

## **CPG70 – Fit & Proper Persons Procedure - APPENDIX 1**

### **The role of the CQC**

In the national guidance, CQC makes it clear that it has no remit to investigate the fitness of individuals. It is for the Trust to consider whether the Director in question remains fit and proper. CQC's role is to assess that Trusts have followed appropriate, effective and robust processes, and to take action against a Trust if they are failing to meet these requirements.

CQC cannot prosecute for breach of the FPPR or any of its part but as the regulator of health and social care services it can take regulatory action to address an individual's breach of a regulation, condition of registration or other relevant requirement.

CQC assesses compliance with the FPPR at three different stages:

- At the time of applications for registration
- During the inspection process, under the 'well-led' key question and key lines of enquiry as well as through the annual well-led inspection
- When concerns are raised about individuals.

The role of the CQC in determining whether a Trust's processes and investigations are satisfactory should be confined to forming a view on the quality of the evidence and whether it has been taken into account, rather than attempting to interrogate the decision of the Board. If CQC has its own concerns about a Director it will instigate enforcement action against the Trust.

Where appropriate, CQC will work alongside other regulators (such as the General Medical Council, Nursing and Midwifery Council, General Pharmaceutical Council and other relevant professional regulators), to ensure that the correct processes are adhered to and information is shared when relevant and appropriate.