Fairfield School of Business
info@fairfield.ac

Fit and Proper Persons Policy

Version	**1.2**
	Public
Last updated	September 2026
Category	Regulations – Governance
Approved by	Board of Governors

It is a requirement of the Office for Students that all members of Fairfield School of Business' Board of Governors (the Board) and those appointed within the senior management roles within FSB are fit and proper persons.

A fit and proper person:

i. is of good character,
ii. has the qualifications, competence, skills and experience which are necessary for their role,
iii. is able by reason of their health, after reasonable adjustments are made, to perform properly the tasks of the office or position for which they are appointed; and,
iv. has not been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in their employment or in the conduct of any entity with which they are of have been associated.

The above criteria are tested through reasonable enquiries by FSB' officers, during which nominees or members will be asked to disclose all relevant information and details about matters that have occurred in the UK or another jurisdiction.

The assessment of i, ii. And iii will be via the relevant appointment process itself. In respect of iv.: the enclosed declaration in Appendix 1 to this document must be made by the nominee or Governing Body member.

Members must also re-confirm their declaration as a fit and proper person at least once a year following their appointment, election or nomination to the role.

Fit and Proper Test

The elements of the fit and proper test, and those responsible for carrying them out are given below:

Test / Check	Assurance process (who conducts)	
	For Senior Management	**For Governors**
Criminal record background check	Conducted by a senior HR Team member upon appointment.	
Section 128 check (discretional)	Conducted by a senior HR Team member if required.	
Credit check	Provided by the individual to a senior HR Team member if required.	
Right to work check.	Conducted by the HR team upon appointment.	n/a
Individual is of Good Character.	Review of individual's public profile by the Governors of FSB and, references received and followed up by the HR team.	Review of individual's public profile by the Governors of FSB.
Requisite qualifications, competence, skills, and experience required for the role.	Personal interview with the Chair of the Governing Body; and CV and proof of qualifications and accreditations obtained by HR team.	Personal interview with the Chair of the Governing Body and, discretionary verification checks by the Clerk to the Board if required.
Able by reason of their health, after reasonable adjustments are made, to properly perform the tasks of the office.	Health declaration obtained by HR team and confirmed via Fit and Proper Person declaration. Any additional assurances requested by HR.	Self-declaration via 'Fit and Proper Person Declaration' Form; submitted to the Clerk to the Board. Any additional assurances requested by the Board.
(Further 1) has not been responsible for, been privy to, contributed to, or facilitated any serious misconduct or mismanagement (whether	Self-declaration via 'Fit and Proper Person Declaration' Form; submitted to the Clerk to the Board.	Self-declaration via 'Fit and Proper Person Declaration' Form; submitted to the Clerk to the Board.

Test / Check	Assurance process (who conducts)	
	For Senior Management	**For Governors**
unlawful or not) in their employment or in the conduct of any entity with which they are or have been associated.	Review of individual's public record undertaken by the Clerk to the Board.	Review of individual's public record undertaken by the Clerk to the Board.
i. Company director search via https://www.gov.uk/search-the-register-ofdisqualified-company-directors	Undertaken by the Clerk to the Board	
ii. Charity Commission website search via https://www.gov.uk/guidance/charitytrustee-disqualification	Undertaken by the Clerk to the Board	
iii. Bankruptcy and insolvency register search via https://www.gov.uk/search-bankruptcyinsolvency-register	Undertaken by the Clerk to the Board	

Records of the above will be collected and retained by the Clerk to the Board and the HR Team, using the proforma checklist in Appendix 2.

Should the Fit and Proper Test reveal any of the following, this shall be evidence that an individual may not be an appropriate person for a role in the Board of Governors or the Senior Management Team:

- disqualification from acting as a company director, or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011,
- conviction of a criminal offence anywhere in the world or the subject of any adverse finding in civil proceedings, where relevant, including, but not limited to bankruptcy or equivalent proceedings (in the last three years),
- subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies; involvement in any abuse of tax systems,
- involvement with any entity that has been refused registration to carry out a trade or has had that registration terminated,

- involvement in a business that has gone into insolvency, liquidation, or administration while the person was related to that organisation or within one year of that connection; dismissal from a position of trust or similar. or

- involvement with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator.

Concerns, including as those above that come to light via the appointment or nomination process will be reported to the Chair of the Board, or the Deputy Chair where they concern the Chair; this person will use their discretion in determining how issues are to be addressed.

Whilst some of the above may not automatically disbar an individual from serving as a governor, the Board will take prudent steps to secure any risks or conflicts of interest arising from the individual's appointment; a record of any special assurances will be kept by the Clerk to the Board.

Protection of Personal Information

All personal information collected in the process of the Fit and Proper Test, including 'special category' information defined described in Article 9(1) of the GDPR shall be processed in accordance with the provisions of FSB's Data Protection Policy.

The lawful basis for collecting and retaining this information is the 'Substantial Public Interest' condition in Article 9(2)(g) of the UK Data Protection Act (2018).

Fairfield School of Business

Appendix 1: Fit and Proper Person Declaration Form (v1.1)

PRIVATE AND CONFIDENTIAL

To be completed by the Governor, Nominee or Senior Manager and returned to the clerk of the Governing Body.

1. I declare that I am not aware of any circumstances which, by reason of my health and after reasonable adjustments are made, may affect my ability to properly perform my role at Fairfield School of Business.

