

POINTS BASED SYSTEM
GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR MANAGERS
2020/2021 SEASON

Introduction

The purpose of this document is to explain how football clubs in England seek to obtain Governing Body Endorsements (where necessary) from The FA for Managers under Tiers 2 (Sportsperson) and 5 (Temporary Worker – Creative and Sporting) of the Home Office Points Based System (“**PBS**”) for the 2020/21 season.

Unless otherwise defined, capitalised terms are given the meanings set out in the Glossary on pages 2 to 5.

Consultation

The criteria set out in this document have been agreed by the Home Office following consultation between the Stakeholders.

Duration

The criteria set out in this document will apply for part of the 2020/21 season will be effective from 1st June 2020 through to 31st December 2020 when the transition period between the United Kingdom and the EU will come to an end. The criteria are subject to ongoing review in order that revised criteria may be issued by 31 December 2020 to operate from 1st January 2021 for the remainder of the 2020/21 season.

Please note that, based on the current transition timetable between the United Kingdom and the EU, The FA expects Exceptions Panels and the ability to request them, to be removed as of the winter transfer window of the 2020/21 season. This will be kept under review and reflected, as appropriate, in the revised criteria.

Glossary

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

Certificate of Sponsorship means a certificate assigned to a non-EU/EEA Manager by a club following the granting of a GBE for that Manager by The FA. Such a certificate will quote a unique reference number that links to information held by the Home Office about the individual's job and personal details;

FIFA means the Fédération Internationale de Football Association;

FIFA World Rankings means the rankings for senior international women's teams published on the FIFA website www.fifa.com (these rankings can currently be found at <http://www.fifa.com/fifa-world-ranking/ranking-table/men/>);

Governing Body Endorsement or GBE

means an endorsement issued by The FA to a club for a non-EU/EEA Manager who is internationally established at the highest level, whose employment will make a significant contribution to the development of football at the highest level in the UK and who intends to be based in the UK;

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

Home Office means the department of the UK government responsible for immigration, counter- terrorism, police, drugs policy, and related science and research;

Managed means that the Manager must have been a first team manager or head coach of a club or international team and in that role had Overall Responsibility;

Manager means the first team manager or first team head coach of a football club in membership of the Women's Super League or the Women's Championship who has Overall Responsibility;

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 is advised or assisted by others (for example, assistant managers or assistant first team coaches);

Prescribed Time means a cumulative total of at least 36 months or a consecutive total of 24 months or more within the 5 year period immediately preceding the date of application for a Governing Body Endorsement;

Relevant Interested Parties means an appropriate representative of either the Women's Super League or the Women's Championship (depending on the league in which the Manager operates) and the League Managers Association;

Sponsor means a Women's Super League or Women's Championship club which has satisfied the Home Office criteria to assign Certificates of Sponsorship;

Stakeholders means The FA, the Women's Super League, the Women's Championship, The League Managers Association, and the Home Associations;

The FA means The Football Association Limited a company incorporated in England and Wales with registered number 00077797 and whose registered office is at Wembley Stadium, Wembley, London HA9 0WS, designated for the purposes of a GBE as the "recognised governing body" and which shall be represented by its Direction or Football Regulation and Administration or his nominee;

The League Managers Association means an unincorporated association established to represent and promote the views of professional football managers and which operates from St George's Park, Newborough Road, Needwood, Burton upon Trent DE13 9PD;

Top League means any one of the following leagues:

- - Australia W-League;
 - National Women's Soccer League
 - England Women's Super League;
 - French Feminine Division 1;
 - Italian Femminile Serie A;
 - German Frauen Bundesliga;
 - Spanish Women's Primera Division;
 - Sweden Damallsvenskan; or
 - Japanese Nadeshiko League.

1. GENERAL CONSIDERATIONS

1.1. Eligibility to become a Sponsor

In order to apply for a Governing Body Endorsement from The FA, an applicant club must hold a Sponsor's licence under Tier 2 and/or Tier 5 of the PBS and thereby be eligible to assign Certificates of Sponsorship.

To be eligible to become a Sponsor and assign Certificates of Sponsorship a club must be a member of the Women's Super League or the Women's Championship. A Sponsor's licence issued under Tier 2 or Tier 5 is valid for a period of 4 years, after which time it may be renewed. Clubs should note that a Sponsor's licence may be revoked at any time if the Sponsor is seen to be failing in its compliance with its duties. Where a Sponsor's licence is revoked, a Manager's leave may be curtailed. This means that a Manager must make a change of employment application if they wish to remain in the UK.

