

IN THE REGULATORY COMMISSION OF THE FOOTBALL ASSOCIATION
AND
IN THE MATTER OF ALLEGED BREACHES OF RULE E5(a) AND E8 OF
THE RULES OF THE FOOTBALL ASSOCIATION

Mr David Phillips QC, Mr Stuart Ripley, Mr Gareth Farrelly
18 April 2018

BETWEEN

THE FOOTBALL ASSOCIATION

Complainant

and

BRADLEY WOOD

Respondent

WRITTEN REASONS and DECISION

INTRODUCTION

1. The FA has charged Mr Wood with a total of 25 offences. Mr Wood has contested the two charges of conduct contrary to FA Rule E1(b) – match fixing offences. He has admitted the 22 charges of conduct contrary to FA Rule E8(1)(a)(i) and the single charge of conduct contrary to FA Rule E8(b) – betting offences. The Regulatory Commission met on 5 & 6 March 2018. Mr Wood had notified his attention not to attend or be represented at the hearing. In light of that decision the FA did not attend and was not represented. Both parties had, however, submitted detailed written submissions which the Regulatory Commission had read and considered before it met on 5 March 2018.
2. For the reasons explained below the Regulatory Commission concluded that Mr Wood was guilty of the two charges that he had contested. On 28 April 2017 a Regulatory Commission (David Phillips QC alone) made an Order of interim suspension pending the delivery of its final

decision. It did so because of the time that it knew would elapse before the final decision could be delivered and because it was satisfied that that final decision would include suspension from football activities. For the reasons that we have set out below we have imposed a total period of suspension of 6 years; fines totalling £3,725; and a contribution towards the costs of these proceedings of £1,550.

BACKGROUND

3. In early 2017 Mr Wood played for Lincoln City FC. Charges 1 & 2 arise out of matters connected to Lincoln's games against Ipswich Town FC (17 January 2017) and Burnley FC (18 February 2017) in the FA Cup. In both matches Mr Wood was cautioned, receiving a yellow card. In the Ipswich match Mr Wood was cautioned in the ninetieth minute for a deliberate foul on a player who was challenging Lincoln's goal. In the Burnley match Mr Wood was cautioned in the seventieth minute for being involved in an altercation with Burnley players.

4. The FA has charged Mr Wood with offences arising out of both matches in the following terms -

Charge 1

Lincoln City FC v Ipswich Town FC

FA Cup

It is alleged that your conduct in or around the 90th minute of the above fixture constitutes a breach of FA Rule E5(a).

FA Rule E5(a)

It is alleged that you directly sought to influence for an improper purpose the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition.

Particulars of breach

It is alleged that you influenced a football betting market during the above fixture by intentionally seeking to be cautioned by the match referee.

Charge 2

Burnley FC v Lincoln City FC

FA Cup

It is alleged that your conduct in or around the 70th minute of the above fixture constitutes a breach of FA Rule E5(a).

FA Rule E5(a)

It is alleged that you directly sought to influence for an improper purpose the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition.

Particulars of breach

It is alleged that you influenced a football betting market during the above fixture by intentionally seeking to be cautioned by the match referee.

5. The data supplied by betting organisations has revealed what is said to be unusual bets being placed on Mr Wood being cautioned in both matches. Two of those placing the bets are said to have close personal involvement with Mr Wood. It is said that the bets were atypical in the context of the caution betting market, and in relation to the betting history of those placing the bets. The potential winnings (some were not paid) totalled approximately £10,000. The gravamen of the case against Mr Wood is that he planned to be cautioned, told personal acquaintances of that plan so that they and others to whom the information was passed placed bets.

INTERIM SUSPENSION

6. On 28 April 2017 an Order of interim suspension was made against Mr Wood suspending him from football activities for the remainder of the 2016/2017 season. That interim suspension was ordered because of matters that are now contested in these proceedings. The fact of that interim suspension and the reasons for it have not featured in the Regulatory Commission's deliberations. The fact of the interim suspension is not relevant to the decision that we have taken in this case and is not something to which we have given any thought or weight.

MR WOOD'S PARTICIPATION IN THE PROCEEDINGS

7. Although Mr Wood did not attend and was not represented at the hearing he has been represented at earlier stages of the proceedings by solicitors and counsel. Mills & Reeve has corresponded on his behalf. Mr Steven Flynn, counsel, drafted detailed submissions setting out Mr Wood's response to the charges. However, Mr Wood did not respond to the submissions that the FA served in response to those drafted by Mr Flynn. Mills & Reeve wrote on 23 February 2018 saying that Mr Wood had exhausted his legal budget and that no further submissions would be lodged on his behalf.

