# **Annual Fit and Proper Persons Declaration Form**

## **About this form**

As a registered provider of higher education in England, the University must meet certain registration conditions and other regulatory requirements as described by the Office for Students (OfS) within its Regulatory Framework. The concept of ‘fit and proper persons’ for charity trustees and managers was introduced in the Finance Act 2010 and the Regulatory Framework of the Office for Students also makes reference to the use of ‘fit and proper’ indicators for members of HEI governing bodies and senior management teams. In particular, the University must have in place adequate and effective management and governance arrangements to deliver the Public Interest Governance Principles that are an ongoing condition of our registration with the regulator.

The University must have assurance that members of our governing body, those with senior management responsibilities, and individuals exercising significant control or influence over the institution, are ‘fit and proper’ persons. ‘Fit and proper’ persons will exercise due regard for the University’s Financial Regulations and take a leadership position in demonstrating accountable and responsible behaviour in terms of all decisions made on behalf of the University.

In light of the above, members of Council, the Executive Board and those in positions of trust are required to submit and sign a Fit and Proper Persons Declaration Form on an annual basis. The information requested in this form helps the University assess whether individuals occupying key positions of trust or influence meet the ['fit and proper person' criteria described by the OfS.](https://www.officeforstudents.org.uk/media/1094/ofs2018_04.pdf) (articles 74 and 96-103).

## **Data protection**

The information disclosed by you in this form is processed by the University to comply with its legal, statutory and regulatory obligations as a registered provider of higher education in England, and in the legitimate interest of the University to satisfy the requirements of the OfS. The information, and any updates, will be kept securely for the duration of your appointment with the University and the forms will be retained by the University for a period of four years after you cease to be a member of Council, the Executive Board or work in a position of trust.

Information relating to any criminal convictions or any supplementary information provided in response to question 1 (a-i) below, will be retained only for the time it is necessary. The detail of any criminal convictions or other supplementary information will be securely destroyed once a decision has been made and only a record of the decision taken will be retained in accordance with the above.

We will not share your personal information with third parties except in the following circumstances and strictly on a ‘need to know’ basis:

* Where it is necessary to comply with a legal or regulatory obligation, e.g. in response to a Freedom of Information Act request or a request for information from the OfS to assess whether the University is meeting its ongoing conditions of registration;
* Otherwise as required by law.

For more information on the University’s data protection policy, please visit <https://le.ac.uk/ias/policies-and-resources>.

If your circumstances change at any time such that the information disclosed in this form is no longer accurate, you are required to amend the details in this form and resubmit it at the earliest opportunity. It remains a responsibility of those filling out this form to ensure that the information provided is as up to date as possible.

If you provide false or misleading information to the University, or you fail to notify the University of a material change to the information disclosed, and this discrepancy comes to light, you may be removed from your position and, in the case of an employed position, you may be subject to disciplinary action, up to and including dismissal. The form is required to be signed and dated to confirm the information provided is accurate at the time of signing.

For more information on the University’s data protection policy please visit our website:

<https://le.ac.uk/ias/policies-and-resources>.

**Please return this completed form to** **governance@leicester.ac.uk****.**

|  |
| --- |
| **SECTION A: PERSONAL DETAILS AND ‘FIT AND PROPER’ INDICATORS** |
| Title |       |
| Legal first name(s) |       |
| Preferred first name |       |
| Surname |       |
| Phone/mobile number |       |
| Contact address |       |
| Preferred email address |       |
| Role: |  |
| 1. Please consider whether the statements below apply, as referenced in the OfS’ Public Interest Governance Principles and Finance Act 2010. Please provide further information where relevant (in a separate sheet):
 |
| 1. I have never been disqualified 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.
 | [ ]  AGREE [ ]  DISAGREE  |
| **If ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I have not been convicted of an indictable criminal offence anywhere in the world. I have not been convicted or any summary offences within the last 3 years\*

\*Any convictions disclosed will be reviewed and considered taking into account the relevance and impact on your prospective position. | [ ]  AGREE [ ]  DISAGREE  |
| **For d), if ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I have provided a basic certificate from the [Disclosure and Barring Service](https://www.gov.uk/request-copy-criminal-record) (DBS) and/or other equivalent criminal record checks from countries outside of the UK I have resided in (where appropriate). \*

 \*A new basic disclosure from the DBS is not required annually, but every 3 years.  | [ ]  YES [ ]  NO  |
| 1. I am not subject of any adverse finding in civil proceedings, where relevant, including, but not limited to, bankruptcy or equivalent proceedings (in the last three years).
 | [ ]  AGREE [ ]  DISAGREE  |
| **If ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I have not been subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies in the last 6 years.
 | [ ]  AGREE [ ]  DISAGREE  |
| **If ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I have not been involved in a business that has gone into insolvency, liquidation or administration while I have been connected with that organisation or within one year of that connection.
 | [ ]  AGREE [ ]  DISAGREE  |
| **If ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I have not been dismissed or asked to resign from a position of trust (i.e. hold authority over another person or within an organisation), removed from professional practice or similar.
 | [ ]  AGREE [ ]  DISAGREE  |
| **If ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I am not subject to any ongoing investigations where a determination has not yet been made e.g. disciplinary investigations, police investigations, professional conduct investigations or similar.
 | [ ]  AGREE [ ]  DISAGREE  |
| **If ‘disagree’ – please provide further information on a separate sheet.** |
| 1. I have not been involved 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 regulatory body (this includes, but is not limited to, serving on a board/governing body, having voting rights, being a significant shareholder/owner, serving in a senior position, etc.).
 | [ ]  AGREE [ ]  DISAGREE  |

|  |
| --- |
| **SECTION B: SIGNED DECLARATION** |
| I confirm that the information set out in this form is correct to the best of my knowledge and that I will notify promptly the Governance Office should my circumstances change. I confirm that I provide my consent for information contained within this form to be sent to the Office for Students, as appropriate, as part of the University’s ongoing registration with the regulator and for elements of the information provided to be published on the University’s website where appropriate as part of the University’s Register of Interests.Please see the University’s Data Protection Policy for more information. | [ ]  YES[ ]  NO  |
| Signed:      Printed:      Date:       |