



Governing Body Endorsement Requirements for Cricket under the Home Office Points Based System for Managed Migration

The following provides a very brief overview of the Government's points-based immigration system. It explains how the system works and what it means for cricket clubs seeking to employ migrant workers as players and coaches.

Who does the system apply to?

The points-based system applies to migrants from outside the European Economic Area¹(EEA) and Switzerland. If a club wants to employ an EEA or Swiss national, it should be able to do this without needing to join the scheme, although there are some restrictions on nationals of countries that have recently joined the EEA.

How the system works

Under the system, migrants need to pass a points-based assessment before they are given permission to enter or remain in the United Kingdom. The system consists of five tiers. Each tier has different point's requirements. The number of points the migrant needs and the way the points are awarded depend on the tier they are applying under. Points are awarded to reflect the migrant's ability, experience, age and when appropriate the level of need within the sector the migrant will be working. For more information on the Points-Based System please see the Home Office website <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

What are the tiers?

The Points-Based System consists of five tiers. The applicable Tiers for Cricket Clubs are Tier 2, for the First Class Game and MCC and Tier 5, also for the First Class Game and MCC and for the Recreational Game.

- The sportspersons category of **Tier 2** of the Points-Based System is for 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.
- The sportspersons category of **Tier 5** of the Points-Based System is for internationally established sports people at the highest level in their sport and/or whose employment will make a significant contribution to the development and operation of that particular sport in the UK. It is also for coaches who must be suitably qualified to fulfil the role in question.

The ECB endorsement application process for Tier 2 and 5 applications for the 2015 season will open on 1st September 2014. Clubs who want to be able to bring in migrant workers should apply for a sponsor licence with the Home Office as soon as possible if they are not already sponsors from an earlier season.

The role of the club in the process – Acting as the individual's sponsor

Tier 2 and Tier 5 are the only Tiers that apply to cricket. Migrants need to be sponsored in order for their application to be successful. If a club wishes to recruit a migrant under Tiers 2 or 5 they will have to apply for a sponsor licence.

For clubs to become sponsors, they need to obtain approval from the England and Wales Cricket Board in the form of a governing body endorsement of their application for a licence. The purpose of an endorsement for a prospective sponsor is to confirm to the Home Office officials processing sponsor applications that the application is from a bona fide sports club or equivalent that has a legitimate requirement to bring migrants to the UK as sportspeople.

Sponsorship plays two main roles in the Points-Based System application process:

- a. It provides evidence that the migrant *has a genuine job or course to go to in the UK*;
- b. It acts as a pledge from the sponsor that it will accept the responsibilities of sponsorship in respect of the migrant

Once licensed, the sponsor will be able to apply for certificates of sponsorship from the Home Office, which it will allocate to migrants coming here to work for it.

The issue of a certificate of sponsorship authorises the migrant to apply for entry clearance but does **not** mean that his or her application will succeed. The Home Office will make the final decision about who is allowed to come here. The migrant will need to obtain sufficient points and their personal or immigration history will be considered as part of the entry clearance.

Each migrant that a club wish to employ needs to be offered a Certificate of Sponsorship by the club. However, before a club can issue a Certificate of Sponsorship to a sports person, they will also have to obtain an endorsement from the England and Wales Cricket Board for all applications made for individual sports people and coaches.

The purpose of an endorsement for a migrant is to confirm that he/she is an internationally established sports person at the highest level, will make a significant contribution to the development of his/her sport at the highest level in the UK and that it is appropriate to fill the post from outside the European Economic Area.

Most migrants wanting to come to the UK under Points-Based System will need **prior entry clearance**, which they will not be allowed to apply for without a Certificate of Sponsorship. However, a Certificate of Sponsorship in no way guarantees that a visa will be issued.

Endorsements for migrants and sponsors will be required for each Certificate of Sponsorship to be issued, that is for initial, change of employment and extension applications. A separate endorsement will be required for each Tier that a sponsor wishes to sponsor under. For example, if a sponsor is already licensed under Tier 2 they would still need a governing body endorsement to also register as a sponsor under Tier 5.

The next section provides the details of the criteria required by both the sponsors and the migrants that must be fulfilled for the England and Wales Cricket Board to provide a Governing Body Endorsement under the Points-Based System for migrants seeking work as a cricketer and/or cricket coach.

