



**“Enabling Students to Accomplish their Academic Goal”**

## **Fit and Proper Person Policy**

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# 1. Introduction

Bellmont College Limited [Company Number: 13184498], trading as Belmont College, is a provider of higher education programmes.

Bellmont College's sole shareholder is Belmont College Holding Limited [Company Number: 16663541].

Bellmont College is committed to ensuring and demonstrating accountability through trust, and through a commitment to fostering a culture of openness and transparency.

We are committed to ensuring the Office for Students ('OfS') Public Interest Governance Principles are met. This includes a requirement to ensure that, in accordance with Annex B of the OfS Regulatory Framework:

“Members of the governing body, those with senior management responsibilities, and individuals exercising control or significant influence over the provider, are fit and proper persons.”

The OfS has also introduced Initial Condition of Registration E9 that, with regards to the “fit and proper person” requirement, a provider’s “Relevant Individuals” must be fit and proper for the purposes of ensuring that:

- the provider is suitable to access and receive public funds;
- public trust and confidence in the higher education sector is maintained; and
- the provider is suitable to protect the interests of students.

This *Fit and Proper Person Policy* sets out how we ensure that our “Relevant Individuals” are fit and proper persons, for (i) Initial Condition of Registration E9; and (ii) if our application to register with the OfS is successful, Conditions of Registration E1 and E2.

**NOTE:** OfS Initial Condition of Registration E9 also requires a provider’s “Key Individuals” to have sufficient knowledge and expertise to facilitate the provider to:

- comply with the ongoing conditions of registration applicable to it (if registered);
- deliver, in practice, the provider’s business plan; and
- deliver, in practice, the provider’s fraud and public money arrangements.

A separate *Appointment of Independent Members and Co-Opted Members Policy* sets out how, *inter alia*, we ensure that the Chair, Independent Members and Co-Opted Members of Belmont College’s Board of Directors have sufficient knowledge and expertise.

With regards to other “Key Individuals” (i.e. the Accountable Officer and Senior Finance Manager), an audit has been undertaken to ensure they have sufficient knowledge and expertise to undertake the roles. When these roles become vacant, any new appointee will be required to have sufficient knowledge and expertise.

## 2. What is a ‘fit and proper person’?

The OfS states<sup>1</sup> that a fit and proper person (the 'OfS Fit and Proper Person Definition'):

- is of good character [1];
- has the qualifications, competence, skills and experience that are necessary for their role [2];
- is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks of the office or position for which they are appointed [3]; and
- 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 or have been associated [4].

### 3. OfS Indicators

With regards to points 1 and 4 of the OfS Fit and Proper Persons Definition (as set out in **Section 2** above), the OfS states<sup>2</sup> that the following are indicators that a person may not be a fit and proper person (the 'OfS Indicators'):

- 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;
- 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 the 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 has been connected with that organisation or within one year of that connection;
- dismissal from a position of trust or similar; and
- 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 (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).

With regards to previous criminal convictions anywhere in the world, the OfS states that this is:

“Based on reasonable enquiries by the provider in which individuals are asked to disclose all relevant matters that occurred in the UK and/or in a foreign jurisdiction. The OfS would not expect individuals to disclose matters that are ‘spent’ under the Rehabilitation of Offenders

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<sup>1</sup> Annex B of the OfS Regulatory Framework.

<sup>2</sup> Annex B of the OfS Regulatory Framework.

Act 1974, but they may do so if they wish. Particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence under legislation relating to higher education, further education and charities, whether or not in the UK.”

### 3.1 OfS Initial Condition of Registration E9

These indicators have been further clarified in OfS Initial Condition of Registration E9.

Paragraph E9.4 of the OfS Initial Condition of Registration E9 provides as follows:

“**Relevant Individuals**<sup>3</sup> at the provider must, in the OfS’s judgement, be fit and proper persons for the purposes of ensuring that:

- a. the provider is suitable to access and receive public funds;
- b. public trust and confidence in the higher education sector is maintained; and
- c. the provider is suitable to protect the interests of students.”

Paragraph E9.5 of the OfS Initial Condition of Registration E9 provides as follows:

“In judging whether an individual is a fit and proper person for the purposes of E9.4, the OfS will give particular consideration to the following matters (where any of these matters apply and insofar as the matter does not fall under E9.7):

- a. the individual has 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. the individual has been subject to any adverse findings in disciplinary proceedings by any **relevant person or body**<sup>4</sup> (in any jurisdiction), or is currently the subject of such disciplinary proceedings;
- c. the individual, or an organisation they are or have been **involved in**<sup>5</sup> that is or has been connected to the education sector, has been subject to any adverse findings by any **relevant person or body**<sup>6</sup> (in any jurisdiction);

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<sup>3</sup> See **Section 4.1** below, for **relevant individuals** who come within the scope of the fit and proper persons requirement.

<sup>4</sup> **Relevant person or body** means: any court or tribunal; the Chancellor of the Exchequer; any Secretary of State or Minister; the OfS; UKRI; Research England; Education and Skills Funding Agency; a local authority; the Student Loans Company Limited; any professional body; and any other public body.

