

## TEST OF GOOD CHARACTER AND REPUTATION FOR INTERMEDIARIES

This Test of Good Character and Reputation is made pursuant to Appendix II paragraph 1.3 of The Association Regulations on Working with Intermediaries and is based upon the requirement for The Association to be satisfied that Intermediaries have an impeccable reputation in accordance with paragraph 4.1 of the FIFA Regulations on Working with Intermediaries.

### A. DEFINITIONS

In this document defined terms shall have the meaning set out within The Association Regulations on Working with Intermediaries and the Rules of The Association. In addition, the following words shall have the following meanings:

**“Applicant”** means any person who is seeking to register as an Intermediary.

**“Assessment”** means the process whereby The Association considers whether or not an Applicant or Intermediary shall be permitted to proceed with or retain (as applicable) his authorisation to conduct Intermediary Activity in relation to Minors based on the content appearing on the Check. The Association may require additional information to be provided in order to make the Assessment, which may include, without limitation, written explanations and character references. The Assessment will be conducted in accordance with the content of Appendix I.

**“Bankruptcy Order”** means an order adjudging an individual bankrupt.

**“Bankruptcy Restriction Order”** and **“Interim Bankruptcy Restriction Order”** mean the orders of the same name made under the provisions of the Insolvency Act 1986, any successor thereof or any legislation in any jurisdiction outside England and Wales to the same effect.

**“Check”** means a criminal record check shared by the Applicant or Intermediary with The Association, who will make a suitability decision on whether the Applicant or Intermediary is authorised by The Association to conduct Intermediary Activity in relation to Minors. The Check will take the form of an Enhanced Certificate from the Disclosure and Barring Service and will be applied for via The Association’s Criminal Records Body for Applicants and Intermediaries domiciled in England and Wales or the equivalent of such an Enhanced Certificate issued by an official body for Applicants and Intermediaries domiciled outside of these jurisdictions. Intermediaries are deemed to be regularly in sole charge or supervision of Minors for whom they are conducting Intermediary Activity. Intermediaries will be required to provide a new Check every 3 years to maintain their authorisation to conduct Intermediary Activity in relation to Minors. Where it considers it appropriate, The Association reserves the right to request that the Applicant or Intermediary provides it with a criminal record check issued by an official body of said country in order to perform the Assessment.

**“Disclosure and Barring Service”** means an executive non-departmental public body, sponsored by the Home Office and established to help organisations make safer recruitment decisions by conducting checks on an individual’s criminal record.

**“Declaration”** means for Applicants, the declaration contained in the application process whereby the Applicant is required to confirm that he is not subject to a Disqualifying Condition, and for Intermediaries such other form as The Association may produce for the Intermediary to confirm that he is not subject to a Disqualifying Condition and request the Intermediary to complete from time to time.

**“Disqualifying Condition”** means all or any of those criteria listed in the Declaration and set out below at paragraph B.1.

**“Disqualifying Instruction”** means the written notification from The Association:

- a) to an Applicant, stating that he is not permitted to register as an Intermediary or not authorised to conduct Intermediary Activity in relation to Minors (as applicable); or
- b) to an Intermediary, stating that he is no longer permitted to be registered as an Intermediary or no longer authorised to conduct Intermediary Activity in relation to Minors (as applicable);

and stating the grounds for this decision.

**“Individual Voluntary Arrangement”** means an arrangement made under the provisions of the Insolvency Act 1986, any successor thereof or any legislation in any jurisdiction outside England and Wales to the same effect.

## **B. DISQUALIFYING CONDITIONS**

1. The following matters are considered by The Association to be Disqualifying Conditions for an Applicant or Intermediary:

a) Currently having an unspent conviction (or where the Rehabilitation of Offenders Act 1974 does not apply for any reason, having a conviction within the period that would have rendered that conviction unspent had the provisions of that Act applied) for any offence (including any attempt to commit the same) anywhere in the world that The Association considers to fall within the category of a sexual and/or violent and/or financial and/or dishonest crime;

b) Currently being prohibited by law (whether domestic or in any jurisdiction outside England and Wales) from being a director (including without limitation as a result of being subject to a disqualification order as a director of a company under the Company Directors' Disqualification Act 1986 (as amended), or being subject to the terms of an undertaking given to the Secretary of State under that Act, unless a court of competent jurisdiction makes an order under that Act permitting an appointment as a director);

c) Currently being subject to

(i) a suspension or ban from involvement in the administration of a sport (whether such suspension or ban is direct or indirect, for example a direction to persons subject to the jurisdiction of the ruling body that they should not employ, contract with or otherwise engage or retain the services of an individual) and/or

(ii) a suspension or ban from participating in a sport for a duration of at least 6 months and/or

(iii) a prohibition from working as a sports agent/intermediary (or in any equivalent capacity)

by any ruling body of a sport that is registered with UK Sport and/or Sport England, or any corresponding or equivalent national or international association;

d) Currently being subject to an Individual Voluntary Arrangement, a Bankruptcy Order, Interim Bankruptcy Order or a Bankruptcy Restriction Order;

e) Currently being subject to any form of suspension, disqualification or striking-off by a professional body including, by way of example and without limitation, the Law Society, the Solicitor's Regulation Authority, the Bar Council or the Institute of Chartered Accountants of England and Wales or any equivalent body in any jurisdiction outside England and Wales;

f) Currently being required to notify personal information to the police in accordance with Part 2 of the Sexual Offences Act 2003, any statutory modification or re-enactment thereof or any equivalent legislation in any jurisdiction outside England and Wales;

g) Only in relation to the authorisation to conduct Intermediary Activity in relation to Minors, failing the Assessment.

