

**Board of Directors - Public - Cover Sheet**

<b>Subject:</b>	Fit and Proper Person Test		<b>Date:</b> 5 <sup>th</sup> October 2023	
<b>Prepared By:</b>	Sally Brook Shanahan, Director of Corporate Affairs			
<b>Approved By:</b>	Sally Brook Shanahan, Director of Corporate Affairs			
<b>Presented By:</b>	Sally Brook Shanahan, Director of Corporate Affairs			
<b>Purpose</b>				
This report serves to provide the Board with an update on the new Fit and Proper Person Test Framework to be introduced from 30 <sup>th</sup> September 2023 and its implementation by the Trust.			<b>Approval</b>	
			<b>Assurance</b>	X
			<b>Update</b>	X
			<b>Consider</b>	
<b>Strategic Objectives</b>				
<b>To provide outstanding care</b>	<b>To promote and support health and wellbeing</b>	<b>To maximise the potential of our workforce</b>	<b>To continuously learn and improve</b>	<b>To achieve better value</b>
X				
<b>Identify which principal risk this report relates to:</b>				
PR1	Significant deterioration in standards of safety and care			X
PR2	Demand that overwhelms capacity			
PR3	Critical shortage of workforce capacity and capability			
PR4	Failure to achieve the Trust's financial strategy			
PR5	Inability to initiate and implement evidence-based Improvement and innovation			
PR6	Working more closely with local health and care partners does not fully deliver the required benefits			
PR7	Major disruptive incident			
PR8	Failure to deliver sustainable reductions in the Trust's impact on climate change			
<b>Committees/groups where this item has been presented before</b>				
N/A				
<b>Acronyms</b>				
FPPT – Fit and Proper Person Test NHSE – NHS England ESR – Electronic Staff Record CQC – Care Quality Commission				
<b>Executive Summary</b>				
<p>The government commissioned Kark Review reported in 2019 on its review of the scope, operation and purpose of the FPPT as it applied under Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, including an assessment of how effective the FPPT was in preventing unsuitable staff from being redeployed or re-employed in the NHS. As a consequence, NHS England published guidance in August 2023 to support the implementation of the recommendations from the Kark Review and promote the effectiveness of the underlying legal requirements through the establishment of a Fit and Proper Person Test Framework. The Framework is effective from 30<sup>th</sup> September 2023 with the purpose to strengthen and reinforce individual accountability and transparency for board members, thereby enhancing the quality of NHS leadership.</p> <p>The Framework also introduces a requirement to retain information relating to the application of the FPPT for individual directors, a standard set of competencies for all board directors (not published at the time of writing this paper), a new way of completing references with additional content whenever a director leaves an NHS Board as well as the extension of the applicability of the FPPT to some other organisations, including NHSE and the CQC.</p> <p>The related paper provides additional background and contextual information together with a summary of the Framework and its implementation at the Trust. This includes the impact on</p>				

current board members and those recruited after the effective date and provides board members with a FPPT specific Privacy Notice giving details of the personal information that will be collected and processed in relation to the FPPT, including its storage in the ESR.

The Board is asked to **RECEIVE** the Privacy Notice appended to the paper and be **ASSURED** about the arrangements for the implementation of the new FPPT.