8. It is unfortunate that Mr Wood was unable to retain legal representation, and unfortunate that he elected not to attend the hearing. However, his absence did not alter the conventional legal position. The burden of proof lay throughout on the FA. Mr Wood did not have to prove his innocence: the FA had to prove its case. Although these are civil proceedings the allegations made against Mr Wood in the contested charges are serious, and involve allegations of impropriety. Accordingly, although the standard of proof remains that of the balance of probabilities the Regulatory Commission recognised that it needed to have a high degree of confidence in the evidence before it could find the charges had been proved.

SUFFICIENCY OF THE PLEADED CASE

9. Mr Wood's submissions argue that charges 1 & 2 were deficient for want of particularity. It is argued that charges of this nature must be sufficiently pleaded. We agree with the need for proper particularity. It is further argued that the charges as pleaded fail to meet the required standard of particularity because they fail to detail the improper

purpose that is an integral element of the offences charged in charges 1 & 2.

10. We do not think that there is any merit in this submission. The particulars allege that Mr Wood influenced a betting market by intentionally seeking to be cautioned. We consider that the alleged improper purpose is plain from those particulars. We are reinforced in that belief by the fact that Mr Wood's submissions address what we consider to be the issues disclosed by the charges as drafted. In other words, it was clear to Mr Flynn what was being alleged and the detail of the case that had to be met.
11. We reject the submission that charges 1 & 2 are not sufficiently particularised.

BETTING STATISTICS/CONNECTION WITH THOSE PLACING BETS

12. The case advanced by the FA includes a large quantity of data relating to bets that were placed on Mr Wood being cautioned. The FA has served the relevant source data as well as schedules and summaries of what that data reveals. In his submissions Mr Wood has not challenged or questioned either the authenticity of the data or the schedules and summaries that have been advanced.
13. We have looked at the source data and have considered the schedules and summaries. We have not, of course, attempted any forensic examination of the data, and have not checked the accuracy of the schedules and summaries. We are satisfied that the source data appears to be genuine and reliable: and are satisfied that the schedules and summaries appear accurate. In the absence of any challenge to them by

Mr Wood (who, of course, has had every opportunity to verify them) we accept that the schedules and summaries are accurate and present a true picture of the material contained in the source data.

14. Understandably, the FA has placed considerable reliance on what is revealed by the source data. Seven individuals made bets that Mr Wood would be cautioned in the two matches. In each case those individuals' bets were atypical both in relation to their personal betting history – none had previously placed bets in the caution betting market; and in relation to the caution betting market – the size of the bets made them stand out. These particular bets were therefore unusual, and appeared suspicious.

15. In its submissions the FA summarises the betting material in the following terms –
 88. The amounts staked were truly exceptional when compared with the average stake for the "to be carded" betting market and all of the bettors were placing bets that were significantly higher than any other bet that they had previously placed, or were to place. Moreover, 5 of the 7 bets were the maximum stake permitted by the betting operator. None of the 7 individuals placing the bets had previously bet on the "to be carded" market.
 89. In summary, four of the bettors were using their accounts for the first time when betting on *Mr Wood* to be carded (*Mr Worrad*, Scott Hardy, James Frost and Zoe Taylor). All of the bettors were placing bets that were very much larger than any other bet that they had previously placed, or were to place.
 90. Moreover, William Hill have never seen a four-figure sum on the to be carded market; SkyBet only rarely...which underlines the absence of any legitimate basis for the bets.

16. Two of the individuals who had placed bets, Matthew Hardwicke and Scott Worrad, are close to Mr Wood. Others are close to Mr Worrad, who it is suggested relayed information to them. The

telephone/messaging records show that Mr Wood was in unusually extensive contact with both Mr Hardwicke and Mr Worrad before the two matches. On 17 January 2017 Mr Wood sent 42 text messages to Mr Worrad before the match. This equated to almost 20% of his contact with him over the whole billing period. On the 18 February 2017 Mr Wood texted his brother in law, Sidney Dick a total of 52 times between 6.05 am and 10.26 am: the game kicked off at 12.30 pm. Mr Dick is friends with William Sinclair who placed his bet on Mr Wood at 12.00 noon.

17. The detail of those communications is not known: Mr Hardwicke refused to allow inspection of his telephone: Mr Worrad asserted that his phone had been wiped and contained no relevant information.

18. In its submissions the FA summarises the association between Mr Wood and those placing the bets in the following terms –

165. The FA contends that the extensive communication between *Mr Wood* and *Mr Worrad* over the two matches is not a coincidence and cannot plausibly be explained by a simple interest in those matches (as argued for in interview). *Mr Wood* was texting *Mr Worrad* because *Mr Worrad* was not only placing sizeable bets on *Mr Wood* to be carded, but, also because he was the conduit to others who were betting on *Mr Wood* (James Frost and Scott Hardy).