Applications for extensions of Governing Body Endorsements in future seasons after 2013 should be made in the same way as an original application for the relevant season to which the extension applies.

Any queries relating to the Governing Body Endorsement Process should be directed to the England and Wales Cricket Board either in writing to:

ECB Governing Body Endorsements England and Wales Cricket Board

**Lord's Cricket Ground
London
NW8 8QZ**

or by telephone on 020 7432 1210 or email on managedmigration@ecb.co.uk

Tier 2 of the Points Based System

For the avoidance of doubt, Tier 2 is the route applicable within cricket for the employment of full-time coaches only by the First Class Counties only, as well as the Marylebone Cricket Club, the England and Wales Cricket Board and County Cricket Boards.

Governing Body Endorsement requirements for clubs seeking Tier 2 Sponsor Licenses

Governing Body Endorsements for Sponsor Licenses for Tier 2 will be issued for the following bodies:

- First Class Counties - as recognised by ECB
- Marylebone Cricket Club
- England and Wales Cricket Board
- County Cricket Boards – as recognised by ECB

Governing Body Endorsement requirements for migrants seeking to be full-time coaches (Tier 2 coach only)

If a Tier 2 sponsor licence holder wishes to apply for Governing Body Endorsement to employ a full-time coach they will have to satisfy the following requirements:

- Demonstrate that the individual is either qualified to UK Coaching Certificate (UKCC) 3 or ECB Level III standard or holds a non-UK qualification that is at least equivalent to the ECB Coach (UKCC 3) standard coaching qualification as confirmed by the ECB. Notwithstanding this qualification requirement, the individual will also be required to provide evidence, in writing by a course provider recognised by the ECB, to undertake (or have undertaken) the Safeguarding & Protecting Children module of the ECB (UKCC) 2 and the ECB Health & Safety Assessment within 6 weeks of arrival; and
- Demonstrate that the individual has satisfied the ECB vetting process for coaches*; and
- Demonstrate that there are no suitable resident workers who are qualified to UKCC 3 level available to do the job. The sponsor will need to provide evidence that the job has been advertised in the most appropriate national medium, such as Wisden Cricketer Magazine, County Club /Board Website or ECB Website which provides the best way of reaching suitably qualified resident workers

The individual must not be subject to a provisional suspension or an unexpired period of ineligibility from cricket playing and/or coaching activities as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence pursuant to the applicable Codes, Rules and Regulations of the ECB or the ICC.

For the avoidance of doubt the coach may not register for, nor participate in, matches played by a First Class County, Minor County Cricket Club, Non First Class Cricket Club or County Cricket Board as applicable. It is expected that full-time coaches will be employed by the First Class cricket counties who are unlikely to appoint someone with no, or limited, coaching experience. Under these circumstances Governing Body Endorsements would normally be issued to coaches for the length of the contract period.

Extensions

For the avoidance of doubt, Tier 2 Governing Body Endorsements for coaches will normally be issued for the length of the contract period up to a maximum of 3 years.

Applications for extensions of Governing Body Endorsements in future seasons after 2013 should be made in the same way as an initial application would be made. It will be assessed against the criteria for the relevant season to which the extension applies.

Please note that with effect from 6 April 2012, Tier 2 migrants will need to wait for a 12 month "cooling-off" period from the expiry of their previous visa before they may apply for a further Tier 2 visa. Coaches who therefore wish to extend their Tier 2 Governing Body Endorsement who are or become subject to this "cooling-off" period, are able to apply for a Governing Body Endorsement under Tier 5 First Class Coach Only.

Appeals in relation to Governing Body Endorsements

Any appeal against an ECB decision not to provide a Governing Body Endorsement shall be submitted, considered and adjudicated in accordance with the published ECB Governing Body Endorsement Appeal Procedure (as amended from time to time).

Review of these requirements:

These criteria apply only to the 2015 season and will be reviewed on an annual basis. Details of the process for review and the method by which clubs may propose changes in these criteria are set out in the separate ECB document entitled Review Process for Governing Body Endorsements Criteria.

