

Free schools

Suitability and Declarations form

July 2022

# About the Suitability and Declarations form

The Department for Education will carry out a number of checks on individuals who apply to set up a free school. This is to ensure that only suitable persons are involved in the setting up, running or management of free schools.

Checks may be conducted across a range of agencies that may hold and be able to disclose information about individuals. These may include: law enforcement; professional or regulatory bodies; other public bodies at the national or local level; and any other agencies that we consider necessary to assess the suitability of applicants.

We require all applicants to submit a Suitability and Declarations form, to provide us with the personal information we need to carry out these checks. If you refuse to provide any of the information requested, you might be asked to withdraw from the applicant group and from any subsequent involvement in the school.

If we judge that you are unsuitable to be involved in the operation of a free school, you may be offered the opportunity to withdraw from the application process. If you decline to withdraw, the application might be rejected.

Where an application is rejected on the grounds that an individual within the group is deemed unsuitable, we will not process the application any further. A full explanation may not be provided to the applicant group.

For the purposes of the Data Protection Legislation the Department for Education is the data controller for personal information supplied on these forms and for ensuring that this information is processed in accordance with all legal requirements. Any third parties processing personal information on behalf of the Department for Education will be acting as its data processors.

**Please ensure that you read the full privacy notice in either the** [**mainstream free schools how to apply guidance**](https://www.gov.uk/government/publications/free-school-application-guide) **(annex D), the** [**alternative provision free school how to apply guidance**](https://www.gov.uk/government/publications/apply-to-open-an-alternative-provision-free-school) **(annex D) or the** [**special free school how to apply guidance**](https://www.gov.uk/government/publications/apply-to-open-an-alternative-provision-free-school) **(annex A) before signing the declaration and sending back this form.**

# Instructions for submitting Suitability and Declarations forms

Each member and trustee (director) of the Company Limited by Guarantee must complete a Suitability and Declarations form separately.

**Forms should be emailed to** [**due.diligence@education.gov.uk**](mailto:due.diligence@education.gov.uk) **by the deadline for receipt of applications.** In the subject line of the email, you must state the name(s) and application number(s) of the proposed free schools.

**Please send completed Suitability and Declarations forms to the email address above and not to any other email address or address.** These forms should remain separate from your main application.

## Checklist

Please check the following before you submit your completed Suitability and Declarations forms to the Department for Education:

|  |  |
| --- | --- |
| There are at least three members of the Company Limited by Guarantee |  |
| All members have fully completed the Suitability and Declarations form and included a recent photograph |  |
| All trustees have been formally appointed as directors of the Company Limited by Guarantee |  |
| All appointed trustees have fully completed the Suitability and Declarations form and included a recent photograph |  |
| You have stated the name of your proposed free school(s) in the subject line of your email submitting the completed Suitability and Declarations forms. |  |

|  |  |
| --- | --- |
| FS 2016    For official use only | INSERT PHOTO  HERE |

**Suitability and Declarations Form**

Please provide the information requested below, using BLOCK CAPITALS

## Section ONE

|  |
| --- |
| **Names and application numbers of all proposed free schools for which you have submitted an application in this wave:** |
| **Name of the Company Limited by Guarantee:** |
| **Your role** (tick both if appropriate):    Member of Company Limited by Guarantee\* Trustee of Company Limited by Guarantee^    \*Members are those that set up the company as the Subscribers and appoint the directors. There must be a minimum of three members, though the department’s strong preference is for trusts to have at least five members where possible.    ^All individuals on the board of trustees must be appointed as trustees of the company and registered with Companies House before completing this form. A trustee of the company is also a director. The terms are used interchangeably. |

## Section TWO

|  |
| --- |
| **Title:** |
| **First name:** |
| **Middle name(s):** |
| **Surname:** |
| **Known as:** |
| **Any and all previous names** (please include dates):  From:  To: |
| **Reason for name change:** |
| **Date of birth** (DD/MM/YY): |
| **Place of birth**    Town/City:  Country: |
| **Current main address** Address 1:  Address 2:  Town/City:  County:  Postcode: |
| **From:** |
| **Any other current address(es):** |
| **Prior addresses** (last 10 years, please specify period of residence in dd/mm/yy format):  **Address 1**        **From:**    **To:** |
| **Address 2**          **From:**    **To:** |
| **Address 3**          **From:**    **To:** |
| **Address 4**          **From:**    **To:** |
| **Address 5**          **From:**    **To:** |

## Section THREE

|  |
| --- |
| **Current Occupation(s):**    **Employer(s):** |
| **Previous Occupation:**    **Employer:**    **Dates in this employment:** |
| **National Insurance Number**: \_\_\_ \_\_\_ \_\_\_ \_\_\_ \_\_\_ \_\_\_ \_\_\_ \_\_\_ \_\_\_ |

## Section FOUR

|  |
| --- |
| Do you have any links to any other charitable or commercial organisation, including any place of worship, where you hold a position on a management committee or are involved in the direct running of the organisation?        If yes, please specify the nature of these links and describe what role, if any, that organisation will play in relation to the free school. |
| Are you related by birth, marriage or otherwise to any other member or trustee of the Company Limited by Guarantee or to any person who it is envisaged will be an employee of the free school or will be a supplier of services to the free school?          If yes, please give details below.    **Full Name:**  **Relationship:**  **Comments:** |

