

COMMITTEE FOR PRIVATE EDUCATION GUIDELINES ON FIT AND PROPER PERSON CRITERIA

APPLICATION OF GUIDELINES

1. Under the Private Education Act (Cap 247A) (“the Act”), private education institutions (“PEIs”) must ensure that their manager, proposed manager, teacher or proposed teacher (“person”) is a fit and proper person for the relevant post.
2. If a PEI fails to meet the said standard, the Committee for Private Education, SkillsFuture Singapore Agency (“CPE”) can refuse, suspend or cancel the PEI’s registration or even prosecute the errant PEI if it fails to comply with the direction to cease to deploy the affected person.
3. The Guidelines is drafted and issued in accordance with the CPE’s powers under section 6(1) of the SkillsFuture Singapore Agency Act and will apply to all registered and deemed registered PEIs under the Act.

COMMENCEMENT DATE

4. The Guidelines will come into effect on 9 May 2011.

AFFECTED PERSON

5. The persons who are subject to the fit and proper criteria are:
 - a. Managers under sections 37(1)(f), 38(1)(g), 42(1)(a)(i);
 - b. Proposed managers under section 37(1)(f);
 - c. Teachers under section 37(1)(c)(ii), 38(1)(c)(ii), 45(1)(e); and
 - d. Proposed teachers under section 37(1)(c)(ii).

6. The finding that a person is not fit and proper person has far-reaching consequences as it can result in a PEI:
 - a. Being refused registration on an initial or renewal basis under section 37;
 - b. Having their registration status suspended or cancelled under section 38;
 - c. Being liable for an offence for failing to comply with the CPE's direction to remove a manager under section 42(2) of the Act; and/or
 - d. Being liable for an offence for failing to comply with the CPE's direction to cease deployment for a teacher under section 45(2) of the Act.

CONSIDERATIONS UNDERLYING THE FIT AND PROPER PERSON GUIDELINES

7. As appointments for teachers and managers entail different responsibilities, the level and weight in the usage of the Guidelines will be applied differently to the extent that is appropriate to the person's relevant appointment and professional circumstances.
8. The following considerations will be taken into account in applying the fit and proper person Guidelines:
 - a. The lapse of time since the occurrence of the breach;
 - b. The degree of the person's involvement in the breach;
 - c. The nature and context of the person's conduct in the breach;
 - d. The seriousness and circumstances surrounding the breach; and
 - e. The materiality of the person's failure to meet the specific criterion.

FIT AND PROPER CRITERIA

9. A person who is responsible for the management and/or teaching duties of a PEI is required to have appropriate skills, experience, knowledge and prudent judgement. He/she will need to exercise reasonable diligence and prudent judgement in the discharge of his/her duties and act with honesty and integrity at all times.

10. If a manager, proposed manager, teacher or proposed teacher is to be appointed, the person may not be considered as a fit and proper person under the Act if the person:

- a. Has been convicted of any criminal offence under any law in Singapore or elsewhere; or
- b. Is contravening or has contravened the Private Education Act, any subsidiary Regulations or any lawful directive issued by the CPE; or
- c. Has been the subject of any adverse findings in civil proceedings, particularly those associated with fraud, misrepresentation or dishonesty, under any law in Singapore or elsewhere; or
- d. Is an undischarged bankrupt or has made a composition or arrangement with his creditors; or
- e. Has been a director or a person concerned in the management of a business that had entered into liquidation, or been the subject of a winding-up order, or had a receiver appointed in relation to the business, or entered into a composition or scheme of arrangement with its creditors while the person has been involved with that business or within one year of that involvement; or
- f. Has been suspended or disbarred by a professional or any other regulatory body in Singapore or elsewhere; or
- g. Has not demonstrated a readiness and willingness to comply with the letter and spirit of the Act; or

- h. Has been dishonest, untruthful or failed to provide accurate information in all dealings with the CPE or other regulators; or
- i. Has not been cooperative or transparent in all dealings with the CPE; or
- j. Does not possess the requisite educational qualifications, knowledge or experience in relation to the duties the person is required to perform; or
- k. Has clearly demonstrated the improper, ineffective or inefficient management of a PEI.

11. The above list is not exhaustive and is subject to the CPE's revision at any time at its discretion.

12. The revised Guidelines will be published on the CPE's website and will come into force on the date of publication.