

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 mandatory 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 enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors based on the content appearing on the Check. Intermediaries are deemed to be regularly in sole charge or supervision of Minors for whom they are conducting Intermediary Activity. For the avoidance of doubt, an Assessment is not required for Applicants or Intermediaries who do not wish to conduct Intermediary Activity in relation to minors.

“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, in the form of (i) an Enhanced Certificate from the Disclosure and Barring Service obtained via The Association’s Criminal Records Body for Applicants and Intermediaries domiciled in England and Wales, or (ii) the equivalent of such an Enhanced Certificate issued by an official body for Applicants and Intermediaries domiciled outside of these jurisdictions, and shared by the Applicant or Intermediary with The Association.

“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 enter into a Representation Contract with, or 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 enter into a Representation Contract with, or 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 suspension 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.

C. REQUIREMENTS FOR ALL APPLICANTS AND INTERMEDIARIES

1. An Applicant will be required to provide a Declaration during his application for Registration. 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.
2. 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. Any Intermediary who cannot confirm in the Declaration that he is not subject to any Disqualifying Condition shall be issued with a Disqualifying Instruction.
3. Intermediaries are obliged to notify The Association within 10 working days of any change in circumstances relating to the requirements under this Test.
4. The provision of false or misleading information in the Declaration 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 AUTHORISATION TO CONDUCT INTERMEDIARY ACTIVITY IN RELATION TO MINORS

1. Any Applicant seeking authorisation to enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors shall, following completion of a Declaration, be:
 - a. required to obtain, and share with The Association, a Check; and
 - b. subject to an Assessment in accordance with Appendix I.
2. An Intermediary must obtain additional authorisation from The Association in order to be able to enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors. An Intermediary applying for such authorisation shall be required to satisfy The Association of his suitability on terms that shall be stipulated by The Association from time to time but will include provision of a Check and passing an Assessment. This authorisation, if granted, shall be valid for three years, subject to the Intermediary not becoming subject to a Disqualifying Instruction and otherwise remaining registered with The Association.
3. The Association reserves the right to request any additional information to be provided in order to make the Assessment, which may include, without limitation, written explanations and character references.
4. Any Applicant or Intermediary who fails the Assessment will not be authorised to enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors and will be subject to a Disqualifying Instruction.
5. The provision of false or misleading information in relation to the Assessment may amount to Misconduct in accordance with Rules. 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 to:

- a. an Applicant or Intermediary who cannot satisfactorily complete the Declaration;
 - b. an Applicant or Intermediary who fails the Assessment; or
 - c. an Intermediary upon The Association becoming aware that the Intermediary is subject to at least one Disqualifying Condition.
2. Where a Disqualifying Instruction has been issued in relation to:
 - a. a Disqualifying Condition, the duration of the Disqualifying Instruction shall be equivalent to the duration of the Disqualifying Condition; or
 - b. an Applicant or Intermediary failing an Assessment absent a Disqualifying Condition, the duration of the Disqualifying Instruction shall be at least 24 months.
3. Where an Applicant is in receipt of a Disqualifying Instruction pursuant to:
 - a. paragraph E.1(a) above, the Applicant will not be permitted to proceed with their Registration and will be prohibited from any further Registration applications for the duration of the Disqualifying Instruction; or
 - b. paragraph E.1(b) above, the Applicant will not be authorised to enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors but may still proceed with their application for Registration.
4. Where an Intermediary is in receipt of a Disqualifying Instruction pursuant to:
 - a. paragraph E.1(a) or (c), the Intermediary will no longer be permitted to enter into a Representation Contract or conduct Intermediary Activity; or
 - b. paragraph E.1(b), the Intermediary will not be authorised to enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors.
5. The Applicant or Intermediary may appeal against the issuing of a Disqualifying Instruction to an Appeal Board of The Association in accordance with The Association's Disciplinary Regulations, Appeals – Non Fast Track. For the avoidance of doubt, Regulation 2.1 of these Regulations will not be applicable to an appeal made pursuant to this paragraph.
6. 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) or email (discipline@thefa.com) and received by The Association within 14 days of notification of the Disqualifying Instruction.
7. 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 deemed to be regularly in sole charge of or supervising Minors for whom they are conducting Intermediary Activity.

The Association is therefore entitled to request a Check from those wishing to enter into a Representation Contract with, or conduct Intermediary Activity 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 enter into a Representation Contract with, or 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, and 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.

Outcome of 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. Should The Association determine that the Applicant or Intermediary has failed the Assessment, they will not be authorised to enter into a Representation Contract with, or conduct Intermediary Activity in relation to, Minors.

The Applicant or Intermediary may appeal against any determination that he has failed the Assessment to an Appeal Board of The Association in accordance with The Association's Disciplinary Regulations, Appeals – Non Fast Track. For the avoidance of doubt, Regulation 2.1 of these Regulations 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) or email (discipline@thefa.com) and received by The Association within 14 days of notification of failing the Assessment.

The Notice of Appeal must be accompanied by a deposit in the amount set by The Association from time to time.