

872/6001

From: ENQUIRIES, Registration
Sent: 01 July 2014 11:07
To: DFE Official
Subject: FW: Bearwood College, Berkshire: Notification of a change of proprietor
Attachments: Letter to IEBT.pdf

872/6001.

From: C. ...
Sent: 01 July 2014 10:34
To: ENQUIRIES, Registration
Cc:
Subject: Bearwood College, Berkshire: Notification of a change of proprietor

Dear Sirs

I attach a letter informing you of a change of registered proprietor of Bearwood College.

Should you have any questions, please do not hesitate to contact me.

Yours faithfully

..... personal information
Eversheds LLP

Tel personal information
Mob
www.eversheds.com

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Independent Education and Boarding Team
Ground Floor Area F
Department for Education
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

Date 1 July 2014
Your ref
Our ref
Direct dial
Direct fax 0845 497 3777

By email only

Dear Sirs

Bearwood College, Berkshire: Notification of a change of proprietor

In accordance with s.162(2) Education Act 2002, we write to inform you that Reddam House (Berkshire) Limited, registered with company number 09093739, will shortly be taking over as proprietor of Bearwood College (the "College"), an independent school in Wokingham, Berkshire. I set out below the name and contact details of the Chair of the Company:

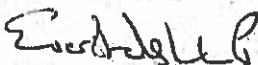
Mark Joseph
Reddam House (Berkshire) Limited
c/o Oakley Capital Limited
3 Cadogan Gate
London
SW1X 0AS
United Kingdom

The change of proprietor is likely to take place in late July/ early August.

In relation to any information needed to process the enhanced DBS check, please contact *personal information* in the first instance (by email) or

In the meantime, should you have any other queries, please do not hesitate to contact us.

Yours faithfully



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DFE Official

From: DFE Official
Sent: 07 July 2014 12:21
To:
Subject: DBS application for Mark Joseph *personal information*

Good Afternoon

Could you please forward this email onto Mark Joseph, many thanks.

Dear Mr Mark Joseph

I have been informed that you will be the new proprietor of Bearwood College.

It is the duty of the Secretary of State to be satisfied of the suitability of individuals to be proprietors of independent schools. For the purposes of the Education Act 2002, and regulations made under the Act, proprietor means the person or body of persons responsible for the management of the school and can include a sole proprietor, governing bodies, Trustees or Directors.

In order to check the suitability of the proprietor, the regulations require the following:

- an enhanced criminal record check, countersigned by the Secretary of State;
- checks confirming the individual's identity and their right to work in the United Kingdom; and
- if the individual is living or has lived outside the United Kingdom, further checks as the Secretary of State considers appropriate to establish the individual's suitability to work in a school.

The criminal record check application form must be submitted via the Department for countersignatory purposes; it must not be countersigned by the school or any other countersignatory body. Any previous checks made by the school do not satisfy the regulatory requirements for proprietor checks. However, if you are the proprietor of another independent school and have already had a criminal record check undertaken through this Department, there is no requirement for you to have a further check. Please let us know if this is the case.

Where the proprietor is a governing body, trust or limited company, only the Chair or equivalent will be required to submit an application for a criminal record check via the Department. The Chair or equivalent will be responsible for ensuring that enhanced criminal record checks on any other newly appointed members of the governing body or board of trustees or directors are undertaken by the school and, when the school is inspected, a check will be made that those criminal record checks have been undertaken.

A disclosure is a document containing information held by the police and the Department. Disclosures provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer. An enhanced disclosure may also contain details of information held on local police records, which the police consider relevant to the person's post or position, and details from lists held by the Department of those considered unsuitable to work with children.

The disclosure of a criminal record, or other information, will not automatically bar a person from becoming a proprietor of an independent school unless the Secretary of State considers that the conviction renders them unsuitable. In making this decision the Secretary of State will consider the nature of the offence, how long ago the offence was committed, the person's age when the offence was committed and other factors which may be relevant.

In any case where the information supplied on a disclosure differs from that provided by the applicant, and is of significance, applicants will be given the opportunity to explain the position. Where applicants believe that the information given in the disclosure is inaccurate, or relates to someone else with the same name, they are able to appeal to the Disclosure & Barring Service who will investigate the position.

