



application for membership

British Franchise Association: promoting excellence in franchising

APPLICATION FOR MEMBERSHIP OF THE BRITISH FRANCHISE ASSOCIATION
AS AN AFFILIATED PROFESSIONAL ADVISOR

Category/professional discipline

- Finance (banks, accountants)
- Legal
- Franchise Consultants (development)
- Franchise Recruitment Consultants (brokers)
- Recruitment Media: Websites
- Recruitment Media: Magazines, newspapers



For individuals or organisations offering professional advice and services to the franchising community

Application Form

for membership of the British Franchise Association in the capacity of an Affiliated Professional Advisor ("Affiliate") in the category/professional discipline:

Legal

PLEASE READ ALL OF THIS FORM CAREFULLY

Benefits of Affiliate membership

Affiliated professional advisors will be entitled to the following benefits

- Use of the bfa logo (in accordance with bfa rules for its use).
- Inclusion on the bfa website listing and any other membership directory or listing of Affiliate members, which will carry the name of the affiliated organisation or individual, nominated officer and contact details. This listing is circulated to all bfa franchisor members and is included in information packs.
- The option to list additional offices (including a named contact) for an additional (discounted) subscription.
- Participation in the governance of the bfa, including the right to stand for elected office.
- Automatic accreditation for exhibitions sponsored by the bfa and the opportunity, if exhibiting, to contribute to the Franchisee and Franchisor seminars organised at such events by the bfa.
- Recognition as a sponsor for new Franchisors seeking admittance to the bfa on the Provisional List.
- Access to bfa events including the Association's Annual Conference, Awards Ceremonies, AGM etc, at Members' rates.
- The opportunity to contribute to the bfa's publications, committees and working groups.
- The opportunity to enter into appropriate sponsorship and promotional arrangements.

Guidance notes on completing this form

- Please read all of this form carefully. If you subsequently have questions or difficulties in completing the application, do not hesitate to contact the Association for assistance.
- All information, all evidence and all supporting documentation must be provided before this application can be considered. The form must be completed in full. Blanks or gaps in information will result in the form being returned for completion.
- Please bear in mind that the onus is on you to provide the evidence to demonstrate that your organisation (or you, in certain cases) meets the Association's criteria. Please provide whatever additional material you feel is relevant.
- In respect of referees, you should first obtain the consent of the individuals/firms you are nominating, as we shall be contacting them for references.
- There is no cost of applying for membership and undergoing the accreditation process. You will only be asked for payment (of your membership subscription) once we are in a position to offer you Affiliate membership. For information on the cost of bfa Affiliate membership, please contact the bfa. (If you join part way through our financial year, the fee will be pro rata).
- The original of this application form (not a scan or a facsimile) should be sent to the bfa with your supporting documentation. However you are welcome to send supporting documentation (especially if voluminous) by email attachment instead if it is more convenient.
- When it comes to selecting the names of referees you intend to nominate who will sponsor your application, you may wish to refer to the bfa's website for a full membership list.
- You may wish to retain a copy of this form as it contains the criteria for membership and the commitments and declarations by which you will be bound if you are admitted.

Criteria applicable to all Affiliates

Affiliated membership of the bfa in the capacity of an Affiliated Professional Advisor is available to organisations, or in some cases individuals, who can demonstrate to the satisfaction of the bfa that they meet the specific criteria set by the bfa for that professional discipline.

They can demonstrate a general knowledge and broad understanding of franchising in general;

They can demonstrate specific, in-depth knowledge and experience of providing advice and services in their particular professional discipline to the franchise sector;

They can demonstrate that the nature of the advice and services that they provide is such that, in the course of servicing their clients properly they will, by using their knowledge of what constitutes good franchising practice, influence the way in which their clients employ measures that constitute best practice. These professional advisors, therefore, have the ability to have a direct influence on the course of good franchising, for good or ill, and are best placed to be able to promote ethical franchising through the delivery of their services.

Additional criteria applicable specifically to the legal profession

Evidence of professional standing

Photocopy of Practising Certificate issued by the Solicitors Regulation Authority, or evidence of membership of the Bar Council, by being listed on the Barristers' Register.

