

Fit and Proper Person Test Framework Policy v1.0 Draft

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Approved by:	Trust Board		
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Financial Implications:	Where a document has any financial implications on the Trust, the Local Counter Fraud Specialist (LCFS) has the authority to investigate and challenge this document regarding current fraud and bribery legislation and to ensure appropriate counter fraud measures are in place. LCFS contact details are available on the Trust's Intranet.		
Equality Impact Assessment (POLICIES & SOPs Only)	The author has carried out an Equality Impact Assessment (EIA). Please complete the blank EIA at end of this document		
Trust Values	This policy has been developed to ensure it aligns with our Trust values of honesty, empathy, ambition, and respect.		
Diversity & Inclusion Statement	Cambridgeshire Community Services NHS Trust will ensure that this policy is applied in a fair and reasonable manner that does not discriminate on such grounds as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex & sexual orientation.		
Keywords:	Fit and Proper Person Test, Kark Review		

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VERSION CONTROL SUMMARY

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1.0	INTRODUCTION
1.1	In 2014, the government introduced a ‘fit and proper person’ requirement, via Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This sets out the requirements for a Fit and Proper Person Test which applies to directors and those performing the functions of, or functions equivalent or like the functions of, a director in all NHS organisations registered with the Care Quality Commission, which includes all licence holders and other NHS organisations to which licence conditions apply. Regulation 5 recognises that individuals who have authority in NHS organisations that deliver care are responsible for the overall quality and safety of that care.
1.2	Ensuring high standards of leadership in the NHS is crucial – well-led NHS organisations and better-led teams with both strong teamwork and strong governance translate into greater staff wellbeing and better clinical care. This requires accountable board members with both outstanding personal conduct and professional capabilities to effectively oversee NHS organisations that are often under significant financial restraint and operating in a highly regulated environment with public and political scrutiny.
1.3	In 2023, NHS England developed a new Fit and Proper Person Test Framework in response to recommendations made by Tom Kark KC in his 2019 review (the Kark Review). This also considers the requirements of the Care Quality Commission in relation to directors being fit and proper for their roles.
2.0	OBJECTIVES / AIMS
2.1	The aim of this policy is to assess the appropriateness of an individual to effectively discharge their duties in the capacity of a Trust Board member.
3.0	DUTIES, ROLES & RESPONSIBILITIES
3.1	This policy applies to all Trust Board members (Executive and Non-Executive), whether permanent, temporary or contracted-in (either as an individual or through a third-party supplier), and irrespective of their voting rights.
3.2	The Chair is accountable overall for the Fit and Proper Person Test Framework. They will ensure that: <ul style="list-style-type: none"> ▪ Assessments are carried out for board members on appointment and annually, and at any time that something new comes to light. ▪ The Trust Board Member Reference in Appendix D is completed for any board member who leaves the Trust for whatever reason, whether a reference has been requested. ▪ A conclusion is made on assessments for the whole Trust Board.

	<ul style="list-style-type: none"> ▪ Submission of the annual summary to relevant NHS England Regional Director in line with published deadline.
3.3	<p>The Chief Executive is responsible for:</p> <ul style="list-style-type: none"> ▪ Carrying out an initial assessment of the Fit and Proper Person Test for executive board members and sharing the outcome of this with the Chair for overall assessment of board member status. ▪ Supporting the Chair.
3.4	<p>The Senior Independent Director is responsible for:</p> <ul style="list-style-type: none"> ▪ Carrying out the Fit and Proper Person Test assessment for the Chair. ▪ Undertaking investigations into any concerns raised about the Chair (with the support of the HR team).
3.5	<p>The Trust Secretary and Freedom to Speak-up Guardian is responsible for:</p> <ul style="list-style-type: none"> ▪ Sending out requests to all board members for the Annual Fit and Proper Self-Attestation forms to be completed. ▪ Ensuring tests are completed for individual board members, collates evidence and updates local personal folders for each board member. ▪ Ensuring outcomes are entered onto the NHS Electronic Staff Record (other than the final Chair sign off) and runs the report for the Chair. ▪ Completes the annual submission form to record the outcome of tests for each board member. ▪ Initiating renewal of checks made under the Disclosure Barring Service (with the support of the HR team).
3.6	<p>All Directors (Executive and Non-Executive) are responsible for:</p> <ul style="list-style-type: none"> ▪ Giving their consent, on request, to the requisite pre-employment checks in line with the Privacy Notice in Appendix A and the Trust's Recruitment Policy. ▪ Providing evidence of their qualifications, experience, and identity documents on appointment or on request to confirm the competencies relevant to the position. ▪ Confirming that they are a fit and proper person on appointment (by signing the declaration provided in Appendix B for new directors and thereafter on an annual basis. ▪ Identifying any issues which may affect their ability to meet the statutory requirements on appointment and bringing any issues on an on-going basis to the attention of the Chair.
3.7	<p>All staff are responsible for:</p> <ul style="list-style-type: none"> ▪ Raising concerns under the Trust's Freedom to Speak Up Policy.
4.0	TRAINING & COMPETENCY
4.1	The Trust Secretary will provide guidance to Directors on the declarations that need to be made.
4.2	Directors can undertake independent reading on the Fit and Proper Person Test Framework.

