

Agenda item 2.ii

Report to:	Board of Directors	Date: 7 September 2023
Report from:	Director of Workforce and Organisational Development	
Principal Objective/Strategy:	Fit and Proper Persons Test Update	
Title:	Report of the Director of Workforce and Organisational Development	
Board Assurance Framework Entries:	Recruitment Retention Staff Engagement	
Regulatory Requirement:	Well-Led	
Equality Considerations:	Public Sector Equality Duty Workforce Race Equality Scheme	
Key Risks:	<ul style="list-style-type: none"> • Turnover increases as a result of poor staff engagement • We are unable to recruitment sufficient staff to meet safe staffing levels • Staff engagement is negatively impacted by poor people practices 	
For:	<ul style="list-style-type: none"> • To note and discuss the content of this report 	

1. On the 2 August NHS England published the Fit and Proper Persons Test framework and supporting resources in response to recommendations made by Tom Kark KC. The purpose of this paper is to provide the Board with a high-level overview of the framework pending further work on scoping the implications and resource requirements of implementing this in the Trust. It will require additional administrative support and this needs to be scoped.
2. The framework introduces a requirement to retain information relating to testing the requirements of the FPPT for individual directors, a set of standard competencies for all board directors, and a new way of completing references with additional content whenever a director leaves an NHS board.
3. The new FPPT framework has been incorporated into employment check standards with the objective of strengthening board governance, boost leadership and improve patient safety. It is also intended to prevent directors who have been involved in or enabled serious misconduct or mismanagement from joining a new NHS organisation.
4. As part of the revised process the following will be applied:
 - a new standard reference for people leaving NHS board roles for any reason which will be held on file until the person turns 75, including details on any ongoing or discontinued complaints and disciplinary issues
 - when appointing to a board member position employers are required to seek references, using a mandated template, to validate a period of six consecutive years of employment immediately prior to the application being made
 - data fields to be incorporated in the Electronic Staff Record (ESR) to record board members' FPPTs
 - an extension of the scope of the FPPT framework to all commissioners including Arms-Length Bodies, Care Quality Commission (CQC) and NHS England.
- 5.

6. The Framework is effective from 30 September 2023 and must be implemented by all boards going forward from that date. NHS organisations are not expected to collect historic information to populate ESR or local records, but to use the Framework for all new board level appointments or promotions and for annual assessments going forward.

Recommendation:

The Board of Directors is requested:

- **To note the new FPPT requirements and the further work to be done on implementing these**