

<b>Report Title</b>	Fit and Proper Persons Test: Chairs Annual Declaration		
<b>Sponsoring Executive</b>	Sir David Nicholson, Trust Chair		
<b>Report Author</b>	Dan Conway, Associate Director of Corporate Governance/Company Secretary		
<b>Meeting</b>	Trust Board (Public)	<b>Date</b>	6 <sup>th</sup> April 2022

### 1. Suggested discussion points *[two or three issues you consider the Trust Board should focus on]*

The report provides the Annual Declaration in respect of compliance with the Fit & Proper Persons Test by those individuals who are Board directors, Board members and individuals who perform the functions equivalent to the functions of a Board director and member.

All existing Board directors, Board members and individuals who perform the functions equivalent to the functions of a Board director and member (both permanent and interim), meet the requirements of the Fit and Proper Persons Test.

Attached is the full set of declaration of interest for Board Members.

### 2. Alignment to our Vision *[indicate with an 'X' which Strategic Objective this paper supports]*

Our Patients		Our People		Our Population
To be good or outstanding in everything that we do	X	To cultivate and sustain happy, productive and engaged staff	X	To work seamlessly with our partners to improve lives

### 3. Previous consideration *[where has this paper been previously discussed?]*

None

### 4. Recommendation(s)

The Trust Board is asked to:

**a.** NOTE and APPROVE the annual Fit and Proper Person Test Declaration

### 5. Impact *[indicate with an 'X' which governance initiatives this matter relates to and where shown elaborate]*

Trust Risk Register		Risk Number(s): n/a				
Board Assurance Framework		Risk Number(s): n/a				
Equality Impact Assessment	Is this required?	Y		N	X	If 'Y' date completed
Quality Impact Assessment	Is this required?	Y		N	X	If 'Y' date completed

# SANDWELL AND WEST BIRMINGHAM NHS TRUST

## Report to the Public Trust Board: 6<sup>th</sup> April 2022

### Fit and Proper Persons Requirements: Annual Declaration

#### 1. Background

- 1.1 In line with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the Trust is required to ensure that all relevant individuals meet the requirements of the Fit and Proper Persons Test (Regulation 5).
- 1.2 Regulation 5 recognises that individuals who have authority in organisations that deliver care are responsible for the overall quality and safety of that care. For the purpose of this regulation, these individuals are Board directors, Board members and individuals who perform the functions equivalent to the functions of a Board director and member (whether existing, interim or permanent and irrespective of their voting rights).
- 1.3 Regulation 5 states that a provider must not appoint or have in place an individual as a director who:
  - is not of good character;
  - does not have the necessary qualifications, competence, skills and experience;
  - is not physically and mentally fit (after adjustments) to perform their duties.
- 1.4 Regulation 5 also decrees that these individuals cannot have been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity or discharging any functions relating to any office or employment with a service provider.
- 1.5 These requirements play a major part in ensuring the accountability of leaders of NHS bodies and outline the requirements for robust recruitment & employment, appraisal and performance management processes for Board level appointments and for ensuring that there are appropriate checks that leaders have the skills, knowledge, experience and integrity that they need – both when they are appointed and on an ongoing basis.

#### 2. Declaration

- 2.1 As Chair of Sandwell and West Birmingham NHS Trust, I confirm that all existing Board directors, Board members and individuals who perform the functions equivalent to the functions of a Board director and member (both permanent and interim), meet the requirements of the Fit and Proper Persons Test.
- 2.2 My declaration has been informed by:

- the annual Fit and Proper Persons Test self-declarations completed by all Board directors, Board members and individuals who perform the functions equivalent to the functions of a Board director and member;
- due diligence checks (disqualification, regulation and bankruptcy) undertaken by the Company Secretary and review of personal files of the relevant individuals against the Trust's Fit and Proper Persons checks required on recruitment and those required on an ongoing basis, to ensure capture of the required information and assurances.

### **3. Recommendations**

3.1 The Trust Board is asked to:

- a) **NOTE** and **APPROVE** the annual Fit and Proper Person Test Declaration

**Sir David Nicholson**  
**Trust Chair**  
**24<sup>th</sup> March 2022**