



## Fit and Proper Persons Policy and Procedures

Version	1.0
Approved By	Board of Directors
Date Approved	25 November 2015
Author	Company Secretary
Name of Responsible Committee / Group	Board of Directors
Date Issued	25 November 2015
Review Date	25 November 2018
Relevant Staff Groups	All directors whether executive, non-executive, permanent, interim, deputy or assistant/associate directors, and irrespective of directors' Board voting rights.
Equality Impact Assessment Completed	Yes

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## **1. Introduction**

1.1 New regulations came into effect for NHS bodies on 27 November 2014 (Document Reference A) requiring directors to be fit and proper persons (Regulation 5), and trusts to implement a duty of candour when dealing with complaints (Regulation 20). These Regulations, and the fundamental standards of care, were revised and brought into force more widely for all care providers, less partnerships, from 1 April 2015 (Reference B).

1.2 Regulation 5 establishes a statutory requirement governing the appointing of or having in place individuals as directors, or performing the functions of, or functions equivalent or similar to, the functions of a director (Regulation 5(2)).

1.3 Directors must satisfy all the requirements set out in Regulation 5(3) and be declared fit and proper persons. Individuals must be: of good character, have the necessary qualifications, competence, skills and experience for their role, have the appropriate level of physical and mental fitness, have not been party to any serious misconduct or mismanagement in the course of carrying on a regulated activity, and not be deemed unfit under Schedule 4, Part 2 of the Health and Social Care Act 2008 (regulated activities) regulations 2014. Providers must also ensure that certain information regarding the individuals is available Regulation provisions to the CQC.

## **2. Purpose**

2.1 The purpose of the Regulation is to ensure that all Board level and director appointments at NHS bodies carrying on a regulated activity are held responsible for the overall quality and safety of the care provided, for making sure the care meets the existing regulations and effective requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, and that providers and directors can be held to account. Services must be safe, effective, caring, responsive, and well-led.

2.2 The aim of this document is to provide the policy and procedures by which YDH will support its commitment to the fit and proper person requirements. The Trust will not permit any individual to hold the post of director who does not meet the standards required to be approved as a fit and proper person, either on appointment or through changing circumstances.

## **3. Application**

3.1 The Care Quality Commission (CQC) has fully integrated the fit and proper person requirements (FPPR) into their regulatory registration and inspection framework. YDH must demonstrate that it is meeting these requirements in order to continue to deliver regulated services, or to vary its registration with the CQC should it wish to do so.

3.2 The FPPR applies to all directors whether executive, non-executive, permanent, interim, deputy or assistant/associate directors, and irrespective of directors' Board voting rights. The requirement does not apply to the Council of Governors. Although it is for YDH to determine which individuals fall within its scope, the CQC will take a view on how effectively YDH has discharged its responsibility.

3.3 The CQC will check and monitor the extent to which YDH meets the requirements:

- At the point of registration;
- During an inspection under the 'well-led' question, the CQC will confirm that the Trust has undertaken appropriate checks and satisfied itself that on appointment, and subsequently, all new and existing directors meet the requirements; and
- On receipt of concerning information regarding directors, it will be logged by the CQC as an enquiry and processed in line with their procedures in line with safeguarding/whistleblowing protocols.

- 3.4 The CQC assesses the fitness of health service providers by focusing on the fitness of the nominated individuals. It will consider whether YDH has taken the appropriate steps to ensure that individuals are:
- Of good character;
  - Have the necessary qualifications, competence, skills and experience for their role;
  - Have the appropriate level of physical and mental fitness; and
  - Have not been party to any serious misconduct or mismanagement in the course of carrying on a regulated activity, and are not deemed unfit under the Regulation provisions.

