

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 2020/2021 season and will be effective from 1 May 2020 through to 31 December 2020 when the transition period between the United Kingdom and the EU will come to an end. The criteria are subject to an ongoing review in order that revised criteria may be issued by 31 December 2020 to operate for the remainder of the 2020/2021 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 1 February 2021. 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 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;

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 men'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 base himself 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 Premier League or The English Football League 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 at least 24 months within the 5 year period immediately preceding the date of application for a Governing Body Endorsement;

Relevant Interested Parties means an appropriate representative of the either The Premier League or The English Football League (depending on the league in which the

Manager manages or will manage if the application for a GBE is successful) and the League Managers' Association;

Sponsor means a Premier League or English Football League club which has satisfied the Home Office criteria to assign Certificates of Sponsorship;

Stakeholders means The FA, The Premier League, The English Football League, The League Managers' Association, and the Home Associations;

The English Football League means The English Football League Limited, a company incorporated in England and Wales with registered number 00080612 and whose registered office is at 10 – 12 West Cliff, Preston, PR1 8HU.;

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 their nominee;

The Premier League means The Football Association Premier League Limited a company incorporated in England and Wales with registered company number 02719699 and whose registered office is at 30 Gloucester Place, London W1U 8PL;

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:

- the six (6) European leagues which provide the most players to the top 20 squads in the Aggregated FIFA World Rankings at the relevant point in time; and
- the two (2) Central and South American leagues which provide the most players to the top twenty (20) squads in the Aggregated FIFA World Rankings at the relevant point in time.

A list setting out the Top Leagues for the 2020/2021 season will be published on The FA website www.thefa.com prior to the season commencing and this list will remain in force until 31 December 2020.

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 Premier League or The English Football League. 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 license 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 may 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 a different 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 50 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.

An Exceptions Panel cannot consider applications in respect of Managers who do not have Overall Responsibility. As set out in paragraph 2.1, applications in respect of Managers who do not have Overall Responsibility will not be eligible to apply for a GBE and any such application will be rejected and a GBE will not 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 player is submitted in writing ahead of the determination by 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:

- an independent, legally qualified Chair ("**Chair**"); and
- 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 (whether or not an objection is raised by the applicant club) on the part of a Panel Member(s) (which for the avoidance of doubt can include themselves), where:

- (i) this relates to an Independent Member(s), 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 a club intends to challenge the appointment of a Panel Member, the club must declare this at the earliest opportunity and, in any event, before the Exceptions Panel sits to determine the player's application.

Where the actual or perceived conflict above relates to an Independent Member(s), the Chair will determine in his absolute discretion whether the relevant Independent 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 Member(s) cannot participate, the Chair will notify The FA of this and The FA will appoint a replacement Independent 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. An oral hearing may be requested but clubs should be aware that the Exceptions Panel is likely to grant an application for an oral hearing in only the most exceptional circumstances and for those cases in respect of which it is persuaded are complex and which rely on elements falling for consideration at the subjective review stage (Appendix 1, Section 4). Requests for an oral hearing must be made at the same time as a club submits its application on behalf of the player to The FA and be accompanied by evidence which sets out why the club asserts an oral hearing is required.

(f) Written submissions may be made by The FA and/or the Relevant Interested Parties) in advance of the Exceptions Panel's determination.

The Exceptions Panel can request any further information from the secretariat or the applicant club 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 shall supply this information to the Exceptions Panel within a reasonable timescale.

(g) The FA will provide appropriate secretariat support.

(h) The Exceptions Panel will make its decision by a simple majority with the Chair 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. The Stakeholders may make these summaries available to assist applicant clubs.

(j) If a club has made an application that was unsuccessful following a decision of the Exceptions Panel, a further Exceptions Panel cannot be requested for the same [Manager] by the same club within four (4) months of the original Exceptions Panel date.

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.

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: ☐ three (3) years; OR ☐ the length of the Manager's contract.	The shorter of: ☐ twelve (12) months; OR ☐ the length of the Manager's contract.
Extension	The shorter of: ☐ 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. If the automatic criteria (at 2.2) are not satisfied, 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. If the automatic criteria (at 2.2) are not satisfied, 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. If the automatic criteria (at 2.2) are not satisfied, 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, 3.4 or 3.7 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 player 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. An individual may not undertake their duties until a new entry clearance or new Leave to Remain has been granted by the Home Office.

4 FEES

An administration fee of £500 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 costs 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 is to 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 www.gov.uk/browse/visas-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. 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:

Freddie Carter
Player Status Officer (PBS)
The Football Association
Wembley Stadium
PO Box 1966
London
SW1P 9EQ

Tel: 0800 169 1863 # 4818
Mob: 07487 579094

Freddie.Carter@thefa.com
registrations@thefa.com

Please note that if your query extends beyond football and into immigration, you will be directed to the Home Office.

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, please call the Home Office helpline on 0300 123 4699.

For specific enquiries regarding individual applications or about the migrant application process in general, please call UK Visas and Immigration Centre on 0300 123 2241.