

FCSA Fit and Proper Persons Criteria

The objective of the FCSA is to protect and promote the interests of professional contractors and freelancers ('workers') by ensuring they are only working with the most scrupulous and compliant contractor support businesses. As such, FCSA will apply the below Fit and Proper Person criteria to all applicants and associated individuals who are:

- running business either on their own or in partnership with another;
- able to direct the business - this includes directors and shadow directors, whether they're based in the UK or overseas;
- 'beneficial owners' of the business - if you own or control more than 25 per cent of it;
- 'officers' for the business;
- shareholders who own or control more than 25 per cent of the shares or voting rights in the company

Applicants are required to self-certify that they are "fit and proper" and this form will be considered by FCSA along with any other publicly available information. The matters referred to which the FCSA will have regard include, but are not limited to:

- (1) whether the person has been convicted of any criminal offence; this must include, where relevant, any spent convictions excepted under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (see Articles 3 and 4 of the order); particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence whether or not in the United Kingdom or other offences under legislation relating to companies, insurance, and consumer protection, money laundering, market manipulation or insider dealing;
- (2) whether the person has been the subject of any adverse finding or any settlement in civil proceedings, particularly in connection with investment or other financial business, misconduct, fraud or the formation or management of a body corporate;
- (3) whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings;
- (4) whether the person has been involved with a company, partnership or other organisation that has been refused registration, authorisation, membership or a licence to carry out a trade, business or profession, or has had that registration, authorisation,

membership or licence revoked, withdrawn or terminated, or has been expelled by a regulatory or government body;

- (5) whether, as a result of the removal of the relevant licence, registration or other authority, the person has been refused the right to carry on a trade, business or profession requiring a licence, registration or other authority;
- (6) whether the person has been a director, partner, or concerned in the management, of a business that has gone into insolvency, liquidation or administration while the person has been connected with that organisation or within three years of that connection;
- (7) whether the person has been a director, partner, or concerned in the management of a business operation that has been / should be reported to HMRC under DOTAS rules;
- (8) whether the person, or any business with which the person has been involved, has been investigated, disciplined, censured or suspended or criticised by a regulatory or professional body, a court or Tribunal, whether publicly or privately, in the last 3 years;
- (9) whether the person has been dismissed, or asked to resign and resigned, from employment or from a position of trust, fiduciary appointment or similar;
- (10) whether the person has ever been disqualified from acting as a director or disqualified from acting in any managerial capacity;
- (11) failure to disclose anything which could be perceived as having an adverse impact on the reputation of applicants will be considered a very serious breach, and may in itself preclude membership.

In determining a person's honesty, integrity and reputation, the FCSA will have regard to matters including, but not limited to, those set out below which may have arisen either in the United Kingdom or elsewhere. The FCSA will treat each candidate's application on a case-by-case basis, taking into account the seriousness of, and circumstances surrounding, any offence, the explanation offered by the convicted person, the relevance of the offence to the proposed role, the passage of time since the offence was committed and evidence of the individual's rehabilitation. In considering the person in question the FCSA will look at whether the person's reputation and their previous roles to determine whether these might have an adverse impact upon the reputation of the FCSA.

All applicants and renewing members are required to complete a Fit and Proper Person Form to assist in determining the reputation of individuals that control the applicant/member business. FCSA reserves the right to reject an application on the basis of potential reputational damage to FCSA, perceived or otherwise, due to the background of an applicant business or individual associated with that business.

Fit and Proper Person Form

This form needs to be completed by all officers and beneficial owners of businesses on joining the FCSA as Members. Additionally, each officer and beneficial owner must inform the FCSA's Chief Executive Officer (CEO) if their circumstances change.

Answering 'Yes' to any of the questions will not automatically result in a business being unable to join or remain as a member firm, but providing false or misleading information will be deemed as gross negligence and may result in the business being excluded. Please speak to the CEO of FCSA if you have any questions about the form.

Financial integrity and reliability	Yes ✓	No ✓
1. In the last 10 years, has a court, in the United Kingdom or elsewhere, given any judgement against you about a debt? [†]		
2. In the last 10 years have you made any compromise arrangement with your creditors?		
3. Have you ever been declared bankrupt or been the subject of a bankruptcy court order in the UK or elsewhere or been served a bankruptcy petition?		
4. Have you failed to make any repayments of debt or have you failed to make payments with any government bodies (such as HMRC)? [†]		
5. Have you ever signed a trust deed for a creditor, made an assignment for the benefit of creditors, or made any arrangements for the payment of a composition to creditors?		
6. Have you ever been involved with anything that has been / should be reported to HMRC under DOTAS rules? Please provide details.		

Convictions or Civil Liabilities	Yes ✓	No ✓
<i>NB There is no need to mention any offences committed before the age of 17 (unless committed within the last ten years) and road traffic offences that did not lead to a disqualification or prison sentence.</i>		

7. Have you at any time pleaded guilty to or been found guilty of any offence? If so, give details, below, of the court that convicted you, the offence, the penalty imposed and date of conviction.		
8. Have you ever been disqualified by a court from being a director, or from acting in the management or conduct of the affairs of any company?		
9. Have you been notified that legal proceedings have been instigated against you since you last completed a Fit & Proper declaration? ^τ		
10. In the last five years have you, in the United Kingdom or elsewhere, been the subject of any civil action relating to your professional or business activities which has resulted in a finding against you by a court or a settlement being agreed?		

Good reputation and character	Yes ✓	No ✓
11. Have you in the United Kingdom or elsewhere ever been:		
(a) refused the right or been restricted in the right to carry on any trade, business or profession for which a specific licence, registration or other authority is required?		
(b) investigated about allegations of misconduct or malpractice in connection with your professional activities which resulted in a formal complaint being proved but no disciplinary order being made?		
(c) the subject of disciplinary procedures by a professional body or employer resulting in a finding against you?		
(d) been placed under investigation by any government body?		
(e) reprimanded, excluded, disciplined or publicly criticised by any professional body to which you belong or have belonged?		
(f) refused entry to or excluded from membership of any profession or vocation?		
(g) dismissed from any office (other than as auditor) or employment or requested to resign from any office, employment or partnership?		

(h) reprimanded, warned about future conduct, disciplined, or publicly criticised by any regulatory body, or any officially appointed enquiry concerned with the regulation of a financial, professional or other business activity?		
(i) the subject of a court order at the instigation of any regulatory body, or any officially appointed enquiry concerned with the regulation of a financial professional or other business activity?		
12. Are you currently undergoing any investigation or disciplinary procedure as described in 8 above?		
13. Do you have an interest in any other business? <i>If yes, please provide details below of the name, company registration no, interest, purpose and objective.</i>		

Please detail below, or separately, the circumstances surrounding any 'Yes' answer.

Declaration	Yes ✓	N/A ✓
I am aware of my obligations under the Money Laundering Rules.		
I am aware of my obligations under the Anti-Bribery legislation.		
I have read and understood the FCSA's Complaints Procedure.		
I fully understand the questions above and have answered the questions truthfully and honestly, to the best of my knowledge and belief. Should any of the circumstances above change, I shall inform FCSA immediately.		
I understand that should I give false information, or not provide an update should my circumstances change, FCSA will deem this Gross Negligence and my business may be excluded and publicly named.		

Name:	Signature:
Position:	Date:
Company:	Company registration no:

Note: In accordance with the Data Protection Act, please be advised that this information is required by the FCSA to monitor the financial solvency of individuals, thereby helping to protect the interests of customers. It is treated as confidential at all times.