**Vetting & Barring Scheme for Overseas Coaches:*

At the time of finalising the criteria for the 2015 season the Government was continuing the review of the implementation of the new Vetting & Barring Scheme. The current Non-UK Vetting Process of requiring equivalent Vetting Checks from other countries where the migrant has lived and worked will continue to apply until the Government provides further information. If the review of the Vetting and Barring Scheme requires coaches and player-coaches to be registered before or during the 2015 season, the ECB will advise all clubs accordingly.

Tier 5 of the Points Based System

Governing Body Endorsement Requirements for Tier 5 Sponsor Licenses

Governing Body Endorsements for Tier 5 Sponsor Licenses will be issued in respect of players (Tier 5 Player Only) and full-time coaches (Tier 5 First Class Coach Only) to the First Class Counties, as well as the Marylebone Cricket Club and the England & Wales Cricket Board. County Cricket Boards will be also eligible to employ full-time coaches through this tier.

Endorsements will also be issued in respect of player-coaches (Tier 5 Player-Coach Only) and full-time coaches (Tier 5 Non First Class Coach Only) to Non First-Class Cricket Clubs who are affiliated to ECB and meet at least one of the following criteria:

- they are Clubmark accredited
- they are a Chance to Shine club
- in the 2015 season they will be participating in one of the top 2 divisions of a league recognised by the ECB as a Premier League
- in the 2015 season they will be participating in a league recognised by the ECB as a designated professional league which demonstrates commitment to the ECB player pathway for progression of talented players (please note it is currently intended this criteria will cease at a future date)

A Governing Body Endorsement granted in respect of one of the four categories of Tier 5 sports personnel (Tier 5 Player Only, Tier 5 First Class Coach Only, Tier 5 Player-Coach Only, or Tier 5 Non First Class Coach Only) under no circumstances permits the individual concerned to conduct activities which fall under another category.

First Class Cricket

1. Governing Body Endorsement requirements for players in First Class Counties: (Tier 5 Player Only)

For the avoidance of doubt, Governing Body Endorsements will be available for migrants who are seeking employment at the 18 First-Class Counties or the MCC as a *player only* from the 1st September 2014. Persons who have a work permit or permission to play under the Points-Based System for previous seasons will need to reapply and satisfy the criteria for the 2015 season. [If the player has a contract for other subsequent seasons then he will need to reapply for each new season and satisfy the relevant criteria for that season in question].

Tier 5 player-only Governing Body Endorsements will be required for individuals seeking employment at the 18 First-Class Counties in order to register and participate in any of the First Class County 1st or 2nd XI competitions. Those individuals must not be subject to a provisional suspension or an unexpired period of ineligibility from cricket playing and/or coaching activities as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence pursuant to the applicable Codes, Rules and Regulations of the ECB or the ICC and must meet one of the following criteria:

- a. The cricketer must have played a minimum of one Test Match during the **24 months immediately prior to the date of the Governing Body Endorsement application** or 5 Test Matches during the **60 months immediately prior to the date of the Governing Body Endorsement application** for his country who must be a Full Member Country of the ICC (Full Members are Australia, Bangladesh, India, New Zealand, Pakistan, South Africa, Sri Lanka, West Indies and Zimbabwe as well as the ECB) which were approved and recorded by the ICC as authorised Test Matches (consisting of five days); or
- b. During the **24 months immediately prior to the date of the Governing Body Endorsement application** the cricketer must have played in at least fifteen One Day

Internationals and/or International Twenty20 matches for his country (in both cases his country must be a Full Member Country of the ICC) which were approved and recorded as authorised matches by the ICC ;or

- c. Be currently centrally contracted to the Cricket Board of the cricketer's home country and in the current or most recent Test Match or One Day International or International Twenty20 team squad where the home country is a Full Member Country of the ICC; or
- d. Was granted a Tier 5 Player Only Governing Body Endorsement in 2013 & 2014.

A Certificate of Sponsorship with a Governing Body Endorsement under Tier 5 Player Only does not permit the player under any circumstances to: (i) be taken on, engaged or employed by a Minor County or Non First Class Cricket Club; or (ii) register for, or participate in, matches played by Non First Class Cricket Clubs.

