

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR. JORDAN STEVENS

WRITTEN REASONS AND DECISION OF THE INDEPENDENT REGULATORY
COMMISSION FOLLOWING THE HEARING ON 30th AUGUST 2019

1. These are the written reasons for a decision made by an Independent Regulatory Commission (“the Commission”) which sat on 30th August 2019.
2. The Commission members were Mr. Simon Parry, (Chairman, and Independent Legal Panel Member), Mr. Stuart Ripley (Independent Football Panel Member) and Mr. Udo Onwere (Independent Football Panel Member).
3. Mr. Paddy McCormack, F.A. Regulatory Commissions & Appeals Manager, acted as Secretary to the Commission.
4. By letter dated 31st July 2019 the F.A. charged Mr Jordan Stevens (“JS”) with a breach of FA Rule E1(b), alleging that he placed 59 bets on football matches between 6th August 2018 and 27th May 2019 whilst he was a participant at Leeds United Football Club contrary to FA Rule 8 (1)(a)(i).
5. The Charge was particularised further that:
 - i. 36 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition; and
 - ii. 23 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which your club and/or he was participating.
6. The FA relied upon the following evidence:
 - a) The Witness Statement of Mr Tom Astley, Integrity and Intelligence Analyst of The FA, dated 16th July 2019;
 - b) TA/1 – Master schedule of bets attributed to JS;
 - c) TA/2 – Schedule of bets placed on Competitions JS’ club was entered in;
 - d) TA/3 – Schedule of bets placed involving JS’ club;
 - e) TA/4 – Interview with JS, dated 5th July 2019.

7. By written reply dated 6th August 2019 JS admitted the charge and requested a non-personal hearing. JS also submitted the following material for the Commission's consideration:
 - a) A witness statement, dated 6th August 2019;
 - b) A witness statement from Mr Rob Price, Head of Performance and Medicine at Leeds United Football Club, dated 5th August 2019;
 - c) Submissions in mitigation, drafted by McCormicks Solicitors, dated 7th August 2019;
 - d) Copies of the Independent Regulatory Commission Decisions in the cases of *Blackstock (2nd May 2014)*, *Hicks (10th August 2017)* and *Sturridge (15th July 2019)*
8. The Commission was also provided with copies of FA Rule 8, the FA's Betting Sanction Guidelines and the FA Regulatory Advocates Department Submissions on Sanction, dated 16th August 2019.
9. The Commission was informed that JS has no previous misconduct findings.
10. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all points made during the course of the hearing, 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 reaching its decision. For the avoidance of doubt, the Commission carefully considered all of the written evidence placed before it.
11. FA Rule 8(1)(a)(i) provides as follows:

“A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on the result, progress, conduct or any other aspect of, or occurrence in or in connection with, a football match or competition..”

12. JS is now 19 years of age. He signed for Leeds United Football Club on 31st January 2018 and turned 18 in March 2018. On 6th August 2018 he opened a Skybet account and placed his first bet. When interviewed by the FA on 5th July 2019 made full and frank admissions to using that Skybet account to place the 59 bets that are the subject of the charge. He confirmed that he knew that he was not permitted to bet on football under the FA Rules. He explained that his friends back in Gloucester were involved in betting and influencing him to do the same. He accepted that he had attended an FA education presentation at Leeds on 20th September 2018 at which the betting rules were discussed.
13. The Commission accepts that in this particular case there are a modest amount of bets in total, and the amount staked was similarly modest at £510.12. The Commission had particular regard to the 23 bets which were placed on games in competitions into which Leeds United were entered and, of those 23 bets, the five bets which were placed on games involving his own club. It is notable that three of the bets were placed on Leeds United to win and two were on both teams to score twice. We accept the FA's submission that those five bets are the most serious aspect of the case.
14. The Commission has to have regard to the Betting Sanction Guidelines (the "Guidelines"). There is criticism of the Guidelines made in the submissions on behalf of JS as to the clarity and completeness of the Guidelines. We note that no Guideline can ever be exhaustive to reflect every possible factual scenario and we are not persuaded that, in this particular case, there is any lack of clarity as to the applicable Guidelines. Further, as argued by JS and we agree with his submission, we should have regard to the Independent Regulatory Commission decision in the case of *Hicks* and the principle of totality. Therefore, in common with other jurisdictions, our approach is to look at the most serious of the breaches and assess the appropriate sanction for that misconduct and then assess such sanction in the light of the overall

offending.

15. We therefore turn to the five bets on games involving JS' own club. Three of those five bets were on Leeds to win. We are in no doubt that those bets fall within Column 3 of the Guidelines. That indicates a fine and a sporting sanction range of 0-6 months to be determined by the factors set out in the Guidelines. The remaining two bets were on both teams to score. Again, we are in no doubt that those bets do constitute bets on a particular occurrence (i.e. "spot bets") and that Column 5 of the Guidelines is applicable. That indicates a fine and a sporting sanction of 0-12 months to be determined by the factors as set out in the Guideline.
16. The Commission was assisted by the comprehensive written submissions made on JS' behalf and the succinct counter-arguments submitted by the FA as to the appropriate sanction in this case. We remind ourselves that cases involving breaches of the betting rules are very much fact specific. We are not bound by the previous decisions of Regulatory Commissions and this Commission has to assess the aggravating and mitigating features of the particular case as we see them. To that end we are not particularly assisted by the cases of *Blackstock* or *Sturridge*, and in so far as the latter case is concerned, we note that the Guidelines were of no assistance on the facts of what was an exceptional case.
17. We now turn to the specific factors relevant to sporting sanction as set out in the Guidelines. They are:
 - i. Overall perception of impact of bet(s) on fixture/game integrity
 - ii. Player played or did not play
 - iii. Number of Bets
 - iv. Size of Bets
 - v. Fact and circumstances surrounding pattern of betting
 - vi. Actual stake and amount possible to win
 - vii. Personal Circumstances
 - viii. Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor)
 - ix. Experience of the participant
 - x. Assistance to the process and acceptance of the charge