<sup>5</sup> **Involved in**, in relation to an individual’s involvement in an organisation, means that the individual held significant managerial responsibility or influence at the time when the issues giving rise to the relevant matter occurred.

<sup>6</sup> See Footnote 4 above.

- d. the individual, or an organisation they are or have been **involved in**<sup>7</sup>, has been subject to any adverse findings by any **relevant person or body**<sup>8</sup> (in any jurisdiction) in relation to the **inappropriate use**<sup>9</sup> of **relevant public funds**<sup>10</sup>;
- e. the individual, or an organisation they are or have been **involved in**<sup>11</sup>, is currently the subject of an investigation by any **relevant person or body**<sup>12</sup> (in any jurisdiction) in relation to the **inappropriate use**<sup>13</sup> of **relevant public funds**<sup>14</sup>;
- f. the individual, or an organisation they are or have been **involved in**<sup>15</sup>, has (in any jurisdiction):
  - i. 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
  - ii. 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);
- g. an organisation that the individual is or has been **involved in**<sup>16</sup>, 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**<sup>17</sup>, or a similar offence in an overseas jurisdiction;
- h. an organisation that the individual is or has been **involved in**<sup>18</sup>, has been convicted of any criminal offence in relation to tax matters (in any jurisdiction);

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<sup>7</sup> See Footnote 5 above.

<sup>8</sup> See Footnote 4 above.

<sup>9</sup> **Inappropriate use** means, in respect of relevant public funds, any of the following: i. not complying with legally binding terms and conditions that specify or restrict how funding can be used; ii. obtaining, or continuing to receive, funding in circumstances where any conditions or criteria that determine an individual or organisation's eligibility to receive the funding are not satisfied.

<sup>10</sup> **Relevant public funds** mean any sums of money obtained or otherwise derived from a **relevant person or body** [see Footnote 4 above], including but not limited to, the following: i. funding provided to a registered higher education provider by the Student Loans Company Limited on behalf of a student; ii. any form of payment made by a registered higher education provider to another registered higher education provider or unregistered English higher education provider in connection with the provision of higher education to students who are the beneficiaries of funding provided to the relevant provider by the Student Loans Company Limited.

<sup>11</sup> See Footnote 5 above.

<sup>12</sup> See Footnote 4 above.

<sup>13</sup> See Footnote 9 above.

<sup>14</sup> See Footnote 10 above.

<sup>15</sup> See Footnote 5 above.

<sup>16</sup> See Footnote 5 above.

<sup>17</sup> **Relevant fraud offence** means any of the following: i. an offence under any of the following provisions of the Theft Act 1968: A. section 17 (false accounting); B. section 19 (false statements by company directors etc.); ii. an offence under any of the following provisions of the Fraud Act 2006: A. section 1 (fraud); B. section 2 (fraud by false representation); C. section 3 (fraud by failing to disclose information); D. section 4 (fraud by abuse of position); E. section 9 (participating in fraudulent business carried on by sole trader etc.); F. section 11 (obtaining services dishonestly); iii. the common law offence of conspiracy to defraud as preserved by section 5(2) of the Criminal Law Act 1977.

<sup>18</sup> See Footnote 5 above.

- i. an organisation that the individual is or has been **involved in**<sup>19</sup> went into insolvency, liquidation or administration (in any jurisdiction);
- j. the individual was 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**<sup>20</sup>, while operating in a business or professional capacity;
- k. the individual has previously been disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
- l. the individual has 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;
- m. the individual has previously been declared bankrupt (or equivalent) in any jurisdiction.”

Paragraph E9.7 of the OfS Initial Condition of Registration E9, sets out certain matters that, if they apply to an individual, that individual will be deemed **not** to be a fit and proper person unless there are **exceptional circumstances**. These matters are as follows:

- “a. at any point during the course of the provider’s application to register with the OfS (and the OfS’s consideration of that application):
  - i. the individual was disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
  - ii. the individual was 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;
  - iii. the individual was an undischarged bankrupt (or equivalent) in any jurisdiction;
- b. the individual has been convicted of a criminal offence (excluding **minor offences**<sup>21</sup>) in any jurisdiction, if the following apply:
  - i. the conviction is not:
    - A. spent for the purposes of the Rehabilitation of Offenders Act 1974; or
    - B. subject to equivalent protections in an overseas jurisdiction; and
  - ii. where the conviction relates to an offence in an overseas jurisdiction, a similar criminal offence exists in the United Kingdom.”

## 4. Our Policy

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<sup>19</sup> See Footnote 5 above.

<sup>20</sup> **Significant managerial responsibility or influence** includes, but is not limited to, serving on a board or governing body, having voting rights, or employment in a senior management position.

<sup>21</sup> **Minor offences** include, but are not limited to, offences dealt with by fixed penalty notice or where the main offence is unlawful parking of a motor vehicle, but do not include **relevant fraud offences** [see Footnote 17 above.]

## 4.1 Relevant Individuals

The OfS states<sup>22</sup> that Relevant Individuals who come within the scope of the fit and proper persons requirement are:

“Members of the governing body, those with senior management responsibilities, and individuals exercising control or significant influence over the provider, are fit and proper persons.”

