

Fit and Proper Person Requirements
Directors and Non-Executive Directors - Self-Declaration form

In November 2014 the Care Quality Commission (CQC) published [guidance](#) on the fit and proper person requirements and duty of candour which came into force for all NHS providers as of 27th November 2014 under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 – Regulation 5 and Schedule 4. In January 2018 updates were made to the guidance. These regulations play a major part in ensuring the accountability of directors of NHS bodies and outline the requirements for robust recruitment and employment processes for board level appointments. As part of the assurance against the new fit and proper person requirements for board members, you are required to answer the following questions, sign, date and return.

	Yes	No
Have you got the qualifications, competency, skills and experience which are necessary for the position for which you are applying?		
Are you able by reason of health (after reasonable adjustments are made) to properly perform tasks which are intrinsic to the office or position for which you are applying?		
Have you 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 activity or providing a service elsewhere which, if provided in England would be a regulated activity?		
Have you been subject of any of the following? <ul style="list-style-type: none"> • undischarged bankruptcy or being a person whose estate has had sequestration awarded in respect of it and who has not been discharged; • subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland; • a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986; • a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it; • included in the children’s barred list or the adults’ barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland; • prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity, by or under any enactment. 		
Have you been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence?		

Have you been erased, removed or struck-off a register of professionals maintained by a regulator of health care or social work professionals?		
<p>Have you ever been found not to be a fit and proper person for the purposes of Regulation 5, of the draft Social Care Act 2008 (Regulated Activities)? Namely the requirements to:</p> <ul style="list-style-type: none"> • Be of good character; • Have the qualifications, skills and experience necessary for the relevant position; • Be capable of undertaking the relevant position, after any reasonable adjustments under the Equality Act 2010; • Not have been responsible for any misconduct or mismanagement in the course of any employment with a CQC registered provider; • Not be prohibited from holding the relevant position under any other law. e.g. under the Companies Act or the Charities Act. 		

I hereby agree that the above is accurate.

I understand that a Fit and Proper Persons check will be conducted by Badenoch + Clark/Derbyshire Community Health Services NHS Foundation Trust and that any offer of appointment is conditional upon the outcome of these checks.

Role Applied For:	Non-Executive Director, Derbyshire Community Health Services NHS Foundation Trust
Name:	
Signed:	
Date:	