#### 4. Key Document Reference

- 4.1 This policy should be read in conjunction with the following:
- A. Regulation 5 Fit and Proper Persons: Directors and Regulation 20 Duty of Candour, Guidance for NHS Bodies, Care Quality Commission November 2014.
  - B. Guidance for Providers on Meeting the Regulations, Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended), Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended), Care Quality Commission February 2015.
  - C. Regulation 5 Fit and Proper Persons: Directors, Information for NHS Bodies, Care Quality Commission March 2015.
  - D. Regulation 5 Fit and Proper Persons: Directors, Information for providers of Adult Social Care, Primary Medical and Dental Care, and independent Healthcare, Care Quality Commission March 2015.
  - E. NHS Employment Check Standards revised July 2013.
  - YDH HR Policy Manual (including policies for for maintaining high professional standards, capability, disciplinary and raising concerns).

#### 5. Process and Responsibilities

- 5.1 It is the overall responsibility of the Chair of the Trust to discharge the FPPR, to ensure all directors meet the fitness test and not the unfit criteria, and to declare to the CQC that the Trust complies with the requirements of Regulation 5.
- 5.2 YDH has a responsibility to implement the following on a continuing basis:
- Provide the evidence that appropriate systems and processes are in place to ensure that all new and existing directors are and continue to be fit and proper persons, and do not meet any of the unfitness criteria set out in Schedule 4 part 2 of the regulations;
  - Make every reasonable effort to assure itself about the suitability of an individual by all means available;
  - Make specified information available to the CQC upon request.
  - Be aware of the various guidelines available, and to have implemented procedures in line with this best practice;
  - Inform the regulator where a director no longer meets the requirement and is registered with a health or social care professional regulator, and take action to ensure the position is held by someone meeting the requirement.
- 5.3 An overview of the process is set out at **Appendix 1**.
- 5.4 The checklist for assessing individuals (at appointment) as fit and proper is attached at **Appendix 2**.
- 5.5 Candidate declaration of fitness forms are attached at **Appendix 3 and 4** (A is used where YDH is undertaking a DBS check (previously CRB), B is for where no such check is required).
- 5.6 The declaration form for those already in post is included at Appendix 5

(which should be completed annually). Full checks as described at Appendix 2 will be carried out, in addition to the annual declaration, every three years.

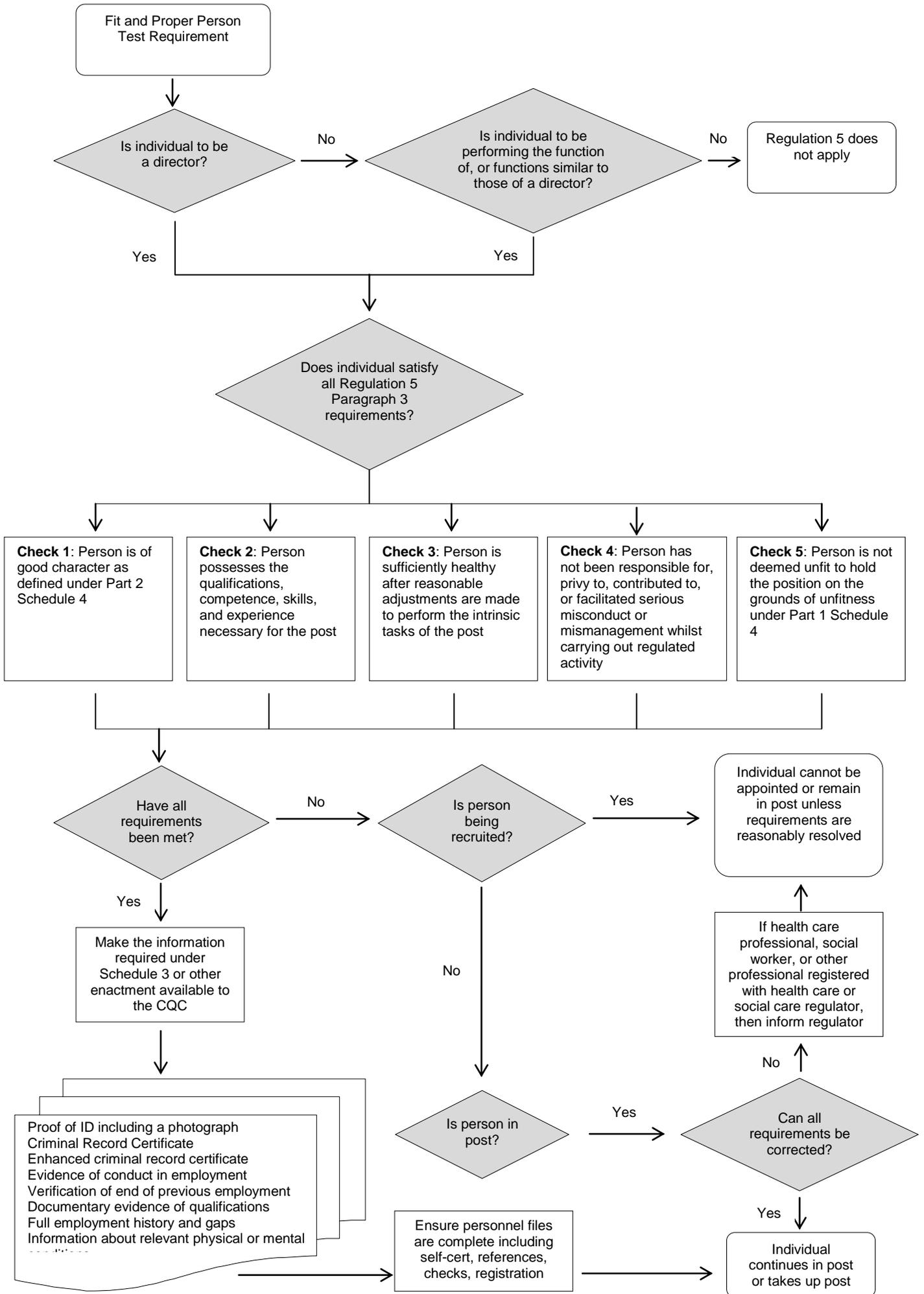
5.7 Activity described at Appendix 2, 3 and 4 will be undertaken by the Trust's HR team. The annual declarations (Appendix 5) will be collected annually by the Company Secretary.