We ensure that the following persons (“Relevant Individuals”) disclose whether any of the OfS Indicators as set out in Paragraphs E9.5 and E9.7 of the Initial Condition of Registration E9 (see **Section 3.1** above) are triggered, such a trigger indicating that the person may not be a fit and proper person:

- Directors of Belmont College Limited;
- Company Secretary of Belmont College Limited (if applicable);
- Co-opted members of Belmont College Limited’s Board of Directors;
- The person who undertakes the role of Accountable Officer for the purposes of OfS Ongoing Condition of Registration E3 (or the proposed person);
- The person who holds overarching responsibility for the management of Belmont College’s financial affairs (or the proposed person);
- Any person who holds more than 25 percent of the shares in Belmont College Limited or Belmont College Holding Limited; and
- Any person who has **significant overarching responsibility** for ensuring that Belmont College complies with the OfS Ongoing Conditions of Registration (if registered)

The term “significant overarching responsibility” refers specifically to those in senior roles with ultimate accountability for ensuring compliance across Belmont College. This includes executive leaders or nominated compliance officer(s) and while more than one individual may meet these criteria, it does not extend to the broader staff base or operational teams.

Belmont College’s Board of Directors will determine which posts come within the scope of “significant overarching responsibility”.

## 4.2 Declaration Form and Annual Declaration Form

All Relevant Individuals as set out in **Section 4.1** above, are required to:

- Complete a Declaration Form: (i) during the application / appointment process, if they apply for a role or post with Belmont College; or (ii) if they seek to acquire more than 25 percent of the shares in Belmont College Limited or Belmont College Holding Limited [see Appendix 1].
- Complete an Annual Declaration Form if: (i) they are already engaged by Belmont College; or (ii) they already hold more than 25 percent of the shares in Belmont College Limited or Belmont College Holding Limited [see Appendix 2].

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<sup>22</sup> Annex B of the OfS Regulatory Framework.

Given that the indicators have been further clarified in OfS Initial Condition of Registration E9, we are using these indicators within the Declaration Form / Annual Declaration Form (see **Section 3.1** above).

### 4.3 Process

During the application / appointment process, we will ensure that all Relevant Individuals satisfy the following two elements of the OfS Fit and Proper Person Definition (see **Section 2** above), to ensure that, *inter alia*, they:

- have the qualifications, competence, skills and experience that are necessary for their role; and
- 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 are appointed.

The Declaration Form and Annual Declaration Form are used to ensure that all Relevant Individuals satisfy the other two elements of the OfS Fit and Proper Person Definition (see **Section 2** above) to ensure that they:

- are of good character; and
- have 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 or have been associated.

As stated in **Section 4.1** above, given that the indicators have been further clarified in OfS Initial Condition of Registration E9, we are using these indicators within the Declaration Form / Annual Declaration Form (see **Section 3.1** above).

The Declaration Form / Annual Declaration Form will be submitted to the Chief Executive Officer. In the case of the Chief Executive Officer the Declaration Form / Annual Declaration Form will be submitted to the Chair of the Board of Directors.

The Chief Executive Officer will undertake checks, e.g. at companies house, to ensure the accuracy of the declarations.

The Chair of the Board of Directors will undertake these checks with regards to the Chief Executive Officer.

If an indicator is triggered, the person's suitability will be considered by the Board of Directors, taking into account any OfS requirements, and in particular the detailed guidance set out in Initial Condition of Registration E9 at paragraphs 31 to 95<sup>23</sup>, together with the following guidance:

Indicator	Guidance
The individual has 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	Where the Relevant Individual has been the subject to any adverse finding in civil proceedings, the subject matter of the proceedings will be relevant (e.g. if it related to dishonesty, this would indicate the Relevant Individual <u>is not</u> a fit and proper person).

<sup>23</sup> [www.officeforstudents.org.uk/media/yqja4132/annex-c-condition-e9.pdf](http://www.officeforstudents.org.uk/media/yqja4132/annex-c-condition-e9.pdf)