1.2. Certificates of Sponsorship

A Certificate of Sponsorship will be assigned to a Manager by the club once The FA has confirmed that the application on behalf of the Manager has satisfied the requirements for a GBE. Any Certificate of Sponsorship assigned to a Manager must be submitted to The FA by the applicant club.

1.3. Length of Season

For the purposes of the PBS, the playing season for this sport is from August to May. This may vary slightly from season to season depending on the arrangement of the first and last matches.

1.4. Time for making an application

A club can apply for a Governing Body Endorsement at any time during the season and any application will be considered against the criteria set out below. Clubs should take into consideration the fact that a Governing Body Endorsement for a Manager, once issued, must be used within three months, unless that club has the express approval of The FA. It is recognised in this regard that Managers are not subject to transfer window restrictions. A new Governing Body Endorsement will be required if the previous Governing Body Endorsement has expired.

2. OBTAINING A GOVERNING BODY ENDORSEMENT UNDER THE PBS

2.1. Requirements of an application for a Governing Body Endorsement for a Manager

The following are pre-requisites for any application for a GBE for a Manager:

1. The Manager has (or will have) Overall Responsibility for the applicant club. Where a Manager does not have Overall Responsibility, the Manager will not be eligible to apply for a GBE and any application made for such persons will be rejected and a GBE will not be granted.

2. The Manager holds a UEFA professional licence/diploma or equivalent.
For the purposes of a GBE, a club can only have one Manager at any given time.
Where a club has been issued with a GBE for a Manager, no further GBE in respect of an alternative Manager can be granted until the previous GBE has been rescinded.

2.2. Criteria under which a Governing Body Endorsement will automatically be granted

The FA will automatically grant a Manager a GBE under either Tier 2 or Tier 5, as applicable, if the applicant club is able to show that the Manager:

1. Has Managed in a Top League for the Prescribed Time; or
2. Has Managed an international team for the Prescribed Time and during the entirety of the Prescribed Time the international team had an Aggregated FIFA World Ranking of 40 or above.

2.3 Discretionary criteria under which a Governing Body Endorsement will be granted

If a Manager does not meet the automatic criteria set out in paragraph 2.2 above, an applicant club can request that an Exceptions Panel consider the Manager's skill and experience in order to determine whether a Governing Body Endorsement should nevertheless be granted.

2.3.1. The Exceptions Panel

The applicant club must make the request for an Exceptions Panel to the Player Status Team at The FA and The FA will then appoint an Exceptions Panel in accordance with the below. Clubs should ensure that all evidence that they want to be considered in respect of the Manager is submitted in writing ahead of the determination of the Exceptions Panel.

- a) The Exceptions Panel will be made up of three (3) members who will be appointed by The FA.
- b) The three (3) member Exceptions Panel will be constituted as follows:
 - i. an independent, legally qualified Chair ("**Chair**"); and
 - ii. two (2) additional independent panel members having relevant experience at the top level of the game;
(who shall together be referred to as the "**Panel Members**").
- c) No individual who would objectively be considered to have a current association with the applicant club will be appointed to the Exceptions Panel.
- d) In the event that a Panel Member(s) considers there to be an actual or perceived conflict of interest on the part of a Panel Member(s), (which, for the avoidance of doubt, can include themselves, where:
 - i. this relates to an independent panel member, the Panel Member(s) must declare this to the Chair; and
 - ii. this relates to the Chair, this must be declared to The FA.

In either case this must be declared at the earliest opportunity and, in any event, in advance of the determination of the case.

The applicant club will be informed of the membership of the Exceptions Panel at the earliest opportunity in advance of the Exceptions Panel sitting to decide the case. An applicant club may challenge the appointment of any Panel Member if circumstances exist which give rise to an actual or perceived conflict of interest on the part of that Panel Member. If an applicant club intends to challenge the appointment of a Panel Member, it must do so at the earliest opportunity and, in any event, before the Exceptions Panel sits to determine the Manager's application.

