

Fit and Proper Persons Policy

LCCA Governance

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Section 1: Introduction

- 1.1 As part of the requirements for the Office for Students ('OfS') Registration, LCCA is required to demonstrate that its directors and members of its senior management team are 'Fit and Proper Persons.' This demonstrates to the OfS and wider community that those undertaking responsibility for funds spent and academic quality are doing so in the best interests of learners, students, and public funding.
- 1.2 We therefore ask each key individual (as set out below) to complete and return a 'fit and proper persons' declaration form on their initial appointment and then annually, and to notify us if their circumstances change during the year. The declaration form can be found below.

Section 2: Why is there a 'fit and proper persons' test?

- 2.1 The fit and proper persons test exists to ensure that our management arrangements do not present a risk to students or to public funds, and enable us to demonstrate to the OfS that we are meeting a key condition of registration. Further information on what is a 'fit and proper person' can be found in this policy.
- 2.2 The Fit and Proper Person checks are deemed necessary by the OfS for several reasons. Those individuals who are entrusted with responsibilities relating to academic, financial, and operational procedures within the higher education environment within the UK must be acting in an ethically sound manner, be legally compliant, be responsible when managing finances, and be free from conflicts of interest or past conduct.
- 2.3 Education providers have a duty of care to learners and employees. This policy assists in screening individuals who may pose a risk, for instance those who may have a history of inflicting harassment, abuse or behave in a discriminatory manner towards others. Those who have been involved in any acts of academic dishonesty will be scrutinised under this policy.
- 2.4 It is important for LCCA to be transparent as scandals and leadership failures can erode public trust, particularly where government funds are being received. This policy reinforces visibility and reassures stakeholders that LCCA is being managed responsibly.

Section 3: Who does this policy apply to?

- 3.1 This policy applies to:
 - (a) any member of the Board of Directors (being the governing body of LCCA);
 - (b) LCCA's nominated Accountable Officer;
 - (c) Finance Director;
 - (d) Executive Dean ;
 - (e) any co-opted expert members of a committee of the Board of Directors;
 - (f) the company secretary of the LCCA (if appointed);
 - (g) any individual who holds more than 25 per cent of the shares in LCCA;
 - (h) any individual who holds more than 25 per cent of the shares in the parent undertaking of LCCA; and

- (i) any other individual who has significant overarching responsibility for ensuring that LCCA complies with the ongoing conditions of registration (if registered).

Section 4: What does 'fit and proper' mean?

- 4.1 An individual is considered by the OfS to be a 'fit and proper person' if they:
- (a) are of good character;
 - (b) have the qualifications, competence, skills and experience necessary for their role;
 - (c) are able by reason of their health, after reasonable adjustments are made, to properly perform the tasks of the office or position for which they were appointed; and
 - (d) have not been responsible for, been privy to, contributed to, or facilitated any serious misconduct or misalignment (whether unlawful or not) in their employment or in the conduct of any entity with which they are or have been associated.

Section 5: What are the requirements of someone who is 'fit and proper'?

- 5.1 LCCA applies the following OfS requirements (as set out in) to assess whether an individual is 'fit and proper' under this policy:
- (a) an individual has not been subject to any adverse findings in civil proceedings (in any jurisdiction), and those findings relate to that individual operating in a business or professional capacity;
 - (b) an individual has not been subject to any adverse findings in disciplinary proceedings by any relevant person or body (in any jurisdiction), or is currently the subject of such disciplinary proceedings;
 - (c) an individual, or an organisation they are or have been involved in that is or has been connected to the education sector, has not been subject to any adverse findings by any relevant person or body (in any jurisdiction);
 - (d) an individual, or an organisation they are or have been involved in, has not been subject to any adverse findings by any relevant person or body (in any jurisdiction) in relation to the inappropriate use of relevant public funds;
 - (e) an individual, or an organisation they are or have been involved in, is not currently the subject of an investigation by any relevant person or body (in any jurisdiction) in relation to the inappropriate use of relevant public funds;
 - (f) an individual, or an organisation they are or have been involved in, has not (in any jurisdiction):
 - (g) been refused a registration, authorisation, membership or licence to carry out a trade, business or profession (including any licences which relate to student visas); and/or
 - (h) had a registration, authorisation, membership or licence to carry out a trade, business or profession revoked, withdrawn or terminated (including any licences which relate to student visas);
 - (i) an organisation that an individual is or has been involved in, has not been convicted of the offence provided for in section 199 of the Economic Crime and Corporate Transparency Act 2023 (failure to prevent fraud) or any relevant fraud offence, or a similar offence in an overseas jurisdiction;
 - (j) an organisation that the individual is or has been involved in, has not been convicted of any criminal offence in relation to tax matters (in any jurisdiction);
 - (k) an organisation that the individual is or has been involved has not gone into insolvency, liquidation or administration (in any jurisdiction);