From 1 December 2012 the Criminal Records Bureau (CRB) merged with the independent Safeguarding Authority (ISA) to become the Disclosure and Barring Service (DBS). You should contact this team on 01325 735304 for further advice on next steps if you do not have access to the Internet or if you do not have any photographic proof of identity.

The steps you now need to take to obtain a criminal record check as a proprietor/volunteer are –

-
- Complete the enclosed annex 1
 - Obtain an application form for an enhanced disclosure by telephoning the Disclosure & Barring Service (DBS) on 0870 9090844. You must quote our DBS Registered Body Name: Department for Education and Registered Body Number: 20881800002. **It is important that you inform the DBS whether or not you are a volunteer so that they can determine whether the enhanced disclosure fee is payable in your case.**
 - Complete DBS application form, annex 2 provides guidance on how to complete the form.
 - Obtain a Veri-fy form by going to the following Internet page: www.veri-fy.co.uk/wl/zf28bv and follow the instructions on having your identity checked.
 - If you are living or have lived outside the United Kingdom, please provide details of all the countries you have resided in, including dates. Also please confirm the date you took up residency in the United Kingdom and on what date you obtained UK citizenship (if appropriate)
-
- After you have had the Veri-fy form confirmed by one of the specified responsible individuals, a list of suitable signatories can be found on the veri-fy webpage (the person may charge you a fee,) please return it along with the completed Annex 1, the completed DBS application form and your cheque payment of £44.00, made payable to DBS if applicable to -

DFE official

IEBT
Ground Floor Area F
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

As you are sending personal details you may wish to send the documents via recorded delivery.

The Department will check and countersign the DBS application and forward it to DBS. When the DBS have processed your application, they will send a copy of the disclosure certificate to you direct. **The Department will need to have sight of your original certificate. Please send it to the address above, or email enquiries.registration@education.gsi.gov.uk to make arrangements to bring it to one of the Department's buildings.** These are located in London, Darlington, Sheffield, Manchester, Coventry, Nottingham and Runcom.

PLEASE complete and return with your completed DBS application form and Verify form.

Applicant's Title and Full Name:	School/Academy Name:
Local Authority Area	Department for Education reference number (if known)
Type of School: Independent/ Academy	Age range of pupils
Will you be undertaking your role as an unpaid volunteer? Yes/ No If yes – will you be the Chair of School Governors?	Does your role in the school involve regulated activity with children or adults? (please refer to the note below on regulated activity) - with Children? - with Adults? - with Children and Adults?
*DBS defines a volunteer as someone undertaking activities for a third-party's benefit without payment (persons may receive travel expenses so they are not out of pocket). Persons undertaking the activities as part of a placement, or training, or in a trainee position leading to a qualification are disqualified from claiming volunteer status.	

Definition of Regulated Activity

The proprietor will be in regulated activity in relation to children if:

- they will be undertaking regular paid work in the school that will give opportunity for contact with children; or
- they will regularly undertake unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children.

The proprietor will be in regulated activity in relation to adults if:

- they provide health care (as a health care professional)
- they provide personal care to adults (e.g. help with eating, drinking, going to the toilet, washing, dressing, oral or skin care etc);
- they provide social work;
- assist with cash, bills or shopping;
- assist in the conduct of a person's affairs (e.g. by enduring power of attorney); or
- transports a person (because of their illness or disability) from their home to a place where they will be receiving personal care and/or social work.

Definition of regular -- is once a week or more often, or on 4 or more days in a 30 day period, or overnight.

Guidance on completion of DBS application form

Here are some top tips to help when completing the DBS application form:

- use black ink and write clearly in block capitals only
- only use one letter or number for each box
- to correct a mistake on the form put a line through it and write the correction clearly to the right or as close as possible, **do not** use correction fluid
- leave an empty box between words, but don't include spaces within a telephone number
- mark choices in the boxes indicated with a cross [X], not a tick
- **Question e55** should be read to mean – “ do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance”

The guidance can be found on –

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207598/Filtering_guidance_v1_2.pdf

- be sure to sign the declaration at Section E, item 56, keeping all of your signature inside the box
- make sure you fill out sections A, B, C and E of the application form
- **do not** complete sections D, W, X, Y, Z of the application form

Once you've completed your application form, make sure you have:

- completed sections A,B,C & E
- provided details of all the names you have used in full – if you have been known by any other surnames you must also enter your forenames, along with relevant dates in line 7.
- provided all your addresses for the last five years – a continuation sheet is available from www.DBS.homeoffice.gov.uk
- checked there are no gaps in the dates you provided – if you changed address any gaps in the months between moving should be explained on a continuation sheet.
- provided the full driving licence number - **the driving licence number contains 16 characters plus a 2 digit issue number.**
- Provided the details for nationality and country of issue for valid passports.