Where the actual or perceived conflict above relates to an independent panel member(s), the Chair will determine in his absolute discretion whether the relevant independent panel member(s) should be excluded from participating in the panel hearing and voting on the application. If the Chair decides in his absolute discretion that the independent panel member(s) cannot participate, the Chair will notify The FA of this and The FA will appoint a replacement independent panel member(s) who may also be challenged if there is a perceived or actual conflict of interest.

Where the actual or perceived conflict above relates to the Chair, The FA will determine whether the Chair is eligible to participate and vote. If The FA determines that the Chair cannot participate, The FA will appoint a replacement Chair.

- e) The Exceptions Panel shall make its decision based on the papers submitted to it and shall not hear oral submissions unless a specific application for an oral hearing is made by the applicant club and the particular case is unusual or highly exceptional (which is to be determined by the Panel in its absolute discretion).
- f) Written submissions may be made by interested parties (which shall include but not be limited to the applicant club, The FA and the Relevant Interested Parties) in advance of the Exceptions Panel determination.

The Exceptions Panel can request any further information from the Secretariat, the applicant club, The FA or the Relevant Interested Parties that it deems necessary in its absolute discretion in order to make its decision. Where it is able to do so, the entity from whom information is requested shall supply this information to the Exceptions Panel within a reasonable timescale.

Where an oral hearing is held, any interested parties (which shall include but not be limited to the applicant club, The FA and the Relevant Interested Parties) shall be entitled to make submissions to the Panel.

- g) The FA will provide appropriate secretariat support.
- h) The Exceptions Panel will make its decision by a simple majority with the Chairman having a casting vote. All Exceptions Panel members must vote.
- i) 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 disclose these anonymous summaries to assist applicant clubs.

2.3.2. Exceptions Panel Criteria

In deciding whether to issue a Governing Body Endorsement, the Exceptions Panel will have regard to the following and any other matter that the Exceptions Panel determines in its absolute discretion to be relevant:

1. where the Manager was not previously a manager of the first team or head team coach, the position in fact held by the Manager;
2. the league or leagues in which the Manager has managed for the 5 year period immediately preceding the date of application for a GBE and the participation of the managed club or clubs in competitive continental or world competition during the Manager's tenure;
3. the Aggregated FIFA World Ranking of any international team or teams that the Manager has managed within the 5 year period immediately preceding the date of application for a GBE and the participation of the managed team or teams in competitive continental and world competition during the Manager's tenure;
4. the reasons why the automatic criteria (as set out at paragraph 2.2) have not been met, and

in considering the above, the Exceptions Panel must be persuaded that the Manager is of the highest calibre and would make a significant contribution to development of football at the highest level within the UK in order to recommend that a GBE should be granted.

For the avoidance of doubt, the Exceptions Panel is under no obligation to recommend that a GBE be granted and is able to take into account any factors which it believes in its absolute discretion suggest that a GBE should not be granted. It will also not consider any applications where the pre-requisites at paragraph 2.1 are not met.

2.3 Other requirements of the PBS

In order to secure leave to remain under Tiers 2 and 5 of the PBS, in addition to securing a GBE and being assigned with a Certificate of Sponsorship, an individual will also have to meet other criteria set by the Home Office. For example, applications under Tier 2 will have to be supported by evidence that the Manager has met the English language requirement set by the Home Office. An individual may not undertake their duties until a new entry clearance or new Leave to Remain has been granted by the Home Office

3 CONSIDERATIONS ONCE A GOVERNING BODY ENDORSEMENT HAS BEEN GRANTED

3.1 Length of issue

Governing Body Endorsements can only be issued for the following periods:

	Tier 2 (Sportsperson)	Tier 5 (Temporary Worker - Creative and Sporting)
Initial Application	The shorter of: <ul style="list-style-type: none"> ☐ three (3) years; OR ☐ the length of the Manager's contract. 	The shorter of: <ul style="list-style-type: none"> ☐ twelve (12) months; OR ☐ the length of the Manager's contract.
Extension	The shorter of: <ul style="list-style-type: none"> ☐ three (3) years; OR ☐ the length of the Manager's contract. 	If the initial application was granted for less than twelve (12) months, an in-country extension can be granted to top up the period to twelve (12) months in total. For example, a Manager granted a six (6) month approval can apply for an extension in country of up to another six (6) months. If a club wishes to employ a Manager for a period of longer than twelve (12) months, the Manager has to return overseas to make a new application and obtain entry clearance for a further twelve (12) month period under Tier 5.