5.8 If an individual who holds an office or position no longer meets the requirements, YDH will take such action as is necessary and proportionate to ensure that the office or position is held by someone who does meet the requirements. The Trust may suspend individuals during investigations into whether the requirements are met, or if at any stage the Trust becomes aware of information which may mean an individual is not a fit and proper person. The issues will be addressed on a case by case basis in line with the Trust's HR manual. Where the individual is a health care professional, YDH will inform the regulator/professional body in question. Interim measures may be required to minimise the risk to people who use the services.

## 6 Review

6.1 This policy will be reviewed in 3 years as set out in Policy for the Management of Procedural Documents, or more frequently in the event of a major change to the law or any other circumstances which has an impact on the procedural document in question, at which point a review will take place as soon as reasonably practicable.

## APPENDIX 1 – FIT & PROPER DIRECTORS PROCESS OVERVIEW



### Fit and Proper Person Check – Pre-Employment Checklist

#### Procedural Checks 1 and 4: Good Character, and Misconduct or Mismanagement

No	Check and Evidence Required	Date Obtained	HR Initials
1.	Signed Declaration of Fitness from candidate (Form A or B, according to whether DBS checks required)		
2.	DBS checks - as appropriate to the post - in line with NHS Employment Check Standards.		
3.	Undertake police check/certificate of good character – only needed if individual has spent 6 months or more outside the UK in the last 5 years before application.		
4.	Where post requires the individual to be a registered health professional – check professional body’s register for: <ul style="list-style-type: none"> <li>• Confirmation that individual is registered to carry out the proposed role</li> <li>• Details of any limitation on their registration that might affect the duties proposed</li> <li>• Details of any current or previous fitness to practice proceedings/professional disciplinary proceedings.</li> </ul>		
5.	Search of CQC records: <a href="http://www.cqc.org.uk/">http://www.cqc.org.uk/</a> <ul style="list-style-type: none"> <li>• Check if any provider for whom the individual has worked has had registration suspended/cancelled due to failings in care in the last 5 years (or longer if available)</li> <li>• Check the involvement of the individual or any providers in previous inspections (Investigate further if inspection rating is ‘requires improvement’, or ‘inadequate’).</li> </ul>		
6.	Search for involvement of individual or providers in serious care issues/investigations. Check the following websites: <ul style="list-style-type: none"> <li>• Public Inquiry Reports - <a href="http://www.nationalarchives.gov.uk/webarchive/inquiries-inquests-royal-commissions.htm#">http://www.nationalarchives.gov.uk/webarchive/inquiries-inquests-royal-commissions.htm#</a></li> <li>• Serious Case Reviews - <a href="http://www.nspcc.org.uk/preventing-abuse/child-protection-system/england/serious-case-reviews/">http://www.nspcc.org.uk/preventing-abuse/child-protection-system/england/serious-case-reviews/</a></li> <li>• Homicide investigations for mental health trusts (if employed previously by mental health trust) - <a href="http://www.england.nhs.uk/publications/invest-reports/">http://www.england.nhs.uk/publications/invest-reports/</a></li> </ul>		
7.	Review Parliamentary and Health Service Ombudsman reports relating to providers to identify whether these give rise to further lines of enquiry regarding the individual: <a href="http://www.ombudsman.org.uk/">http://www.ombudsman.org.uk/</a>		

