

## Public Board of Directors

<b>Report Title:</b>	Board of Directors Annual Declarations of Interest and Fit and Proper persons Test Declaration
<b>Executive/NED Lead:</b>	Helen Taylor, Chair
<b>Report author(s):</b>	Tammy Hughes, Head of Corporate Governance
<b>Previously considered by:</b>	N/A

**Approval**     
  **Discussion**     
  **Information**     
  **Assurance**

<b>Executive summary</b>		
<p>This report presents the currently declared annual Board of Directors interests for approval and reminds the Board of Directors of the need to adhere to the Seven Principles of Public Life (the Nolan Principles)</p> <p>The Board of Directors are expected to undertake an annual report and declaration that Board members continue to meet the requirements of the Care Quality Commission (CQC) Fit and Proper Persons Test.</p>		
<b>Action Required of the Board/Committee</b>		
The Board of Directors are asked to approve the Annual Self Declarations of Directors interest, agree to continue to abide by the Nolan Principles and confirm that members of the Board of Directors continue to meet the requirements of the Fit and Proper Persons Test.		
<b>Link to Strategic Objectives (SO)</b>		<b>Please tick</b>
SO1	Keep people in control of their health	<input checked="" type="checkbox"/>
SO2	Lead the integration of care	<input checked="" type="checkbox"/>
SO3	Develop our centres of excellence	<input checked="" type="checkbox"/>
SO4	Support and develop our staff	<input checked="" type="checkbox"/>
SO4	Drive technology enabled care	<input checked="" type="checkbox"/>
<b>Risk Implications for the Trust</b> <i>(including any clinical and financial consequences)</i>		All Board of Director members are required to declare relevant interests. These must also be declared in the Trust's Annual Report. The requirements of the Fit and Proper Persons Test for all Board of Director members are set out in the Health and Social Care Act 2008 (regulated activities regulations 2014)
<b>Trust Risk Appetite</b>		Compliance / Regulatory: The Board has a minimal risk appetite when it comes to compliance with regulatory issues. It will meet laws, regulations and standards unless there is strong evidence or argument to challenge them.
<b>Legal and regulatory implications</b> <i>(including links to CQC outcomes, Monitor, inspections, audits, etc)</i>		Part of the NHSI / E / CQC Well led framework
<b>Financial Implications</b>		None noted within the report.

<b>Equality and Diversity</b>	None noted within the report.

## 1. Declarations of Interest

### Background

The Trust's Register and Declarations of Interest Policy requires all staff to declare relevant interests which are recorded on a central register managed by the Head of Corporate Governance. It is good governance practice for the Board of Directors to receive and review the interests declared by its Board once a year.

The Nolan Principles apply to anyone who works as a public office holder and applies to all Board members to evidence that they are working to such code. The Board demonstrates this through:

- The Trust Code of Conduct;
- Declarations of interest being displayed on Trust website for full review;
- Annual review of Board of Directors declarations of interest;
- Conducting the majority of its business in the public domain to ensure being open and transparent;

### The Seven Principles are:

#### Selflessness

Holders of public office should act solely in terms of the public interest.

#### Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reason for doing so.

#### Honesty

Holders of public office should be truthful.

#### Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviours wherever it occurs.

## Fit and Proper Person Test

The Health and Social Care Act places a duty on NHS providers not to appoint a person or allow a person to continue to be a director under certain circumstances. Providers must not appoint an individual to an executive or non-executive director post unless the individual:

- Is of good character;
- Has the relevant qualifications, competence, skills and experience which are necessary for the relevant office or position or the work for which they are employed;
- Is able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position for which they are appointed or to the work for which they are employed;
- Has not been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement in the course of carrying on a regulated activity or providing a service elsewhere which, if provided in England, would be regulated activity;

The regulation state that in assessing whether a person is of good character, the matters considered must include:

- Whether the person has been convicted in the UK of any offence or been convicted elsewhere of any offence which, if committed in any part of the UK would constitute an offence;
- Whether the person has been erased, removed or struck off a register of professional maintained by a regulator of health care or social work professions.

Persons are prevented from holding office of Director including:

- The person is an undischarged bankrupt or a person whose estate has had a sequestration awarded in respect of it and who has not been discharged;
- The person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;
- The person is a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986(40);
- The person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
- The person is included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland;
- The person is prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity, by or under any enactment;
- The person has been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity, or discharging any functions relating to any office or employment with a service provider.

It is the responsibility of the Chair to discharge the requirement placed on the provider, to ensure that all directors meet the fitness test and do not meet any of the 'unfit' criteria.