3.2 Extension Applications

If a club wishes to retain the services of a Manager beyond the period of his GBE, the club must submit a new application before the Manager's leave to remain expires. If the Manager satisfies the automatic criteria for endorsement (as set out at 2.2 above), a GBE will be granted. If the automatic criteria (at 2.2) are not satisfied, the process set out in 3.7 shall apply.

3.3 Switching from Tier 5 to Tier 2 of the PBS

A Manager can enter under Tier 5 (if he is unable to meet the English language requirement set by the Home Office) and then apply in country (provided this is within the first 12 months) to switch to Tier 2 once he has passed the English language test. To do this, the club will need to submit a new application for a GBE so that a new Certificate of Sponsorship under Tier 2 can be assigned by the club. The new application will need to be supported by a notification of pass or pass certificate at the agreed level from an accredited English Language Test Centre.

Where a Manager wishes to switch from Tier 5 to Tier 2 and satisfies the automatic criteria for endorsement (as set out at 2.2 above) at the time at which the application to switch is made, a GBE will be granted. Where the Manager does not meet the automatic criteria (at 2.2), the process set out in 3.7 shall apply.

3.4 Change of Club

A club wishing to sign a Manager who has been granted a Governing Body Endorsement through another club must submit a new application for a GBE to The FA. If the Manager meets the automatic criteria (as set out at 2.2 above), a GBE will be granted. Where the Manager does not meet the automatic criteria (at 2.2), the process set out in 3.7 shall apply.

3.5 Contract changes or re-negotiation during the period of approval

Where a club wishes to make significant changes to the terms and conditions of a Manager's contract, for instance to improve his salary or length of contract part-way through his period of endorsement, the club must notify the Home Office of this via the Sponsor Management System.

If a new application is required and the Manager satisfies the automatic criteria for endorsement (as set out at 2.2 above), a GBE will be granted. Where the Manager does not meet the automatic criteria (at 2.2), the process set out in 3.7 shall apply.

3.6 Ceasing the employment of a Manager

If a club ceases to employ a Manager granted a Governing Body Endorsement the club must inform the Home Office.

3.7 Process if the automatic criteria are not met

If paragraphs 3.2, 3.3 or 3.4 above apply and the Manager does not meet the automatic criteria (at 2.2), The FA will consult with the Relevant Interested Parties by email and in doing so will provide any details put forward by the club in support of the application. When considering the application and deciding whether the application should be granted, The FA and the Relevant Interested Parties shall consider the information put forward by the club as well as any other information which they deem to be relevant in their absolute discretion which indicates whether the Manager 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 agree that a GBE should be granted, a GBE will be issued. If a majority recommendation for approval is not given, a GBE will not be granted and the club will have no recourse to an Exceptions Panel.

4 FEES

An administration fee of £0 plus VAT will be charged for each application for a GBE. The cost of referring an application to an Exceptions Panel will be £5,000 plus VAT to cover the fees and travel of the Exceptions Panel. Payment of any sums due to The FA in connection with a GBE application must be made no later than 14 days after the date on which a decision is communicated to the club. Each club will meet its own costs.

5 STATUS OF GUIDANCE

This guidance should be used 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. Information on aspects of

immigration policy and law can be found on the Home Office website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration> or you may wish to seek advice from an Office of the Immigration Services Commissioner (OISC) registered advisor or someone who is otherwise exempt from such a registration requirement, for example, a qualified solicitor.

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 Manager is making the application from. A guide to visa processing times is available on the Home Office website at: <https://www.gov.uk/guidance/visa-decision-waiting-times-applications-outside-the-uk> Please note that an individual's personal and immigration history may be taken into account when their application is being considered.

6 FURTHER INFORMATION

This guidance is available on The FA website at the following link: <http://www.thefa.com/football-rules-governance/more/player-registrations>.

7 CONTACTS

For any queries regarding the Governing Body Endorsement criteria or to discuss the application process for football, please contact:

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8 HOME OFFICE HELP

If you are an employer or Sponsor and have a general query about the Sponsor application process under Tier 2 or Tier 5 or for specific enquiries regarding individual applications or about the migrant application process, please contact UK Visas and Immigration (UKVI) on 0300 123 2241.