#### Procedural Check 2: Qualifications, Competence, Skills and Experience

No	Check and Evidence Required	Date Obtained	HR Initials
8.	A full employment history, together with a satisfactory written explanation of any gaps in employment in line with NHS Employment Check Standards.		

	For new appointees coming to the NHS for the first time, validate a minimum of 3 years' continuous employment and training).		
9.	Two references - one of which must be most recent employer, in line with NHS Employment Check Standards		
10.	Academic and professional qualifications check - checked against job description/person specification - in line with NHS Employment Check Standards		

**Procedural Check 3: Health**

No	Check and Evidence Required	Date Obtained	HR Initials
11.	Occupational health clearance in line with NHS Employment Check Standards		

**Procedural Checks 4: Misconduct or Mismanagement**

See Procedural Check 1 above.

**Procedural Check 5: Grounds of Unfitness**

No	Check and Evidence Required	Date Obtained	HR Initials
12.	Check Register of Insolvent Companies for any company for whom the individual had a previous/current director role, that have become insolvent: <a href="http://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo">http://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo</a>		
13.	Check Disqualified Directors Register to identify whether individual has been disqualified through a court order/by an undertaking of the Insolvency Service from being a director of a company or a member of an LLP: <a href="http://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo">http://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo</a> , and; <a href="https://www.insolvencydirect.bis.gov.uk/IESdatabase/viewdirectorssummary-new.asp">https://www.insolvencydirect.bis.gov.uk/IESdatabase/viewdirectorssummary-new.asp</a> (lists directors the Insolvency Service got disqualified in the last 3 months), and; Contact The Insolvency Service for details of directors who got disqualified more than 3 months ago: <a href="mailto:Defendant.Liaison.Team@insolvency.gsi.gov.uk">Defendant.Liaison.Team@insolvency.gsi.gov.uk</a>		
14.	Check the Individual Insolvency Register to identify whether the individual is insolvent: <a href="https://www.insolvencydirect.bis.gov.uk/eiir/">https://www.insolvencydirect.bis.gov.uk/eiir/</a>		
15.	Check Register of Judgments to review details of County Court judgments, and credit refusals: <a href="http://www.trustonline.org.uk/">http://www.trustonline.org.uk/</a> (Small fee charged for doing so.)		
16.	Check Bankruptcy or Debt Relief Restrictions Register: <a href="https://www.insolvencydirect.bis.gov.uk/IESdatabase/viewbrobrsummary-new.asp">https://www.insolvencydirect.bis.gov.uk/IESdatabase/viewbrobrsummary-new.asp</a>		

17.	If individual has worked for an organisation regulated by the Financial Conduct Authority (FCA), check Financial Service Register: <a href="https://register.fca.org.uk/">https://register.fca.org.uk/</a>		
18.	If individual has worked in a consumer credit business check the business name on the Consumer Credit Register: <a href="http://fca-consumer-credit-interim.force.com/CS_RegisterSearchPageNew">http://fca-consumer-credit-interim.force.com/CS_RegisterSearchPageNew</a>		

