Trust Board Meeting in Public: Wednesday 16th January 2019
TB2019.15

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## Executive Summary

1. As a health provider, the Trust has an obligation to ensure that only individuals fit for their role are employed. Following the introduction of regulatory standards in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the Trust must ensure that all director level appointments meet the ‘Fit and Proper Persons Test’. Regulation 5 of the standards sets out the criteria a director or equivalent must meet.

2. In October 2018 the Board of Directors completed the Fit and Proper Persons Test Self Declaration Form in accordance with the Fit and Proper Persons Policy, ratified at Trust Board in November 2017. The Director of Workforce reviewed the signed declarations and the outcome of the checks that satisfy the requirements of schedule 4 of the regulations and determined that the current Directors met the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Fit and Proper Persons Test.

3. Professor Sir Jonathan Montgomery the Trust’s newly appointed Chair who is due to commence in March 2019 and Professor Meghana Pandit, Medical Director, who joined the Trust on 2 January 2019, have completed the Fit and Proper Persons Requirements – New Applicants Employment Checklist, in accordance with the updated Fit and Proper Persons Policy, ratified at Board in November 2018.

4. **Recommendation**

   Trust Board is asked to note the content of this paper and record that all current directors satisfy the Fit and Proper Persons Requirements.
Fit and Proper Persons Annual Assurance

1. Purpose

1.1. The purpose of this paper is to provide assurance to the Board that all 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 introduction of regulatory standards in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the Trust must ensure that all director level appointments meet the 'Fit and Proper Persons Test'.

3. Fit and Proper Person Checks

3.1. Regulation 5 of the standards sets out the criteria a director or equivalent must meet, specifically:

   3.1.1 Must be of good character.

   3.1.2 Must have the qualifications, competence, skills and experience which are necessary for the relevant office or position or the work for which they are employed.

   3.1.3 Must be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position of which they are appointed or to the work for which they are employed.

   3.1.4 Must not have been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether lawful or not) in the course of carrying on a regulated activity or providing a service elsewhere which, if provided in England, would be a regulated activity.

   3.1.5 None of the grounds outlined in schedule 4 of the regulations of unfitness apply to the individual\(^1\). The checks to ensure these grounds are monitored are:

   - Search of insolvency and bankruptcy register.
   - Search of Companies House register to ensure that no Board member is disqualified as a director.
   - Search of the Charity Commission’s Register of Removed Trustees.
   - Satisfactory completion of the Fit and Proper Persons Test Self Declaration Form – Annual Declaration for Directors in Post.

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\(^1\) [https://www.cqc.org.uk/sites/default/files/20141120_doc_fpfp_final_nhs_provider_guidance_v1-0.pdf](https://www.cqc.org.uk/sites/default/files/20141120_doc_fpfp_final_nhs_provider_guidance_v1-0.pdf)
4. Outcome of the Fit and Proper Person Annual Checks

4.1 In October 2018 the Board of Directors completed the Fit and Proper Persons Test Self Declaration Form – Annual Declaration for Directors in Post.

4.2 The Director of Workforce reviewed the signed declarations and the outcome of the checks that satisfy the requirements of schedule 4 of the regulations (3.1.5 above), in line with the Fit and Proper Persons Policy ratified at Board in November 2017, and determined that the following Directors met the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Fit and Proper Persons Test:

- Dame Fiona Caldicott, Chairman
- Mrs Anne Tutt, Vice Chairman
- Professor Gavin Screaton, Non-Executive Director
- Mr Chris Goard, Non-Executive Director
- Professor David Mant, Non-Executive Director
- Mrs Paula Hay-Plumb, Non-Executive Director
- Dr Bruno Holthof, Chief Executive Officer
- Dr Clare Dollery, Acting Medical Director
- Mr Jason Dorsett, Chief Finance Officer
- Mr John Drew, Director of Improvement and Culture
- Ms Sam Foster, Chief Nurse
- Ms Sara Randall, Acting Director of Clinical Services
- Ms Eileen Walsh, Director of Assurance

4.3 Professor Sir Jonathan Montgomery the Trust’s newly appointed Chair who is due to commence in March 2019, and Professor Meghana Pandit, Medical Director, who joined the Trust on 2 January 2019, have completed the Fit and Proper Persons Requirements in accordance with the Fit and Proper Persons Policy that was updated in line with revised national guidance and ratified at Trust Board in November 2018.

4.4 The completed declarations and the outcome of the searches have been saved on each personal file and will be reviewed again in September/October 2019.

4.5 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 Chairman.

5. Conclusion

5.1 All current 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. Recommendation

6.1 Trust Board is asked to note the content of this paper and record that the annual Fit and Proper Persons Test has been conducted and all current directors satisfy the Fit and Proper Persons Requirement for Directors.

Mr Bernard Scully, Interim Director of Workforce
January 2019