Indicator	Guidance
	A relevant factor in all cases is how long ago the Relevant Individual was the subject of the adverse finding.
The individual has been subject to any adverse findings in disciplinary proceedings by any <b>relevant person or body</b> (in any jurisdiction), or is currently the subject of such disciplinary proceedings	<p>The subject matter of the proceedings will be relevant (e.g. if it related to dishonesty, this would indicate the Relevant Individual <u>is not</u> a fit and proper person).</p> <p>A relevant factor in all cases is how long ago the Relevant Individual was the subject of the adverse finding.</p>
The individual, or an organisation they are or have been <b>involved in</b> that is or has been connected to the education sector, has been subject to any adverse findings by any <b>relevant person or body</b> (in any jurisdiction)	<p>The reason for the refusal / revocation will be relevant (e.g. if the refusal related to the Office for Students determining that the company's governance arrangements had not been sufficiently tested, this would <u>not</u> indicate the Relevant Individual <u>is not</u> a fit and proper person).</p> <p>Also relevant would be the Relevant Individual's role (e.g. if a revocation related to the Office for Students determining that the Relevant Individual, who was the company's Accountable Officer, was not undertaking the role in accordance with the OfS requirements (without sufficient cause), this would indicate the Relevant Individual <u>is not</u> a fit and proper person).</p> <p>A relevant factor in all cases is how long ago the Relevant Individual was involved with the higher education provider.</p>
<p>The individual, or an organisation they are or have been <b>involved in</b>, has been subject to any adverse findings by any <b>relevant person or body</b> (in any jurisdiction) in relation to the <b>inappropriate use of relevant public funds</b></p> <p><b>OR</b></p> <p>The individual, or an organisation they are or have been <b>involved in</b>, is currently the subject of an investigation by any <b>relevant person or body</b> (in any jurisdiction) in relation to the <b>inappropriate use of relevant public funds</b></p>	This would normally indicate that the Relevant Individual <u>is not</u> a fit and proper person.
<p>The individual, or an organisation they are or have been <b>involved in</b>, has (in any jurisdiction):</p> <p>i. 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</p> <p>ii. 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)</p>	<p>The reason for the refusal / termination will be relevant (e.g. if a refusal related to the business not satisfying the criteria for registration, this would <u>not</u> indicate the Relevant Individual <u>is not</u> a fit and proper person).</p> <p>Also relevant would be the Relevant Individual's role (e.g. if a termination related to the CEO not complying with the conditions of registration (without sufficient cause), this would indicate the Relevant Individual <u>is not</u> a fit and proper person).</p>

Indicator	Guidance
	A relevant factor in all cases is how long ago the entity was refused registration or had its registration terminated.
<p>The individual has been convicted of a criminal offence anywhere in the world, in particular including the following:</p> <p>i. an organisation that the individual is or has been <b>involved in</b>, 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 <b>relevant fraud offence</b>, or a similar offence in an overseas jurisdiction; and/or</p> <p>ii. an organisation that the individual is or has been <b>involved in</b>, has been convicted of any criminal offence in relation to tax matters (in any jurisdiction)</p>	<p>Offences that are ‘spent’ under the Rehabilitation of Offenders Act 1974, can be ignored.</p> <p>The following would normally indicate that the Relevant Individual <u>is not</u> a fit and proper person (unless the offence is “spent”):</p> <p>The Relevant Individual has a conviction for dishonesty, fraud, financial crime or a conviction under legislation relating to higher education, further education and charities, whether or not in the UK. If the offence is “spent”, there could still be a finding that the Relevant Individual <u>is not</u> a fit and proper person, if they have more recent criminal convictions, even if these do not relate to dishonesty etc.</p>
<p>An organisation that the individual is or has been <b>involved in</b> went into insolvency, liquidation or administration (in any jurisdiction)</p>	<p>The reason for the liquidation will be relevant (e.g. if the liquidation related to a business that had gone under during the Covid pandemic, or it related to a high street shop that had been impacted by online traders, this would <u>not</u> indicate the Relevant Individual <u>is not</u> a fit and proper person).</p> <p>Also relevant would be the Relevant Individual's role (e.g. if the Relevant Individual was a non-executive director who was not actively involved in the running of the company, this (dependent upon the reason for the liquidation) might <u>not</u> be a sufficient indication that the Relevant Individual <u>is not</u> a fit and proper person).</p> <p>A relevant factor in all cases is how long ago the business had gone into insolvency.</p>
<p>The individual was dismissed, or was asked to resign and did resign, from a role at an organisation (in any jurisdiction) where the individual held <b>significant managerial responsibility or influence</b>, while operating in a business or professional capacity</p>	<p>This would normally indicate that the Relevant Individual <u>is not</u> a fit and proper person.</p> <p>Relevant factors would include how long ago the Relevant Individual was dismissed / resigned; whether the Relevant Individual successfully challenged the dismissal / resignation in any court or tribunal; and any mitigating circumstances that related to the dismissal / resignation.</p>
<p>The individual has previously been disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime</p> <p><b>OR</b></p> <p>The individual has 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</p>	<p>This would normally indicate that the Relevant Individual <u>is not</u> a fit and proper person.</p> <p>The only mitigating factor would be if the disqualification period has expired or the disqualification has been removed. But even in these circumstances, the reasons for the original disqualification must be carefully considered.</p>

Indicator	Guidance
The individual has previously been declared bankrupt (or equivalent) in any jurisdiction	If the Relevant Individual has been made bankrupt within the last 3 years, this would indicate the Relevant Individual <u>is not</u> a fit and proper person.

**NOTE:** The Declaration Form / Annual Declaration Form will be retained by Bellmont College for 6 years. The contents may be disclosed to the OfS and any other external body as may be required under the law of England and Wales.

# Appendix 1 - Declaration Form: Fit and Proper Person

The Office for Students (OfS) sets out the Public Interest Governance Principles to which providers are expected to adhere in Annex B of its [Regulatory Framework](#)<sup>24</sup>.

One of the requirements is for members of the governing body, those with senior management responsibilities, and individuals exercising control or significant influence over a provider, to be fit and proper persons.

This constitutes an Ongoing Condition of Registration, namely Condition E1: Public interest governance.