**Additional Checks:**

No	Check and Evidence Required	Date Obtained	HR Initials
19.	Proof of identity (including recent photograph) in line with NHS Employment Check Standards		
20.	Confirmation of right to work in the UK in line with NHS Employment Check Standards		



### Fit and Proper Persons Check Candidate Declaration of Fitness Form (A)

The position for which you have applied is subject to Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This regulation requires that Yeovil District Hospital NHS Foundation Trust must not appoint, or have in place, a) an individual as a director of the Trust, or b) performing the functions of, or functions equivalent or similar to the functions of, such a director, without being satisfied that the individual is a fit and proper person to hold such a position.

The position you have applied for has been identified as being an 'eligible position' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 [the Exceptions Order] and, in certain circumstances, the Police Act 1997. As such, it meets the eligibility criteria for a standard or an enhanced disclosure to be requested through the Disclosure and Barring Service (DBS).

Both standard and enhanced DBS disclosure certificates contain information about any convictions, cautions (including reprimands and final warnings) which are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975 (as amended) - see highlighted note in the section below. Enhanced disclosures may also include other relevant police information where this is deemed relevant to the position you are applying for.

Where the position has, in addition, been identified as a regulated activity under the Safeguarding Vulnerable Groups Act (2006) (as amended by the Protection of Freedoms Act 2012) an enhanced DBS disclosure will include information which is held on the Children's and/or Adults barred list(s), as applicable to the position.

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**Please be aware that the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (S.I. 2013/1198) made amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 to provide that certain spent convictions and cautions will become protected when specific conditions are met. Protected convictions and cautions will not be disclosed in a DBS check, and employers cannot ask for information about protected convictions or cautions, or take these into account when considering you for appointment.**

**Before you complete this form please read guidance and criteria for the filtering of these convictions and cautions which can be found on the Disclosure and Barring Service website at: [www.gov.uk/government/disclosure-and-barring-service](http://www.gov.uk/government/disclosure-and-barring-service)**

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Consequently, before you can be considered for appointment with the Trust we need to be satisfied of your suitability for the position, therefore you are asked to complete following declaration.

Yeovil District Hospital Foundation Trust aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other such information declared.

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Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event you still remain free, should you wish, to discuss the matter with the recruiting manager. As part of assessing your application, we will only take into account criminal records and other information declared which is relevant to the position being applied for.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

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**Please ensure that you read the Guidance Notes for Applicants that accompanied your application form carefully before completing this declaration form.** They provide you with further and more detailed information about how your application will be processed, the persons to whom it will be disclosed and the checks that will be done to verify the information provided.

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**Please answer *all* of the following questions in this form.** If you answer 'yes' to any of the questions, please provide full details in the space indicated. Please also use the space below to provide any other information that may have a bearing on your suitability for the position for which you are applying. You may continue on a separate sheet if necessary, and you may attach supplementary comments should you wish to do so.

Answering 'yes' to any of the questions below will not necessarily bar you from an appointment within the NHS; this will depend on the relevance of the information you provide in respect of the nature of the position for which you are applying, and the particular circumstances.

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**1. Are you currently bound over, or do you have any convictions or cautions (including warnings and reprimands) which are not deemed 'protected' under the amendment to the Exceptions Order 1975\*, issued by a Court or Court-Martial in the United Kingdom or in any other country?**

No

Yes

If **YES**, please include details of the order binding you over and/or the nature of the offence, the penalty, sentence or order of the Court, and the date and place of the Court hearing.

**\*Please note that you do not need to tell us about convictions, cautions, warnings or reprimands which are deemed 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 - see applicant notes above.**

**You also are not required to tell us about parking offences.**

**2. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?**

No

Yes

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

**You are reminded that, if you are appointed, you have a continued responsibility to inform us immediately where you are charged with any new offence, criminal conviction or fitness to practise proceedings in the United Kingdom or in any other country that might arise in the future.**

**You do not need to tell us if you are charged with a parking offence.**

**3. Are you aware of any current investigation being undertaken by the NHS Counter Fraud and Security Management Services (NHS CFSMS) following allegations made against you?**

No

Yes

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by NHS Counter Fraud and Security Management Services (NHS CFSMS).

