



THE FOOTBALL ASSOCIATION

POINTS BASED SYSTEM APPEAL PANEL TERMS OF REFERENCE AND OPERATING PROCEDURES

Terms of Reference

The purpose of an appeal panel under the Points Based System is to consider appeals referred to it by the Points Based System Administrator at the request of the applicant Club and to make a recommendation as to whether or not a Governing Body Endorsement should be issued.

In making their recommendation, the panel will form a judgement based on the written evidence and verbal submissions of the appellant Club as to whether, despite not meeting the published criteria, the player concerned is believed to be of the highest calibre and able to make a significant contribution to the development of the game at the top level in England.

Membership

The panel will normally comprise one representative from each of the Football Association, the Professional Footballers' Association and the relevant League (Premier League or Football League, depending which the appellant Club is a member of), as well as three independent football experts selected from a list of ex-professional players and Managers with a good knowledge of both domestic and international football.

In exceptional circumstances, it may be necessary for a hearing to proceed with less than three independent experts, in which case the applicant Club will be informed as soon as possible. In the event that the Club raises an objection and a replacement member cannot be found, every effort will be made to reschedule the hearing.

Secretariat

The Football Association will provide a Chairperson who will act in a non-voting capacity. The Chairperson will be responsible for convening the panel and circulating any papers prior to the hearing as necessary.

Operating procedures

The panel will conduct its proceedings in private and all evidence presented by the Club will be held in the strictest confidence and not divulged to any third party.

The panel will evaluate all evidence submitted by the appellant Club, including written and oral submissions as well as any video evidence. The Club will be asked to indicate when it lodges notice of appeal the range and type of evidence it intends to present.

During the hearing, the panel are at liberty to question any of the Club representatives present.

On conclusion of the Club's presentation and once all panel members have exhausted their questioning, the Club representatives will be dismissed. The panel will then be asked to make a decision and to provide full written reasons for this decision by means of a voting form on which they will indicate, individually, whether or not they believe a Governing Body Endorsement should be issued. The Chairperson will then collate all the votes and reveal to the panel what their collective recommendation will be.

The Club requires a majority positive vote in order for the appeal to be successful (for example 6-0, 5-1 or 4-2 where there are 6 panel members). The verdict will be communicated to the appellants Club by the Chairperson.

Appeals against the panel's decision

The Club will have no further right of appeal in the event that the panel does not agree to grant the Governing Body Endorsement and a further panel in respect of the same player cannot be requested within 4 months of the initial hearing.

Frequency of panel meetings

Panels will be arranged at the request of a Club, however a minimum of 7 days notice is required in order for a panel to be convened. Where an appeal may reasonably be expected at short notice, for instance towards the end of a transfer window, provisions will be put in place in advance in order that a panel may be held at short notice. In this case, panel members will be put on stand-by and convened in the event that an appeal is lodged.

Impartiality

Every effort will be made to ensure that no conflict of interest exists between any of the panel members and the applicant Club, player or any of the Club representatives, which would prevent them from making a fair judgement. The Club will have the opportunity to object to the composition of the panel prior to the hearing if it so chooses.

All panel members will act in an impartial manner and must not be subjected to any pressure either prior to or following the hearing.

Confidentiality

The panel's deliberations are confidential. The breakdown of votes will not be disclosed, either to the appellants Club or to the panel.

Fees

A fee of £1,000 plus VAT will be levied upon a Club requesting an appeal, in order to cover the cost of attendance of the panel members as well as the administrative procedures involved in convening the panel.