

Fit and Proper Person Test - Compliance

Public Board

26 March 2026

Presented for:	Information and Assurance
Presented by:	Jo Bray, Director of Corporate Affairs
Author:	Jo Bray, Director of Corporate Affairs
Previous Committees	Annual report to Board – previous report March 2025

Link to Strategic Objective	Applicable to all objectives
Link to Provider Capability Assessment	Governance, risk and regulatory
Link to CQC Well-led Statement	Governance, Management and Sustainability
Regulatory Impact	Regulation 5: Fit and proper persons: directors

Risk Appetite Framework				
Level 1 Risk		Level 2 Risks	(Risk Appetite Scale)	Impact
Workforce Risk				
Operational Risk				
Clinical Risk				
Financial Risk				
External Risk	✓	Legal & Governance Risk - We will operate the Trust in compliance with the Law and UK Corporate Governance Code, where applicable.	Averse	Maintaining

Key points	
1. For Directors of the Board to understand the requirements of the Care Quality Commission (CQC) Fit and Proper Person Test, alongside the framework published in August 2023 by NHS England in response to the recommendations from the Kark review.	Information
2. For the Trust Chair to confirm compliance of the Board (and the additional local requirement of the group of senior staff the tier below Executive Directors) to the Fit and Proper Person Test, in preparation for the required return to NHS England (NHSE) Regional Director.	Assurance
3. The public and to the CQC can be assured the Board at LTHT meet the FPPT.	Assurance

1. Summary

The Care Quality Commission (CQC) introduced new requirements regarding the 'Fit and Proper Person Tests' (FPPT) for Directors in November 2014, which became law from 1 April 2015. This approach was to ensure that providers meet Government regulations about the quality and safety of care, to ensure an open, honest and transparent culture within the NHS to ensure accountability of Directors to NHS Bodies.

Historically, the Trust has extended the definition of the CQC requirement beyond the Board to include, all direct reports to Executive Directors and/or authors of reports to Board and our Assurance Committees, as they hold with significant influence in reporting information for decision making within our governance structures. This is a group of 61 senior staff that is review annually and starters and leavers also updated during the year.

The Board at Leeds Teaching Hospitals NHS Trust (LTHT) and extended senior staff tier have historically self-certified compliance against the FPPT. Staff use the required template as set out in appendix 3 self-attestation with some additional local data fields to aid the external checks.

2. Background

The Fit and Proper Person Test is a regulation to ensure that providers meet their obligations to only employ individuals who are fit for their role and to ensure that appropriate steps have been taken to ensure they are of good character, are physically and mentally fit, have the necessary qualifications, skills and experience for this role and can supply certain information for scrutiny.

As part of the recruitment and annual process (and compliance for the Fit and Proper Person Test) for the Board and defined senior group of staff, a number of checks have taken place;

- Checks on the individuals
 - Qualifications
 - Competence, skills required, relevant experience and ability

- Good character
- Consideration to the physical and mental health in line with the role and good occupational health practice
- Ensure, as far as possible the individual has not been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether lawful or not) in the course of carrying on a regulated service; this includes any allegations of such
- Only individuals who will be acting in a role that falls within the definition of a 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006 will be eligible for a check by the Disclosure and Barring Service (DBS) but checks will be made against other relevant barring lists
- Disqualification as a Trustee from the Charity Commission Register
- Review employment tribunal history
- Review social media records

For any Board member who left the Trust after the 30 September 2023, an exit reference is recorded and held on file and held until the age of 75 years, to be supplied up on request (this is set out within an NHSE defined template).

The Trust commissioned a professional service to carry out all checks which are underpinned by algorithms.

The Trust Chair is required to report the annual return to the NHS England Regional Director usually at the end of March. There is clear governance set out with the framework for the review of the self-attestation of the Chair, with the review of the compliance checks by the Deputy Chair to retain objectivity, as the appraisal of the Chair is carried out by the Senior Independent Director (SID). Gillian Taylor as deputy Chair has reviewed and confirmed compliance of the FPPT of the Trust Chair in preparation of the appraisal to be carried out by Mike Baker, SID.

FPPT checks underpin any Board recruitment processes during the year, with an annual update taking place during Q4. For those joining the Board from September onwards, no new checks were carried out.

From the checks carried out against the requirements of the FPPT applied to the Board and the tier of 61 senior managers as already defined. Four members of staff were informally reminded of the use of social media; these were not breaches of Trust policy nor the FPPT put a polite reminder in how and what is reported on social media accounts.

3. Proposal

See recommendation.

4. Financial Implications and Risk

N/A

5. Risk

The Trust continues to operate within the averse risk appetite with regard to regulatory risk set by the Board requiring the Trust “ We will comply with or exceed all regulations, retain it CQC registration and always operate in the law.”

Internal Audit carried out a review of the compliance of the FPPT process in 2023/24 with two minor actions, which have been implemented. The same processes have been used for 2025/26.

During the CQC Well-led review in June 2025, FPPT files were inspected and full compliance was noted within the report.

6. Communication and Involvement

The FPPT Board register is maintained by the Director of Corporate Affairs, with the supporting evidence files of the checks carried out to validate the self-attestation readily available for inspection as required by the CQC. Those below Board are held in a separate FPPT register with the same supporting information.

The NHS England framework sets out a privacy notice that explains the data held on individuals and has been supplied to all staff alongside the self-attestation.

7. Equality Analysis

There are no issues regarding equality.

8. Publication Under Freedom of Information Act

This paper has been made available under the Freedom of Information Act 2000.

9. Recommendation

Board Directors are asked to;

- Receive the update to understand the requirements of the Care Quality Commission (CQC) Fit and Proper Person Test, alongside the framework published by NHS England in response to the recommendations from the Kark review
- Be assured the Trust Chair can confirm compliance of the Board in the return to the Regional Director of NHS England usually required at the end of March
- The tier of defined senior managers below Board are also compliant
- The public and to the CQC can be assured the Board at LTHT meets the requirements of the FPPT.

Jo Bray
Director of Corporate Affairs
18 March 2026

Supporting information

- Appendix A – Self-attestation Appendix 3 of NHS England Fit and Proper Persons Test Framework for Board Members (localised for LTHT)

Appendix A

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 (eg directors disqualification order)
- within the last five years:
 - I have not been convicted of a criminal offence and sentenced to imprisonment of three months or more (Needs DBS)
 - been un-discharged bankrupt nor have been subject to bankruptcy restrictions, or have made arrangement/compositions with creditors and has not discharged
 - 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 respective Executive Director, my line manager.