Plus

Evidence of franchising experience

Solicitors: accreditation is by **firm**, with a **Nominated Individual** who can demonstrate current and specific franchising experience by examples of work done - e.g. properly drafted franchise agreements - and/or through whole or partial bfa Qualified Franchise Professional (QFP)¹;

or

Barristers: accreditation is of an individual, who can provide evidence of court work and cases undertaken that demonstrate franchising experience;

Plus

Professional references

References from three bfa Affiliated Professionals (ideally other lawyers) of at least three years standing as Affiliate Members, and/or² three directors or senior managers of three different bfa Full or Associate Franchisor Member companies that are current or former clients of the applicant firm (or individual) in the area(s) relevant to the applicant's franchise-related expertise.

There will be annual re-accreditation by self-declaration, completed by the Nominated Individual, and subject to closer scrutiny at the Association's discretion. Timely co-operation with the bfa in the annual re-accreditation process is obligatory, and fundamental to continued membership.

¹ The bfa will be concerned to see that the level of franchising work done or the level reached in the QFP are sufficient to demonstrate current and specific franchise experience.

² A combination of Affiliated Professionals and Franchisors (totalling three in all) is perfectly acceptable.

Applicant's details

The following details on you and your organisation will be used by the bfa for invitations to events, newsletters, official correspondence and contact by bfa staff.

Details of the **Nominated Individual**. (Refer to the section on criteria for your specific discipline for responsibilities of role):

Name	
Direct tel. no.	Mobile
Email	
Name and address of company/firm	
Main tel. no.	Fax no.
Email	
Web	

If there are details that are different from the above in respect of your accounts department (e.g. for receiving and paying invoices, setting up direct debits etc) please state the details below:

Tel. no.	Fax no.
Email	Contact name

Area(s) of specific legal expertise and advice to franchising in which you are applying to be accredited as a professional bfa-affiliated legal advisor, and in which you regularly provide legal advice or services to the franchising sector (indicate clearly in appropriate box):

	Franchise agreements
	Structuring and ongoing advice to franchisors
	Structuring and ongoing advice to franchisees
	ADR and/or litigation
	International franchising
	Property acquisition ³
	Court work (i.e. as a barrister)
	Other (please state)

3. Please note that experience in property conveyancing, unsupported by other franchising experience, would not of itself constitute sufficient evidence of "specific legal expertise and advice to franchising".

General Declaration and Commitment

The General Declaration and Commitment below, and the Standards and Code of Conduct that follow, have been set by the Board of the bfa in consultation with its membership. You are invited to commit to these procedures, codes and standards, which may be amended or developed by the Association. Such procedures and codes can only be amended or developed after full consultation with Members who, if they do not wish to continue with the necessary commitments, will be afforded every opportunity to withdraw from the Association.

All Affiliate members agree the following:

- That the information provided in and with this application is, to the best of your knowledge, a full, fair and accurate representation of your business;
- To uphold the Association's complaints, disputes, conciliation, mediation and arbitration procedures and any amendments thereto agreed by the Association;
- To be bound by the Association's disciplinary and appeals procedures, and to comply with any notices or instructions issued under those procedures and any amendments thereto agreed by the Association;
- To comply with the Association's requirements and conditions for re-accreditation and any amendments thereto agreed by the Association;
- To comply with the Association's Code of Ethical Conduct and any amendments thereto agreed by the Association;
- To abide by the Advertising Standards Authority's Code of Advertising practice;
- Not to sell, offer for sale or distribute any product or render and service, or promote the sale or distribution thereof, under any representation or condition (including the use of the name of a 'celebrity') which has the tendency, capacity or effect of misleading or deceiving purchasers or prospective purchasers;
- To use their best endeavours to adopt best practice in franchising as agreed and published by the Association from time to time;
- To notify the Association at the earliest opportunity of any material change in ownership, direction, financing or operation of the business;
- To comply with the Association's requests for copies of non-confidential information to be held by the Association;
- To provide authorised full-time officials of the Association access to but not copies of confidential information reasonably required in accrediting or re-accrediting the company to membership but only on the basis that the Association contractually requires its full-time officials to maintain the confidentiality of such information.