2. Governing Body Endorsement requirements for full-time coaches in First Class Cricket (Tier 5 First Class coach only)

If a First Class County, the Marylebone Cricket Club, the England & Wales Cricket Board or a County Cricket Board who is also a Tier 5 Sponsor Licence holder wishes to apply for Governing Body Endorsement for a Tier 5 Sponsor Licence to employ a full-time coach they will have to satisfy the following requirements:

- Demonstrate that the individual is either qualified to UK Coaching Certificate (UKCC) 3 or ECB Level III standard or holds a non-UK qualification that is at least equivalent to the ECB Coach (UKCC 3) standard coaching qualification as confirmed by the ECB.
- The individual will also be required to provide evidence, in writing by a course provider recognised by the ECB, to undertake (or have undertaken) the Safeguarding & Protecting Children module of the ECB (UKCC) 2 and the ECB Health & Safety Assessment within 6 weeks of arrival (failure to complete these will result in future endorsements not being granted); and
- Demonstrate that the individual has satisfied the ECB vetting process for coaches*; and
- Demonstrate that there are no suitable resident workers who are qualified to UKCC 3 level available to do the job. The sponsor will need to provide evidence that the job has been advertised in the most appropriate national medium, such as Wisden Cricketer Magazine, County Club /Board Website or ECB Website which provides the best way of reaching suitably qualified resident workers

The individual must not be subject to a provisional suspension or an unexpired period of ineligibility from cricket playing and/or coaching activities as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence pursuant to the applicable Codes, Rules and Regulations of the ECB or the ICC.

It is expected that full-time coaches will be employed by the First Class Counties who are unlikely to appoint someone with no, or limited, coaching experience. Under these circumstances Governing Body Endorsements would normally be issued to coaches for the length of the contract period.

A Certificate of Sponsorship with a Governing Body Endorsement under Tier 5 First Class Coach Only does not permit the First Class Coach under any circumstances to: (i) be taken on, engaged or employed in any playing or coaching activity by the MCC, the ECB, a Minor County Cricket Club, County Cricket Board or Non First Class Cricket Club; or (ii) register for, or participate in any cricket matches played by a First Class County.

Non First Class Cricket

3. Governing Body Endorsement requirements for player-coaches in Non First Class Cricket (Tier 5 Player-Coach only)

For the avoidance of doubt, Governing Body Endorsements will be available for migrants who are seeking employment at non first-class cricket clubs as a *player-coach only* for the 2015 season. Player-coach Governing Body Endorsements will be required by all applicants for the 2015 season. [If the individual has a contract for other subsequent seasons then he will need to reapply for each new season and satisfy the relevant criteria]. The issuing of the Governing Body Endorsement will enable a club to produce a Certificate of Sponsorship, however the issue of a Certificate of Sponsorship only authorises the migrant to apply for entry clearance but does **not** mean that his or her application will succeed. The Home Office will make the final decision about who is allowed to come here. The migrant will need to obtain sufficient points, and their personal or immigration history will be considered as part of the entry clearance application.

In order to obtain the Governing Body Endorsement the migrant must not be subject to a provisional suspension or an unexpired period of ineligibility from cricket playing and/or coaching activities as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence pursuant to the applicable Codes, Rules and Regulations of the ECB or the ICC and must meet ALL of the following requirements:

- a Have played a **minimum of: Five First Class and/or ODI and/or International T20 and/or Test and/or U19 World Cup cricket matches in the previous 24 months.** (The definition of First Class cricket matches will be that set down by the International Cricket Council in their regulations. However, only matches of three or more days duration will be considered as First Class for the purpose of determining whether the five First Class matches criterion is satisfied)

and

- b Have attained the **relevant coaching qualification** standard. Notwithstanding this qualification requirement, the individual will also be required to undertake (or have undertaken) the Safeguarding & Protecting Children module of the ECB (UKCC) 2 and the ECB Health & Safety Assessment within 6 weeks of arrival (failure to complete these will result in future endorsements not being granted) ; and
- c must have satisfied the ECB vetting process for coaches.

Once the UKCC 2 standard or equivalent has been achieved coaching duties can be undertaken but not before.