5.0	MONITORING & AUDIT
5.1	The Trust will include the Fit and Proper Person Test Framework as a Core Assurance internal audit.

Measurable document objectives i.e. what will be monitored	Responsibility for performing the monitoring	Frequency of monitoring	Monitoring reported to group / committee
Fit and Proper Persons tests undertaken for newly appointed Directors	Trust Secretary	On appointment	Trust Chair / Deputy Chief Executive
Annual Fit and Proper Persons test declarations completed by existing Directors.	Trust Secretary	Annually	Remuneration Committee

6.0	POLICY
6.1	Regulation
	<p>The Trust must not appoint a Director to the Trust Board unless they satisfy the following regulation requirements in that:</p> <ul style="list-style-type: none"> ▪ The individual is of good character. ▪ The individual has the qualifications, competence, skills, and experience that are necessary for the relevant office or position or the work for which they are employed. ▪ The individual is able by reason of their health, after reasonable adjustments are made, of properly performing tasks that are intrinsic to the office or position for which they are appointed or to the work for which they are employed. ▪ The individual has not been responsible for, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) while carrying out a regulated activity or providing a service elsewhere which, if provided in England, would be a regulated activity. ▪ None of the grounds of unfitness specified in part 1 of Schedule 4 (unfit person test) apply to the individual.
6.1.1	Where a Director post or interim is sourced by an agency or executive search company, the agency will be made aware of the Trust's Fit and Proper Person Test process and must confirm that they have undertaken the necessary checks; compliance will be confirmed by the Trust.
6.1.2	Ineligibility of candidates - If the candidate fails to show that they meet the Fit and Proper Person Test as outlined in 6.1 above, the Trust will withdraw the provisional offer of employment in line with the Recruitment Policy.
6.1.3	A failure or refusal by a candidate for appointment to comply with any of the procedures set out in this policy may disqualify that person from the proposed appointment. The candidate will be provided with the opportunity to discuss their reason with the Trust Chair and Chief Executive for a final decision on the matter.
6.2	Disclosure Barring Service
	As part of the recruitment process, all Directors will have an 'enhanced check' made through the Disclosure Barring Service. This will be carried out on appointment as part of the recruitment process, and this will then be renewed every 3 years.
6.3	Personal Data
	Personal data relating to the Fit and Proper Person Test assessment will be retained securely in local record systems and specific data fields in the NHS Electronic Staff Record. The information contained in these records will not routinely be accessible beyond the Trust and as set out in the Privacy Notice in Appendix A .
6.3.1	Fit and Proper Person Test outcomes must be entered onto Electronic Staff Record so that the Fit and Proper Person Test Dashboard can reviewed by the Chair.