Regards

DfE official

Independent Education and Boarding Team

Tel:

DfE phone number

Web:

www.gov.uk/df

Twitter:

@educationgovuk

Facebook:

www.facebook.com/educationgovuk

From: *DFE official*
Sent: 08 August 2014 08:28
To:
Subject: RE: CONCERN ABOUT GOVERNANCE AND EDUCATIONAL STANDARDS

Dear

Thank you for your email and telephone call. I explained in my email dated 2 July and in our telephone conversation this week, that independent schools are private companies and providing they comply with the law of the land are free to operate as they see fit.

I explained to you that I was not an expert in company law so could not advise you if the actions being taken by the prospective acquirers were legal. You may wish to consider contacting The Financial Services Authority (FSA) which is part of the Serious Fraud Office who may be able to help you.

Regards

DFE official
Independent Education and Boarding Team
Tel:
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Twitter: @educationgovuk
Facebook: www.facebook.com/educationgovuk



Department
for Education

From: *Member of public*
Sent: 25 July 2014 11:00
To: *DFE official*
Cc:
Subject: Re: CONCERN ABOUT GOVERNANCE AND EDUCATIONAL STANDARDS

Dear

DFE official

I am writing in connection with my earlier email regarding the prospective acquisition of Bearwood College as attached, whereby I brought to your attention fundamental matters which, as a Governor and Trustee, I have been unhappy with.

Firstly, I must apologise for not having forwarded the appendices promised. That supporting documentation was in the process of being compiled, however due to pressing work commitments and resulting time constraints, I have been unable thus far to submit such in completeness of my communication. Given your subsequent correspondence and unless you might otherwise specify, I presume that such amplificatory attachments are not required.

Secondly, I write in order to inform you upon the latest developments associated with the College's acquisition process. The acquisition is now moving at a pace with negotiations still continuing with the 'Royal Merchant Navy Education Foundation', which holds a covenant on the land and an overage clause concerning the purchase of School land and assets. During these negotiations, it has come to light that the prospective acquirer is now splitting the School's assets and operational business. It appears that the School's assets are going to be separated from the School business and held by a newly created off-shore property Company, as it has been recently communicated to Governors.

Whilst one may acknowledge the element of business acumen involved in such a move towards protecting assets from the operational business, this leaves me with more questions, as follows:

1) Why does one remove the School's land by placing it into an off-shore Company, rather than in a UK registered Company?

2) Would the prospective acquirers really be interested in running a School at Bearwood or could that be conceived of as just an ordinary manoeuvre of asset-stripping?

Obviously, I do not know the answer to either of these questions, however this new information leaves me with great concerns.

I understand that the new School operation Company 'Reddam House Berkshire' might be applying for a DFE licence to run a School in the UK for a first time, therefore I thought that it might be important to bring these fresh concerns to your attention.

In the interests of consistency of communications, I am equally copying this letter to the Charity Commission, AGBIS and also to the ISI. For your information, I have also forwarded a copy to HMRC seeking their advice, as I do not know if there are any potential tax implications attached to removing assets from the United Kingdom in the course of a School acquisition process.

Yours obliged,

Member of public

6/8/14

Member of public

Phone call from ... wanting to know if we were able to help. I explained to ... the school is a private company + the department does not investigate companies, we do undertake DBS checks on the proprietors, but take no further action.

accepted that we could not help to address concerns. I suggested the charity commission, but ... had already tried them and they informed they could not help. ~~referred to~~ I did say if I could find out who deals with company law I would let ... know.

DfE official

6/8/14

Possible - The Financial Services Authority. FSA. part of Serious Fraud office.