In order to meet the relevant coaching qualification standard the individual must show he has:

- (i) attained a qualification of at least ECB Coach (UKCC 2) standard under the structured ECB National Coaching Scheme before undertaking any coaching duties for a club based in the UK; or
- (ii) evidenced in writing by confirmation from a course provider recognised by the ECB that a place on a course has been booked and a fee collected to undertake, complete and pass an ECB coaching course to at least UKCC 2 level by the end of the relevant season. If the individual fails to complete and pass the course before leaving the UK future Tier 5 endorsements will not be granted until it is proven that a UKCC 2 level or overseas equivalent coaching course has been completed and passed, or

- (iii) obtained a non UK coaching qualification that is of an equivalent or higher standard to the ECB Coach (UKCC 2) standard

It will not be necessary for player-coaches already awarded the previous ECB Level II qualification to be re-accredited as this qualification is of an appropriate level. However, player-coaches who have only attained the previous ECB Level I qualification will need to complete the new ECB Coach (UKCC 2) course to attain the appropriate level before undertaking any coaching duties.

In order to gain the maximum benefit from migrant player-coaches, the Home Office will allow player-coaches with the appropriate coaching qualifications to undertake coaching duties on a wider scale e.g. under the auspices of the local county cricket board.

The ECB also offers an ECB Coaching Assistant course – UKCC 1. This only qualifies an individual to assist a qualified coach and is therefore an insufficient level to meet the Governing Body Endorsement requirements for player-coaches under Tier 5.

A Certificate of Sponsorship with a Governing Body Endorsement under Tier 5 Player-Coach Only does not permit the player-coach under any circumstances to (i) be taken on, engaged or employed by a First Class County or Minor County Cricket Club; or (ii) register for, or participate in, any matches or training sessions at a First Class County or Minor County Cricket Club at any level.

4. Governing Body Endorsement requirements for full-time coaches in Non First Class Cricket (Tier 5 Non First Class coach only)

If a cricket club wishes to apply for a Governing Body Endorsement to employ a full-time coach they will have to satisfy the following requirements:

- That the individual is either qualified to UKCC 2 or ECB Level II standard or holds a non UK qualification that is at least equivalent to the ECB Coach (UKCC 2) standard coaching qualification as confirmed by the ECB. Notwithstanding this qualification requirement the individual will also be required to undertake (or have undertaken) the Safeguarding & Protecting Children module of the ECB (UKCC) 2 and the ECB Health & Safety Assessment within 6 weeks of arrival (failure to complete these will result in future endorsements not being granted); and
- That there are no suitable resident workers who are qualified to UKCC 2 level available to do the job. The club will need to provide evidence that the job has been advertised in the most appropriate national medium, such as Wisden Cricketer Magazine, County Club /Board Website or ECB Website which provides the best way of reaching suitably qualified resident workers; and
- That the individual has satisfied the ECB vetting process for coaches.

The individual must not be subject to a provisional suspension or an unexpired period of ineligibility from cricket playing and/or coaching activities as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence pursuant to the applicable Codes, Rules and Regulations of the ECB or the ICC.

A Certificate of Sponsorship with a Governing Body Endorsement under Tier 5 Non First Class Coach Only does not permit the Non First Class Coach under any circumstances to (i) be engaged in any playing or coaching activity for the MCC, the ECB, First Class

Counties, Minor County Cricket Clubs or County Cricket Boards; or (ii) register for, or participate in any cricket matches played by Non First Class Cricket Clubs.

Out of season coaching

If a cricket club wish to employ a coach or player-coach outside the cricket season, where coaching is part of a nationally recognised initiative, they will have to satisfy the following criteria:

- that there are no suitable resident workers who are qualified to UKCC 2 level available to do the job. The club will need to provide evidence that the job has been advertised in the most appropriate national medium, such as Wisden Cricketer Magazine, County Club /Board Website or ECB Website which provides the best way of reaching suitably qualified resident workers; and
- provide proof that the individual has attained the **relevant coaching qualification** standard. Notwithstanding this qualification requirement, the individual will also be required to undertake (or have undertaken)) the Safeguarding & Protecting Children module of the ECB (UKCC) 2 and the ECB Health & Safety Assessment within 6 weeks of arrival (failure to complete these will result in future endorsements not being granted); and
- that the individual has satisfied the ECB vetting process for coaches.

The individual must not be subject to a provisional suspension or an unexpired period of ineligibility from cricket playing and/or coaching activities as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence pursuant to the applicable Codes, Rules and Regulations of the ECB or the ICC.