**4. Have you been investigated by the Police, NHS CFSMS or any other Investigatory Body resulting in a current or past conviction or dismissal from your employment or volunteering position?**

No

Yes

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the Investigatory Body.

**Investigatory bodies include: Local Authorities, Customs and Excise, Immigration, Passport Agency, Inland Revenue, Department of Trade and Industry, Department of Work and Pensions, Security Agencies, Financial Service Authority. This list is not exhaustive and you must declare any investigation conducted by an Investigatory Body.**

**5. Have you ever been dismissed by reason of misconduct from any employment, volunteering, office or other position previously held by you?**

No

Yes

If **YES**, please include details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.

**6. Have you ever been disqualified from the practise of a profession, or required to practise subject to specified limitations following fitness to practise proceedings, by a regulatory or licensing body in the United Kingdom or in any other country?**

No

Yes

If **YES**, please include details of the nature of the disqualification, limitation or restriction, the date, and the name and address of the licensing or regulatory body concerned.

**7. Are you currently or have you ever been the subject of any investigation or fitness to practise proceedings by any licensing or regulatory body in the United Kingdom or in any other country?**

No

Yes

If **YES**, please include details of the reason given for the investigation and/or proceedings undertaken, the date, details of any limitation or restriction to which you are currently subject, and the name and address of the licensing or regulatory body concerned.

**8. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying?**

No

Yes

If **YES**, please include details.

**9. Are there any other matters that may be relevant to the position being applied for which might cause your reliability or suitability for employment to be called into question?**

No

Yes

If **YES**, please include details.

Please note that you are not required to disclose a protected conviction or caution as defined by the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 as amended by the Rehabilitation of Offenders Act 1974 \(Exceptions\) \(Amendment\) \(England and Wales\) Order 2013](#) or any circumstances ancillary to that protected conviction or caution - as outlined within the applicant notes above.

If you have answered 'yes' to any of the questions above, please use the space on the next page to provide details.

If you have answered 'yes' to any of the questions above, please use this space to provide details. Please **indicate clearly the number(s) of the question** that you are answering. You may continue on a separate sheet if necessary and may attach supplementary comments should you wish to do so.

## DECLARATION

### IMPORTANT

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Act 1998 defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence.

Where you are applying for a position which involves regulated activity, this will also include any barring decisions made by the Disclosure and Barring Service (DBS) against the Children's or Adults barred lists under the terms of the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedom's Act 2012).

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment, Yeovil District Hospital NHS Foundation Trust will not retain this declaration form any longer than necessary (see further details in Guidance Notes for Applicants which was provided with your application form). This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the organisation who are authorised to view it as a necessary part of their work.

**In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.**

I have read the Guidance Notes for Applicants that accompanied my application form, and I consent to the information provided in this declaration form being used by Yeovil District Hospital NHS Foundation Trust for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

**Please sign and date this form.**

<b>Name:</b>		<b>Signature:</b>	
<b>Post:</b>		<b>Department:</b>	
<b>Date:</b>			

**Please complete and return this form in a separate envelope marked 'confidential' to:**  
Recruitment Team, Yeovil District Hospital NHS Foundation Trust, Higher Kingston, Yeovil,  
Somerset, BA21 4AT

**If you wish to withdraw your consent at any time after completing this declaration form or you have any enquiries relating to information required in this form, please contact the Recruitment Team on 01935 384586.**



### Fit and Proper Persons Check Candidate Declaration of Fitness Form (B)

The position for which you have applied is subject to Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This regulation requires that Yeovil District Hospital NHS Foundation Trust must not appoint, or have in place, a) an individual as a director of the Trust, or b) performing the functions of, or functions equivalent or similar to the functions of, such a director, without being satisfied that the individual is a fit and proper person to hold such a position.

Consequently, before you can be considered for appointment with the Trust we need to be satisfied of your suitability for the position, therefore you are asked to complete following declaration.