6.4	Annual Self-attestation
	The Trust is responsible for ensuring that relevant individuals continue to meet the Fit and Proper Person Test. Every board member will need to complete an annual self-attestation, to confirm that they are in adherence with the Fit and Proper Person Test requirements. Self-attestations will be a necessary step that forms a part of the full Fit and Proper Person Test assessment (see Appendix B).
6.4.1	Circumstances may arise where concerns are raised about the Fit and Proper Person status of an individual, either by self-notification, or because of concerns raised by a third party. Should this occur then a review should take place outside of the normal testing schedule.
6.4.2	The Trust Secretary will review and sign the Annual Vetting Checklist (Appendix C) to confirm that the annual checks have been completed and that the person continues to meet the Fit and Proper Person Test. Confirmation of compliance will be declared to the Trust's Remuneration Committee at least annually.
6.5	Board Member Reference
	A standardised board member reference (Appendix D) is being introduced to ensure greater transparency, robustness and consistency of approach when appointing board members within the NHS. The aim of this is to help foster a culture of meritocracy, ensuring that only board members who are fit and proper are appointed to their role, and that there is no recycling of unfit individuals within the NHS.
6.5.1	The Trust will request board member references, and store information relating to those references so that it is available for future checks; and use it to support the full Fit and Proper Person Test assessment on initial appointment. The Trust will also maintain complete and accurate board member references at the point where the board member departs, irrespective of whether there has been a request from another NHS employer and including in circumstances of retirement. Both the initial and board member references will be retained in the employee's local personal file.
6.6	Joint Appointments across different NHS organisations
	For joint appointments across different NHS organisations, the full Fit and Proper Person Test would need to be completed by the designated host / employing NHS organisation and in concluding their assessment they will need input from the Chair of the other contracting NHS organisation to ensure that the board member is fit and proper to perform both roles.
6.6.1	The host / employing NHS organisation will then provide a 'letter of confirmation' (Appendix E) to the other contracting NHS organisation to confirm that the board member in question has met the requirements of the Fit and Proper Person Test. The Chair of the other contracting NHS organisation has the responsibility to keep the host / employing NHS organisation abreast of changes and any matters that may impact the Fit and Proper Person Test assessment of the board member.

6.6.2	For the avoidance of doubt, where two or more organisations employ or appoint (in the case of a Chair or Non-Executive Director) an individual for two or more separate roles at the same time, each organisation has a responsibility to complete the Fit and Proper Person Test.
6.6.3	If the Fit and Proper Person assessment at one organisation finds an individual not to be a Fit and Proper Person, the Chair should update their counterpart of any other NHS organisation(s) where the individual has a board-level role and explain the reason. To note, the issue at one organisation may be one of role-specific competence, which may not necessarily mean the individual is not a Fit and Proper Person at the other organisation.
6.7	Annual Submission
	An annual submission form (Appendix F) will be generated for Chair sign off and submitted to the NHS England Regional Director, where the NHS England Fit and Proper Person Test central team will collate records from NHS England regions.
6.8	Dispute Resolution
	Where a board member identifies an issue with data held about them in relation to the Fit and Proper Person Test, they should request a review which should be conducted in accordance with the Information Governance Manager in the first instance and in line with the Trust's Data Quality Policy. Where a board member disagrees with the outcome of the Fit and Proper Person Test assessment and they have been deemed 'not fit and proper,' they should request a review which should be conducted in accordance with the Deputy Chief Executive in the first instance and in line with the Trust's Grievance Policy.
7.0	DEFINITIONS
7.1	<p>The unfit person test specified in part 1 of Schedule 4 are:</p> <ul style="list-style-type: none"> ▪ The person is an undischarged bankrupt or a person whose estate has had 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. ▪ 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.

7.2	<p>The good character requirements referred to above in section 6.1 are defined in part 2 of Schedule 4:</p> <ul style="list-style-type: none">▪ Whether the person has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence.▪ Whether the person has been erased, removed, or struck off a register of professionals maintained by a regulator of health care or social work professionals.
7.3	<p>The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licences. An enhanced level certificate contains the same Police National Computer information as the standard level certificate but also includes a check of information held by police forces.</p>

Appendix A: Fit and Proper Person Test - Privacy Notice

Cambridgeshire Community Services NHS Trust is required to provide you with details on the type of personal information which we collect and process. In addition to any other privacy notice which we may have provided to you, this notice relates to the information collected and processed in relation to the Fit and Proper Person Test. The Fit and Proper Person Test in the NHS Electronic Staff Record is commissioned by NHS England.