Once the UKCC 2 standard or equivalent has been achieved coaching duties can be undertaken but not before.

In order to meet the relevant coaching qualification standard the individual must show they have:

- (i) attained a qualification of at least ECB Coach (UKCC 2) standard under the structured ECB National Coaching Scheme before undertaking any coaching duties for a club based in the UK; or
- (ii) obtained a non UK coaching qualification that is of an equivalent or higher standard to the ECB Coach (UKCC 2) standard.

An example of a nationally recognised initiative is the 5 Hour Offer through the PE, School Sport and Young People scheme. It involves coaches going into schools on a year round programme, which means coaches will be required beyond the normal cricket season. Coaches or player/coaches involved in this programme must complete the ECB 'Coaching in Schools' module before undertaking coaching duties in schools.

Extensions

For the avoidance of doubt, Governing Body Endorsements in Tier 5 for player only, player coaches and coaches are issued by the ECB for a maximum of 12 months only. Applications for extensions of Governing Body Endorsements in future seasons after 2015 should be made in the same way as an initial application would be made. It will be assessed against the criteria for the relevant season to which the extension applies.

Appeals in relation to Governing Body Endorsements

Any appeal against an ECB decision not to provide a Governing Body Endorsement shall be submitted, considered and adjudicated in accordance with the published ECB Governing Body Endorsement Appeal Procedure (as amended from time to time).

Review of these requirements:

These criteria apply only to the 2015 season and will be reviewed on an annual basis. Details of the process for review and the method by which clubs may propose changes in these criteria are set out in the separate ECB document entitled Review Process for Governing Body Endorsements Criteria.

**Vetting & Barring Scheme for Overseas Coaches:*

At the time of finalising the criteria for the 2015 season it the Government was continuing with the review of the implementation of the new Vetting & Barring Scheme. The current Non-UK Vetting Process of requiring equivalent Vetting Checks from other countries where the migrant has lived and worked will continue to apply until the Government provides further information. If the review of the Vetting and Barring Scheme requires coaches and player-coaches to be registered before or during the 2015 season, the ECB will advise all clubs accordingly.

How to apply for Governing Body Endorsements for Tier 2 and Tier 5 Sponsor Licences for Clubs

First Class Counties and the Marylebone Cricket Club and the England & Wales Cricket Board should use:

- Annex 1: Tier 2/ Tier 5 Sponsor Licence Governing Body Endorsement Application Form

County Cricket Boards should use:

- Annex 2: Tier 2/ Tier 5 Sponsor Licence Governing Body Endorsement Application Form

Non First-Class Cricket Clubs should use:

- Annex 3: Tier 5 Sponsor Licence Governing Body Endorsement Application Form.

All potential sponsors should note that the purpose of an endorsement for a prospective sponsor is to confirm to the Home Office officials processing sponsor applications that the application is from a bona fide sports club or equivalent that has a legitimate requirement to bring migrants to the UK as sportspeople. The Home Office has additional criteria for sponsors that must be met in order for a cricket club to be granted a Sponsor Licence. It is not the England and Wales Cricket Board that will grant a Sponsor Licence to a club.

There is an administration fee of £24 for each Governing Body Endorsement for Sponsor Licences. Cheques must be included with applications, made payable to England and Wales Cricket Board.

How to apply for Governing Body Endorsements for Tier 2 and Tier 5 migrant applications

Once a cricket club has obtained their Sponsor Licence from the Home Office, the sponsor will be able to apply for Certificates of Sponsorship, which it will allocate to migrants coming here to work for it. Each migrant that a club wish to employ needs to be offered a Certificate of Sponsorship by the club. However, before a club can issue a Certificate of Sponsorship to a sportsperson, they will also have to obtain an endorsement from the England and Wales Cricket Board for all applications made for individual sports people and coaches.

The purpose of a endorsement for a migrant is to confirm that he/she is an internationally established sportsperson at the highest level, will make a significant contribution to the development of his/her sport at the highest level in the UK and that it is appropriate to fill the post from outside the European Economic Area. The issue of a certificate of sponsorship authorises the migrant to apply for entry clearance but does **not** mean that his or her application will succeed. The Home Office will make the final decision about who is allowed to come here. The migrant will need to obtain sufficient points and their personal or immigration history will be considered as part of the entry clearance application

First Class Counties and the Marylebone Cricket Club and the England & Wales Cricket Board should use:

- Annex 4: Tier 5 Migrant Governing Body Endorsement Application Form (Player Only);
or
- Annex 5: Tier 2 Migrant Governing Body Endorsement Application Form (Coach); or
- Annex 6: Tier 5 Migrant Governing Body Endorsement Application Form (Coach).