## OfS Initial Condition of Registration E9

Paragraph E9.4 of the OfS Initial Condition of Registration E9 provides as follows:

“**Relevant Individuals**<sup>25</sup> at the provider must, in the OfS’s judgement, be fit and proper persons for the purposes of ensuring that:

- a. the provider is suitable to access and receive public funds;
- b. public trust and confidence in the higher education sector is maintained; and
- c. the provider is suitable to protect the interests of students.”

Paragraph E9.5 of the OfS Initial Condition of Registration E9 provides as follows:

“In judging whether an individual is a fit and proper person for the purposes of E9.4, the OfS will give particular consideration to the following matters (where any of these matters apply and insofar as the matter does not fall under E9.7):

- a. the individual has 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. the individual has been subject to any adverse findings in disciplinary proceedings by any **relevant person or body**<sup>26</sup> (in any jurisdiction), or is currently the subject of such disciplinary proceedings;
- c. the individual, or an organisation they are or have been **involved in**<sup>27</sup> that is or has been connected to the education sector, has been subject to any adverse findings by any **relevant person or body**<sup>28</sup> (in any jurisdiction);

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<sup>24</sup> <https://www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/>

<sup>25</sup> See below, for **relevant individuals** who come within the scope of the fit and proper persons requirement.

<sup>26</sup> **Relevant person or body** means: any court or tribunal; the Chancellor of the Exchequer; any Secretary of State or Minister; the OfS; UKRI; Research England; Education and Skills Funding Agency; a local authority; the Student Loans Company Limited; any professional body; and any other public body.

<sup>27</sup> **Involved in**, in relation to an individual’s involvement in an organisation, means that the individual held significant managerial responsibility or influence at the time when the issues giving rise to the relevant matter occurred.

<sup>28</sup> See Footnote 26 above.

- d. the individual, or an organisation they are or have been **involved in**<sup>29</sup>, has been subject to any adverse findings by any **relevant person or body**<sup>30</sup> (in any jurisdiction) in relation to the **inappropriate use**<sup>31</sup> of **relevant public funds**<sup>32</sup>;
- e. the individual, or an organisation they are or have been **involved in**<sup>33</sup>, is currently the subject of an investigation by any **relevant person or body**<sup>34</sup> (in any jurisdiction) in relation to the **inappropriate use**<sup>35</sup> of **relevant public funds**<sup>36</sup>;
- f. the individual, or an organisation they are or have been **involved in**<sup>37</sup>, has (in any jurisdiction):
  - i. 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
  - ii. 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);
- g. an organisation that the individual is or has been **involved in**<sup>38</sup>, 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**<sup>39</sup>, or a similar offence in an overseas jurisdiction;
- h. an organisation that the individual is or has been **involved in**<sup>40</sup>, has been convicted of any criminal offence in relation to tax matters (in any jurisdiction);

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<sup>29</sup> See Footnote 27 above.

<sup>30</sup> See Footnote 26 above.

<sup>31</sup> **Inappropriate use** means, in respect of relevant public funds, any of the following: i. not complying with legally binding terms and conditions that specify or restrict how funding can be used; ii. obtaining, or continuing to receive, funding in circumstances where any conditions or criteria that determine an individual or organisation's eligibility to receive the funding are not satisfied.

<sup>32</sup> **Relevant public funds** mean any sums of money obtained or otherwise derived from a **relevant person or body** [see Footnote 26 above], including but not limited to, the following: i. funding provided to a registered higher education provider by the Student Loans Company Limited on behalf of a student; ii. any form of payment made by a registered higher education provider to another registered higher education provider or unregistered English higher education provider in connection with the provision of higher education to students who are the beneficiaries of funding provided to the relevant provider by the Student Loans Company Limited.

<sup>33</sup> See Footnote 27 above.

<sup>34</sup> See Footnote 26 above.

<sup>35</sup> See Footnote 31 above.

<sup>36</sup> See Footnote 32 above.

<sup>37</sup> See Footnote 27 above.

<sup>38</sup> See Footnote 27 above.

<sup>39</sup> **Relevant fraud offence** means any of the following: i. an offence under any of the following provisions of the Theft Act 1968: A. section 17 (false accounting); B. section 19 (false statements by company directors etc.); ii. an offence under any of the following provisions of the Fraud Act 2006: A. section 1 (fraud); B. section 2 (fraud by false representation); C. section 3 (fraud by failing to disclose information); D. section 4 (fraud by abuse of position); E. section 9 (participating in fraudulent business carried on by sole trader etc.); F. section 11 (obtaining services dishonestly); iii. the common law offence of conspiracy to defraud as preserved by section 5(2) of the Criminal Law Act 1977.

<sup>40</sup> See Footnote 27 above.

- i. an organisation that the individual is or has been **involved in**<sup>41</sup> went into insolvency, liquidation or administration (in any jurisdiction);
- j. the individual was 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**<sup>42</sup>, while operating in a business or professional capacity;
- k. the individual has previously been disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
- l. the individual has 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;
- m. the individual has previously been declared bankrupt (or equivalent) in any jurisdiction.”

