

The Football Association v Robert Williams

Reasons for Decision

1. These are the reasons for the decision of this Regulatory Commission¹ on charges brought by The Football Association (“the FA”) against Mr Robert Williams (“the Player”) for breaches of FA Rule E8(a) in connection with a Football League 2 Match *Accrington Stanley FC v Bury FC* played on 3 May 2008 (“the Match”).² We are unanimous on all matters.
2. The Regulatory Commission held a preliminary hearing and gave various directions on 19 June 2009 and the final hearing was on Monday 20 July 2009. Mr Dario Giovannelli appeared for the FA on both occasions. On the Disciplinary Proceedings Reply Form (A) returned by the Player to the FA, signed by him and dated 7 May 2009, the Player indicated that he denied the charges but did not request an opportunity to attend a Regulatory Commission to make a personal plea; and that he understood that the charges would be dealt with on the content of the documents served upon him and documentation he supplied to the FA within 14 days of the charge letter. However, he also indicated that he wished to be represented and asked that his representative be allowed to attend. He nominated George Davies Solicitors LLP as his representatives. They did appear for him on 19 June 2009, when directions were issued including the fixing of a hearing of these charges (and other separate charges against the Player designated “the Chester Charges”) on 20 July 2009³. However, neither the Player nor his representative appeared on 20 July 2009. No oral evidence being given on these charges, the Regulatory Commission has accordingly decided the matter on the documentary material.
3. The charges are contained in a letter from the FA to the Player dated 6 April 2009 (“the Charge Letter”). The Player is charged with misconduct for 2 breaches of FA Rule E8 (a). The alleged breaches are that, being a Player registered with Accrington

¹ Nicholas Stewart QC (Chairman), Mr Barry Bright, Mr Roy Carter and Mr Paul Elliott

² Reasons given under regulation 9 of the *Regulations for Football Association Disciplinary Action*: The FA Handbook Season 2008-2009, pages 298-307

³ Directions of Regulatory Commission, Friday 19 June 2009

Stanley FC at the time of the Football League 2 match *Accrington Stanley FC v Bury FC* 3 May 2008 (“the Match”) he placed a stake or stakes on the Match, namely:

- (i) on 2 May 2008, a stake of £500 on Bury FC to win the Match, at Ladbrokes (Mill Lane), and/or
- (ii) on 2 May 2008, a further stake totalling £500 on Bury FC to win the Match in another betting shop in the Liverpool area,

thereby betting on the result and/or progress and/or conduct of a Match in which he had an influence and/or a Competition in which he was participating.

4. FA Rule E8(a), which states: “A Participant shall not, either directly or indirectly, bet or instruct, permit or enable any person for the Participant’s benefit to bet, on the result, progress or conduct of a Match or Competition in which the Participant is participating or in which the Participant has any influence, either direct or indirect.”⁴
5. The Player admitted placing in person the bets as alleged in the Charge Letter. It should be noted that the bets were placed on Bury FC to beat the Player’s own club Accrington Stanley FC. He was a registered Accrington Stanley FC player though he was recovering from a recent cartilage operation and had not played for two or three months. He did not play in the Match, which Bury FC won 2-0, and was not on the substitutes’ bench either.
6. Though admitting the placing of the bets, the Player denies the charges. Through his solicitors the Player sent a written submission on 7 May 2009 setting out his arguments in defence of the charges and also his points in mitigation in case his arguments in defence were rejected by the Regulatory Commission.
7. The Regulatory Commission accepts the Player’s submission that the Match was one in which he had no influence for the purposes of rule E8 (a). The Regulatory Commission considers that to establish “influence” on a match for the purposes of rule E8 (a) the evidence must show at least some actual influence. Such influence might

⁴ FA Handbook Season 2008-2009, page 111. The rule was in force in exactly the same terms in May 2008.

well be inferred from a person's position - the most obvious example being a team manager or coach. However, although the Player in this case was an Accrington Stanley FC player and was therefore actively and closely involved and in constant contact with other players in that club right up to the Match itself, we cannot safely infer that he had any influence on the Match and there is no direct evidence that he had any such influence.