166. The FA is not in possession of the Whatsapp messages between *Mr Wood* and *Mr Hardwicke* over the two matches, *Mr Wood* claiming that his phone was "wiped" and MH refusing (by silence) to provide his phone for download. However, they travelled back to Lincoln together after the BFC match. The journey time was between 2½ and 3 hours. In interview *Mr Wood* claimed that *Mr Hardwicke* had not mentioned his bet that had produced winnings of £2,000 or, indeed, his bet from a month before (on the ITFC match) that had produced winnings of £1312.50. Given that, on their accounts, those bets were legitimate bets, their silence on the topic is surprising, as was *Mr Wood* 's assertion in interview that he was unaware of any betting on him to be carded until informed by The FA on 27 April 2017.

167. The fact that no download has been obtained from any phone from the

date of the matches leads to the strong inference that data is being withheld deliberately because of its incriminating content.

19. We attach considerable significance to this evidence. We consider that the combination of the fact of the cautioning, the atypical betting, and the association between Mr Wood and two of those placing the bets raises a prima facie case of impropriety involving Mr Wood. We consider that this evidence has the effect of shifting the evidential burden onto Mr Wood. In other words, it is for him to explain what, without such explanation, is damning evidence. We recognise, of course, the possibility of innocent explanation. For example, Mr Wood might indiscreetly, but innocently, have discussed his strategy for the two games with Mr Hardwicke and Mr Worrad, leading them to conclude that betting on cautions would be a worthwhile investment. But in the absence of such evidence we consider the betting data to raise a strong prima facie case against Mr Wood in relation to charges 1 & 2.

THE FA's CASE

20. The FA relies on the following evidence.
 - (1) The betting analysis. We have already considered that evidence and its impact on our decision-making process.
 - (2) Mr Wood's conduct during the matches. The FA points to a number of separate incidents during both games, which it asserts demonstrate that Mr Wood *intentionally placed himself in positions to get booked on a number of occasions in both matches which demonstrate attempts by him to receive a card*. We were invited to watch both matches.
 - (3) The connection between Mr Wood and those placing the bets. Without setting to the detail of the associations and the contacts

we have already explained the significance that can properly be attached to this evidence.

- (4) Mr Wood's financial circumstances, which the FA asserts were in a *parlous state*, thus providing him with a motive for involvement in a betting ring.
- (5) The FA points to the contents of Mr Wood's interview, identifying statements made by Mr Wood that it asserts are inherently improbable and about which Mr Wood would have been cross-examined if he had chosen to give evidence at the hearing.
- (6) The FA makes similar observations about the interviews with Mr Hardwicke and Mr Worrad, and their failure to attend the hearing at which they would have been cross-examined.
- (7) Finally, the FA submits that Mr Wood's failure to attend the hearing means that there is no live evidence from him to contradict the FA's case. Further, it comments that Mr Wood's submissions (which it realistically recognises have force notwithstanding Mr Wood's absence from the hearing) advance no positive case.

Mr WOOD's CASE

21. Mr Wood denies that he sought deliberately to be cautioned, and denies that he was party to any improper betting syndicate. He relies upon the following matters.

- (1) The foul in the Ipswich match occurred in the ninetieth minute. If Mr Wood had been seeking a caution he would hardly have left it until the end of the match. Further, the foul was a professional foul – that is, one that was strategically motivated to break up an attack: it was not gratuitous. Mr Wood invited us to watch the

match. Mr Wood will be seen to be a hot-headed, hard player, but not one seeking a caution.

- (2) The confrontation in the Burnley game that led to the caution was not unusual – it flowed directly from something that Mr Wood had not been involved in and which he had not orchestrated. He cannot be said to have instigated the incident. Again, we were invited to watch the match.
- (3) Proper scrutiny of both matches demonstrates no cogent evidence of wrongdoing.
- (4) There is no evidence that Mr Wood was directly involved in or otherwise benefited from the bets that were placed. There is no evidence of financial need that might have motivated such involvement. Mr Wood therefore had no motive to act in such an improper way and for what in real terms were very small sums.
- (5) Mr Wood is a man of good character who cooperated with the FA investigation. The fact that he has admitted charges 3-25 demonstrates his responsibility when confronted by well-made allegations.
- (6) The true explanation, as explained during their interviews with the FA, is that Mr Wood's associates knew the type of player that he was and recognised an opportunity to place strategic bets. During informal conversations (without disclosing inside information) Mr Wood said things that reinforced the belief that betting on the caution market would be worthwhile.