Paragraph E9.7 of the OfS Initial Condition of Registration E9, sets out certain matters that, if they apply to an individual, that individual will be deemed **not** to be a fit and proper person unless there are **exceptional circumstances**. These matters are as follows:

- “a. at any point during the course of the provider’s application to register with the OfS (and the OfS’s consideration of that application):
  - i. the individual was disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
  - ii. the individual was 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;
  - iii. the individual was an undischarged bankrupt (or equivalent) in any jurisdiction;
- b. the individual has been convicted of a criminal offence (excluding **minor offences**<sup>43</sup>) in any jurisdiction, if the following apply:
  - i. the conviction is not:
    - A. spent for the purposes of the Rehabilitation of Offenders Act 1974; or
    - B. subject to equivalent protections in an overseas jurisdiction; and
  - ii. where the conviction relates to an offence in an overseas jurisdiction, a similar criminal offence exists in the United Kingdom.”

## Relevant Individual

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<sup>41</sup> See Footnote 27 above.

<sup>42</sup> **Significant managerial responsibility or influence** includes, but is not limited to, serving on a board or governing body, having voting rights, or employment in a senior management position.

<sup>43</sup> **Minor offences** include, but are not limited to, offences dealt with by fixed penalty notice or where the main offence is unlawful parking of a motor vehicle, but do not include **relevant fraud offences** [see Footnote 39 above.]

You have been requested to complete this Declaration Form because you come within the scope of a Relevant Individual.

You come within the scope of Relevant Individual because:

1. You have applied for one of the following roles:
  - Director of Belmont College Limited.
  - Company Secretary of Belmont College Limited.
  - Co-opted member of Belmont College Limited’s Board of Directors.
  - A role that will require you to undertake the additional role of Accountable Officer for the purposes of OfS Ongoing Condition of Registration E3.
  - A role that will require you to hold overarching responsibility for the management of Belmont College’s financial affairs (or the proposed person).
  - A role, as determined by the Board of Directors, through which you will have **significant overarching responsibility** for ensuring that Belmont College complies with the OfS Ongoing Conditions of Registration (if registered).

**OR**

2. You are seeking to hold more than 25 percent of the shares in Belmont College Limited or Belmont College Holding Limited.

## **Completing the Declaration Form**

Please answer all the questions on the Declaration Form overleaf by selecting “YES” or “NO” from the drop-down box.

Before you answer the questions, please read the above information carefully, because if you provide a false declaration, this will automatically result in you being determined **not** to be a fit and proper person.

If you require any clarification with regards to the questions, please contact Belmont College’s Chief Executive Officer.

If you answer “YES” to any of the questions, you should provide full information to enable the Board of Directors to make a full assessment as to whether you are a fit and proper person.

The Declaration Form will be retained by Belmont College for 6 years. The contents may be disclosed to the OfS and any other external body as may be required under the law of England and Wales.

I, the undersigned, declare as follows:

Have you been subject to any adverse findings in civil proceedings (in any jurisdiction), and those findings relate to you operating in a business or professional capacity?	Yes
Have you been subject to any adverse findings in disciplinary proceedings by any <b>relevant person or body</b> (in any jurisdiction), or are you currently the subject of such disciplinary proceedings?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> that is or has been connected to the education sector, been subject to any adverse findings by any <b>relevant person or body</b> (in any jurisdiction)?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> , been subject to any adverse findings by any <b>relevant person or body</b> (in any jurisdiction) in relation to the <b>inappropriate use of relevant public funds</b> ?	Yes
Are you, or an organisation that you are or have been <b>involved in</b> , currently the subject of an investigation by any <b>relevant person or body</b> (in any jurisdiction) in relation to the <b>inappropriate use of relevant public funds</b> ?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> (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)?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> (in any jurisdiction) 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)?	Yes
Have you been convicted of <b>any</b> criminal offence anywhere in the world?	Yes
Has an organisation that you are or have been <b>involved in</b> , 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 <b>relevant fraud offence</b> , or a similar offence in an overseas jurisdiction?	Yes
Has an organisation that you are or have been <b>involved in</b> , been convicted of any criminal offence in relation to tax matters (in any jurisdiction)?	Yes
Has an organisation that you are or have been <b>involved in</b> , gone into insolvency, liquidation or administration (in any jurisdiction)?	Yes
Have you been dismissed, or have you been asked to resign and did resign, from a role at an organisation (in any jurisdiction) where you held <b>significant managerial responsibility or influence</b> , while operating in a business or professional capacity?	Yes
Have you previously been disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime?	Yes
Have you 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?	Yes
Have you previously been declared bankrupt (or equivalent) in any jurisdiction?	Yes

**If you have answered “YES” to any of the above questions, please provide full details and provide any relevant documents**

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Name:	
Signature: (Please print the form and sign it or add an electronic signature.)	
Job Title (if you are being employed by Belmont College):	
Capacity as a Relevant Individual in which you are completing this declaration <sup>44</sup>	
Date:	

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<sup>44</sup> See the list of Relevant Individuals above, and select the one(s) that apply to you.

## Appendix 2 - Annual Declaration Form: Fit and Proper Person

The Office for Students (OfS) sets out the Public Interest Governance Principles to which providers are expected to adhere in Annex B of its [Regulatory Framework](#)<sup>45</sup>.

One of the requirements is for members of the governing body, those with senior management responsibilities, and individuals exercising control or significant influence over a provider, to be fit and proper persons.

