

**ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**

**Fit and Proper Persons Requirement: Important Information for Applicants**

**1 Fit and Proper Persons Regulations (FPPR): New Appointments**

The aim of the FPPR is to ensure that all Board level appointments of NHS Foundation Trusts carrying on a regulated activity are responsible for the overall quality and safety of that care and for making sure that care meets the existing regulations and effective requirement of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3). FPPR Regulation 5 is about ensuring that those individuals in senior appointments are fit and proper to carry out this important role.

The regulation was introduced as a direct response to the failings at Winterbourne View Hospital and the Francis Inquiry report into Mid Staffordshire NHS FT which recommended that a statutory fit and proper person's requirement be imposed on health service bodies.

**2 FPPR Declaration Requirements**

The position for which you are applying is considered as a post that requires the FPPR test to be applied.

At the application stage, candidates are required to complete the Fit and Proper Persons Requirement Self-Declaration Form (Applicants) and attach this to their application for the position together with any other application requirements.

The complete FPPR Self-Declaration Form (Applicants) is required to ensure the Trust is able to properly discharge its requirement that all those who are Board Directors of the Trust meet the fitness test and that a post holder does not meet the 'unfit' criteria as outlined below.

The Regulations require that post holders must:

- Be of good character
- Have the qualifications, competence, skills and experience necessary for the relevant office or position or work for which they are appointed
- Are able to perform the work they are employed for after reasonable adjustments are made
- Have not been responsible for, 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
- Not be prohibited from holding office (e.g. Director's disqualification order)

A person is deemed unfit to hold senior office if they:

- Are an undischarged bankrupt
- Are subject to bankruptcy restrictions
- Are prohibited from holding an office or position under relevant legislation (e.g. Companies Act or Charities Act).

A person will fail the **good character** test if they:

- Have been convicted in the UK or elsewhere of any offence which if committed in any part of the UK would constitute an offence, and
- Have been erased, removed or struck off a register of professionals maintained by a regulator of health care or social work professionals.

More detailed information about the fitness requirements to help you respond to the questions can be found on *CQC Guidance for NHS Bodies* (Nov 2014)

### **3 Trust Pre-Appointment Processes**

The following checks are undertaken for all appointments to the Trust:

- Proof of identity
- Professional registration and qualification checks (where relevant to the post)
- Employment history
- Two reference checks one of whom must be the most recent employer. Specifically this includes validation of a minimum period of three consecutive years of continuous employment or training and details of any gaps in service, and including any reasons for leaving
- Evidence of the right to work in the UK
- Disclosure and Barring Service (DBS) where relevant to the post and where eligibility criteria are met.

Additionally, for posts that require the FPPR test the following must be in place

- Occupational health clearance
- FPPR Declaration Form assessed as meeting the requirements
- Checks against the register of disqualified Directors, the bankruptcy/insolvency register and the register of removed charities trustees
- A web search of the individual.

An appointment cannot commence until full compliance with the checks detailed above and is conditional upon the same.