All members of the Board of Directors have signed an annual self-declaration form in March 2020, confirming they continue to meet the requirements of the regulation as it relates to being a fit and proper person to hold the office of director.

The Head of Corporate Governance will prompt directors to update their declaration annually, and will raise any issues with the Chair as appropriate.

Checks are carried out on all new appointees to the Board (including DBS, bankruptcy and disqualified director checks, and confirmation of qualifications) and this evidence is held by the Head of Corporate Governance.

The following interests have been declared by the members of the Board of Directors.

NAME	POSITION	BOD DECLARATIONS OF INTEREST SEPTEMBER 2017 (including any Charitable activities)	BOARD OF DIRECTORS TERM OF OFFICE	
HELEN TAYLOR	Chair	Trustee of the voluntary organisation Home-Start in Suffolk  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	01/04/16  01/01/20	31/03/21  31/12/22
EDDIE BLOOMFIELD	Non-Executive Director	Trustee Age Concern Colchester Trustee Grass Roots Trustee Lady Darcy, Fynches & Berryfields Alms House Charity  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	1/11/18	31/10/21
HUSSEIN KHATIB	Non-Executive Director	Interim work as Deputy Chief Nurse at Homerton Hospital NHSFT from Feb 2019 to date.  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	05/04/19	04/04/22
JULIE PARKER	Non-Executive Director	Director of Julie Parker Associates Limited NED for Mid and South Essex NHS Foundation Trust (from 1 April 2020) Independent member of the Audit Committee Health and Care Professions Council (HCPC) Independent member of the Joint Audit Committee of the Police and Crime Commissioner and Essex Police Independent Board Member – Colchester Borough Homes Limited Trustee at Havering Theatre Trust Limited Director of Hornchurch Productions Limited Audit Committee of Essex Fire and Rescue Service  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	01/04/14  01/04/17	31/03/17  31/03/20
RICHARD SPENCER	Non-Executive Director	Member of the Communications Consumer Panel and the Advisory Committee on Older and Disabled People (Ofcom)	1/11/18	31/10/21

		Trustee of Beacon House Ministries I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		
<b>CAROLE TAYLOR-BROWN</b>	Non-Executive Director	Chair and NED Suffolk Housing Registered provider social housing NED member ICENI (build and development company for Suffolk Housing) Owner and Managing Director Tamarix People Ltd - Executive Coaching and people management consultancy Co-Director Taybro Properties (private housing rental company)  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	1/11/18	31/10/21
<b>RICHARD YOUNGS</b>	Non-Executive Director	Non-Executive Director of EOE Coop  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	1/11/18	31/10/21
<b>NICK HULME</b>	Chief Executive Officer	Trustee and Board Member of NHS Providers Trustee of St Elizabeth Hospice Ipswich  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	17/05/16	-
<b>LEIGH HOWLETT</b>	Interim Director of HR & OD	Husband, Mr Chris Howlett works for ESNEFT  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		-
<b>REBECCA DRIVER</b>	Director of Communications and Engagement	None  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	31/01/19	-
<b>PAUL FENTON</b>	Director of Estates & Facilities	Director of Health Estates and Facilities Management Ltd (HEFMA) Director of Healthcare Building Engineering Limited Immediate Past Chair and Member of HEFMA National Council  I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	11/09/13 23/06/17 1/09/14	-
<b>SHANE GORDON</b>	Director of Strategy,	Vice Chairman of the East of England Clinical Senate	02/03/15	-

	Research and Innovation	I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		
<b>DENVER GREENHALGH</b>	Director of Governance	Husband, Mr Jim Greenhalgh works for ESNEFT as National Audit Lead I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	January 2019	
<b>MIKE MEERS</b>	Director of ICT	Wife, Mrs Meers works as Practice Manager at Burlington Road Surgery, Ipswich. I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		-
<b>NEILL MOLONEY</b>	Managing Director	Wife, Mrs Liz Moloney seconded to Ipswich and East Suffolk CCG for six months as from Monday 16 March 2020. I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		-
<b>MELISSA DOWDESWELL</b>	Interim Chief Nurse	None I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		-
<b>ADRIAN MARR</b>	Director of Finance	None I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity	7/10/19	-
<b>ANGELA TILLET</b>	Chief Medical Officer	Chair of the Royal Brompton and Harefield Congenital Heart Disease Network Board. This is a clinical focused group focusing on national standard implementation in the network I have no declaration of interest to make regarding my role on the Board of ESNEFT in relation to the Board being a trustee of ESNEFT Charity		-