

April 2020

To: All Clubs at Steps 1 to 6 of the National League System



Dear Secretary

This letter sets out guidance on each of the steps your Club will need to take if it wishes to retain any of its current contract players for the 2020/2021 season. Please read the following notes in conjunction with FA Rule C1. We have also enclosed copies of specimen documents as well as a blank retained list for your use.

For the avoidance of doubt, this document is for general advice purposes only and does not (and is not intended to) constitute legal advice.

Retention process

Clubs who wish to offer re-engagement to a player for next season or exercise an option in a player's contract (thereby protecting any compensation rights or obtaining a player's registration for a further season) are still required to do so by completing the retention process as per FA Rule C.1.

FA Rule C.1(j) states that notices to exercise an option or offer re-engagement should be sent to players within 7 days of (i) the first Saturday in May or (ii) the date of the last competitive Match of the Club's first team, whichever is the later. This is also required under the standard player contract. As the season has now definitively ended for the vast majority of clubs, your notices should be sent within 7 days of the first Saturday in May. The position regarding clubs who may have remaining fixtures is addressed below. Any offer of re-engagement or exercise of an option must be on the same or not less favourable terms as the player's current contract (including all guaranteed payments, bonuses and benefits in kind). Such offer should not reflect any amendment made to the terms of the player's contract in light of the current public health crisis (e.g. furloughing or wage reduction).

If your Club seeks to offer re-engagement or exercise an option in order to retain a player, Rule C(1)(j)(xiv) provides that any notice should be sent to the player by either registered or recorded delivery whereby proof of posting may be obtained.

However, Rule C(1)(j)(xiv) also states that a notice can be sent by other means if a written acknowledgment of receipt is obtained. In the current circumstances, given that Club representatives may be unable to physically use postal services due to the measures adopted by the Government, Clubs can submit the relevant notices by email, **provided that the Club obtains written confirmation from the player** that he has received a copy of the retention notice. It is vital that your Club receives an acknowledgement from the player, or the retention may not be considered valid for the purposes of FA Rules.

Clubs should ensure they have current postal and email addresses on file for all existing players ahead of sending any notices.

Potential Outstanding Fixtures

We are aware that the National League has still to decide how it intends to determine the sporting outcomes of the 2019/20 season (and that play-offs are being contemplated) and that the semi-finals and final of The FA Trophy and FA Vase have still to be scheduled. It is not possible to know for certain when it will be safe to play these games and we do not anticipate that this will be known before the first Saturday in May. It is also not possible to know for certain whether these games can be played at all.

As a result of this uncertainty, certain clubs and players will need clarification about when retention notices should be served. Therefore, provided all other requirements of FA Rules are met, The FA can confirm it will deem any notice served between 2 May 2020 and 9 May 2020 to comply with FA Rules and protect the club's compensation rights.

Clubs who may be participating in National League play-offs and/or FA Trophy or Vase fixtures should carefully consider, and agree, the contractual position regarding their players' participation in those fixtures should they take place.

Consequences of a player not accepting an offer of re-engagement

Once an offer of re-engagement is received, the player must notify his Club in writing as to whether or not he accepts the offer within 28 days of receipt.

If the player rejects the offer, he is free to negotiate with another Club. This is subject to the right of his former Club to claim a compensation fee if he is under the age of 24 prior to 30th June 2020.

If the player does not reply to the offer within 28 days, the player is free to negotiate with another Club.

If the player does not accept the offer, but stays registered with the same Club, then the previous contract continues under the same terms and conditions until 31st August, or the date on which he registers for another Club, whichever is the sooner. **If the player continues to play for the Club after 31st August then a week to week agreement must be signed and submitted to The FA, every week.** Under this, the player agrees to continue to be paid under the terms and conditions of his previous contract until such time as a new contract is entered into, or the player moves to another Club. A specimen week to week agreement is enclosed for your reference. To clarify, compensation would still be due should the player decide to sign for another Club.

Retained list

Clubs must notify The FA Player Status Department of any players who have been retained by offer of re-engagement or exercise of option by **1st June 2020** on the form supplied, in accordance with FA Rule C1(j)(xv).

Clubs which have players registered under contract must declare the following:

1. Any players who have additional years left on their contracts (Section 1 on the list),
2. Any players for whom the Club has exercised an option in accordance with FA Rule C1 and the player's contract (Section 2 on the list), and
3. Any players to whom the Club has offered re-engagement in accordance with FA Rule C1 and the player's contract (Section 3 on the list).

Failure to provide the necessary information by the due date could mean the difference between keeping and losing a player and, with that, any potential compensation fee.

If your Club does not have any players registered under contract, or all of the players' contracts expire at the end of the 2019/2020 season and the players will not be retained by your Club, you will need to submit a Nil Return. This may be submitted in the form of an email to the Player Status Department or by return of a blank form, in either case making it clear that your Club is submitting a Nil Return. If no retained list is received by the deadline, your Club will be assumed by default to have submitted a Nil Return.

FA League Appeals Committee

In the event of a player, who is under the age of 24 prior to 30th June 2020, not accepting an offer of re-engagement and subsequently signing on contract or non-contract terms for a new Club in England, the two Clubs must agree a compensation fee. **If the player will be over 24 years of age on or before 30th June 2020 and his contract has expired, no compensation fee can be claimed by the former Club.** In addition, no compensation is payable if the player moves abroad. However, Training Compensation may be due in accordance with FIFA Regulations.

If the two Clubs are unable to agree a compensation fee, the fee will be settled by a Football Association League Appeals Committee ('tribunal') at the request of both clubs. Both Clubs must submit a non-returnable administration fee of £300, together with written details of the dispute and each Club's valuation to be considered by the tribunal. Please note that should a tribunal be set, and the panel feel that Clubs have not taken appropriate steps to try to resolve matters themselves, they may consider imposing costs.

Such decision by the tribunal will be final and binding. Therefore, Clubs are encouraged to agree compensation fees without recourse to the tribunal process.

Should your Club require a tribunal or wish to discuss the process, please contact the FA Player Status department or refer to the FA Leagues Appeal Committee document which accompanies this letter.

Start dates of 2020/2021 season

As the new season's start dates have not yet been confirmed, The FA are happy for Clubs to include as the payment start date "*the first League or Cup match of the Club's first team in the 2020/21 season*" or "*[] days prior to the first League or Cup match of the Club's first team in the 2020/21 season*" (to allow payment for a certain proportion of pre-season). However, clubs which may be participating in National League play-offs and/or FA Trophy or Vase fixtures should carefully consider the interaction between the agreed contractual position regarding a player's participation in those fixtures and any contract signed for the 2020/21 season.

Contact

If you have any queries regarding any of the processes outlined within this letter, please contact the Player Status department on the following numbers:

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Assistant Player Status Manager - National Game
0800 169 1863 ext **4631**

Sean Joyce

Player Status Officer - National Game
0800 169 1863 ext **4491**

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0800 169 1863 ext **4711**

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