

BRITISH SWIMMING'S ENDORSEMENT AND SPONSORSHIP SYSTEM BASED ON THE UKBA POINTS BASED SYSTEM

As part of the Government's changes in employing individuals from abroad, the UK Border Agency (<http://www.ukba.homeoffice.gov.uk/>) has introduced a points-based system. The UKBA has recognised British Swimming as the National Governing Body for setting the endorsement requirements and issuing endorsements for these individuals within Swimming and the other aquatic disciplines including Water Polo, Synchronised Swimming, Disability Swimming and Diving.

The following pages provide a very brief overview explanation of the Government's new points-based immigration system. This system replaces the over 80 existing routes to work and study in the United Kingdom with 5 tiers. This revised process will allow British business to recruit the skills they need from abroad while providing assurances to the British public that only those migrants needed will be able to come to the United Kingdom.

WHO DOES THE SYSTEM APPLY TO?

The points-based system only covers migrants from outside the European Economic Area (EEA) and Switzerland. If the Scottish Swimming Association, the Welsh Swimming Association, British Swimming, the Amateur Swimming Association and clubs affiliated to one of these bodies wishes to employ an EEA or Swiss national, it should be able to do this without needing to join the scheme. However, please note there are some restrictions on nationals of countries that have recently joined the EEA.

HOW THE SYSTEM WILL WORK

Under the new system, migrants will need to pass a points-based assessment before they are given permission to enter or remain in the United Kingdom. The system consists of 5 tiers and each tier has different point requirements. Points will be awarded to reflect the migrant's ability, experience and where appropriate the level of need within the sector the migrant will be working. The UK Border Agency website explains how your organisation should apply for a licence to be on the register of sponsors for the points-based system. You can go to the following website link to learn more and understand the process:

www.ukba.homeoffice.gov.uk

WHAT ARE THE TIERS?

The points-based system consists of 5 tiers. The applicable tiers for the Scottish

Swimming Association, the Welsh Swimming Association, British Swimming, the Amateur Swimming Association and clubs affiliated to one of these bodies are Tiers 2 and 5.

The sportspeople category of Tier 2 (Sports) 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. Initial approvals under this category can be for the length of the contract or up to 3 years maximum, whichever is the shorter period.

The sportspeople category of Tier 5 (Sporting) 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. This category is for temporary workers who come to the United Kingdom for the length of contract or up to 12 months maximum, whichever is the shorter period.

GUIDANCE FOR A CLUB

If a club affiliated with the Scottish Swimming Association, the Welsh Swimming Association, British Swimming and/or the Amateur Swimming Association wishes to recruit a migrant worker under Tiers 2 and/or 5 they will have to apply for a sponsor licence.

For these clubs to become sponsors, they will need to obtain approval from the 'British Swimming Panel' in the form of a governing body endorsement. The purpose of an endorsement for a prospective sponsor is to confirm to the UK Border Agency officials processing the sponsor applications that the application is from a bona fide sports club or equivalent and has a legitimate requirement to bring migrants to the UK as sportspeople.

The 'British Swimming Panel' will consist of a representative of British Swimming, a representative from the Personnel Department and a representative from the relevant national swimming association.

Therefore, 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 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, 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 or leave to remain. However, this does not mean that his or her application will succeed. The UK Border Agency will make the final decision about who is allowed to enter the United Kingdom. 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 wishes to employ needs to be assigned 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 'British Swimming Panel' for all applications made for individual sports people and coaches.

For Tier 2 (Sport), 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.

For Tier 5 (Sporting), the purpose of an endorsement for a migrant is to confirm that he/she is an internationally established sports person at the highest level and/or will make a significant contribution to the development and operation of his/her sport in the UK, and that it is appropriate to fill the post from outside the European Economic Area.

Most people wanting to come to the UK under the PBS will need prior entry clearance, which they will not be allowed to apply for without a certificate of sponsorship; the exceptions being non-visa nationals issued with certificates of sponsorship under Tier 5 (Creative and Sporting) which are valid for 3 months or less. However, a Certificate of Sponsorship does not guarantee that a visa will be issued.

Endorsements for migrants will be required for each Certificate of Sponsorship to be issued, that is for initial, change of employment and extension applications. Also, 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 another governing body endorsement to register as a sponsor under Tier 5.

The next section provides details of the criteria required by both the sponsors and the migrants that must be fulfilled for the 'British Swimming Panel' to provide a Governing Body Endorsement under the points based system for migrants offered work. Applications for extensions should be made in the same way as an

original application. However, extension applications can be approved for the length of contract, 2 years or up to the maximum period allowed in the sub-category, whichever is the shorter period.

Any queries relating to the Governing Body Endorsement Process should be directed to the British Swimming Board in Writing to:

British Swimming Governing Body Endorsements
British Swimming Panel
C/O The Personnel Department
Harold Fern House
Derby Square
Loughborough
LE11 5AL

GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR THE POINTS-BASED SYSTEM TIER 2 AND TIER 5 FOR SPORT

The Scottish Swimming Association, the Welsh Swimming Association, British Swimming and the Amateur Swimming Association have been consulted in drawing up the Endorsement requirements.

The requirements will be reviewed annually.

The criteria apply to extensions and changes of employment and initial applications.

GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR CLUBS SEEKING TIER 2 & TIER 5 SPONSOR LICENSES

In order to obtain an endorsement, the club must prove their affiliation to the Scottish Swimming Association, the Welsh Swimming Association, British Swimming and/or the Amateur Swimming Association by providing their unique reference number and club code.