- (l) an individual was not dismissed, or was asked to resign and did resign, from a role at an organisation (in any jurisdiction) where the individual held significant managerial responsibility or influence, while operating in a business or professional capacity;
- (m) an individual is not and has not previously been disqualified as company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
- (n) an individual is not and has not previously been disqualified from being a charity trustee or trustee for a charity under section 178(1) of the Charities Act 2011 or an equivalent overseas regime;
- (o) an individual is not and has not previously been declared bankrupt (or equivalent) in any jurisdiction;
- (p) an individual has not been convicted of a criminal offence (excluding minor offences) in any jurisdiction, and the following do not apply:
- (q) the conviction is: A. spent for the purposes of the Rehabilitation of Offenders Act 1974; or B. not subject to equivalent protections in an overseas jurisdiction; and
- (r) where the conviction relates to an offence in an overseas jurisdiction, a similar criminal offence does not exist in the United Kingdom.

Section 6: What do I need to do?

- 6.1 Once you have completed and signed the declaration in **Appendix A** below, please return it to the Legal Counsel by email at: . If you wish or need to provide additional information as part of your declaration, there is a space at the end of the form; please specify to which element(s) of the declaration your additional information relates.
- 6.2 If you need to disclose information in support of your declaration, this will not necessarily exclude you from continuing as a director. However, we may be required to disclose this to the OfS and provide evidence that we have investigated and considered the matter and its impact on your ability to serve as a director.
- 6.3 You will also be asked to declare your other directorships and trusteeships and if you have any conflicts of interest in accordance with LCCA's Conflicts of Interest Policy.

Section 7: What happens next?

- 7.1 LCCA will review the information provided and carry out its own due diligence as follows:

Criteria	Due diligence process
Individual is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks of the office.	Self-declaration via this 'Fit and Proper Person Declaration' Form; Consideration by LCCA of any reasonable adjustments required.
Individual has the requisite qualifications, competence, skills, and experience required for the role	Review and cross check of personnel files An assessment of skills in accordance with this policy.
Individual meets the requirements of OfS Condition E9	Self-declaration via this 'Fit and Proper Person Declaration' Form; Background checks and review of public profile online by using routine search engines; Review and cross check of

	personnel files and obtaining references from previous employers; Credit reference checks; Checks of regulatory bodies' lists of non-compliant individuals (if applicable to the individual's professional status); Completion of the following searches of publicly available records: Company Directorships and disqualifications - Charity Commission Trustee Disqualification - Bankruptcy and Insolvency register - Completion of the above checks in equivalent overseas jurisdictions relevant to the individual.
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- 7.2 If there are any concerns raised as a result of those investigations, LCCA will discuss those with you before taking any decisions regarding your appointment.
- 7.3 It may be necessary for LCCA to submit your signed declaration to the OfS, as evidence that our directors have been deemed 'fit and proper persons'; they will hold and process your information as part of their regulation of LCCA as an English Higher Education Provider.
- 7.4 To enable LCCA to comply with its obligations on an ongoing basis, a declaration form will be issued to you annually to complete and return. Should your circumstances change mid-year, you should inform the Legal Counsel at the earliest opportunity.
- 7.5 Declarations will be retained by LCCA until the expiry of your term of office as a director of LCCA or termination of your employment as a member of the senior management team and for a subsequent seven years. Declarations will not be disclosed outside of LCCA, OfS, external auditors or otherwise as required by law.
- 7.6 A report will be made by the Legal Counsel on your suitability to be appointed.