## **C. REQUIREMENTS FOR APPLICANTS**

1. An Applicant will be required to provide a Declaration during his Registration.

2. Any Applicant who cannot confirm in the Declaration that he is not subject to any Disqualifying Condition will not be permitted to proceed with his Registration. Any Applicant who fails the Assessment will not be authorised to conduct Intermediary Activity in relation to Minors. The provision of false or misleading information in the Declaration or in relation to the Assessment may amount to Misconduct in accordance with Rule E1(b). Any charge for Misconduct shall be dealt with in accordance with the Rules of The Association and be determined by a Regulatory Commission of The Association.

## **D. REQUIREMENTS FOR INTERMEDIARIES**

1. An Intermediary shall complete a Declaration every time he is involved in a Transaction and at any other such time as The Association shall require at its discretion.

2. The Registration of any Intermediary who cannot satisfactorily complete a Declaration or fails the Assessment will be suspended for the shorter of the following two periods:

a) the duration of the Disqualifying Condition; or

- b) the remaining duration of the Registration.
3. Where any Intermediary fails the Assessment, his authorisation to conduct Intermediary Activity in relation to Minors shall be suspended.
  4. The provision of false or misleading information in the Declaration or in relation to the Assessment may amount to Misconduct in accordance with Rule E1(b). Any charge for Misconduct shall be dealt with in accordance with the Rules of The Association and be determined by a Regulatory Commission of The Association.
- E. DISQUALIFYING INSTRUCTION**
1. The Association will issue a Disqualifying Instruction:
    - a) to an Applicant or Intermediary who cannot satisfactorily complete the Declaration or fails the Assessment; or
    - b) to an Intermediary upon The Association becoming aware that the Intermediary is subject to at least one Disqualifying Condition.
  2. The Applicant or Intermediary may appeal against the issuing of such a Disqualifying Instruction to an Appeal Board of The Football Association in accordance with the Regulations for Football Association Appeals. For the avoidance of doubt, Regulation 2.1 of the Regulations for Football Association Appeals will not be applicable to an appeal made pursuant to this paragraph. A Notice of Appeal must be submitted in writing (for the attention of the Judicial Services) by post (The Football Association, Wembley Stadium, PO Box 1966, London, SW1P 9EQ), courier (The Football Association, Wembley Stadium, Wembley, London, HA9 0WS) email (discipline@thefa.com) or fax (0844 980 0626), and received by The Association within 14 days of notification of the Disqualifying Instruction. The Notice of Appeal must be accompanied by a deposit in the amount set by The Association from time to time.

## APPENDIX I - POLICY FOR ASSESSMENT OF CRIMINAL RECORD CHECKS

### Background

The assessment of information in relation to the criminal record of an Applicant or Intermediary is one element of this Test of Good Character and Reputation for Applicants or Intermediaries applying to work in relation to Minors.

In conducting Intermediary Activity in relation to Minors, Intermediaries are regularly in sole charge or supervising Minors. Therefore, The Association is entitled to request a Check from those wishing to work in relation to Minors. The Association has an exemption under the Rehabilitation of Offenders Act which enables it to consider all aspects of a person's criminal record, and not be limited to consideration of unspent convictions only.

In assessing whether an Applicant or Intermediary is suitable to conduct Intermediary Activity in relation to Minors, The Association will consider all aspects of the Check.

### Basis of assessment

The Association will make the Assessment taking into account a number of factors, which will include without limitation:

- a) The nature of all offences, with particular regard to matters which involve offences against minors, offences involving violence, offences involving dishonesty, offences of a financial nature;
- b) The nature of any other disclosure information;
- c) Whether any conviction(s) is/are spent;
- d) The length of time since the offence(s);
- e) Age at time of offence(s);
- f) Number of offence(s);
- g) Pattern of offences;
- h) Relationship to the victim and the victim's age;
- i) Other mitigating and/or aggravating factors.

All Applicants and Intermediaries will be assessed on a case by case basis. They may be asked for references and written explanations in respect of the content of any Check, in which case such references and explanations will also form part of the Assessment.

The Association will act fairly and proportionately in reaching its decision based on all matters of significance and relevance. In so doing The Association will act in accordance with the Disclosure and Barring Service Code of Practice and The Association's Policy on the recruitment of ex-offenders and will hold the welfare of Minors as the paramount consideration.