

Board of Directors (in Public) Item 5.9

Subject: FPP National Framework and Trust Policy Update
Date of meeting: 27th September 2023
Presented by: Karan Wheatcroft, Director of Risk and Improvement
Purpose: To Note

1. Executive Summary

NHSE published a new Fit and Proper Person Framework on 2nd August 2023 alongside guidance for Chairs and staff on implementation. NHSE expect elements of the framework to be used from 30th September 2023 for new appointments, with full implementation by 31st March 2024.

We have reviewed the LHCH Fit and Proper Person Policy and processes in conjunction with new guidance. This paper sets out the main changes and the revised Trust policy is appended for Board of Directors' review and approval.

NHS organisations, as data controllers, must communicate to all directors whose details will be included in ESR and local records from October 2023 onwards. LHCH Directors are asked to raise any concerns regarding the proposed use of their data, to enable NHS England and participating data controllers (i.e. The Trust) to consider these concerns and amend their approach if necessary.

A link to the full framework and supporting guidance is provided in Appendix A.

2. Summary of changes

The fundamental elements of the FPP processes are already in place within the Trust and have been tested against MIAA best practice checklist in 2023. From review of the new framework, the main changes are:

- The framework introduces a new standardised board member reference. These should be created whenever a board member leaves an NHS organisation, regardless of whether they are moving immediately to another NHS role, and should be sought by employing NHS organisations when making a job offer. The reference is based on the NHS standard reference template but includes additional questions relevant to the FPPT. The template has been included within the policy.
- The Electronic Staff Record (ESR) will be used to store information related to FPPT checks and references. This will provide a standard way to record and report compliance internally. Retrospective population of data is not proposed. The policy has been updated to reflect this.

- The framework provides a new template for the self attestation and this has replaced our current self assessment template.
- The Chair's responsibility have been expanded within our policy to reflect the emphasis placed on this within the new framework and the role of the Senior Independent Director added in respect of the review linked to the Chair's appraisal.
- There is a requirement for an annual submission to the NHS England Regional Director (for 2024 the deadline is 31st March 2024 but going forward this is expected to align with appraisals in Q1 of the following year).
- A number of additions have also been made to provide further clarity, including the respective requirements for joint appointments.

The full implementation of the framework is reliant on

- National changes to ESR, which have now been implemented and are available for local use.
- DPIA (data protection impact assessment) has been completed by the NHS Business Services Authority (NHSBSA) who host ESR and NHS England.
- Publication of the forthcoming NHS Leadership Competency Framework (expected Autumn 2023) and the Board Appraisal Framework (expected later in 2023/24).

3. Conclusion

The LHCH FPP policy and associated templates have been updated to reflect the requirements of the new framework. The revised policy is presented to the Board of Directors for review and approval.

4. Recommendation

The Board of Directors is asked to

- i.) Note the changes as set out by NHS England in the new Fit and Proper Persons Framework
- ii.) Confirm that information for all Board members will be held on ESR. Board members should object if they have concerns so that these can be considered and the approach amended if necessary.
- iii.) Review and approve the revised Trust Fit and Proper Persons policy
- iv.) Note that the proposed changes will take effect from 30th September 2023 with full implementation required by 30th September 2024

Appendix A – link to new FPP Framework

[NHS England » NHS England Fit and Proper Person Test Framework for board members](#)