2. I declare that I have not been responsible for, been privy to, contributed to, or facilitated any serious misconduct or mismanagement (whether unlawful or not) in my employment or in the conduct of any entity with which I am or have been associated in the UK or another jurisdiction. This includes, but is not limited to:

   i. disqualification from acting as a company director, or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011;

   ii. conviction of a criminal offence anywhere in the world (there is no need to disclose matters that are 'spent' under the Rehabilitation of Offenders Act 1974, but you may do so if you wish);

   iii. being subject of any adverse finding in civil proceedings, where relevant, in the last three years, including but not limited to bankruptcy or equivalent proceedings;

   iv. being subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies;

   v. involvement in any abuse of the tax systems;

   vi. involvement with any entity that has been refused registration to carry out a trade or has had that registration terminated;

   vii. involvement in a business that has gone into insolvency, liquidation or administration while you have been connected with that organisation or within one year of that connection;

viii. dismissal from a position of trust or similar;

ix. involvement (including, but not limited to, serving on a board or governing body, having voting rights, being a significant shareholder or owner or serving in a senior position) with a higher education provider that has had its registration refused or revoked by the Office for Students or has had similar action taken against it by another regulator.

Further to 2. v.

- I have not used arrangements notified under the Disclosure of Tax Avoidance Schemes (DOTAS) rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, where the arrangements featured charitable reliefs or which used a charity, and where my tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

- I have not used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) where such counteraction has become final.

- I have not been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and I am not:

    - a promoter named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014, or

    - a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final, or

    - a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

3. I will undertake immediately to notify the Accountable Officer of FSB and the Clerk of the Governing Body if I no longer satisfy the criteria to be a fit and proper person or if there are other grounds under which I would be ineligible to continue in my role.

SIGNATURE

I confirm that I have provided full and accurate information within this Self-declaration to the best of my knowledge, belief and understanding.

I understand that the personal data (including any sensitive personal data) contained in this Self-declaration will be used by Fairfield School of Business to ensure compliance with its legal, regulatory, and other obligations.

Name (Print)

Signature

Date

TO BE COMPLETED BY THE CLERK TO THE GOVERNING BODY

I have reviewed the declaration, and I confirm that, unless stated below, there were no further explanations or discussions required relating to the clearance of contra-indications:

Name (Print)

Signature

Date

Remarks:

Appendix 2 - Fit and Proper Test Checklist

Records of FSB Fit and Proper Tests will be submitted to the Chair of the Board of Governors and retained by the Clerk; all appropriate checks will be confirmed using the below checklist.

Name of Individual:

Role:

Submitted to the Chair of the FSB Board of Governors On: Click or tap to enter a date.

Check	Confirmation						
DBS Check (Basic) Conducted by the HR team upon appointment	Received:	**Yes**	☐	**No**	☐		
	Date of DBS:	Click or tap to enter a date.					
	Negative result:	**Yes**	☐	**No**	☐	**n/a**	☐
	Remarks:						
Section 128 Check Conducted by the HR team if required	Required?:	**Yes**	☐	**No**	☐		
	Received:	**Yes**	☐	**No**	☐	**n/a**	☐
	Date of check:	Click or tap to enter a date.					
	Negative result:	**Yes**	☐	**No**	☐	**n/a**	☐
	Remarks:						
Credit check Provided by the individual to the HR team	Required?:	**Yes**	☐	**No**	☐		
	Received:	**Yes**	☐	**No**	☐	**n/a**	☐
	Date of check:	Click or tap to enter a date.					
	Evidence of bankruptcies or County Court Judgements (CCJs)?:						
		Yes	☐	**No**	☐	**n/a**	☐
	Remarks:						

Right to Work Check Conducted by the HR team upon appointment (For employees only)	Required?: **Yes** ☐ **No** ☐ Right to work in the UK confirmed: **Yes** ☐ **No** ☐ **n/a** ☐ **Remarks:**
Nominee/Governor is a person of Good Character	Review of individual's public profile by the Governors of FSB has taken place?: **Yes** ☐ **No** ☐ **Remarks:**
	References received and followed up by the HR team (for employees only): **Yes** ☐ **No** ☐ **Remarks:**
Requisite qualifications, competence, skills, and experience required for the role. Personal interview with the Chair of the Governing Body CV and proof of qualifications sought by HR team for employees only	CV received: **Yes** ☐ **No** ☐ **n/a** ☐ Suitable assurances of qualifications / professional credentials provided **Yes** ☐ **No** ☐ Interview with Chair of Governors has taken place: **Yes** ☐ **No** ☐ Date of interview: Click or tap to enter a date. **Remarks:**
Able by reason of their health, to properly perform the tasks of the office.	Health Declaration Received (for employees only): **Yes** ☐ **No** ☐ **n/a** ☐

Probity assurances and checks	Fit & Proper Declaration Received:	**Yes**	☐	**No**	☐
Checked by the Clerk to the Board of Governors	**Remarks:**				

Company Director search	**Yes** ☐ **No** ☐
Charity Commission search	**Yes** ☐ **No** ☐
Bankruptcy and insolvency register search	**Yes** ☐ **No** ☐
Negative results in any of the above?	**Yes** ☐ **No** ☐

Remarks:

Additional Notes / Remarks:

Document governance

Document owner*	**Clerk to the Governing Body**
Consulted parties**	FSB Board of Governors, Legal Counsel. Senior HR Advisor
Next update due	September 2027
Classification	**Public** – Anyone can view this document

**Responsible for updates to this content.*
*** To be consulted on updates to this content.*

Versions

Version no.	Description of Changes	Approved by	Date
0.1 - 0.2	Draft version presented to the Board of Governors.	-	-
1.0	Approved for publication.	Board of Governors	April 2025
1.1	Review and extended with no content updates	Board of Governors	Oct 2025
1.2	Reviewed with minor procedural corrections. Version 1.1 Declaration form added	Board of Governors	TBC