AGREED CRITERIA FOR NATIONAL PERFORMANCE DIRECTORS

- National Performance Directors should have a minimum of five years experience, with evidence of directing or contributing to the programme of individual athletes reaching major events such as at the Olympics, World and European Championships and Commonwealth Games and achieving consistent success. This needs to be demonstrated through their history of employment

record within the application and also through their record of achievements obtained through references;

- Individuals will hold National and/or International Coaching qualifications; a minimum of UKCC Level 4 or equivalent. Copies of their relevant certificates should be provided; and
- Evidence of proven success in setting a strategy to deliver an elite programme at World and Olympic level. This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references.

AGREED CRITERIA FOR HEAD COACHES (National Level)

- Coaches should have a minimum of 3 years technical coaching experience at World Level (World Championship or Olympic Games) and provide evidence of delivering finalists at World Level (Junior, Under 23 or Senior). This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references;
- Individuals will hold national and/or international coaching qualifications or equivalent; a minimum of UKCC Level 4 Copies of their relevant certificates should be provided;
- Leadership and management experience with extensive exposure to high performance issues and solutions such as planning and preparation for FINA (World Championship Level) and LEN (European Championship Level) events. This needs to be demonstrated in the relevant section of the application form and also through obtained references; and
- Evidence of one to one peer level coaching. This needs to be supported in the relevant section of the application form and also through obtained references

AGREED CRITERIA FOR HEAD COACHES (Club Level)

- Applicants should hold the minimum of an United Kingdom Coaching Certificate Level 3 Coaching or equivalent qualification and have a minimum of 2 years relevant coaching experience. This needs to be demonstrated through their history of employment record within the application and also through their record of achievements obtained through references;
- Individuals will hold national and/or international coaching qualifications or equivalent; a minimum of UKCC Level 3 Copies of their relevant certificates should be provided; and
- Evidence of their personal continuous professional development. This will be ascertained by obtaining copies of their relevant certificates and by providing documentation to prove their attendance at National seminars and placements.

AGREED CRITERIA FOR ASSISTANT COACHES (National and Club Level) (Tier 5 only)

- A recognised coaching qualification or equivalent. This will be ascertained by obtaining copies of their relevant certificates;
- Individuals will hold national and/or international coaching qualifications or equivalent; a minimum of UKCC Level 3 This will be ascertained by obtaining copies of their relevant certificates;
- Knowledge of the technical laws associated with the aquatic discipline as ascertained through achieving their UKCC certificates(s). This needs to be demonstrated in the relevant section of the application form and also through obtained references; and
- A minimum of two years coaching experience at a high level of domestic and or international level including coaching athletes of international potential. This needs to be demonstrated by identifying the candidate's success at major national and/or international competitions/events and should be supported through the application and through obtained references.

APPEALS IN RELATION TO GOVERNING BODY ENDORSEMENTS

Decisions regarding these applications will be made by a 'British Swimming subcommittee' who will consider written applications from the organisation concerned which must include full and complete job descriptions and person specifications. Should permission be granted, British Swimming will monitor the individual's activities against the job description which has been submitted. The sub-committee will give written reasons for their decision. The sub-committees decision will be final.

AGREED LENGTH OF ISSUE FOR TIER 2 AND TIER 5

- Initial application for Tier 2; for the length of contract or for up to a maximum of 3 years whichever is the shorter period.
- Extension application for Tier 2; for the length of contract or for up to 2 years whichever is the shorter period.
- Initial application for Tier 5; for the length of contract or up to 12 months, whichever is the shorter period.

SALARY

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.

RECRUITMENT PROCESS TO ASCERTAIN NO RESIDENT WORKERS ARE SUITABLE

The sponsor will need to provide evidence that the job has been advertised in the most appropriate national medium, such as the British Swimming Website, which provides the best way of reaching suitably qualified resident workers.

This will be ascertained by providing screen shots/photocopies of the adverts within relevant publications to show where these roles were advertised extensively and externally.

THE ABILITY TO COMMUNICATE EFFECTIVELY IN ENGLISH

The ability to communicate effectively in English (in writing and orally) is essential. This will be ascertained through the Application process and a letter of confirmation from the club confirming that the level of spoken English is of an acceptable level. Where appropriate a panel member from British Swimming will contact the individual in question

HOW TO APPLY FOR GOVERNING BODY ENDORSEMENTS FOR TIER 2 AND TIER 5 SPONSOR LICENCE FOR CLUBS

All potential sponsors should note that the purpose of an endorsement for a prospective sponsor is to confirm to the UK Border Agency 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 UK Border Agency has additional criteria for sponsors that must be met in order for an aquatic club to be granted a Sponsor Licence. It is not the 'British Swimming Panel' that will grant a Sponsor Licence to a club.

There is an administration fee of £20 for each Governing Body Endorsement for Sponsor Licences. Cheques must be included with applications, made payable to British Swimming Limited.

Once an aquatics club has obtained their Sponsor Licence from the UK Border Agency, 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 assigned 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 British Swimming Board for all applications made for individual sports people and coaches.

The issue of a certificate of sponsorship authorises the migrant to apply for entry clearance or leave to remain but does **not** mean that his or her application will succeed. The UK Border Agency will make the final decision about who is

allowed to come or stay 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.

There is an administration fee of £30 for each Governing Body Endorsement for Migrant applications. Cheques must be included with applications, made payable to British Swimming Limited.

FURTHER INFORMATION

For further information please contact:

**British Swimming Governing Body Endorsements
British Swimming Panel
C/o The Personnel Department
Harold Fern House
Derby Square
Loughborough
LE11 5AL**

The Endorsement Requirements will be published on the British Swimming web site:

www.britishswimming.org