Contact: Sarah Feal, Trust Secretary
Address: Unit 7/8 Meadow Park,
Meadow Lane,
St Ives,
Cambridgeshire PE27 4LG
Phone Number: 07811 720503
E-mail: sarah.feal@nhs.net

The type of personal information we collect is in relation to the Fit and Proper Person Test for Trust Board members and is described below, much of which is already collected and processed for other purposes than the Fit and Proper Person Test:

1. Name, position title (unless this changes).
2. Employment history – this would include detail of all job titles, organisation, departments, dates, and role descriptions.
3. References.
4. Job description and person specification in their previous role.
5. Date of medical clearance.
6. Qualifications.
7. Record of training and development in application / curriculum vitae.
8. Training and development in the last year.
9. Appraisal incorporating the leadership competency framework has been completed.
10. Record of any upheld, ongoing or discontinued disciplinary, complaint, grievance, adverse employee behaviour or whistle-blow findings.
11. Disclosure and Barring Service status.
12. Registration / revalidation status where required.
13. Insolvency check.
14. A search of the Companies House register to ensure that no Trust Board member is disqualified as a director.
15. A search of the Charity Commission's register of removed trustees.
16. A check with the Care Quality Commission, NHS England and relevant professional bodies where appropriate.
17. Social media check.
18. Employment tribunal judgement check.
19. Exit reference completed (where applicable).
20. Annual self-attestation signed, including confirmation (as appropriate) that there have been no changes.

Processing of this data is necessary on the lawful basis set out in Article 6(1)(e) UK General Data Protection Regulation as the foundation for the database. This is because it relates to the processing of personal data which is necessary for the performance of the fit and proper person test which is carried out in the public interest and / or in the exercise of official authority vested in the controller.

For Care Quality Commission-registered providers, ensuring directors are fit and proper is a legal requirement for the purposes of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, and organisations are required to make information available connected with compliance to the Care Quality Commission.

How we get the personal information and why we have it

Most of the personal information we process is provided to us directly by you as part of your application form and recruitment to satisfy recruitment checks and the Fit and Proper Person Test requirements.

We may also receive personal information indirectly, from the following sources in the following scenarios:

- References when we have made a conditional offer to you.
- Publicly accessible registers and websites for our Fit and Proper Person Test.
- Professional bodies for Fit and Proper Person Test to test registration and or any other 'fitness' matters shared between organisations.
- Regulatory bodies, e.g., Care Quality Commission and NHS England.

We use the information that you have given us to:

- Conclude whether you are fit and proper to carry out the role of Trust Board Director.
- Inform the regulators of our assessment outcome.

We may share this information with NHS England, Care Quality Commission, future employers (particularly where they themselves are subject to the Fit and Proper Person Test requirements), and professional bodies.

Under the UK General Data Protection Regulation, the lawful bases we rely on for processing this information are:

- We need it to perform a public task.

How we store your personal information

Your information is securely stored. We keep the Electronic Staff Record Fit and Proper Person Test information including the board member reference, for a career long period. We will then dispose of your information in accordance with our Trust's Records Management Policy which may be accessed from here:

<https://www.cambscommunityservices.nhs.uk/about-us/policies-and-procedures/trust-policies>

Your data protection rights

Under data protection law, you have rights including:

- Your right of access – you have the right to ask us for copies of your personal information.
- Your right to rectification – you have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure – you have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing – you have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing – you have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability – you have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.
- You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at ccs.accesstoinfo@nhs.net if you wish to make a request.

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at ccs.accesstoinfo@nhs.net.

You can also complain to the Information Commissioner's Office if you are unhappy with how we have used your data.

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF

Helpline number: 0303 123 1113

Website: <https://www.ico.org.uk>

Appendix B: NHS Fit and Proper Person Test Self-attestation Form.

Every board member should complete the template (over the page) annually and this attestation should be submitted to Sarah Feal, the Trust Secretary on behalf of the Chair.

**Fit and Proper Person Test annual / new starter* self-attestation (*Delete as appropriate)
 NHS Cambridgeshire Community Services NHS Trust**

I declare that I am a fit and proper person to carry out my role. I:

- am of good character
- have the qualifications, competence, skills and experience which are necessary for me to carry out my duties
- where applicable, have not been erased, removed or struck-off a register of professionals maintained by a regulator of healthcare or social work professionals
- am capable by reason of health of properly performing tasks which are intrinsic to the position
- am not prohibited from holding office (e.g. directors disqualification order)
- within the last five years:
 - o I have not been convicted of a criminal offence and sentenced to imprisonment of three months or more
 - o been un-discharged bankrupt nor have been subject to bankruptcy restrictions, or have made arrangement/compositions with creditors and has not discharged
 - o nor is on any 'barred' list.
- have not been responsible for, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful 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.

