POINTS BASED SYSTEM GOVERNING BODY ENDORSEMENT REQUIREMENTS – TIERS 2 AND 5 RUGBY PLAYERS AND COACHES EMPLOYED IN THE PREMIERSHIP OR CHAMPIONSHIP EFFECTIVE FROM SEASON 2011/12

A. BACKGROUND

This page explains the Tier 2 and Tier 5 (sportspeople) requirements for rugby union to apply from the 2011/2012 season. The category of Tier 2 (sportspeople) of the Points Based System is for elite sports people and coaches who are internationally established at the highest level, whose employment will make a significant contribution to the development of their sport at the highest level in the UK and who, intend to base themselves in the UK. Tier 5 is for sportspeople and coaches who are internationally established at the highest level and/or whose employment will make a significant contribution to the development and organisation of their sport in the UK and will come to the UK for no more than 12 months at a time. The UKBA has recognised the Rugby Football Union (RFU) as the governing body in England for setting the endorsement requirements and issuing endorsements.

B. LENGTH OF SEASON

The normal season for this sport is from September to May.

C. REVIEW AND PUBLISHING FINAL ENDORSEMENT REQUIREMENTS

1. The Governing Body Endorsement requirements apply from the 2011/12 season and will be reviewed as required. Details of the process for review and the method by which clubs may propose changes in these requirements are set out below.

2. These requirements were determined by a process of consultation based upon the original RFU Work Permit Criteria that had been in operation across the game for a number of years. The requirements for Tier 2 & 5 were reviewed in line with the code of practice for sport governing bodies through the RFU Governance Standing Committee which has representatives from Premier Rugby Limited (Premiership clubs) and First Division Rugby (then representing clubs in National League One (now the Championship)), with final approval by the RFU Management Board.

3. The requirements for Tier 2 & 5 will be reviewed in line with the code of practice for sport governing bodies through the RFU Governance Standing Committee and consulting with representatives from the professional clubs at levels one and two. Clubs who wish to propose changes for the review process to consider must submit those proposals to the RFU.

D. EMPLOYING A SPORTS PERSON IN RUGBY UNION

1. A club which is seeking to employ a player or coach must gain a Governing Body Endorsement (GBE) to act as a Sponsor and another GBE to confirm that the player or coach meets the set requirements.

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2. Governing Body Endorsements should be issued for a period appropriate to the period of approval for sponsorship or the tier under which the application is being made, that is:

   As a Sponsor - Tier 2 or Tier 5 - for 4 years

   Migrant Tier 2 Sport - Initial application - length of contract or up to 3 years maximum, whichever is the shorter period.
   Extension application - length of contract or up to 2 years maximum, whichever is the shorter period.

   Migrant Tier 5 sporting – length of contract or up to 12 months, whichever is the shorter period.

3. The salary is usually agreed as part of the contract between the individual and the employer. This should be at least equal to those normally given to a 'resident worker' for this work. Where the salary quoted appears to be lower than expected we will discuss with the players' representatives.

E. ENDORSEMENT REQUIREMENTS

1. To be a sponsor

A Governing Body Endorsement will only be issued for a club to become a Sponsor in one of the following leagues:

i. Premiership
ii. Championship

2. For a player

A Governing Body Endorsement will only be issued for a player to play for a Sponsor which is endorsed by the Rugby Football Union if all of the following requirements are met:

a. Initial Application

i. Players from countries that are within the first or second tier of the national rugby unions of the International Rugby Board (IRB) will be eligible.

   Tier 1 countries
   Argentina;
   Australia;
   New Zealand; and
   South Africa.

   Tier 2 countries
   Canada;
   Fiji;
   Japan;
   Romania;
   Samoa;

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Tonga; and
United States of America.

Please note: only the tier 1 and 2 non – EEA countries are mentioned above.

ii. They must have started at least one full international match (15-a-side), during the 15 months immediately prior to the date of the application.

Players from other countries must have started in an international match in the last 15 months and have played in a minimum of 10 full internationals (15-a-side) during their playing career.

Exclusions from selection due to injury will be a factor that is taken into account when applying the requirements. Clubs should submit supporting medical evidence in such cases stipulating the number of games the player has missed.

b. Extensions and changes of employment

For extensions or changes of employment, the Sponsor must submit a new application for the player

Applications for extensions with the player's current club or changes of employment from a club within England to another club within England the player should either:

i. continue to meet the requirements as for initial applications, OR

ii. the player must have played in at least 75% of Competitive Games for his club for the period of the previous permission.

Changes of employment from a club outside England to a club within England the player must meet the Initial Requirements as set out in E(2) "initial application" above.

