

**POINTS BASED SYSTEM TIER 2 & TIER 5 – GOVERNING BODY
REQUIREMENTS FOR PLAYERS AND COACHES EMPLOYED BY A
WELSH REGION WRU PRINCIPALITY PREMIERSHIP CLUB**

SEASON 2008/2009

A. BACKGROUND

The Tier 2 and Tier 5 (sports people) requirements for rugby union in Wales for the 2008/2009 season are set out in the following document. The category of Tier 2 (Sport) of the Points Based System are 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 or in respect. Tier 5 (Temporary Worker) – Creative and Sporting is for sports people 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 UK Border Agency has recognised the Welsh Rugby Union (WRU) as the governing body in Wales setting the endorsement requirements and issuing endorsements.

The requirements have been set after consultation with the Welsh Regions and the Clubs in the WRU Principality Premiership.

B. LENGTH OF SEASON

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

C. REVIEW AND PUBLISHING FINAL ENDORSEMENT REQUIREMENTS

1. The WRU shall review the endorsement requirements on an annual basis in line with the code of practice for sports governing bodies.
2. The requirements will be submitted annually to the UK Border Agency.

D. EMPLOYING A SPORTS PERSON IN RUGBY UNION

1. A Region or 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.
2. Governing Body Endorsements will 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 and the other conditions of employment should be at least equal to those usually given to a 'resident worker' for this work. Where the salary quoted appears to be lower than expected the WRU seek further information and advice from the sponsors and the players' representatives.

E. ENDORSEMENT REQUIREMENTS

1. To be a sponsor

A Governing Body Endorsement will only be issued for a Region or a Club to become a Sponsor if that Region or club is playing in one of the following Leagues:

- i. Magners Celtic League
- ii. Principality Premiership.

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 Welsh Rugby 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;
South Africa.

Tier 2 countries

Canada;
Fiji;
Japan;
Romania;
Samoa;
Tonga;
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. Regions and 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 a governing body endorsement for the player

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

- i. continue to meet the requirements as for initial applications, OR
- ii. the player must have started in at least 75% of Competitive matches for his Region or Club for the period of the previous permission.

For changes of employment from a Region or Club outside Wales to a Region or Club within Wales the player must meet the Initial Requirements as set out in the initial application requirements above.

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

Competitive matches are defined as those played in the Magners Celtic League, Heineken Cup, European Challenge Cup, EDF Energy Cup, the Principality Premiership and the SWALEC Cup.

3. For a Director of Rugby/Coach

a. Initial Application

If a Region or 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 WRU they must have been:

- 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 endorsements for player/coaches will not be considered. Applications will be separately considered for posts as a player or as a coach.

Posts must be advertised in local and national newspapers and on the websites of the intending employer, allowing four weeks from the date the advertisement appears to receive applications. This provides the best way of reaching suitably qualified resident workers. 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 Region or Club wishes to extend the employment of a non-European Economic Area (EEA) national as a Director or Rugby, Head Coach, Assistant Coach, or Skills Coach a new Governing Body Endorsement should be applied for and will receive automatic endorsement.

Where a Region or 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 Region or Club in either the Magners League in Wales or the Principality Premiership a Governing Body Endorsement should be applied for and will receive automatic endorsement.

For changes of employment from a Region or Club outside Wales to a Region or Club within Wales a 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 or coach fails to meet the published requirements, the Club may seek a review of the application. The Sponsor (Region or Club) will have 28 days to request such a review. In these cases the Welsh Rugby Union will refer the Region's or Club's evidence to an independent panel.

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

Regions or 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 Region or Club should therefore ensure that all evidence it wishes to present in support of its application is presented to the panel.

If the Region or 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 Welsh Rugby Union.

A review shall be commenced by the appellant lodging with the WRU's Community Rugby 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 in any ground of appeal not set out in the notice of appeal; and
- iii. be accompanied by a deposit of £1,000 which will be repaid if the appeal is successful.

The procedure for appeal will be in accordance with the WRU's Regulations and set up a Panel as detailed below.

b. The Panel

The panel will be appointed by the WRU's Professional Rugby Board (PGB). The appointed panel shall consist of:

- i. Independent Chairman
- ii. WRU representative
- iii. Regional or Club representative.

c. Power of the Panel

The Review Panel shall have the power to:

In relation to a migrant coach:

- 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 Wales.

In relation to a migrant player:

- 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 Wales.

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 are available on the WRU website (www.wru.co.uk).

The contact at the Welsh Rugby Union will be:

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