

The Football Association – Governing Body Endorsement Requirements for Men’s Team Director of Football

THE FOOTBALL ASSOCIATION MEN’S TEAM DIRECTOR OF FOOTBALL - POINTS BASED SYSTEM 2021/2022 SEASON (4 June 2021 ONWARDS)

The rules and criteria set out in this document will apply for the 2021/22 season and will be effective from 4 June 2021. The criteria will be reviewed in late 2021 in order that revised criteria can be issued in advance of the winter transfer window in January 2022.

For any queries regarding these criteria or the application process, please contact Freddie Carter (Player Status Department) at Freddie.Carter@thefa.com (or registrations@thefa.com) or on 0844 980 8200 # 4818.

The FA is the approved governing body for Football in the UK. The FA has the ability (subject to other requirements being met) to issue a Governing Body Endorsement for a player, coach or manager who is intended to participate in any of the following:

- any match that has been organised and/or sanctioned by The FA, FIFA or UEFA;
- any match that has been organised by either the Premier League or the English Football League and that has also been sanctioned by The FA; or
- any match or category of match whereby consent of the FA has been given for that player, coach or manager’s club to play.

Please note that this guidance should be reviewed in conjunction with the relevant advice issued by the Home Office. The FA is not registered to give advice on immigration routes or processes or to advise on an individual’s immigration status and clubs should fully apprise themselves of their duties and responsibilities as sponsors. Information on aspects of immigration policy and law can be found on the Home Office website at www.gov.uk/browse/visas-immigration. You may also wish to seek advice from an Office of the Immigration Services Commissioner (OISC) registered advisor or someone who is appropriately qualified but otherwise exempt from such a registration requirement, for example, a qualified solicitor. The UK Visas and Immigration Centre can be contacted on 0300 123 2241.

Clubs are advised to allow sufficient time for entry clearance or leave to remain to be granted. The time taken may vary depending upon where the Director of Football is making his or her application from. A guide to visa processing times is available on the Home Office website at: www.gov.uk/visa-processingtimes.

Please note that an individual’s personal and immigration history may be taken into account when their application is being considered.

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GLOSSARY

Aggregated FIFA World Rankings means the aggregated rankings list for senior men’s international teams over a period of two years that are published by The FA following publication of the FIFA World Rankings. This list is available on www.thefa.com.

Band 1 means the English Premier League, the Bundesliga, La Liga, Serie A and Ligue 1.

Band 2 means the Portuguese Primeira Liga, Eredivisie, Belgian First Division A, the Turkish Super Lig and the English Championship.

Band 3 means the Russian Premier League, Campeonato Brasileiro Série A, Primera División of Argentina, Liga MX and the Scottish Premiership.

Band 4 means the Czech First League, Croatian First Football League, the Swiss Super League, La Liga 2, Bundesliga 2, Ukrainian Premier League, the Greek Superleague, the Colombian Categoría Primera A, the USA’s Major League Soccer, the Austrian Football Bundesliga, the Danish Superliga and Ligue 2.

Band 5 means the Serbian SuperLiga, the Polish Ekstraklasa, the Slovenian PrvaLiga, the Chilean Primera División, the Uruguayan Primera División, the Swedish Allsvenskan Division, the Norwegian Elitserien Division and the Chinese Super League.

Certificate of Sponsorship means a certificate assigned to a Director of Football pursuant to a club’s Sponsor’s Licence.

Director of Football means a director of football, technical director or head of recruitment who is not a citizen of the United Kingdom or Ireland and has not acquired permanent residence in the United Kingdom, been granted pre-settled status or settled status under the EU Settlement Scheme.

Exceptions Panel means a panel appointed by The FA to consider an application for a GBE in accordance with paragraphs 19-26.

Extended GBE means a new GBE applied for by a Club in respect of a Director of Football who has already received a GBE for that Club which is due to expire.

GBE means Governing Body Endorsement.

Home Association means The Scottish Football Association, the Football Association of Wales and The Irish Football Association.

Overall Responsibility means ultimate responsibility and decision making authority for the first team and first team selection. For the avoidance of doubt, Overall Responsibility does not mean sole responsibility for the first team and first team selection. A Manager can have Overall Responsibility even where he or she is advised or assisted by others (for example, assistant managers or assistant first team coaches).