8. However, the charges are also based on the Player having bet on the result and/or progress and/or conduct of a Competition in which he was participating. We accept that these were not bets on the *result* of League 2. However, in our view they were bet on the "progress or conduct" of League 2. If League 2 was a competition in which the Player was participating at the time he placed these bets, that is therefore enough to have constituted the offence without any element of betting on the "result".

9. The Player was an Accrington Stanley FC player on and after 2 and 3 May 2008. He just happened to be unavailable for selection because of injury. In our view he was still participating in the League 2 Competition for the purposes of rule E8 (a) and these charges. Even on the most favourable interpretation of rule E8 (a) it is simply unrealistic to regard a player still registered with a club competing in League 2 as no longer participating in that competition just because he did not play and was not ever going to be picked to play (either in the starting line-up or on the substitutes' bench) in the last game of the season. In such circumstances it makes no difference whether the reason a player is not going to be picked is injury, suspension, loss of form, managerial disfavour or any other reason. In this case the Player was injured and could not have played. Nevertheless, he was still an Accrington Stanley FC player. To interpret rule E8(a) as meaning that when it comes to the last game of the season only those players who were fit, not suspended and remained with a practical chance of selection were caught by the rule would be an unreasonably narrow interpretation and out of keeping with the clear spirit and purpose of the rule.

10. We also note that although he was injured the Player was called into the centre circle with the other Accrington Stanley FC players around 1:30 pm on the day of the Match when their manager Mr Coleman said that if anyone had done anything untoward or had a bet they should not have done, they should tell him then and he would not play

them. Though we do not need to rely on this point for our decision on proof of the charges, it plainly fits the common sense view that injured or otherwise unavailable players are still participating in the league along with their playing colleagues.

11. The odds for the £500 bet at Ladbrokes (Mill Lane) were 7-4 against, so on that bet he had £1375 riding on the defeat of his own team. We do not know the exact odds for the other bet but as it was also for £500 that must have brought the total riding on the result of the Match for this Player to somewhere around £2500 to £2750.
12. There are serious concerns that the Match was fixed. We do not have to make a finding on that question and do not do so. The evidence before us has been properly directed to these charges against Mr Williams. The charges do not include any allegation that he was involved in match-fixing. But how can the fair-minded football fan have any solid confidence that a match is *not* fixed if there are players in his club (whether or not they actually play in that match) who have thousands of pounds to gain if their own team loses? Or any confidence that any of the players in their team on that day are trying their honest best to win the game?
13. We announced our decision that the charges had been proved on 20 July 2009. Mr Giovannelli was present for the FA but in the absence of the Player or his representative we received no oral submissions in mitigation. We do nevertheless have the written submissions already mentioned.
14. It is submitted in mitigation on behalf of the Player that there is “a complete lack of education in football regarding the rules relating to players”. That is expanded in the written submission. It is a hopeless submission in the circumstances of this case. A professional footballer does not need education regarding the rules to know that he must not bet against his own team, whether he actually plays or not. The Player could never have wanted the Accrington Stanley FC fans to know that he had bet on the opposing team (see what he said at page 35 of the transcript of his interview by Ms Fitzgerald on behalf of the FA on 24 September 2008: “I wouldn’t make it common knowledge that if I was betting on my team”). At the very least, even if he was unaware of the specific rule the Player must have realised that what he was doing was

highly likely to be against FA Rules and it was reckless and irresponsible of him to go ahead with these bets.