This constitutes an Ongoing Condition of Registration, namely Condition E1: Public interest governance.

### OfS Initial Condition of Registration E9

Paragraph E9.4 of the OfS Initial Condition of Registration E9 provides as follows:

“**Relevant Individuals**<sup>46</sup> at the provider must, in the OfS’s judgement, be fit and proper persons for the purposes of ensuring that:

- a. the provider is suitable to access and receive public funds;
- b. public trust and confidence in the higher education sector is maintained; and
- c. the provider is suitable to protect the interests of students.”

Paragraph E9.5 of the OfS Initial Condition of Registration E9 provides as follows:

“In judging whether an individual is a fit and proper person for the purposes of E9.4, the OfS will give particular consideration to the following matters (where any of these matters apply and insofar as the matter does not fall under E9.7):

- a. the individual has 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. the individual has been subject to any adverse findings in disciplinary proceedings by any **relevant person or body**<sup>47</sup> (in any jurisdiction), or is currently the subject of such disciplinary proceedings;
- c. the individual, or an organisation they are or have been **involved in**<sup>48</sup> that is or has been connected to the education sector, has been subject to any adverse findings by any **relevant person or body**<sup>49</sup> (in any jurisdiction);

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<sup>45</sup> <https://www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/>

<sup>46</sup> See below, for **relevant individuals** who come within the scope of the fit and proper persons requirement.

<sup>47</sup> **Relevant person or body** means: any court or tribunal; the Chancellor of the Exchequer; any Secretary of State or Minister; the OfS; UKRI; Research England; Education and Skills Funding Agency; a local authority; the Student Loans Company Limited; any professional body; and any other public body.

<sup>48</sup> **Involved in**, in relation to an individual’s involvement in an organisation, means that the individual held significant managerial responsibility or influence at the time when the issues giving rise to the relevant matter occurred.

<sup>49</sup> See Footnote 47 above.

- d. the individual, or an organisation they are or have been **involved in**<sup>50</sup>, has been subject to any adverse findings by any **relevant person or body**<sup>51</sup> (in any jurisdiction) in relation to the **inappropriate use**<sup>52</sup> of **relevant public funds**<sup>53</sup>;
- e. the individual, or an organisation they are or have been **involved in**<sup>54</sup>, is currently the subject of an investigation by any **relevant person or body**<sup>55</sup> (in any jurisdiction) in relation to the **inappropriate use**<sup>56</sup> of **relevant public funds**<sup>57</sup>;
- f. the individual, or an organisation they are or have been **involved in**<sup>58</sup>, has (in any jurisdiction):
  - i. 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
  - ii. 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);
- g. an organisation that the individual is or has been **involved in**<sup>59</sup>, 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**<sup>60</sup>, or a similar offence in an overseas jurisdiction;
- h. an organisation that the individual is or has been **involved in**<sup>61</sup>, has been convicted of any criminal offence in relation to tax matters (in any jurisdiction);

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<sup>50</sup> See Footnote 48 above.

<sup>51</sup> See Footnote 47 above.

<sup>52</sup> **Inappropriate use** means, in respect of relevant public funds, any of the following: i. not complying with legally binding terms and conditions that specify or restrict how funding can be used; ii. obtaining, or continuing to receive, funding in circumstances where any conditions or criteria that determine an individual or organisation's eligibility to receive the funding are not satisfied.

<sup>53</sup> **Relevant public funds** mean any sums of money obtained or otherwise derived from a **relevant person or body** [see Footnote 47 above], including but not limited to, the following: i. funding provided to a registered higher education provider by the Student Loans Company Limited on behalf of a student; ii. any form of payment made by a registered higher education provider to another registered higher education provider or unregistered English higher education provider in connection with the provision of higher education to students who are the beneficiaries of funding provided to the relevant provider by the Student Loans Company Limited.

<sup>54</sup> See Footnote 48 above.

<sup>55</sup> See Footnote 47 above.

<sup>56</sup> See Footnote 52 above.

<sup>57</sup> See Footnote 53 above.

<sup>58</sup> See Footnote 48 above.

<sup>59</sup> See Footnote 48 above.

<sup>60</sup> **Relevant fraud offence** means any of the following: i. an offence under any of the following provisions of the Theft Act 1968: A. section 17 (false accounting); B. section 19 (false statements by company directors etc.); ii. an offence under any of the following provisions of the Fraud Act 2006: A. section 1 (fraud); B. section 2 (fraud by false representation); C. section 3 (fraud by failing to disclose information); D. section 4 (fraud by abuse of position); E. section 9 (participating in fraudulent business carried on by sole trader etc.); F. section 11 (obtaining services dishonestly); iii. the common law offence of conspiracy to defraud as preserved by section 5(2) of the Criminal Law Act 1977.

<sup>61</sup> See Footnote 48 above.

- i. an organisation that the individual is or has been **involved in**<sup>62</sup> went into insolvency, liquidation or administration (in any jurisdiction);
- j. the individual was 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**<sup>63</sup>, while operating in a business or professional capacity;
- k. the individual has previously been disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
- l. the individual has 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;
- m. the individual has previously been declared bankrupt (or equivalent) in any jurisdiction.”