Signature to be signed by the Chairman or Managing Director of the company or Partner of the firm making the application

Name (block capitals)

Position held

For and on behalf of

Date

Standards and Code of Conduct

Set out below are the Standards and Code of Conduct that have been set by the bfa in respect of this professional discipline. When you sign (later in this application form) you are agreeing to adhere to and be bound by these.

- The standards and conduct against which lawyers will be measured are those laid down by their own professional bodies.
- Each firm (or company, partnership, or other legal entity) will appoint a Nominated Individual responsible for maintaining standards as set out in the Code and in the bfa's Rules.
- They will uphold and be bound by the Code of Ethics and bfa membership rules, insofar as these are not at variance with clients' express instructions, in which case they will so advise clients.
- They will advise all franchisor clients about the bfa Code of Ethics and will bring to their attention the benefits of bfa membership; where appropriate they will recommend franchisor clients to apply for, and support their application for, bfa membership unless such compliance or membership is against clients' best interests.
- They will recommend to clients that they take appropriate advice on the feasibility of franchising for their business before a franchise agreement is drafted.
- They will recommend all franchisor clients in writing to use other bfa Affiliated Professionals.
- They will declare in writing to the client any commissions receivable from introductions to other bfa Affiliated advisors, whilst making it clear that such commissions do not affect their judgement on whom to recommend.
- Each firm will have a Nominated Individual responsible for maintaining standards.
- They will report instances of bad franchising practice to the bfa, subject to the rules of their professional bodies.
- They will not bring ethical franchising or the bfa into disrepute.
- Affiliate membership may be terminated by the bfa in the event of failure by an Affiliate member to adhere to the Association's Standards and Code of Conduct.

Additional Offices

- Every bfa-recognised Additional Office will have its own Nominated Individual working from that office, responsible for maintaining standards.
- Additional Offices may use the bfa's Affiliate logo on all corporate materials and will be listed on the bfa's website. Nominated Individuals, as well as other senior employees whose work is wholly or substantially in franchising, may use the bfa's Affiliate logo on business cards.

Application checklist

Checklist of information required to accompany this application (by post or email)

Please provide, as a minimum, the following supporting information (refer back to page 3 for details)

- Photocopy of Practising Certificate as issued by the Solicitors Regulation Authority (solicitors);
- Evidence of franchising work you personally have done, in whatever form is appropriate. (If you are submitting a franchise agreement or other bulky documentation, you are welcome to email it);
- Names of individuals and companies/firms who have agreed to act as a referee for your application (criteria for referees are set out on page 3);
- A copy of your (or your firm's) most recent annual accounts;
- A copy of any corporate literature, especially in respect of franchising.

1st referee

Contact name
Email address
Organisation name

2nd referee

Contact name
Email address
Organisation name

3rd referee

Contact name
Email address
Organisation name

I hereby apply for Professional Affiliation to the British Franchise Association. I undertake to ensure the advice on franchising provided to clients is of a standard consistent with the aims and objectives of the Code of Ethical Conduct of the British Franchise Association, and I agree to adhere to and be bound by the General Declaration and Commitment and the Standards and Code of Conduct as set out in this form and as amended from time to time by the Association.

Signature <small>to be signed by the Nominated Individual making the application</small>
Name <small>(block capitals)</small>
Position held
For and on behalf of <small>(Firm)</small>
Date

Submitting your application

Thank you for taking the time and trouble to complete this form and to supply the evidence necessary to support your application. We would like to welcome you to the Association as quickly as possible but we hope that you will understand that our name and purpose depend ultimately on the strength of our standards and the accreditation procedures that support them. Your accreditation may therefore take some time and may involve more than one exchange of correspondence between us, or perhaps require us to ask you to provide additional evidence to support your application. We hope you will bear with us during the course of these essential checks.

The fact that you are applying for membership remains confidential. The Association reserves its rights to refuse applicants for Affiliation without declaring its reasons. In the event that your application should not be successful this fact, together with the fact that you had applied for membership, are not disclosed.

There is no charge for this accreditation process. You will be asked for payment of your annual membership subscription only once your application for membership has proved successful. You should not include payment with this application.

Please send your form together with all supporting material, in complete confidence, to the following address:

British Franchise Association
Centurion Court
85f Milton Park
Abingdon
OX14 4RY