DISCUSSION

22. We do not accept the FA's portrayal of Mr Wood's financial position as being *parlous*. We consider that although Mr Wood may not be particularly affluent he was in a real sense managing his finances

satisfactorily. We reject the suggestion that Mr Wood's financial position was such as to constitute a motive for him to have participated in an improper betting syndicate. No doubt Mr Wood, in common with most people, would have welcomed additional funds but we do not accept that that alone would have led him to commit charges 1 & 2.

23. We have, as requested by both parties, viewed the entirety of both matches. We have in particular studied the incidents identified by the FA in paragraph 93 of its submissions. We do not accept that those incidents reveal a player who was seeking to be cautioned. We consider that the majority of those incidents (and others, to which our attention was not specifically drawn) demonstrate a player who was conducting himself properly and well. Indeed, on several of the occasions Mr Wood can be seen not to be reacting in a confrontational manner.
24. There is no doubt that the foul in the Ipswich match was a deliberate, professional foul. The fact that it occurred so late in the game, however, militates against it being part of a betting conspiracy: it is equivocal. As we have said, the foul in the Burnley match followed an incident that was not of Mr Wood's making. However, he chose to involve himself in the confrontation that followed the initial incident. It is clear from our viewing of the confrontation that the conduct that led to the caution was what Mr Wood had said to a Burnley player. That took place directly in front of the referee. Mr Wood can have had little doubt that such conduct would lead to a caution.
25. We therefore find Mr Wood's conduct on the field to be equivocal. It does not, as the FA submits, demonstrate his guilt. But, equally, it does not, as Mr Wood submits, demonstrate his innocence. Our conclusion

that Mr Wood's conduct was capable of being conduct in support of a betting syndicate – but equally that it was capable of being innocent. Viewing the match has not revealed material that is determinative of the case.

26. We have considered at length and with great care the evidence relating to the betting and to Mr Wood's association with two of those placing bets. We have no doubt the betting evidence demonstrates a betting syndicate. The nature, size and timing of the bets can only demonstrate coordinated action: the possibility of chance or coincidence is fanciful.
27. The question, therefore, is whether the evidence is sufficient to demonstrate Mr Wood's involvement. As we have explained above we have no doubt that the evidence raises a clear prima facie case. Mr Wood has not attended the hearing and has not introduced live evidence to displace that prima facie case. He has, however, advanced the possibility that those placing the bets acquired the necessary information innocently and without any improper conduct by Mr Wood. He relies on the contents of the FA interviews and on what is argued in his submissions. Mr Wood does not have to prove that that possibility is correct: all that he has to do is rebut the prima facie case presented by the FA. That can be done without Mr Wood calling direct evidence or attending the hearing.
28. It is a matter to which we have given great and anxious consideration. We recognise the gravity of the charges and have no doubt that we must have an extra degree of comfort before finding them to have been proved. Our conclusion is that we do have that degree of comfort and that charges 1 & 2 have been proved. The betting evidence and the

evidence of Mr Wood's association with those placing the bets is compelling. The possibility of the bettors having acquired the necessary information is slight. The information advanced during the FA interviews contains inconsistencies and raises issues that suggest that innocent acquisition did not take place. Mr Wood did not have to give evidence and did not have to call witnesses: but it is perfectly proper for the FA in its submissions to highlight the inconsistencies in the interview evidence and to identify the areas that would have been explored in cross-examination.

29. Our conclusion on the totality of the evidence, and taking into account all the matters that he has submitted is that Mr Wood is guilty of both charges 1 & 2.

DISPOSAL

30. In determining the appropriate penalties to impose we have taken into account the FA Sentencing Guidelines. The function of the Guidelines is set out in the following terms -

The guidelines are not intended to override the discretion of Regulatory Commissions to impose such sanctions as they consider appropriate having regard to the particular facts and circumstances of a case. However, in the interests of consistency it is anticipated that the guidelines will be applied unless the applicable case has some particular characteristic(s) which justifies a greater or lesser sanction outside the guidelines.

We have approached the Guidelines in that manner.

Charges 1 & 2

31. Charges 1 & 2 are brought under FA Rule 5(a), which deals with match fixing offences. The Guidelines say, in the context of the relationship with match fixing and betting offences -

Betting offences are separate and distinct from charges under FA Rule E5 which concerns match fixing. It should be noted that save in exceptional

circumstances a Participant found to have engaged in fixing the outcome or conduct of a match would be subject to a lifetime ban from the game. Where it can be proved that a bet has actually affected a result or occurrence within the match then such conduct will be specifically charged rather than treating the incident as a betting offence.

