



# Through the Audit Committee Lens

## Fit and Proper Person Test

September 2023

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## Fit and Proper Person Test

### 1. Introduction & Background

On 2<sup>nd</sup> August 2023 NHS England (NHSE) published the [Fit and Proper Person Test Framework for board members](#). The Framework has been developed in response to the recommendations of the Kark Review (2019) outlining requirements for recording Fit and Proper Person Test (FPPT) details on NHS Electronic Staff Record (ESR), mandatory reference requirements and extending coverage to commissioners (including ICBs) and other appropriate arm's length bodies.

The Framework is effective from 30<sup>th</sup> September 2023 and all NHS boards should ensure the implementation of the Framework's requirements from that date (historic data collection is not required but NHS organisations should apply the Framework for new board level appointments, promotions and for annual assessments going forward).

The revised Framework incorporates the following Kark Review (2019) recommendations:

- *All directors should meet specified standards of competence to sit on the board of any health-providing organisation. Where necessary, training should be available.*
- *That a central database of directors should be created to hold relevant information about qualifications and history.*

- *A mandatory reference requirement for each director should be introduced.*
- *The FPPT should be extended to all commissioners and other appropriate arm's length bodies.*
- *Remove the words 'privy to' from regulation.*

### 2. Required Actions and Next Steps

This Insight provides information to support audit committees in review of their organisation's approach to the FPPT.

We have also developed a FPPT Checklist to support management in preparing to adopt the new framework.

### 3. The Audit Committee's Role and the FPPT

In the NHS the role of the Audit Committee is to 'review and report on the relevance and rigour of the governance structures in place and the assurances the board receives'<sup>1</sup>.

Whilst it ultimately the Chair's responsibility to ensure the organisation complies with FPPT requirements, the Audit Committee should be assured on the robustness of the mechanisms in place for FPPT.

The revised Framework includes a requirement for internal audit to review FPPT processes at least once every three years, which will support the audit committee's in meeting their obligations.

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<sup>1</sup> NHS Audit Committee Handbook, HFMA, 2018

We have listed below what we view to be key questions for Audit Committee members to consider:

1. What assurances have you received to confirm that FPPT processes will comply with the NHSE Framework from 30<sup>th</sup> September 2023?
2. Do FPPT processes cover all board members as per the NHSE definition?
3. In the case of ICBs has your Chair established a process to consider FPPT assessment on a member-by member basis taking into account assurance received from other recruiting/appointing organisations?
4. Do FPPT processes clearly provide assurance of compliance with Regulation 5 requirements (in line with elements outlined in the Framework)?
5. Have access management processes been reviewed for ESR to ensure FPPT information can only be accessed by appropriate individuals?
6. Are processes in place to report the high-level outcome of FPPT assessments in your annual report or elsewhere on your website?

7. Are evidenced processes in place to undertake a formal assessment of the fitness and propriety of each board member annually? Is this assessment carried out alongside annual appraisals?
8. Are FPPT requirements included in systems and processes for recruitment, induction, training, appraisals, governance arrangements, disciplinary and dismissal processes?
9. Have processes been established to ensure every board member completes an annual self-attestation confirming adherence to FPPT requirements?
10. When was an internal audit of FPPT processes last undertaken?

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**Find out more:** If you have any queries or feedback on this briefing, please contact:  
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