

## Fit and Proper Persons - Directors Policy

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Regulation 5 outlines the requirements for any directors of a company to be fit and proper to carry out the role.

**This does NOT apply to individual or partnership registrations.**

The CQC assesses the fitness of health service providers by focusing on the fitness of the nominated individuals. It will consider whether appropriate steps have been taken 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
- Has no personal history of serious misconduct or mismanagement in carrying on a regulated care activity, which would make the person ineligible for the role.

As an Organisation, we make every reasonable effort to assure ourselves about the suitability of an individual by all means available.

Documentation verifying the checks conducted for each individual will be retained in accordance with the practice policy throughout their employment with us and subsequently be available through archiving.

If an individual who holds an office or position no longer meets the requirements, the Organisation will take such action as is necessary and proportionate to ensure that the relevant office or position is held by someone who does meet the requirements.

### Meeting Compliance

To ensure compliance with regulatory requirements, and to be able to demonstrate to the CQC that we have robust and effective systems:

- Recruitment processes in place to assess the suitability of all newly appointed director(s).
- Assessment processes in place to regularly monitor and review the ongoing fitness of directors in their employment in the form of appraisals and revalidation processes as appropriate.
- Arrangements in place to handle concerns about a director's fitness and suitability in a timely manner.

The following recruitment checks will be carried out for new appointments:

- References and full employment history.
- DBS checks (at enhanced level for all directors)
- Copies of certificates of relevant qualifications and professional registrations for the post held.
- Checks against applicable professional registration will also be requested to make sure that the prospective appointee has not been struck off any register to which they belonged as a

result of misconduct, which could mean that the person would be unfit to fulfil a position of trust and authority with the company.

- Verification of identification
- Right to work
- Occupational health clearance
- Insolvency and bankruptcy register check; and
- Disqualified directors register check.

Existing directors will be required to sign a fit and proper person declaration form on an annual basis. In addition to the annual 'fit and proper person' declaration, annual checks are also carried as follows:

- Search of the insolvency and bankruptcy register
- Search of Companies House Disqualified Directors Register

Any serious misconduct renders a director unfit within the terms of the fit and proper person requirement.

Where the CQC has its own concerns about a director, it has the power to take enforcement action against the employing organisation.

#### Document Control

<b>Title:</b>	Fit and Proper Persons – Directors Policy
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## Change History

<b>Version</b>	<b>Status</b>	<b>Date</b>	<b>Author / Editor</b>	<b>Details of Change</b> (Brief detailed summary of all updates/changes)
0.1	Final	02/05/23	HD	Review of original policy, slight changes to the content. Includes reference to Regulation 5 of the Health and social Care act 2008 (Regulated Activities) 2014 Regulation.
0.2	Final	17/10/23	HD	Final checks before publishing

The latest approved version of this document supersedes all other versions, upon receipt of the latest approved version all other versions should be destroyed, unless specifically stated that previous version(s) are to remain extant. If in any doubt, please contact the document Author.

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