The legislation states: if you are required to hold a registration with a relevant professional body to carry out your role, you must hold such registration and must have the entitlement to use any professional titles associated with this registration. Where you no longer meet the requirement to hold the registration, any if you are a healthcare professional, social worker or other professional registered with a healthcare or social care regulator, you must inform the regulator in question.

Should my circumstances change, and I can no longer comply with the Fit and Proper Person Test (as described above), I acknowledge that it is my duty to inform the chair.

Name and job title/role:	
Professional registrations held (ref no):	
Date of DBS check/re-check (ref no):	
Signature:	
Date of last appraisal, by whom:	
Signature of board member:	
Date of signature of board member:	
For chair to complete	
Signature of chair to confirm receipt:	
Date of signature of chair:	

Appendix C: Annual Vetting Checklist

Fit and Proper Person Test – Annual Vetting Checklist	
Employee name:	
Job Title:	
Annual Fit and Proper Person Check	Date Completed
Self-Attestation re compliance with Regulations	[insert date]
Insolvency, Bankruptcy and Debt Relief Restrictions Register (Individual Insolvency Register)	[insert date]
Companies House - Register of disqualified directors	[insert date]
Professional Registration (if required for role) Regulatory Body: [insert name] [insert membership number]	
Removed Charity Trustees Register	[insert date]
Disclosure and Barring Service Enhanced <input type="checkbox"/>	[insert date]
I confirm that the above vetting has been undertaken	
Name:	
Role:	
Date:	
This checklist and supporting evidence are to be retained on the employee's personal file (except for Disclosure and Barring Service checks that must also be recorded on the NHS Electronic Staff Record)	

Appendix D: Board Member Reference – Private and Confidential

STANDARD REQUEST:

To be used only AFTER a conditional offer of appointment has been made.

[Date]

Human resources officer / name of referee

Recruitment officer

External / NHS organisation receiving request

HR department initiating request

Dear [HR officer's/referee's name]

Re: [applicant's name] – [ref. number] – [Board Member position]

The above-named person has been offered the board member position of [post title] at the Cambridgeshire Community Services NHS Trust. This is a high-profile and public facing role which carries a high level of responsibility. The purpose of NHS boards is to govern effectively, and in so doing build patient, staff, public and stakeholder confidence that the public's health and the provision of healthcare are in safe hands.

Taking this into account, I would be grateful if you could complete the attached confirmation of employment request as comprehensively as possible and return it to me as soon as practically possible to ensure timely recruitment.

Please note that under data protection laws and other access regimes, applicants may be entitled to information that is held on them.

Thank you in advance for your assistance in this matter.

Yours sincerely,

[Recruitment officer's name]

Board Member Reference request for NHS Applicants: To be used only AFTER a conditional offer of appointment has been made. Information provided in this reference reflects the most up to date information available at the time the request was fulfilled.	
1. Name of the applicant:	
2. National Insurance number or Date of Birth:	
3. Please confirm employment start and termination dates in each previous role <i>A: (If you are completing this reference for pre-employment request for someone currently employed outside the NHS, you may not have this information, please state if this is the case and provide relevant dates of all roles within your organisation)</i> <i>B: (As part of exit reference and all relevant information held in ESR under Employment History to be entered)</i>	
Job Title: From: To: Job Title: From: To: Job Title: From: To: Job Title: From: To: Job Title: From: To:	
4. Please confirm the applicant's current / most recent job title and essential job functions (if possible, please attach the Job Description or Person Specification as Appendix A): <i>(This is for Executive Director board positions only, for a Non-Executive Director, please just confirm current job title)</i>	

<p>5. Please confirm Applicant remuneration in current role <i>(this question only applies to Executive Director board positions applied for)</i></p>	<p><u>Starting:</u></p>	<p><u>Current:</u></p>
<p>6. Please confirm all Learning and Development undertaken during employment: <i>(this question only applies to Executive Director board positions applied for)</i></p>		
Empty space for response		
<p>7. How many days absence (other than annual leave) has the applicant had over the last two years of their employment, and in how many episodes? <i>(only applicable if being requested after a conditional offer of employment)</i></p>	<p><u>Days Absent:</u></p>	<p><u>Absence Episodes:</u></p>
<p>8. Confirmation of reason for leaving:</p>		
Empty space for response		