Overall perception of impact of bet(s) on fixture/game integrity

18. In relation to the majority of JS' bets we agree with JS' submission that there could be no perception of any impact on the fixture/game integrity as there is no evidence that JS had any connection to the clubs on whom he placed bets. However, the position is somewhat different in relation to the five bets concerning his own club. Whenever betting involves a Participant's own club, especially with regard to spot betting, that inevitably raises a concern and a perception to the public that may be adverse to the integrity of the game. Therefore, we do conclude that in respect of the charge relating to those five bets this is an aggravating feature. We temper that, however, by taking into account the fact that there is no evidence of actual impact.

Player played or did not play

19. We accept that this mitigating feature applies to JS. He did not play in any of the matches pertaining to the five bets.

Number of bets

20. The number of bets in this case was modest and therefore this is a mitigating feature.

Size of bets

21. Once again, the size of the bets is a mitigating factor in JS' favour. The individual sums were modest and the overall expenditure was relatively modest too.

Facts and circumstances surrounding pattern of betting

22. The Commission did have regard to the argument on JS' behalf that his bets were accumulator bets and thus his profit was dependent on other results. We broadly agree with that submission, although we do not accept the suggestion that he was not seeking to win substantial sums. As the FA note, that suggestion is dependent on the relevant odds which are, conventionally, higher on an accumulator than on a single bet.

Actual stake and amount possible to win

23. As the sums staked are relatively modest and, in the absence of any evidence as to potential winnings, we weigh this factor in JS' favour.

Personal circumstances

24. Much reliance was placed on JS' young age, his difficulties with boredom, homesickness and anxiety. In particular, it was confirmed by the witness statement of Mr Price that JS had struggled to integrate himself at Leeds United. It was further asserted that he was heavily influenced by the presence of the gambling industry in football. Whilst that is inevitably the case, the Commission notes that the rules prohibiting betting are perfectly clear and JS was perfectly well aware of them.

Previous record

25. The absence of any previous misconduct, especially the absence of previous betting offences, is a substantial mitigating feature.

Experience of the participant

26. Whilst JS is by definition an inexperienced young professional footballer, we cannot go so far as the written submissions on his behalf as to say that he is "extremely inexperienced". The Commission notes that JS was starting to train with the experienced professionals of the first team at Leeds United and occasionally featuring in the first team squad.

27. However, the single most serious aggravating feature of JS' case is his knowledge and experience of the betting rules. On his own admission, JS was aware of the betting rules. Having received the FA presentation on 20th September 2018 JS continued to bet, indeed the vast majority of the bets were placed after this date. At a time when the education advice of the FA was still fresh in his mind, JS nevertheless chose to place bet number 16, a bet that was placed only two days after the presentation. Importantly, two of the "own club" bets were placed after the presentation. That, in our view, demonstrates a wilful disregard for the rules on JS' part.

Assistance to the process and acceptance of the charge

28. The Commission accepts that JS has co-operated with the investigation process, made full and frank admissions in his interview and accepted the Charge at the first opportunity. That is all very much to his credit in our view. We also accept that he is genuinely remorseful for his actions and determined not to succumb to temptation in the future.
29. The Commission was unanimously of the view that an immediate sporting sanction was inevitable in this case, notwithstanding the significant mitigation which we have accepted above. Had JS ceased his betting activity in the aftermath of the FA presentation in September 2018 then the Commission may well have been persuaded that no sporting sanction need apply or that any sporting sanction could be suspended. We cannot ignore the substantial aggravating feature of JS continuing to bet in full knowledge of the rules. The submissions on behalf of JS conclude with a recognition that a Commission must discourage and deter this sort of misconduct. In our judgment, on the particular facts of this case, that can only be achieved by an immediate sporting sanction and a financial penalty.
30. Therefore, the Commission concluded that it is appropriate and proportionate to place the immediate suspension towards the lower end of the scale for a Column 5 offence, whilst taking account of the totality of the overall betting offences. Balancing the aggravating and mitigating features that we have identified, the Commission concluded that a suspension from all football and football related activity for six weeks was appropriate.
31. The Commission also concluded that a financial penalty should apply. Bearing in mind JS's weekly net income from football as declared in his Reply to the Charge,

balancing the seriousness of the breach against JS's previous good record and the mitigating factors already referred to above, we unanimously concluded that a fine of £1200 is appropriate and proportionate.

Sanction

32. For the reasons outlined above the following sanctions shall apply:

- (a) JS shall be suspended from all football and football related activity for a period of six (6) weeks, up to and including 10th October 2019;
- (b) JS shall be fined the sum of £1200

33. The decision is subject to any appeal as provided by the Regulations

Mr. Simon Parry (Chairman)

Mr. Stuart Ripley

Mr. Udo Onwere

4th September 2019