

Trust Board of Directors
Report Summary

Date of meeting: 2 November 2023	
Title of Document: Fit and Proper Person Test Framework	
To be presented by: Helen Taylor, Chair Ann Filby, Trust Secretary	Author: Ann Filby, Trust Secretary
1. Status: For Approval/Discussion/<u>Assurance</u>/Noting/Information	
2. Purpose: An update is provided on the process and timetable to implement the new framework, published in August 2023, and taking effect from 30 September 2023	
Relates to:	
Strategic Objective	All
Operational performance	
Quality	
Legal, Regulatory, Audit	Regulation 5, The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
Finance	
Governance	The NHS Provider Licence requires Boards to be satisfied that the principles, systems and standards of good corporate governance which reasonably would be regarded as appropriate for a supplier of health care services to the NHS are in place and that the Board has regard to such guidance on good corporate governance as may be issued
NHS policy/public consultation	NHS England Fit and Proper Person Test Framework for board members, August 2023
Accreditation/ Inspection	Annual submission to NHS Regional Director and Care Quality Commission review as part of planned Well-led inspections
Anchor institutions	
ICS/ICB/Alliance	
Board Assurance Framework (BAF) Risk	
Other	

3. Summary:

The requirement to undertake a Fit and Proper Person check on appointment and on an annual basis has been in place for some years. In July 2018 the government commissioned Tom Kark KC to review the scope, operation and purpose of the Fit and Proper Person Test (FPPT) and the Kark Review reported in February 2019. The review of the recommendations was paused due to the COVID-19 pandemic and agreement on those to be taken forward received final ministerial approval in 2022.

The revised framework and supporting information was published on 2 August 2023 and can be found [here](#), taking effect from 30 September 2023. The framework is designed as a key element in delivering patient safety and effective leadership, preventing poorly performing managers and directors from moving from one organisation to another. It is to be proportionate and should not be a large bureaucratic burden. Enhanced checks are now required, both on appointment and as part of the annual review process.

The Trust Chair is accountable for delivery of these requirements supported by the Trust Secretary, who takes operational responsibility.

The FPPT will encompass all Board members, voting and non-voting, the Deputy Chief Medical Officer and the Director of Integrated Care. Board members have received a letter from the Trust Chair outlining the framework, the additional information required and the timeframe and detail of implementation. This will include registration for the Disclosure and Barring Service (DBS) update service to enable annual checks. New reference requirements will be implemented for the current Council of Governors led Non-Executive Director recruitment, with the selection process being held on 30 October.

New national templates will replace those previously in place. The Standards of Business Conduct Policy will be revised to reflect the changes, removing the current Fit and Proper Person Policy.

Self-attestation forms will be circulated to those in scope for completion during November and all checks will be undertaken as part of the first, full annual review under the new framework. A report on the outcome will be presented to the Board in public on 7 March 2024 to enable annual submission to the NHS Regional Director by 31 March.

The expectation in future years is for the appraisal process and FPPT check to be aligned.

4. Recommendations / Actions

The Board is asked to note the timetable for delivery of the framework requirements.