Partial Responsibility means responsibility for giving advice or assistance in respect of the first team to someone with Overall Responsibility.

Managed means has been a first team manager or first team head coach and, in that role, had Overall Responsibility or has been assistant first team manager or assistant head coach and, in that role, had Partial Responsibility.

PBS means the Home Office Points Based System.

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Reference Period means the five year period immediately prior to the date of the application for a GBE.

Relevant Interested Parties means a representative of (i) the league in which the Director of Football is employed, or will be employed if the application for a GBE is successful, and (ii) the League Managers Association.

Season means the period commencing on the date of the first match of the Premier League or English Football League and ending on the date of the last match of the Premier League or English Football League.

Sponsor’s Licence means a licence obtained from the Home Office under the PBS.

Stakeholders means The FA, The Premier League, The English Football League and The League Managers Association.

The FA means the Football Association.

T2 means T2 Sportsperson.

T5 means T5 (Temporary Worker) Creative or Sporting.

Top League means any league in Band 1, Band 2, Band 3, Band 4 or Band 5.

GOVERNING BODY ENDORSEMENT REQUIREMENTS

GBE STATUS

1. Before a Director of Football is permitted to undertake any employment duties for the club, the club must have obtained a GBE in respect of the Director of Football and the Director of Football must have been assigned a Certificate of Sponsorship by that club and secured leave to remain under T2 or T5 of the PBS.
2. A club can apply for a GBE for a Director of Football at any time during the Season. In order to apply for a GBE, a club must hold a valid Sponsor’s Licence under T2 and/or T5 of the PBS. In order to apply for and obtain a valid Sponsor’s Licence, a club must have obtained an endorsement letter for a Sponsor’s Licence from the FA. If a Club’s Sponsor’s Licence is revoked, any Director of Football who has obtained a GBE in order to play for the Club may have his or her leave curtailed and may have to make a change in employment application which must be granted before the Director of Football can undertake any employment duties for the new club.
3. Clubs in the Premier League or English Football League are eligible for a Sponsor’s Licence. Clubs in other leagues within the men’s football pyramid are not permitted to employ Directors of Football unless:
 - a) The Director of Football has obtained a visa outside the GBE system which permits them to carry out that role for the club (on such terms as they in fact carry out that role); and
 - b) The Director of Football’s employment by the club complies with the terms and conditions of their visa and any relevant immigration law, including the Immigration Rules (or any successor legislation).
4. If The FA grants an application for a GBE for a Director of Football in accordance with these criteria, the club is permitted to assign a Certificate of Sponsorship to the Director of Football for the period covered by the GBE. The GBE must be presented to the Home Office when the club applies for entry clearance on behalf of a Director of Football, which must be done within three months of a Certificate of Sponsorship being assigned. Any Certificate of Sponsorship and a copy of the Director of Football’s biometric residence permit must be submitted to The FA by the club within three months of being assigned. Clubs must keep a copy of the relevant page of the Director of Football’s passport evidencing their entitlement to work and contact details for the Director of Football, which must be provided to The FA upon request. The club will also have to comply with any other criteria set by the Home Office in order to secure leave to remain under T2 or T5 of the PBS.
5. A GBE under T2 of the PBS will be granted for three years or the length of the Director of Football’s contract (whichever is shorter) and a GBE under T5 of the PBS will be granted for twelve months or the length of the Director of Football’s contract (whichever is shorter). A Director of Football will not be eligible to undertake employment duties for the club beyond the expiry date of the GBE unless the club has applied for and obtained an Extended GBE before the existing GBE has expired in accordance with these criteria and the PBS.

Extensions to or transfers of a GBE

6. An Extended GBE under T2 of the PBS can be obtained for three years or the length of the Director of Football’s contract (whichever is shorter). If a GBE was granted for less than

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twelve months under T5 of the PBS, an Extended GBE can be obtained to extend the period of the Director of Football’s GBE to a total of twelve months and the application can be made within the country. If a Club wishes to grant an Extended GBE under T5 of the PBS to extend the period of the Director of Football’s GBE to over twelve months, the Director of Football must leave the country before the expiry of the twelve month period and make an application for an Extended GBE under T5 of the PBS.