9. Please provide details of when you last completed a check with the Disclosure and Barring Service (DBS) (This question is for Executive Director appointments and non-Executive Director appointments where they are already a current member of an NHS Board)		
Date DBS check was last completed.	Date:	
Please indicate the level of DBS check undertaken (basic/standard/enhanced without barred list/or enhanced with barred list)	Level:	
If an enhanced with barred list check was undertaken, please indicate which barred list this applies to	Adults <input type="checkbox"/> Children <input type="checkbox"/> Both <input type="checkbox"/>	
10. Did the check return any information that required further investigation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide a summary of any follow up actions that need to / are still being actioned:		
11. Please confirm if all annual appraisals have been undertaken and completed (This question is for Executive Director appointments and non-Executive Director appointments where they are already a current member of an NHS Board)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please provide a summary of the outcome and actions to be undertaken for the last 3 appraisals:		
12. Is there any relevant information regarding any outstanding, upheld, or discontinued complaint(s) or other matters tantamount to gross misconduct or serious misconduct or mismanagement including grievances or complaint(s) under any of the Trust's policies and procedures (for example under the Trust's Equal Opportunities Policy)? (For applicants from outside the NHS please complete as far as possible considering the arrangements and policy within the applicant's current organisation and position)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If yes, please provide a summary of the position and **(where relevant)** any findings and any remedial actions and resolution of those actions:

<p>13. Is there any outstanding, upheld or discontinued disciplinary action under the Trust's Disciplinary Procedures including the issue of a formal written warning, disciplinary suspension, or dismissal tantamount to gross or serious misconduct that can include but not be limited to:</p> <ul style="list-style-type: none"> ▪ Criminal convictions for offences leading to a sentence of imprisonment or incompatible with service in the NHS ▪ Dishonesty ▪ Bullying ▪ Discrimination, harassment, or victimisation ▪ Sexual harassment ▪ Suppression of speaking up ▪ Accumulative misconduct <p>(For applicants from outside the NHS please complete as far as possible considering the arrangements and policy within the applicant's current organisation and position)</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If yes, please provide a summary of the position and **(where relevant)** any findings and any remedial actions and resolution of those actions:

14. Please provide any further information and concerns about the applicant's fitness and propriety, not previously covered, relevant to the Fit and Proper Person Test to fulfil the role as a director, be it executive or non-executive. Alternatively state Not Applicable.

(Please visit links below for the Care Quality Commission definition of good characteristics as a reference point) (7)(12):

[Regulation 5: Fit and proper persons: directors - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/publications-and-reports/regulation-5)

[The Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2008/30/section-120)

15. The facts and dates referred to in the answers above have been provided in good faith and are correct and true to the best of our knowledge and belief.

Referee name (please print):

Signature:

Referee Position Held:

Email address:

Telephone number:

Date:

Data Protection:

This form contains personal data as defined by the Data Protection Act 2018 and UK implementation of the General Data Protection Regulation). This data has been requested by the Human Resources / Workforce Department for the purpose of recruitment and compliance with the Fit and Proper Person requirements applicable to healthcare bodies. It must not be used for any incompatible purposes. The Human Resources / Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.

Appendix E: Board Member Letter of Confirmation

[LEAD EMPLOYING ORGANISATION¹ LETTERHEAD]

[DATE]

Dear [CHAIR NAME²],

Fit and Proper Person Test

This confirmation letter is provided in connection with [name of board member, job title of board member, organisations that the joint board member post covers] for [year of test, e.g. 2023/24] as at [date of conclusion of annual³ Fit and Proper Person Test for the individual] for the purpose of the Fit and Proper Person Test.

As Chair of [lead employer], I confirm that I have carried out the Fit and Proper Person Test for [name of board member].

The process and the evidence used by me in carrying out the Fit and Proper Person Test and in being able to reach a conclusion as to whether [name of board member] is fit and proper, is appropriate to reach that conclusion in the context of the Fit and Proper Person Framework.

In accordance with the [Fit and Proper Person Test Framework](#) requirements and in reaching my conclusion that [name of board member] is fit and proper as at [date of conclusion of test], I have assumed that you know no reason that this is not an appropriate conclusion to reach.

Please would you sign and return this letter as confirmation of receipt and that there are no further matters which should be taken into consideration.