32. We have no doubt of the seriousness of Mr Wood's conduct. It has not been mitigated by his denial of the charges, and his choice not to attend the hearing. However, we do not consider that the outcome of either match was affected by Mr Wood's behaviour. The deliberate foul in the Ipswich match was a professional foul that might have been made by a number of players in Mr Wood's position. It was a calculated decision to stop a potentially dangerous challenge. It is not explicable as being solely caused by the betting conspiracy. The conduct in the Burnley match arose from an incident that was not originated by Mr Wood. He became involved in an existing commotion. Without in any way minimising the seriousness of Mr Wood's conduct we have reached the conclusion that it was not match fixing at its most serious, where departure from the Guidelines would be wrong. Insofar as it is necessary for us to do so we point at the fact that Mr Wood's conduct did not as a matter of fact "fix" either match as, on the facts of this case, constituting exceptional circumstances. We consider that this is a case in which, depending on how we approach the mitigating factors, we can properly impose something other than a lifetime ban.

There are relevant mitigating factors. Mr Wood has not been involved in previous disciplinary offences. The conduct involved only two matches. The sums involved were, when compared to other betting conspiracies, relatively modest. There is no evidence that Mr Wood personally benefited financially.

33. We have concluded that a lifetime ban would be a disproportionate penalty. We do not wish to shut Mr Wood out from the possibility of resuming his career in football. We consider that taking all the circumstances of charges 1 & 2 into account that such a penalty would be disproportionate. We consider that an appropriate period of suspension is 5 years on each charge, to run concurrently with each other so making a total of 5 years suspension.
34. Some financial penalty is also appropriate. We take into account, however, that Mr Wood will suffer some financial penalty as a result of the loss of his footballing income. The reality is that he will be stretched financially, and that that is a matter that we should properly take into account. In the circumstances we consider the appropriate total financial penalty to be £2,000, which we apportion equally between the two charges - £1,000 on charge 1 and £1,000 on charge 2.

Charges 3 - 25

35. We consider that when determining the penalties to be imposed on charges 3 - 25 it is important that we look at the totality of the sanctions that are imposed. The suspension for 5 years is a significant penalty for a relatively young footballer. Not only does it disrupt, and potentially end, his playing career but it also has financial and reputational implications. The financial penalty of £2,000 is not insignificant. When determining the sanctions to be imposed for charges 3 - 25 we must bear in mind the overall position and the impact of the penalties already imposed on charges 1 & 2.
36. Although Mr Wood has admitted charges 3 - 25 there is a factual dispute as to the circumstances in which the bets were placed. Mr

Wood asserts that although he placed the bets he was not betting personally but was acting on behalf of his father, who was in hospital. The betting account was in Mr Wood's name only because his father did not have a bank card and was therefore unable to open an account. This is not accepted by the FA who assert that the reality is that Mr Wood was betting on his own behalf. The FA's fall-back (and plainly correct) position is that even if Mr Wood was betting on behalf of his father he knew that he was acting in breach of the Rules.

37. We have decided that it is not necessary for us to resolve this dispute. If Mr Wood had not been convicted of charges 1 & 2 we would have had to do have done so, but having regard to the penalties that we have imposed on those charges and the need to achieve an overall proportionate sanction resolution of this dispute would make no practical difference.
38. We consider that a period of suspension is appropriate for each of charges 3 - 25, and that to mark the seriousness of any betting transgression that period of suspension should run consecutively to the 5 years suspension that we have imposed on charges 1 & 2. We consider that a further period of 1 year's suspension is appropriate on each of charges 3 - 25, to run concurrently with each other but consecutively to the 5 years suspension imposed on charges 1 & 2.
39. We also consider some additional financial penalty to be appropriate for each of charges 3 - 25. In order to achieve a proportionate overall penalty the sums are significantly lower than they would have been if we were considering a fewer number of offences. In relation to each of charges 3 - 25 Mr Wood will pay a fine of £75, making a total financial

penalty on charges 3 – 25 of £1,725.

Costs

40. We are satisfied that it would ordinarily be appropriate for Mr Wood to pay the entirety of the costs incurred by the FA in these proceedings. However, having regard to the impact that the sanctions that we have imposed will have on Mr Wood's finances we have determined that a lesser sum should be ordered. We direct that Mr Wood should contribute the sum of £1,550.

CONCLUSION

41. Mr Wood is convicted of charges 1 & 2. The total period of suspension for all charges is one of 6 years. The total fines for all charges is £3,725. The contribution to costs is £1,550.

David Phillips QC
Farrelly
18 April 2018

Stuart Ripley

Gareth