7. A Director of Football who has been granted a GBE under T5 of the PBS can apply (in country) to transfer to a GBE under T2 (Sportsperson) of the PBS, provided that application is made within twelve months of the T5 GBE being granted. The club must submit a new application for a GBE and provide a pass certificate, or other written confirmation containing an appropriate reference number, from an accredited English language test centre that the Director of Football has passed the English language test required to secure leave to remain under T2 of the PBS (in addition to the documents listed in paragraph 12).
8. A Director of Football who has been granted a GBE must submit a new application for a GBE if he or she wishes to take up that role with another club. If the GBE is granted, the Director of Football must submit a change of employment application to the Home Office, which must be granted before the Director of Football can undertake any employment duties for the new club.
9. Any application for an Extended GBE (in accordance with paragraph 6), a transfer of a GBE (in accordance with paragraph 7) or a new club application for a GBE (in accordance with paragraph 8) shall be considered as follows:
 - a) If the Director of Football meets the criteria set out in paragraph 16, a new or Extended GBE will be granted (as appropriate).
 - b) If the Director of Football does not meet the criteria set out in paragraph 16, the club must submit any information which it considers to be relevant to its application to The FA. The FA will then provide this information to the Relevant Interested Parties by email. The FA and the Relevant Interested Parties shall consider this information, and any other information which they deem to be relevant in their absolute discretion, to determine whether the Director of Football remains of sufficient quality to be awarded a GBE. The FA and the Relevant Interested Parties shall make a decision by simple majority and if a majority of The FA and the Relevant Interested Parties recommend that the Director of Football should be awarded a GBE, a new or Extended GBE will be granted (as appropriate).
 - c) The Director of Football shall not have a new or Extended GBE granted (as appropriate) other than in accordance with paragraphs 9.a) or 9.b) above.
10. If a Director of Football:
 - a) does not turn up for employment;
 - b) is absent for more than 10 working days without permission;
 - c) has his or her contract terminated during the period that a GBE is effective;
 - d) is no longer sponsored by the club for any other reason; or
 - e) experiences any significant changes in circumstances (such as a change in job title, salary or location of employment),

the club must inform the Home Office within 10 days.

11. The club must also inform the Home Office if there is a change of circumstances at the club within 20 working days. A change in circumstances might include changes of name, address or contact details, changes in structure (including mergers, takeovers and de-mergers),

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changes in financial circumstances (such as administration, receivership, company voluntary arrangement, debt arrangement scheme, liquidation or sequestration).

APPLICATION PROCESS

12. A club must submit a fully completed application form for a GBE (see Appendix 1) to The FA’s Player Status Department along with any evidence in support of the application.
13. The club must also pay an administration fee of £500 plus VAT for each application within 14 days of the date on which the decision is communicated to the club. Each club shall bear its own costs in respect of any application.
14. If any information submitted as part of the GBE application process is amended (including the terms and conditions of a Director of Football’s contract or scope, job description or nature of the role):
 - a) before a GBE has granted and before the Director of Football has commenced his or her role, the club must inform The FA who may require a new application to be submitted (and a new fee to be paid);
 - b) after a GBE has been granted but before the Director of Football has commenced his or her role, the club must inform The FA who may require a new application to be submitted (and a new fee to be paid); or
 - c) after a GBE has been granted and after the Director of Football has commenced his or her role, the club must inform the Home Office via the Sponsorship Management System. The Home Office will confirm whether they require a new application to be submitted (and a new fee to be paid).
15. If a new application is required in accordance with paragraphs 14.b) or 14.c), it will be assessed by reference to the criteria set out in this document and the Club must comply with paragraphs 16-18 of these criteria in respect of the new application. The FA may also inform the Home Office who may curtail the Director of Football’s right to work.

