

Trust Board public paper N

Meeting title:	Trust Board				
Date of the meeting:	11 September 2026				
Title:	Fit and Proper Persons Test - compliance				
Report presented by:	Becky Cassidy, Director of Corporate and Legal Affairs				
Report written by:	Becky Cassidy, Director of Corporate and Legal Affairs				
Action – this paper is for:	Decision/Approval		Assurance	x	Update
Where this report has been discussed previously	Audit Committee 22 June 2026				

Purpose of the Report

The report provides the Trust Board with assurance that the annual fit and proper persons test has been carried out for 2025/26 and that the Trust has complied with the annual submission completed by the Trust Chair. A report on the position was also presented to the Audit Committee in June 2026.

Recommendation

The Trust Board is asked to:

- be assured all checks have been completed, with no areas of concern identified.

Summary

The annual fit and proper persons test has been carried out for 2025/26. As per Trust policy, the checks are carried by the Director of Corporate and Legal Affairs on behalf of the Chair. All Trust Board members are fully compliant with the test.

Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 ('the Regulations') places a duty on NHS organisations registered with the Care Quality Commission not to appoint a person as, or allow a person to continue to be, an executive director (or any person performing the functions of, or equivalent or similar functions to, a director, including associate director) or a non-executive director unless they:

- Are of good character
- Hold the required qualifications and have the competence, skills and experience required for the relevant office for which they are employed
- Are, by reason of the physical and mental health, after any reasonable adjustments if required, capable of properly performing their work
- Can supply relevant information as required by schedule 3 of the Regulations
- Have not been responsible for, or privy to, contributed to, or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying out regulated activity (or providing a service elsewhere which if provided in England would be a regulated activity)

Under the Regulations, UHL has appropriate systems and processes are in place to ensure that all new directors and existing directors are, and continue to meet the 'fit and proper persons test' and that no appointments meet any of the 'unfitness' criteria set out in the Regulations.

In August 2023, NHS England published a new Fit and Proper Persons Framework for Board members, which came into effect on 30 September 2023, to assist NHS organisations in meeting their obligations under the Regulations. In line with the expectations of NHS England, UHL had fully implemented the Framework by 31 March 2024.

All NHS organisations are required to make an annual submission to NHS England confirming their Boards compliance with the Fit and Proper Persons requirements. This was sent by the UHL Chair in June 2026 in line with the national deadline (30 June 2026).