Yours sincerely,

..... (signature)

..... (chair of lead employer organisation)

Date.....

I confirm that I have received the outcome for the Fit and Proper Person Test for [name of board member] and that I have provided any necessary information for you to reach this conclusion.

..... (signature)

..... (chair of lead employer organisation)

Date.....

¹ This is the organisation which holds the contract / employs the board member who works jointly across more than one organisation.

² This is the name of the chair of the other organisation that the joint board appointment is made with.

³ It should be noted that while there will be an annual assessment of being fit and proper, it is always a pervasive and ongoing process. Any relevant matter related to the board member being fit and proper should be reported as soon as it arises.

Appendix F: Annual NHS Fit and Proper Person Test submission

NAME OF ORGANISATION	NAME OF CHAIR	FIT AND PROPER PERSON TEST PERIOD / DATE OF AD HOC TEST:

Part 1: Fit and Proper Person Test outcome for board members including starters and leavers in period

Name	Date of appointment	Position	Confirmed as fit and proper?		Leavers only	
			Yes/No	Add 'Yes' only if issues have been identified and an action plan and timescale to complete it has been agreed	Date of leaving and reason	Board member reference completed and retained? Yes/No

Add additional lines as needed

Part 2: Fit and Proper Person Test reviews / inspections

Use this section to record any reviews or inspections of the Fit and Proper Person Test process, including Care Quality Commission, internal audit, board effectiveness reviews, etc.

Reviewer / inspector	Date	Outcome	Outline of key actions required	Date actions completed
Care Quality Commission				
Other, e.g. internal audit, review board, etc.				

Add additional lines as needed

Part 3: Declarations

DECLARATION FOR [name of organisation] [year]				
For the Senior Independent Director / deputy chair to complete:				
Fit and Proper Person Test for the chair (as board member)	Completed by (role)	Name	Date	Fit and proper? Yes / No
For the chair to complete:				
Have all board members been tested and concluded as being fit and proper?	Yes / No	If 'no', provide detail:		
Are any issues arising from the Fit and Proper Person Test being managed for any board member who is considered fit and proper?	Yes / No	If 'yes', provide detail:		
<i>As Chair of [organisation], I declare that the Fit and Proper Person Test submission is complete, and the conclusion drawn is based on testing as detailed in the Fit and Proper Person Test framework.</i>				
Chair signature:				
Date signed:				
For the regional director to complete:				
Name:				
Signature:				
Date:				

Rapid Equality Impact Assessment Tool

When looking at the impact on the equality groups, you must consider the following points in accordance with General Duty of the Equality Act 2010. In summary, those subject to the Equality Duty must have due regard to the need to:

- eliminate unlawful discrimination, harassment, and victimisation.
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

EQUALITY IMPACT ASSESSMENT – WHAT IS THE IMPACT TO DIFFERENT GROUPS IN SOCIETY?		
Choose either Positive or Negative impact. POSITIVE it could benefit or would have very little or no impact. NEGATIVE it could disadvantage. You may be asked to complete a FULL EQUALITY IMPACT ASSESSMENT to understand the impact further.		COMMENTS Please provide supporting comments, both on positive and negative impacts.
Age: Consider and detail across age ranges on old and younger people. This can include safeguarding, consent and child welfare.	Positive	
Disability: Consider and detail on attitudinal, physical and social barriers.	Positive	
Race: Consider and detail on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.	Positive	
Sex: Consider and detail on men and women	Positive	
Gender reassignment: (including transgender) Consider and detail on transgender and transsexual people. This can include issues such as privacy of data and harassment	Positive	
Sexual orientation: Consider and detail on heterosexual people as well as lesbian, gay and bi-sexual people.	Positive	
Religion or belief: Consider and detail on people with different religions, beliefs or no belief.	Positive	
Pregnancy and maternity: Consider and detail on working arrangements, part-time working, and infant caring responsibilities.	Positive	
Marriage and civil partnership status	Positive	
Environment: Consider impact on transport, energy and waste	Positive	
Other identified groups: Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.	Positive	
Were any NEGATIVE impacts identified?	NO	
If YES, you will need to complete a full Equality Impact Assessment. Please contact the Trust Secretary and Freedom to Speak-up Guardian who is the Equality & Diversity Lead for the Trust, for assistance.		