From: DfE official
Sent: 27 August 2014 13:50
To:
Subject: RE: QUESTION REGARDING EDUCATIONAL LICENSING FOR PROSPECTIVE SCHOOL PROPRIETORS - BEARWOOD COLLEGE

Dear Member of public

Thank you for your email.

As I explained Bearwood College is registered with the department, so the proprietor needs to seek approval from the Secretary of State for Education before undertaking certain types of change. Changes requiring approval are known as 'material changes' and are listed in section 162(2) of the Education Act 2002.

A change of proprietor is a material change and the proposed new proprietor of the school requires an enhanced DBS disclosure counter-signed by the Secretary of State. Provided the results of this are satisfactory, the new proprietor will be approved and the school's registration details will be updated. No further action is likely to be taken.

The Proprietor of an independent school is, subject to the laws of the land, free to manage their day-to-day affairs as they see fit. The Department has no powers to intervene or investigate the circumstances of the sale of a school which is financial matter between the buyer and the seller.

Regards

.....
DfE official
Independent Education and Boarding Team
Tel:

Web: www.gov.uk/df
Twitter: @educationgovuk
Facebook: www.facebook.com/educationgovuk



Department
for Education

From: Member of public
Sent: 22 August 2014 13:49
To: DfE official
Cc:
Subject: QUESTION REGARDING EDUCATIONAL LICENSING FOR PROSPECTIVE SCHOOL PROPRIETORS - BEARWOOD COLLEGE

Dear DfE official

Thank you for our telephone conversation yesterday, whereby I took the opportunity to ask you a question about whether it is legal for a prospective acquirer to acquire a School without a DFE license. Indeed you kindly clarified that in terms of terminology usage, 'licenses' only refer to registration approvals of Schools in practice.

Following up on that telephone discussion and for my records, could I please ask you to confirm your advice that the material changes of a change of proprietor and Governance and the issue of suitability of proprietor, as defined in the context of the current and particularly of the incoming (1.9.2014) regulatory framework for Independent Schools, are inconsequential regulatory aspects if a School is already and currently registered with the DFE, given the certainty that anybody can become a School proprietor.

May I also ask you to confirm please that the sale of both the buildings and operation of a School to a Company (off-shore in this case) which may not as yet be an approved proprietor by the DFE would be legally acceptable.

Thanking you for your assistance,

Sincerely yours

Member of Public

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Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

DFE official

From: [redacted] DfE official
Sent: 28 August 2014 11:16
To: [redacted]
Cc: [redacted] personal email address
Subject: DBS Certificate Bearwood College 872/6001

Dear Mr Joseph

Thank you for sight of your Enhanced Disclosure Certificate. This will be returned by recorded delivery to your home address.

I am pleased to confirm your suitability to be the proprietor of Bearwood College. The Register of Independent Schools has been amended in accordance with the terms of The Education (Independent School Standards) (England) Regulations 2010. As the proprietor you are responsible for ensuring that criminal record checks are carried out on new members of the governing body or board of directors or trustees.

It is essential that the central register of recruitment checks is updated in respect of every check as this is a regulatory requirement and the register will be examined during inspections. Please ensure that your criminal record check is also recorded in the school's central register.

Yours sincerely

[redacted] DfE official
Independent Education & Boarding Team
Ground Floor Area F
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

Tel: [redacted]
Email: [redacted] DfE contact details
Web: www.gov.uk/df
Twitter: @educationgovuk
Facebook: www.facebook.com/educationgovuk



Department
for Education

Applicant's Title and Full Name: [REDACTED]	School/Academy Name: Bearwood College
Local Authority Area Wokingham Borough Council	Department for Education reference number (if known) 872/6001
Type of School: Independent/ Academy	Age range of pupils 1 - 18 years
Will you be undertaking your role as an unpaid volunteer? Yes/ No If yes – will you be the Chair of School Governors? N/A *DBS defines a volunteer as someone undertaking activities for a third-party's benefit without payment (persons may receive travel expenses so they are not out of pocket). Persons undertaking the activities as part of a placement, or training, or in a trainee position leading to a qualification are disqualified from claiming volunteer status.	Does your role in the school involve regulated activity with children or adults? (please refer to the note below on regulated activity) - with Children? No - with Adults? No - with Children and Adults? No

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