

Cover Sheet

Trust Board Meeting in Public: Wednesday 14 May 2025

TB2025.51

Title: Fit and Proper Persons Annual Assurance 2024/25

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. All of the Board of Directors have completed the updated Fit and Proper Persons Test Self Declaration Form covering 2024/2025.
5. The Chief People Officer 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 2024/25, the Assistant Director of Workforce - Resourcing 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 2024/2025 and that all Board members satisfy the requirements.

Fit and Proper Persons Annual Assurance 2024/25

Purpose

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

Background

- 1.2. As a health provider, the Trust must ensure that only qualified individuals are employed. Following the Health and Social Care Act 2008 Regulations, the Trust requires all Board directors to pass the 'Fit and Proper Persons Test' (FPPT). In 2019, the Kark Review examined the FPPT's scope and operation. In response, NHS England developed an FPPT Framework to enhance accountability and transparency for board members, improving leadership quality within the NHS. This framework took effect on 30 September 2023.
- 1.3. 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.
- 1.4. 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.
- 1.5. 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.

- 1.6. 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.

Fit and Proper Person: New Appointment and Annual Assurance Checks

- 1.7. All new appointments are subject to a full FPPT that includes:
 - Standard employment checks as per the Trusts Recruitment and Selection Procedure.
 - References, using the board member reference template that cover a six-year continuous employment history.
 - An enhanced DBS for a person who will be acting in a role that falls within the definition of a 'regulated activity'.
 - 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
 - Web/social media search
 - Satisfactory completion of the self-declaration.
- 1.8. For annual assurance, the FPPT includes:
 - Annual self-declaration
 - DBS check at the appropriate level at least every 3 years
- 1.9. The Trust has moved to an annualised window for self-declarations, every April all Chief Officers and Non-Executive Directors will be provided the self-declaration template every April.
- 1.10. All nominated Deputies will receive their self-declaration template for review and similarly will need to sign off by the end of May.

Outcome of the Annual Fit and Proper Persons Checks

- 1.11. For the period 2024/25, the FPPT process has been aligned to the Board of Directors' review of the Register of Interests and biographical details.
- 1.12. The Chief People Officer 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.

- 1.13. In addition, during the year 2024/25, the Assistant Director of Workforce has overseen the completion of pre-employment checks for new appointments and confirms that all checks meet the FPPT Framework.
- 1.14. The outcome of the FPPT's have been saved on each personal file and uploaded onto ESR.
- 1.15. 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. This process has been completed for all Directors who require it this year.
- 1.16. 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 Trust Chair.

Conclusion

- 1.17. 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.

Recommendations

- 1.18. The Trust Board is asked to:
 - Note the content of this paper, and
 - Record that the FPPT has been conducted for the period 2024/25 and that all Board members satisfy the requirements.