

PROTOCOLS, PROCEDURES AND POLICY

Test of Good Character and Reputation for FA Licensed Agents

The following policy, protocols and procedures relate to the test of good character and reputation as set out in Appendix I paragraph 1.2 of the FA Football Agents Regulations (“The Regulations”).

1. Definitions

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

“**Applicant**” means any person who has applied to become an FA Licensed Agent.

“**Agents Panel**” means a body established pursuant to the Regulations to carry out certain functions and exercise certain powers of The Association as set out in, or required by, the Regulations.

“**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 Schedule 1A of the Insolvency Act 1986.

“**Criminal Records Bureau**” or “**CRB**” means an Executive Agency of the Home Office established to help organisations make safer recruitment decisions by conducting checks, via its disclosure service, on an individual’s criminal record.

“**The Declaration**” means for Applicants, the Application Form (AG10) as prescribed by The Association from time to time, and for Licensed Agents means such other form as The Association may produce for the disclosure of relevant information in relation to the Test of Good Character and Reputation, such forms to be signed by the Applicant / Licensed Agent.

“**Disqualifying Condition**” means all or any of those criteria listed in The Declaration and set out below at paragraph 3.1.

“Disqualifying Instruction” means the written notification from The Association to a Licensed Agent stating that an individual is not permitted to hold the position of Licensed Agent. The notification will set out the facts forming the basis for The Instruction.

“Sports Governing Body” means any ruling body of a sport that is registered with UK Sport/Sport England, or any corresponding national or international association.

2. General

Applicants

- 2.1 All Applicants will be required to provide a Declaration which shall include an enhanced Criminal Records Bureau disclosure.
- 2.2 Any person who is found to have signed and submitted a Declaration containing false information or a declaration with omissions will have their application rejected.
- 2.3 Should the Declaration and/or the CRB disclosure for the Applicant reveal no areas of relevant concern regarding their status and previous history then the Applicant will be permitted to continue with the application process and to sit the agents' examination.
- 2.4 Should the disclosure reveal areas of concern, then an assessment will be conducted to consider whether or not the application shall be allowed to proceed and whether or not the Applicant shall be permitted to sit the examination. The Association may require additional information to be provided in order to make its assessment, which may include, without limitation, explanations and character references.
- 2.5 Any Applicant who fails to comply with any part of the Test of Good Character and Reputation process including without limitation the Declaration and CRB process shall have their application rejected.

Licensed Agents

- 2.6 All Licensed Agents will, on a 3 year cyclical basis, be required to provide a Declaration to ensure their continuing good character and reputation. This will include a CRB Enhanced Disclosure. The Association may require additional disclosure at its discretion.
- 2.7 Any Licensed Agent who is found to have signed and submitted a Declaration containing false information or a declaration with omissions may be subject to disciplinary proceedings for Misconduct in accordance with the Rules of the Association.

- 2.8 Should the Declaration including the CRB disclosure for the Licensed Agent reveal no areas of relevant concern regarding the Licensed Agent's continuing good character and reputation, the Licensed Agent will be able to maintain their licensed status.
- 2.9 Should the disclosure reveal areas of concern, then an assessment will be conducted to consider whether or not the agent shall maintain his licensed status. The Association may require additional information to be provided in order to make its assessment, which may include, without limitation, explanations and character references.
- 2.10 Any Licensed Agent who fails to comply with any part of the Test of Good Character and Reputation process including without limitation the Declaration and CRB process may be subject to disciplinary proceedings for Misconduct in accordance with the Rules of the Association.

3. Disqualifying Conditions

- 3.1. The following matters are considered by The Association to be Disqualifying Conditions for an Applicant or Licensed Agent:
- a) Information (including information on the CRB Enhanced Disclosure) that satisfies The Association that the individual is not suitable to carry out the work of a Licensed Agent in accordance with the Policy at Appendix I below;
 - b) Being subject to a disqualification order as a director of a UK registered company under the Company Directors' Disqualification Act 1986 (amended);
 - c) Being subject to a ban by a Sports Governing Body from involvement in the administration of a sport and/or in particular a prohibition from working as a sports agent and/or a prohibition or restriction from working with children and young people or vulnerable adults;
 - d) Being subject to a Bankruptcy Order, Interim Bankruptcy Order or a Bankruptcy Restriction Order;
 - e) Being subject to disqualification or striking-off by a professional body including, by way of example and without limitation, The Law Society, Bar Council or The Institute of Chartered Accountants of England and Wales.

Notification

- 3.2 Upon the happening of an event that results in a Licensed Agent becoming subject to any Disqualifying Condition(s) contained in a submitted Declaration, including without limitation any conviction for a criminal offence, or that results in a change to any other information contained in the Declaration, the Licensed Agent shall immediately advise The Association in writing.

- 3.3 Upon The Association becoming aware by virtue of the submission of a Declaration, or in the circumstances referred to in paragraph 3.2., or by any other means, that an individual is subject to at least one Disqualifying Condition, then The Association will issue the Disqualifying Instruction.
- 3.4 The Disqualifying Instruction will be sent by recorded delivery to the Licensed Agent (to the address given on the individual's Declaration), and will be deemed to have been received by the Licensed Agent 2 days after the date of sending.
- 3.5 The Licensed Agent may appeal to an Agents Panel of The Association against the issuing of such a Disqualifying Instruction. Any appeal must be made in writing and received by The Association within 7 days of the receipt of The Instruction. The appeal will be determined in accordance with the terms of reference and procedures of the Agents Panel of the Association.

APPENDIX I

POLICY FOR FA CRB ENHANCED DISCLOSURE – TEST OF GOOD CHARACTER AND REPUTATION FOR LICENSED AGENTS AND APPLICANTS

Background

The CRB Enhanced Disclosure is one element of The FA's Test of Good Character and Reputation for Licensed Agents and Applicants. In its role of safeguarding children and making recruitment (licensing) decisions in relation to Applicants and Licensed Agents, The FA is entitled to require CRB Enhanced Disclosures. The FA 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 individual is suitable to carry out the role of a Licensed Agent, The FA will consider all aspects of a CRB Enhanced Disclosure.

Basis of assessment

The FA will make its assessment of an individual's suitability taking into account a number of factors, which will include without limitation:

- 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;
- The nature of any other disclosure information;
- Whether any conviction(s) is/are spent;
- The length of time since the offence(s);
- Age at time of offence(s);
- Number of offence(s);
- Pattern of offences;
- Relationship to the victim and the victim's age;
- Other mitigating and/or aggravating factors.

All individuals will be assessed on a case by case basis. Individuals may be asked for references and explanations in respect of the content of the CRB Enhanced Disclosure, in which case such references and explanations will also form part of The FA's assessment.

The FA will act fairly and proportionately in reaching its decision based on all matters of significance and relevance. In so doing The FA will act in accordance with the CRB Code of Practice and will hold the welfare of minors as the paramount consideration.