Competitive Games that were played when the player was on international duty and when they were unavailable for selection through injury (supported by medical evidence) will be excluded from the assessment.

Competitive Games are defined as those played in the Aviva Premiership, Aviva Premiership A League, Heineken Cup, European Challenge Cup, LV= Cup, British & Irish Cup and Championship. Other reserve or 'A' matches do not qualify even if part of a formal competition.

3. <u>For a Director of Rugby/Coach</u>

a. Initial Application

If a club wishes to employ a non-European Economic Area (EEA) national as a Director of Rugby, Head Coach, Assistant Coach, or Skills Coach, in order to qualify for a Governing Body Endorsement from the RFU they must have been:

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i. Contracted in a coaching role to the 15 a-side full international senior XV for a country that is currently ranked in the top 12 international teams based in the official IRB rankings;

ii. Contracted in a coaching role to this 15 a-side full international senior XV for a minimum period of 12 months, and

iii. Contracted in a coaching role to this 15 a-side full international senior XV within the last 4 years, or prove current coaching competence/experience during the intervening period.

It should be noted that we do not issue endorsements for player/coaches. We will only consider applications as a player or as a coach.

Posts must be advertised in appropriate media to satisfy the Rugby Football Union that it provides the best way of reaching suitably qualified resident workers allowing four weeks from the date the advertisement appears to receive applications. The advertisement should be placed within the six months before the application for a governing body endorsement.

b. Extensions and changes of employment

Where a club wishes to extend the employment of a non-European Economic Area (EEA) national as a Director of Rugby, Head Coach, Assistant Coach, or Skills Coach a new Governing Body Endorsement should be applied for in line with the initial requirements.

Where a club wishes to employ a non-European Economic Area (EEA) national as a Director of Rugby, Head Coach, Assistant Coach, or Skills Coach, who has been until the date of application employed by another Rugby Club in either the Premiership or Championship a Governing Body Endorsement should be applied for in line with the initial requirements.

For changes of employment from a club from another home country to a club within England the Director of Rugby, Head Coach, Assistant Coach or Skills Coach must meet the initial requirements as set out above.

F. REVIEW OF APPLICATION

Where an application for either a player to play in a team or a coach to coach a team in one of the leagues covered by the requirements for a Governing Body Endorsement as set out for Tier 2 & Tier 5 has been refused on the grounds that the player fails to meet the published requirements, the club may seek a review of the application. The Sponsor (club) will have 28 days to request such a review. In these cases the Rugby Football Union will refer the club's evidence to an independent panel.

Where possible the club's supporting evidence will be sent to the panel in advance for their consideration in order to allow an informed decision.

Clubs should note that, in respect of any application, there will only be one panel available and the decision of the panel is final. A club should therefore ensure that all evidence it wishes to present in support of its application is presented to the panel.

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If the club has previously made an application that was unsuccessful at panel a further panel cannot be requested for the same player during the season unless his status changes and he meets the requirements whereby a new application can be submitted.

a. The Review

The request for a Review may only be made by the Sponsor for whom the Governing Body Endorsement has been initially rejected by the Rugby Football Union.

A review shall be commenced by the appellant lodging with the RFU Disciplinary Manager, a notice of appeal within 28 days of the decision appealed against. The notice of appeal shall

(i) set out details of the decision appealed against and, if the whole of the decision is not appealed against, identify that part of it which is appealed against;

(ii) set out in full the grounds of appeal and an appellant shall not be entitled to rely on any ground of appeal not set out in the notice of appeal; and

(iii) be accompanied by a deposit of £1,000.

The procedure for appeals will be in accordance with the RFU Disciplinary Regulations and set up a Panel as detailed below.

b. The Panel

The panel will be appointed by the RFU Legal Officer. The appointed panel shall consist of:

(i) Independent Chairman
(ii) RFU representative
(iii) Premier Rugby or Championship representative

c. Power of the Panel

The Review Panel shall have the power to:

<u>In relation to a migrant coach</u>:

i. Consider whether the coach is internationally established and of the highest calibre in consideration of the Published Requirements for Tier 2 & 5.
ii. Consider whether the coach is able to contribute significantly to the development of the game at the top level in England.

<u>In relation to a migrant player</u>:

i. Consider whether the player is internationally established and of the highest calibre in consideration of the Published Requirements for Tier 2 & 5.
ii. Consider whether the player is able to contribute significantly to the development of the game at the top level in England.

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d. The Decision
The panel will make a decision using the above criteria which shall be final and binding.

G. FURTHER INFORMATION

These requirements for Governing Body Endorsements will be available on the RFU Website [www.rfu.com]. For more information please contact the RFU at:

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