15. We do recognise that rule E8 (a) itself is not easy reading and we have to be realistic in also recognising that the FA's published *Guidance to Players in The Premier League, The Football League and The Football Conference (National Division) on Disciplinary Matters Season 2007/08* (issued July 2007) may not reliably find its way to every player and may well then not be read with any great care. But given our views expressed in the previous paragraph, that does not help this Player.
16. It is also claimed that the Player has complied in full with the FA's investigation throughout this matter and provided full and frank answers to Ms Fitzgerald during the interview on 24 September 2008. We are not convinced that he was fully frank in claiming that his overall betting of £1000 on this game was based just on his own assessment of the team's strengths and weaknesses (see pages 7-8 of the interview transcript) though otherwise his answers do appear to have been generally helpful as far as we can see. However, he could have seen that the actual bets were likely to be easily provable and as he has persistently denied the charges we are not willing to adjust the penalty in his favour on this point.
17. The Player seeks credit for having requested the matter to proceed on the basis of written submissions in order to save the Regulatory Commission time and also to keep costs proportionate. We say bluntly that we have not been helped by the Player's election to have the matter dealt with in that way. This is a serious case where oral evidence and appearance by the Player even without (but preferably with) a representative would have been proportionate and helpful. He was free to make the decision he did on how the matter should proceed but that does not mean we give him credit for making that choice. We do not.
18. No credit will be given for remorse. We do not see anything which counts as the sort of genuine remorse which could favourably affect the penalty.
19. It is also said by the Player that he could not have influenced the result either directly or indirectly. It is not proven that he did. However, when it comes to the penalty the

point is not whether you can prove that as it turned out a particular player did or did not actually affect the outcome. It is that football matches must be free of all possible suspicion that every single player is not honestly and wholeheartedly doing his very best to help his team win, within the laws and spirit of the game. Where an Accrington Stanley FC player, even if injured, had bet against his own team, no one could confidently know what was going on among the players, in or out of the dressing-room, or who had influence on other players and on how the game was going to be played.

20. The Player's written submission mention wider issues of concern about gambling in football. There clearly are reasons for concern in a number of areas but they have no material bearing on this Player's responsibility for his own actions in breach of the FA Rules.
21. The fact that Mr Williams bet on Bury to beat his own club Accrington Stanley FC to lose the Match is seriously undermining of public confidence in the straightness of English professional football. Rule E8 is an important rule which is intended to sustain that public confidence and help allay just the concerns which have arisen about this Match.
22. The evidence before us, including reports from leading bookmakers, shows that there was highly suspicious betting activity in relation to this Match and gives cause for serious concern that the Match may have been fixed.
23. We have clear evidence of unusual betting on Bury to win the Match, starting as early as 30 April 2008. This Player acknowledges that he was aware of the betting on this game - which obviously means aware of the unusually heaving betting - a couple of days before the game (see the foot of page 2 of the interview transcript). In our view that adds to his irresponsibility in betting on Bury himself.
24. We stress than no one has been charged with any actions involving fixing of the Match and it is not part of the case against Mr Williams. We mention it here so that it can be seen that we have not ignored such a striking and serious concern relating to this Match but also to make it clear that we are punishing Mr Williams only for the

offences of which he has been found guilty. There is no charge and no evidence that he was involved in any fixing of the Match. We also do not make any finding that the Match was fixed, as that is not an issue before us for determination. The concerns about this Match do nevertheless serve to illustrate the importance of rule E8.

25. For practical purposes of deciding the appropriate penalty, we treat the two bets of £500 as a single bet of £1000, even though technically there were two separate breaches of FA Rule E8(a).
26. This is a very serious offence against FA Rules by Mr Williams. A fine would nowhere near mark the gravity of the offence. Mr Williams will be suspended from all footballing activity for 8 months, with immediate effect. He will also be fined £3500.
27. The penalties do not contain an express element of deterrence. We have not included any uplift for deterrence. The seriousness of the offence merits the penalties we have imposed. We trust the penalties will act as a deterrent without any need to add anything to them for that purpose.
28. We also order the Player to pay £5000 costs of this Regulatory Commission.⁵
29. Recognising that immediate payment of the fine and costs may well be difficult for Mr Williams, especially in the light of the 8 months suspension, we order that half of the fine and half of those costs must be paid by 31 October 2009 and the whole then outstanding balance by 31 January 2010.

Nicholas Stewart QC
Chairman

23 July 2009

⁵ Under regulation 8.8(b) of the *Regulations for Football Association Disciplinary Action: The FA Handbook Season 2008-2009*, pages 298-307. Rule 8.8 (b) is at page 304.