

Cover Sheet

Trust Board Meeting in Public: Wednesday 8 May 2024

TB2024.43

Title: Fit and Proper Persons Annual Assurance 2023/24

Status: For Information

History: None

Board Lead: Chief People Officer

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Confidential: No

Key Purpose: Assurance

Executive Summary

1. The purpose of this paper is to provide annual assurance that all Board Directors remain fit and proper for their roles.
2. As a health provider, the Trust has an obligation to ensure that only individuals fit for their role are employed. Following the regulatory standards in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the Trust must ensure that all Board directors meet the 'Fit and Proper Persons Test' (FPPT).
3. The Trust's Fit and Proper Persons Policy specifies the scope of the staff who are included as:
"All executive and non-executive directors of the Board, including permanent, interim and associate positions, irrespective of their voting rights. It also applies to individuals who are acting up into Board level positions. The FPPT Framework only applies to deputies who are required to act up for a period of six weeks or more".
4. In January 2024, the Board of Directors completed the Fit and Proper Persons Test Self Declaration Form.
5. The Director of Workforce reviewed the signed declarations and determined that the Directors continued to meet the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Fit and Proper Persons Test.
6. In addition, during the year 2023/24, the Director of Workforce has overseen the completion of pre-employment checks for new appointments and confirms that all checks meet the FPPT Framework.

Recommendations

7. The Trust Board is asked to:
 - Note the content of this paper, and
 - Record that the Fit and Proper Persons Test has been conducted for the period 2023/2024 and that all Board members satisfy the requirements.

Fit and Proper Persons Annual Assurance 2023/24

1. Purpose

- 1.1. The purpose of this paper is to provide annual assurance that all Board directors remain fit and proper for their roles.

2. Background

- 2.1. As a health provider, the Trust has an obligation to ensure that only individuals fit for their role are employed. Following the regulatory standards in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the Trust must ensure that all Board directors meet the 'Fit and Proper Persons Test'.
- 2.2. In 2019, a government-commissioned review (the Kark Review) of the scope, operation, and purpose of the Fit and Proper Person Test (FPPT) was undertaken. In response to the recommendations in the Kark Review, NHS England developed a FPPT Framework to strengthen/reinforce individual accountability and transparency for board members, thereby enhancing the quality of leadership within the NHS. This FPPT framework came into effect from 30 September 2023.
- 2.3. The Framework applies to the board members of NHS organisations, irrespective of voting rights or contractual terms. Deputies are included within the scope of the FPPT Framework if they act up to cover a board member's role for a period of six weeks or more. Therefore, it was agreed by the Board that it would be prudent to include deputies within the scope of the Fit and Proper Person Policy, from the point of appointment.
- 2.4. The Trust's Fit and Proper Persons Policy specifies the scope of the staff who are included as:

"All executive and non-executive directors of the Board, including permanent, interim, and associate positions, irrespective of their voting rights. It also applies to individuals who are acting up into Board level positions. The FPPT Framework only applies to deputies who are required to act up for a period of six weeks or more. To ensure deputies are able to act up to Board level positions at short notice, the Trust's position is that all deputy executive directors are within scope of this procedure".

- 2.5. The policy requires a full FPPT to be completed on appointment. It also requires ongoing assurance as follows:

The annual self-declaration process will normally be undertaken at the start of each new financial year. Additionally, DBS checks are required to

be conducted at least every three years. Where practicable, these checks will be aligned to the annual self-declaration.

- 2.6. The Chief People Officer will ensure that the results of the annual self-declaration are recorded on the Electronic Staff Record (ESR) and will draft an assurance report to the Board on behalf of the Chair.

3. Fit and Proper Person: New Appointment and Annual Assurance Checks

- 3.1. All new appointments are subject to a full FPPT that includes:
 - 3.1.1. Standard employment checks as per the Trusts Recruitment and Selection Procedure,
 - 3.1.2. References, using the board member reference template that cover a six-year continuous employment history,
 - 3.1.3. An enhanced DBS for a person who will be acting in a role that falls within the definition of a 'regulated activity',
 - 3.1.4. Search of insolvency and bankruptcy register,
 - 3.1.5. Search of Companies House register to ensure that no board member is disqualified as a Director,
 - 3.1.6. Search of the Charity Commission's Register of Removed Trustees,
 - 3.1.7. Web/social media search,
 - 3.1.8. Satisfactory completion of the self-declaration.
- 3.2. For annual assurance, the FPPT includes:
 - 3.2.1. Annual self-declaration,
 - 3.2.2. DBS check at least every 3 years.

4. Outcome of the Annual Fit and Proper Persons Checks

- 4.1. In January 2024, the Board of Directors completed the Fit and Proper Persons Test Self Declaration Form.
- 4.2. One of the Directors has been off long term sick and therefore is yet to complete their annual declaration, this will be completed upon their return, the Deputy has had a full FPPT check.
- 4.3. The Director of Workforce reviewed the signed declarations with the Chair and determined that the Directors continued to meet the requirements of

the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Fit and Proper Persons Test.

- 4.4. In addition, during the year 2023/24, the Director of Workforce has overseen the completion of pre-employment checks for new appointments and confirms that all checks meet the FPPT Framework.
- 4.5. The outcome of the FPPT's have been saved on each personal file and uploaded onto ESR.
- 4.6. As outlined in the September 2023 Board Paper, all Directors have been asked to re-do the FPP self-declaration, which includes the 3 yearly DBS, so that they are aligned with needing this check at the beginning of each financial year.
- 4.7. Between checks, each Director is responsible for identifying any issues which may affect their ability to meet the statutory requirements and bringing these issues on an ongoing basis and without delay to the attention of the Director of Workforce or the Trust Chair.

5. Conclusion

- 5.1. All Directors of the Trust Board satisfy the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Fit and Proper Persons Test.

6. Recommendations

- 6.1. The Trust Board is asked to:
 - Note the content of this paper, and
 - Record that the FPPT has been conducted for the period 2023/2024 and that all Board members satisfy the requirements.