CRITERIA

16. A Director of Football will only be granted a GBE if:
 - a) The Director of Football has responsibility for some (if not all) of the following activities:
 - i. Shaping the short, medium and long-term strategic footballing plan for the club
 - ii. Advising in relation to youth development issues
 - iii. Management of player transfers in and out of the club, including contract negotiations
 - iv. Control over player research and football staff recruitment
 - v. Overseeing all aspects of sports science at the club, including fitness, rehab and medical
 - vi. Overseeing the development of the club’s international profile
 - vii. Handling all aspects of commercial contracts requiring “football” involvement
 - viii. Managing the club’s scouting department
 - b) The Director of Football holds a UEFA professional licence or equivalent.
 - c) The Director of Football has:
 - i. been employed as a Director of Football in a Top League during the Reference Period; or

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- ii. Managed in a Top League during the Reference Period; or
 - iii. Managed an international team during the Reference Period which has an Aggregated FIFA World Ranking of 70 or above as at the date of the application for a GBE.
17. If a Director of Football is not granted a GBE in accordance with paragraph 16 above, the Club may request that an Exceptions Panel consider the application. If the Club requests an Exceptions Panel, the procedure in paragraphs 19-26 shall apply.
18. If a Director of Football is not granted a GBE in accordance with paragraphs 16 or 19-26, he or she will have no further opportunity to apply for a GBE unless his or her circumstances change and will not be eligible to be the Director of Football for the applicant club.

EXCEPTIONS PANELS

Please note that Exceptions Panels will not be available after the summer transfer window in 2021.

19. If a club requests an Exceptions Panel in accordance with paragraph 17, The FA will appoint an independent panel of three members, which shall include one legally qualified chair and two panel members who have relevant experience at the top level of the game (the “**Panel Members**”).
20. A fee of £5,000 plus VAT will be charged for every Exceptions Panel, which must be paid by the club before the application will be considered by the Exceptions Panel.
21. The club will be notified of the identity of the Panel Members and have the opportunity to challenge the appointment of any Panel Member on the basis of an actual or perceived conflict of interest. Each Panel Member shall also have the opportunity to declare an actual or perceived conflict of interest (of him or herself or any other Panel Member) to the Chair or, if the conflict of interest relates to the Chair, to The FA. The Chair, or The FA respectively, shall then determine whether the Panel Member should be excluded from participating in the application. If the Panel Member is excluded from participating in the application, The FA will appoint a replacement Panel Member (to whom this paragraph shall also apply).
22. The Exceptions Panel can request any further information from The FA’s Player Status Department, the applicant club or any third party (via The FA’s Player Status Department) that it deems necessary, in its absolute discretion, in order to make its decision. If an Exceptions Panel meeting has been convened or is in progress when a request for further information is made, the Chair may adjourn the meeting to allow the information to be gathered. Where it is able to do so, the applicant club or the secretariat will supply the further information to the Exceptions Panel within a reasonable timescale.
23. The Exceptions Panel shall only recommend to The FA that a GBE be granted if it is satisfied that the Director of Football is of the highest calibre and is able to contribute significantly to the development of the game at the top level in England. In doing so, the Exceptions Panel will have regard to the following (and any other matters that the Exceptions Panel determine to be relevant in its absolute discretion):
- a) the league or leagues in which the Director of Football has worked for the Reference Period;

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- b) the participation of the club(s) at which the Director of Football worked during the Reference Period in in competitive continental or world competition during the Director of Football’s tenure;
 - c) the Aggregated FIFA World Ranking of any international team(s) that the Director of Football has worked for during the Reference Period;
 - d) the participation of the club(s) in competitive continental, youth international and world competition during the Director of Football’s tenure;
 - e) the reasons why the automatic criteria (set out in paragraph 16) have not been met and;
 - f) the contribution to the domestic game in the country the Director of Football worked in during the Reference Period, for example evidence of the promotion/development of young footballers who have gone on to contribute for a national team (at senior or youth team level).
24. The Exceptions Panel will make its decision, based on the papers submitted to it, at an in-person or virtual meeting at which The FA will provide appropriate secretarial support. Each Panel Member has one vote and the decision will be made by a simple majority, with the chair having a casting vote.
25. If the Exceptions Panel recommends to The FA that a GBE be granted, The FA will consider whether to grant a GBE (but is under no obligation to do so).
26. Written reasons for the decision will be supplied by the Exceptions Panel to the applicant club. An anonymised summary of each decision will be made available (on a confidential basis) to all Stakeholders and Stakeholders may make these summaries available to clubs in the Premier League or English Football League.

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Appendix 1

Application Form