County Cricket Boards should use:

- Annex 5: Tier 2 Migrant Governing Body Endorsement Application Form (Coach); or
- Annex 6: Tier 5 Migrant Governing Body Endorsement Application Form (Coach).

Non First-Class Cricket Clubs should use:

- Annex 7: Tier 5 Migrant Governing Body Endorsement Application Form (Player-Coach);
or
- Annex 8: Tier 5 Migrant Governing Body Endorsement Application Form (Coach).

There is an administration fee of £35 for each Governing Body Endorsement for Migrant applications. Cheques must be included with applications, made payable to England and Wales Cricket Board.

Annex 9 should be used to assist with evidence submissions in all applications.



Governing Body Endorsement Appeals Procedure

1. SCOPE OF APPEAL PROCEDURE

- 1.1 This document (the **Appeal Procedure**) sets out the ECB's procedure for appeals by a cricket club or other applicable employer (each a **Club**) against the decision of the ECB not to provide a Governing Body Endorsement (**GBE**) for a sponsor licence in respect of the Club or any given individual migrant (the **Migrant**).
- 1.2 All such GBE decisions by the ECB (each a **GBE Decision**) are made pursuant to the ECB's published GBE procedure (as amended by the ECB from time to time) and specifically through the ECB's application of the relevant criteria which forms the substantive element of that procedure and which must be satisfied for the ECB to be able to grant a GBE (the **Criteria**).
- 1.3 This Appeal Procedure has been adopted as of midnight 1st September 2010, supersedes any other appeal procedure published by the ECB, forms the entire agreement between the ECB, each Club and each relevant Migrant (together the **Parties**) as to how the ECB's GBE Decisions may be challenged and shall remain in place until superseded or amended by the ECB from time to time.
- 1.4 The Parties agree to submit any dispute concerning any matter connected with or arising out of a GBE Decision for resolution pursuant to this Appeal Procedure.
- 1.5 The Parties shall treat all decisions made pursuant to this Appeal Procedure as final and binding upon them.

2. SOLE GROUND OF APPEAL

- 2.1 The sole ground of appeal shall be that there has been a failure by the ECB to correctly apply the relevant Criteria in making a GBE Decision.
- 2.2 No other grounds of appeal or other challenges in relation to a GBE Decision, including but not limited to any challenge to the form or substance of any or all of the Criteria, can legitimately be made pursuant to this Appeal Procedure.

3. NOTICE OF APPEAL

- 3.1 This Appeal Procedure is commenced when a Club affected by a GBE decision (the **Appellant**) submits a written appeal (the **Notice of Appeal**) to the ECB's Ethics and Compliance Manager, England & Wales Cricket Board, Lord's Cricket Ground, London, NW8 8QZ within 14 days of the contested GBE Decision being issued by the ECB to the Club, together with a non-refundable appeal fee of £125.
- 3.2 The Notice of Appeal must include full details of the basis of the appeal including the precise manner in which the Appellant alleges that the Criteria have not been correctly applied, together with any supporting documentary evidence.