Section 8: How are my skills assessed?

- 8.1 To enable LCCA to assess whether you have the "requisite qualifications, competence, skills, and experience required for the role", you will be asked to supply a copy of your CV or bio providing details of your qualifications and any professional memberships. As part of our overall assessment of the balance of skills of the Board of Directors, you will also be asked to complete a self-assessment of your skills against those required by LCCA of its Board of Directors as a whole.

8.2 What if the state of my mental or physical health means that I am not able to properly perform my duties?

- 8.2.1 Individual directors or key individual members of senior management who believe that their mental or physical health or those of another director or key individual member of senior management may be impaired or that they may require adjustments to perform their role should contact the Legal Counsel or Director of HR in confidence. The initial conversation will explore the nature of the condition and the impact on the individual's performance of their role.

- 8.2.2 The Legal Counsel will arrange a meeting with the individual concerned and Director of HR to understand the nature of the condition, any adjustments sought and their potential impact.
- 8.2.3 The individual may, if considered appropriate, be referred to an Occupational Health provider or other specialist adviser. If so, a tailored report will be produced with recommendations for adjustments. Temporary adjustments may be agreed while the report is being prepared, including input from the individual's GP if needed.
- 8.2.4 The Director of HR will meet with the individual to review the recommendations made in any report or to consider the adjustments requested, agree on feasible adjustments and/or discuss any limitations or practical constraints.
- 8.2.5 Adjustments may include:
- (a) Assistive technologies
 - (b) Modified responsibilities (such as relinquishing any chairing responsibilities)
 - (c) Environmental changes.
- 8.2.6 Any adjustments agreed to be put in place will be subject to ongoing review.
- 8.2.7 Directors and key individuals are encouraged to report any issues or changes in their condition promptly.
- 8.2.8 All health-related information will be handled in accordance with data protection laws and treated with strict confidentiality.
- 8.2.9 Any ongoing concerns about an individual's ability to perform their duties, or disputes regarding adjustments, will be escalated to the Chair of the Board of Directors for consideration.
- 8.2.10 The Articles of Association of LCCA provide at Article 21(e) that a person ceases to be a director as soon as "a registered medical practitioner who is treating that person gives a written opinion to the company stating that that person has become physically or mentally incapable of acting as a director and remain so for more than three months".

Section 9: Accessibility and Alternative Formats

- 9.1 If you need this policy in a different format, contact quality@lcca.ac.uk. We can normally provide large print / an accessible Word version / other agreed formats and will discuss anything else you need.

Section 10: Appendices

Appendix	Title
A	Fit and Proper Persons Declaration

Appendix A: Fit and Proper Persons Declaration

Forename(s)	
Surname	
Former names	
Residential Address	Building name/number
	Street
	Post town
	County/Region
	Postcode
	Country
Nationality	
Date of Birth	
Occupation/Job title	
Email address	
Phone number	

Fit and proper person Declaration

Please tick all of the following statements that apply to you. If you are unsure whether a statement applies to you, please contact the Legal Counsel to seek further guidance or provide further information in the 'Additional Information' box below.

I, the undersigned, declare that:

I am not subject of any adverse finding in civil proceedings (in any jurisdiction), and those findings relate to me operating in a business or professional capacity.

