pursuant to the FA’s Disciplinary Regulations. The Commission considered that, given that RB is [REDACTED] and [REDACTED] and given that Mr Williams states that RB’s employment would be terminated if he is unable to fulfil his day-to-day role “for any significant period of time on account of an FA sanction” there was a clear and compelling reason to suspend a part of the suspension. The Commission did however consider that the nature of the breaches, and in particular the aggravating factor of the fact that some bets had been placed on the back of inside information received by RB (as the Commission had found to be the case), meant that it was not appropriate to accede to the request made on behalf of RB to suspend all or even the larger part of the suspension. The Commission considered that it was appropriate to suspend the suspension for 6 months for a period of 2 seasons.

Decision

62. Accordingly, the Commission decided that RB should be suspended for a period of 12 months, of which 6 months would be suspended until the end of the 2025/26 season, together with a fine of £4,500.00 plus a £500.00 contribution towards costs.
63. This decision – which is the unanimous decision of the Commission – is subject to the relevant Appeal Regulations.

Jeff Lewis (Chair)

Gareth Farrelly

Andrew Adie

20th June 2024