## Section FIVE: Declarations

**Please indicate whether any of the following apply to you, by indicating ‘YES’ or ‘NO’ against each statement.**

|  |  |
| --- | --- |
| Are you, or have you ever been, in a state of bankruptcy, composition with creditors (including any Individual Voluntary Arrangement), or subject to any legal proceedings concerning your solvency or are there any other matters affecting your financial viability? |  |
| Are you, or have you ever been, involved in the running of a company, partnership or other organisation in a state of insolvency, compulsory winding up, receivership, composition with creditors (including any Company Voluntary Arrangement), or subject to an Administration Order or any legal proceedings concerning their solvency or there are any other matters affecting the organisation’s financial viability? |  |
| Do you have any criminal convictions?    If yes please give details on a separate sheet. This should not include any spent convictions under section 4(2) of the Rehabilitation of Offenders Act 1974. |  |
| Have you ever been on probation, received a formal caution, or been conditionally discharged, or accepted a fiscal fine from the Procurator Fiscal in Scotland, or been bound over after being charged with any offence, or is any action pending against an offence? |  |
| Have you ever been convicted by a Court Martial, or sentenced to a detention or dismissal while serving in the armed forces of the UK or any Commonwealth or overseas country? |  |
| Have you been involved in any illegal activities? |  |
| Have you have ever failed to fulfil your obligations related to the payment of taxes? |  |
| Have you ever been the subject of an enquiry or investigation made by HM Revenue and Customs? |  |
| Have you ever been liable in civil proceedings for misrepresentation? |  |
| Have you ever been found guilty of serious misrepresentation in supplying information? |  |
| Are you disqualified from acting as a company director under the Company Directors Disqualification Act 1986? |  |
| Are you disqualified from being a charity trustee or a trustee of a charity under section 178 of the Charities Act 2011? |  |
| Are you subject to a direction given by the Secretary of State under section 128 of the Education and Skills Act 2008 that you may not participate in the management of an independent educational institution, or may do so only in specified circumstances or subject to specified conditions? |  |
| Are you or have you ever been barred under the Safeguarding Vulnerable Groups Act 2006 and/or the Protection of Vulnerable Groups (Scotland) Act 2007 from working with Children and/or Vulnerable adults? |  |
| Are you or have you ever been disqualified from registration under Part 3, of the Childcare Act 2006?  The Department for Education’s statutory guidance for disqualifications under the Childcare Act 2006 provides a list of offences leading to disqualification and can be found at: [www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006](file:///C:/Users/adouglas1/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/SXYEVRVR/www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006) |  |
| Are you aware of any health matters which might affect your suitability to run a free school? |  |
| Are you, or have you ever been in the past, a member of an organisation proscribed under Schedule 2 of the Terrorism Act 2000, or convicted of an offence under the Terrorism Act 2006? |  |
| Are you aware of any other circumstances or characteristic not covered by your previous answers which might affect your suitability to be involved in the operation of a free school? |  |

If the answer to any of these questions is “Yes” please give details below. Continue on another sheet if necessary.

## Applicant declaration

**Please ensure that you read the full privacy notice in either the** [**mainstream free schools how to apply guidance**](https://www.gov.uk/government/publications/free-school-application-guide) **(annex D), the** [**alternative provision free school how to apply guidance**](https://www.gov.uk/government/publications/apply-to-open-an-alternative-provision-free-school) **(annex D) or the** [**special free school how to apply guidance**](https://www.gov.uk/government/publications/apply-to-open-an-alternative-provision-free-school) **(annex A) before signing the declaration and sending back this form.**

I confirm that the information provided is correct to the best of my knowledge. I understand that it will it be used for the purpose of carrying out due diligence and other checks to ensure that I am a suitable person to set up and run a free school.

I understand that the Department for Education may share my information with third parties for the purpose of enabling them to carry out these checks where this is allowed by law. This includes for the purpose of carrying out credit checks.

I understand that HM Revenue and Customs may disclose to the Department for Education, in strict confidence, any information regarding the following, whether or not held on a computer system, including where I act as a trustee or personal representative:

* any historic or ongoing enquiry into my personal returns of tax and relevant payments of tax
* details of any historic and / or current criminal or civil investigations undertaken by HMRC against me
* any record relating to HMRC Border controls in regard to departure and arrivals in the UK (for example, excise, prohibitions and restrictions)

I understand that if I refuse to provide any of the information requested, fail to provide information which might be relevant to my suitability to be involved with the operation of a free school, or provide false information, I may be asked to withdraw from the proposal and from any subsequent involvement in the free school in order for the proposal to be considered.

Signed:…………………………………………………………

Name:………………………………………………………….

Date:……………………………………………………………

Please ensure all sections are fully complete before submitting your form to the Department for Education. **Signatures must be signed by hand and not typed.**



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write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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