Yeovil District Hospital Foundation Trust aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other information declared.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event you still remain free, should you wish, to discuss the matter with the recruiting manager. As part of assessing your application, we will only take into account relevant criminal record and other information declared which is relevant to the position being applied for.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

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**Please answer *all* of the following questions.** If you answer 'yes' to any of the questions, please provide full details in the space indicated. Please also use the space below to provide any other information that may have a bearing on your suitability for the position for which you are applying. You may continue on a separate sheet if necessary, and you may attach supplementary comments should you wish to do so.

The position for which you have applied is regarded as non exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the Exceptions Order). This means that you are required to declare all current '**unspent**' criminal convictions or cautions (including reprimands and final warnings). You are **not** required to disclose convictions or cautions which have become '**spent**'.

**Answering 'yes' to any of the questions below will not necessarily bar you from an appointment within the NHS. This will depend on the relevance of the information you provide in respect of the nature of the position for which you are applying, and the particular circumstances.**

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1. **Are you currently bound over or do you have any current ‘unspent’ convictions or cautions (including reprimands or warnings) that have been issued by a Court or Court-Martial in the United Kingdom or in any other country?**

No

Yes

If **YES**, please include details of the order binding you over and/or the nature of the offence, the penalty, sentence or order of the Court, and the date and place of the Court hearing.

You do not need to tell us about parking offences.

2. **Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?**

No

Yes

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

You are reminded that if you are appointed, you are required as part of your contractual arrangements with our organisation to inform us immediately where you are charged of any new conviction (including warnings, cautions, reprimands), or fitness to practise proceedings in the United Kingdom or in any other country that might arise in the future while you are in our employment or are undertaking an activity on behalf of our organisation.

You do not need to tell us if you are charged with a parking offence.

3. **Are you aware of any current investigations being undertaken by the NHS Counter Fraud and Security Management Service (NHS CFSMS) following allegations made against you?**

No

Yes

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the NHS CFSMS.

4. **Have you been investigated by the Police, NHS CFSMS or any other Investigatory Body resulting in a current conviction or dismissal from your employment or volunteering position?**

No

Yes

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the Investigatory Body.

**Investigatory bodies include Local Authorities, Customs and Excise, Immigration, Passport Agency, Inland Revenue, Department of Trade and Industry, Department of Work and Pensions, Security Agencies, Financial Service Authority. This list is not exhaustive, and you must declare any investigation conducted by an Investigatory Body.**

5. **Have you been responsible for, 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 providing a service elsewhere which, if provided in England, would be a regulated activity?**

No

Yes

If **YES**, please provide full details of the serious misconduct/mismanagement. This must include details of the employment, office or position held, the date you were dismissed and the nature of allegations of serious misconduct/mismanagement made against you.

6. **Have you ever been dismissed by reason of misconduct from any employment, volunteering, office or other position previously held by you?**

No

Yes

If **YES**, please provide full details of the misconduct. This must include details of the employment, office or position held, the date you were dismissed and the nature of allegations of misconduct made against you.

7. **Have you ever been disqualified from the practise of a profession, or required to practise subject to specified limitations following fitness to practise proceedings, by a regulatory or licensing body in the United Kingdom or in any other country?**

No

Yes

If **YES**, please include details of the nature of the disqualification, limitation or restriction, the date, and the name and address of the licensing or regulatory body concerned.

8. **Are you currently the subject of any investigation or fitness to practise proceedings by any licensing or regulatory body in the United Kingdom or in any other country?**

No

Yes

If **YES**, please include details of the reason given for the investigation and/or proceedings undertaken, the date, details of any limitation or restriction to which you are currently subject, and the name and address of the licensing or regulatory body concerned.

**9. Are you an individual:**

- who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged; or
- who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it; or
- who within the preceding five years has been convicted in the British Islands of any offence and a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him; or
- who is subject to an unexpired disqualification order made under the Company Directors' Disqualification Act 1986.

No

Yes

If **YES**, please provide full details.