4. INITIAL EVALUATION

- 4.1 Upon receiving a Notice of Appeal, the ECB's Ethics and Compliance Manager shall within 7 days acknowledge receipt to the Appellant and then arrange for an initial judgment on the validity of the appeal to be made by a panel consisting of himself/herself and two members of the ECB Cricket Discipline Commission, (the **Evaluation Committee**). The Evaluation Committee shall not include any person who was involved in any way in making the original GBE Decision.
- 4.2 The Evaluation Committee shall determine whether the Notice of Appeal is valid and whether the Appellant's complaint should be referred to and considered by a sole arbitrator in accordance with section 5 below, having regard to the following three issues:
- (a) whether the Notice of Appeal has been served in time;
 - (b) whether the Notice of Appeal is based on the sole applicable ground of appeal set out at section 2 above; and
 - (c) whether the Notice of Appeal discloses a prima facie case that the appeal is, on the balance of probabilities, likely to succeed
- (each a **Condition**).
- 4.3 If all three Conditions are satisfied in the majority opinion of the Evaluation Committee, it shall confirm that the Appellant's appeal should be referred to a sole arbitrator in accordance with section 5.
- 4.4 If any one or more of the three Conditions are not satisfied in the majority opinion of the Evaluation Committee, the Notice of Appeal shall be dismissed and no further action shall be taken by any Party. The Appellant and the Migrant shall accept this decision as final and binding on them.
- 4.5 The decision of the Evaluation Committee, and where the Evaluation Committee does not remit the matter to the sole arbitrator the reasons for their decision, shall be provided in writing to the Appellant as soon as reasonably practicable and in any case normally within 28 days after the receipt by the ECB's Ethics and Compliance Manager of the Notice of Appeal.

5. ARBITRATION

- 5.1 In the event that the Evaluation Committee decides to refer an Appellant's appeal for a decision by a sole arbitrator in accordance with paragraph 4.3, it shall be referred to Sport Resolutions (UK) for final and binding arbitration by a sole arbitrator in accordance with the Appeal Arbitration Procedure set out in Sport Resolutions (UK)'s Arbitration Rules, save as amended by the provisions of this Appeal Procedure (the **Arbitration**).
- 5.2 The sole arbitrator shall be appointed by the Executive Director of Sport Resolutions (UK), unless otherwise agreed in writing by all the Parties.
- 5.3 The Parties agree that the Arbitration shall be conducted without any hearing, on the basis of written submissions only, unless otherwise agreed in writing by all the Parties.
- 5.4 The sole arbitrator shall be entitled to order one Party to pay another Party's legal and other costs, subject to a cap of £2,000 (including VAT).
- 5.5 The Parties agree that the reasons for the sole arbitrator's decision shall remain confidential.

6. REMEDIES

The sole arbitrator shall have the power, in making his/her written decision, either to affirm or to reverse the ECB's GBE Decision. In the event that the sole arbitrator reverses the ECB's GBE Decision, he/she shall also direct the ECB to grant a GBE to the Appellant in its own capacity as a sponsor and/or in respect of the relevant Migrant (as applicable) and the ECB shall comply with such direction.



Review Process for Governing Body Endorsements Criteria

The Governing Body Endorsement criteria within this document apply only to the 2015 season and will be reviewed on an annual basis. Details of the process for review and the method by which clubs may propose changes in these criteria are set out below.

The 2015 season criteria were determined by a process of consultation based upon the 2014 criteria for Governing Body Endorsements for cricket. The criteria for Tier 2 and Tier 5 (First Class Cricket Player Only, Coach Only) were reviewed through public consultation and the ECB Cricket Committee, as well as the ECB Board which has representatives from First-Class and non-First-Class clubs and MCC. The Professional Cricketers Association and other interested parties were also involved in the consultation. The criteria for Tier 5 were reviewed through public consultation as well as the ECB Recreational Cricket Group and the League Cricket Conference which represents over 70 leagues across England and Wales, before being presented to the ECB Board for review.

The criteria for Tier 2 Coach Only Tier 5 Player Only and Tier 5 Coach Only (FCC) will be reviewed on an annual basis through appropriate ECB committees and Board which has representatives from the professional clubs, the Professional Cricketers Association and other interested parties such as the MCC. Clubs who wish to propose changes for the review process to consider must submit those proposals to the ECB Cricket Department at the ECB from 31 January 2015 and by no later than 31st May 2015. The ECB Cricket Committee will submit the criteria to be formally ratified by the ECB Board for submission to the Home Office for approval in July 2015.

The criteria for Tier 5 Player Coach & Tier 5 Coach Only (Non FCC) will be reviewed through the ECB Recreational Cricket Group and the League Cricket Conference which represents over 70 leagues across England and Wales. Clubs who wish to propose changes for the review process to consider must submit those proposals to the Non-First Class Cricket Department at the ECB from 31st January 2015 and by no later than 31st May 2015. The ECB Recreational Cricket Group will submit the criteria to be formally ratified by the ECB Board for submission to the Home Office for approval in July 2015.