I am not subject to any adverse findings in disciplinary proceedings by any relevant person or body (in any jurisdiction), or is currently the subject of such disciplinary proceedings;

I, nor any organisation I am or have been involved in that is or has been connected to the education sector, has been subject to any adverse findings by any relevant person or body (in any jurisdiction);

I, nor any organisation I am or have been involved in, has been subject to any adverse findings by any relevant person or body (in any jurisdiction) in relation to the inappropriate use of relevant public funds;

I, nor any organisation I am or have been involved in, is not currently the subject of an investigation by any relevant person or body (in any jurisdiction) in relation to the inappropriate use of relevant public funds;

I, nor any organisation I am or have been involved in, has (in any jurisdiction):

been refused a registration, authorisation, membership or licence to carry out a trade, business or profession (including any licences which relate to student visas); and/or had a registration, authorisation, membership or licence to carry out a trade, business or profession revoked, withdrawn or terminated (including any licences which relate to student visas);

No organisation that I am or have been involved in, has been convicted of the offence provided for in section 199 of the Economic Crime and Corporate Transparency Act 2023 (failure to prevent fraud) or any relevant fraud offence, or a similar offence in an overseas jurisdiction;

No organisation that I am or have been involved in, has been convicted of any criminal offence in relation to tax matters (in any jurisdiction);

No organisation that I am or have been involved in, has gone into insolvency, liquidation or administration (in any jurisdiction);

I have not been dismissed, or asked to resign and did resign, from a role at an organisation (in any jurisdiction) where I held significant managerial responsibility or influence, while operating in a business or professional capacity;

I am not and have not previously been disqualified as company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;

I am not and have not previously been disqualified from being a charity trustee or trustee for a charity under s 178(1) of the Charities Act 2011 or an equivalent overseas regime;

I am not and have not previously been declared bankrupt (or equivalent) in any jurisdiction;

I have not been convicted of a criminal offence (excluding minor offences) in any jurisdiction, and the following do not apply:

the conviction is: A. spent for the purposes of the Rehabilitation of Offenders Act 1974; or B. not subject to equivalent protections in an overseas jurisdiction; and where the conviction relates to an offence in an overseas jurisdiction, a similar criminal offence does not exist in the United Kingdom

I am fit and well and I am not aware of any circumstances which, by reason of my mental and physical health and after reasonable adjustments are made, may affect my ability to properly perform my role as a director or key individual member of senior management of LCCA.

Data Protection

I consent to LCCA processing my personal data and sharing my declaration with the OfS as evidence that I am a fit and proper person. I understand that the OfS will hold and process my personal data as part of its regulation of LCCA.

Additional Information

If you need to disclose any additional information relating to your declaration, please use the box below. Please ensure that it is clear which element(s) of the declaration your additional information relates to.

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Please return your completed declaration by e-mail to:

Declaration

I understand that by submitting this declaration whether electronically or on paper, I declare that all the information on this declaration is, to the best of my knowledge and belief, true and correct. I understand that any false statement may give cause for my appointment or proposed appointment as a director of LCCA to be terminated.

Name: Signature		Date	
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Please return your completed declaration by e-mail to:

TO BE COMPLETED BY LEGAL COUNSEL IN THE EVENT THAT DECLARATIONS MADE IN THIS FORM INDICATE THAT THE INDIVIDUAL MAY NOT MEET THE REQUIREMENTS OF A FIT AND PROPER PERSON AND REQUIRE FURTHER INVESTIGATION/ CONSIDERATION.

I have reviewed the completed declaration and provide the following explanations and/or details of discussions with the individual in relation to any contra-indicators to their 'fit and proper' status:

Name: Signature		Date	
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Document Information	
Document Code	GIC-016
Document Title	Fit and Proper Persons Policy and Declaration
Document Type	Policy
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Executive Owner	Managing Director
Author(s)	Group Legal
Equality Impact Assessment	Pending
Related Documents	Board Conflicts of Interest Policy and Declaration Corporate Governance Framework Anti-Bribery and Corruption Policy Fraud Risk Management Policy
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Version Control			
Version	Date	Author	Summary of Changes
1.0	29 Jun 2026	Group Legal	Version approved