**10. Are you a body corporate, or a body corporate with a parent body corporate:**

- where one or more of the Directors of the body corporate or of its parent body corporate is an unfit person under the provisions of sub-paragraph (a) of this paragraph, or
- in relation to which a voluntary arrangement is proposed under section 1 of the Insolvency Act 1986, or
- which has a receiver (including an administrative receiver within the meaning of section 29(2) of the 1986 Act) appointed for the whole or any material part of its assets or undertaking, or
- which has an administrator appointed to manage its affairs, business and property in accordance with Schedule B1 to the 1986 Act, or
- which passes any resolution for winding up, or
- which becomes subject to an order of a Court for winding up.

No

Yes

If **YES**, please provide full details.

**11. Are you currently subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying?**

No

Yes

If **YES**, please provide full details.

12. Do you know of any other matters in your background which might cause your reliability or suitability for employment or volunteering role to be called into question?

No

Yes

If **YES**, please include details.

Please note that you are not required to disclose information about convictions, cautions (including reprimands and final warnings) which are deemed as spent under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 - as outlined in the applicant notes above.

If you have answered 'yes' to any of the questions above, please use this space to provide details. Please **indicate clearly the number(s) of the question** that you are answering.

You may continue on a separate sheet if necessary and may attach supplementary comments should you wish to do so.

## DECLARATION

### IMPORTANT

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Act 1998 defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning your appointment, Yeovil District Hospital NHS Foundation Trust will not retain this declaration form any longer than is necessary (see further details in 'Guidance Notes for Applicants'). This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the organisation who are authorised to view it as a necessary part of their work.

**In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.**

I have read the 'Guidance Notes for Applicants' that accompanied my application form, and I consent to the information provided in this declaration form being used by Yeovil District Hospital NHS Foundation Trust for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

**Please sign and date this form.**

<b>Name:</b>		<b>Signature:</b>	
<b>Post:</b>		<b>Department:</b>	
<b>Date:</b>			

**Please complete and return this form in a separate envelope marked 'confidential' to:**  
Recruitment Team, Yeovil District Hospital NHS Foundation Trust, Higher Kingston, Yeovil,  
Somerset, BA21 4AT

**If you wish to withdraw your consent at any time after completing this declaration form or you have any enquiries relating to information required in this form, please contact the Recruitment Team on 01935 384586.**



### **FIT AND PROPER PERSONS TEST DECLARATION**

(Annual Declaration for Directors in Post)

The position you hold is subject to Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This regulation requires that Yeovil District Hospital NHS Foundation Trust must not appoint, or have in place, a) an individual as a director of the Trust, or b) performing the functions of, or functions equivalent or similar to the functions of, such a director, without being satisfied that the individual is a fit and proper person to hold such a position.

You are therefore asked to complete the following declaration to satisfy the Trust of your continued suitability for the position.

We will discuss with you any information declared by you that we believe may have a bearing on your continued suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event you still remain free, should you wish, to discuss the matter with the Company Secretary in the first instance.

Answering 'yes' to any of the questions below will not necessarily bar you from continued service with Yeovil District Hospital NHS Foundation Trust. This will depend on the relevance of the information you provide and the particular circumstances. However, your employment/office may be ended if the Trust is not satisfied with the information/explanation provided.

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I hereby confirm that I am not:

a) an individual

- i. who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged; or
- ii. who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it; or
- iii. who within the preceding five years has been convicted in the British Islands of any offence and a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him; or
- iv. who is subject to an unexpired disqualification order made under the Company Directors' Disqualification Act 1986; or

b) a body corporate, or a body corporate with a parent body corporate:

- i. where one or more of the Directors of the body corporate or of its parent body corporate is an unfit person under the provisions of sub-paragraph (a) of this paragraph, or
- ii. in relation to which a voluntary arrangement is proposed under section 1 of the Insolvency Act 1986, or

- iii. which has a receiver (including an administrative receiver within the meaning of section 29(2) of the 1986 Act) appointed for the whole or any material part of its assets or undertaking, or
- iv. which has an administrator appointed to manage its affairs, business and property in accordance with Schedule B1 to the 1986 Act, or
- v. which passes any resolution for winding up, or
- vi. which becomes subject to an order of a Court for winding up.

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my dismissal, and I may be liable to prosecution.

<b>Name:</b>		<b>Signature:</b>		<b>Date:</b>	
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