Paragraph E9.7 of the OfS Initial Condition of Registration E9, sets out certain matters that, if they apply to an individual, that individual will be deemed **not** to be a fit and proper person unless there are **exceptional circumstances**. These matters are as follows:

- “a. at any point during the course of the provider’s application to register with the OfS (and the OfS’s consideration of that application):
  - i. the individual was disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;
  - ii. the individual was 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;
  - iii. the individual was an undischarged bankrupt (or equivalent) in any jurisdiction;
- b. the individual has been convicted of a criminal offence (excluding **minor offences**<sup>64</sup>) in any jurisdiction, if the following apply:
  - i. the conviction is not:
    - A. spent for the purposes of the Rehabilitation of Offenders Act 1974; or
    - B. subject to equivalent protections in an overseas jurisdiction; and
  - ii. where the conviction relates to an offence in an overseas jurisdiction, a similar criminal offence exists in the United Kingdom.”

## Relevant Individual

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<sup>62</sup> See Footnote 48 above.

<sup>63</sup> **Significant managerial responsibility or influence** includes, but is not limited to, serving on a board or governing body, having voting rights, or employment in a senior management position.

<sup>64</sup> **Minor offences** include, but are not limited to, offences dealt with by fixed penalty notice or where the main offence is unlawful parking of a motor vehicle, but do not include **relevant fraud offences** [see Footnote 60 above.]

You have been requested to complete this Annual Declaration Form because you come within the scope of a Relevant Individual.

You come within the scope of Relevant Individual because:

1. You undertake one of the following roles:
  - Director of Belmont College Limited.
  - Company Secretary of Belmont College Limited.
  - Co-opted member of Belmont College Limited’s Board of Directors.
  - Accountable Officer for the purposes of OfS Ongoing Condition of Registration E3.
  - A role that requires you to hold overarching responsibility for the management of Belmont College’s financial affairs (or the proposed person).
  - A role, as determined by the Board of Directors, through which you have **significant overarching responsibility** for ensuring that Belmont College complies with the OfS Ongoing Conditions of Registration (if registered).

**OR**

2. You hold more than 25 percent of the shares in Belmont College Limited or Belmont College Holding Limited.

## **Completing the Annual Declaration Form**

Please answer all the questions on the Annual Declaration Form overleaf by selecting “YES” or “NO” from the drop-down box.

Before you answer the questions, please read the above information carefully, because if you provide a false declaration, this will automatically result in you being determined **not** to be a fit and proper person.

If you require any clarification with regards to the questions, please contact Belmont College’s Chief Executive Officer.

If you answer “YES” to any of the questions, you should provide full information to enable the Board of Directors to make a full assessment as to whether you are a fit and proper person.

The Declaration Form will be retained by Belmont College for 6 years. The contents may be disclosed to the OfS and any other external body as may be required under the law of England and Wales.

I, the undersigned, declare as follows:

Have you been subject to any adverse findings in civil proceedings (in any jurisdiction), and those findings relate to you operating in a business or professional capacity?	Yes
Have you been subject to any adverse findings in disciplinary proceedings by any <b>relevant person or body</b> (in any jurisdiction), or are you currently the subject of such disciplinary proceedings?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> that is or has been connected to the education sector, been subject to any adverse findings by any <b>relevant person or body</b> (in any jurisdiction)?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> , been subject to any adverse findings by any <b>relevant person or body</b> (in any jurisdiction) in relation to the <b>inappropriate use of relevant public funds</b> ?	Yes
Are you, or an organisation that you are or have been <b>involved in</b> , currently the subject of an investigation by any <b>relevant person or body</b> (in any jurisdiction) in relation to the <b>inappropriate use of relevant public funds</b> ?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> (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)?	Yes
Have you, or an organisation that you are or have been <b>involved in</b> (in any jurisdiction) 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)?	Yes
Have you been convicted of <b>any</b> criminal offence anywhere in the world?	Yes
Has an organisation that you are or have been <b>involved in</b> , 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 <b>relevant fraud offence</b> , or a similar offence in an overseas jurisdiction?	Yes
Has an organisation that you are or have been <b>involved in</b> , been convicted of any criminal offence in relation to tax matters (in any jurisdiction)?	Yes
Has an organisation that you are or have been <b>involved in</b> , gone into insolvency, liquidation or administration (in any jurisdiction)?	Yes
Have you been dismissed, or have you been asked to resign and did resign, from a role at an organisation (in any jurisdiction) where you held <b>significant managerial responsibility or influence</b> , while operating in a business or professional capacity?	Yes
Have you previously been disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime?	Yes
Have you 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?	Yes
Have you previously been declared bankrupt (or equivalent) in any jurisdiction?	Yes

**If you have answered “YES” to any of the above questions, please provide full details and provide any relevant documents**

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Name:	
Signature: (Please print the form and sign it or add an electronic signature.)	
Job Title (for staff members only):	
Capacity as a Relevant Individual in which you are completing this declaration <sup>65</sup>	
Date:	

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<sup>65</sup> See the list of Relevant Individuals above, and select the one(s) that apply to you.