

DEFINITION AND PURPOSE

The "fit and proper person" requirement is a regulatory standard enforced by the Care Quality Commission (CQC) to ensure that individuals in key positions within health and social care organisations are suitable for their roles in delivering safe and effective care. This standard applies to directors, board members, and equivalent senior management positions in organisations regulated by the CQC.

Criteria for Fit and Proper Person

To be considered a fit and proper person, an individual must meet several criteria:

- **Good character:** This involves having integrity and honesty. Background checks are conducted to assess if the individual has any criminal convictions, cautions, or any history of misconduct. **Competence and capability:** The individual must have the necessary qualifications, skills, and experience to perform their role effectively. This includes understanding relevant regulations and the operational aspects of health and social care services.
- **Health:** The individual should be physically and mentally fit to perform their role. This ensures that they can carry out their responsibilities without posing a risk to themselves or others.
- **Past conduct:** Past conduct and performance in similar roles are reviewed. This includes looking at previous employment history, any disciplinary actions taken against them, and their ability to manage services in compliance with regulatory standards.
- **Registration requirements:** If the role requires professional registration (e.g., with the General Medical Council or Nursing and Midwifery Council), the individual must be appropriately registered and in good standing.

Implementation and Checks

- **Disclosure and Barring Service (DBS) Checks:** A criminal background check to ensure there are no convictions that would disqualify the individual from holding a senior position.
- **Reference checks:** Contacting previous employers to verify the individual's past conduct and performance.
- **Health assessments:** Evaluating whether the individual is medically fit to perform their duties.

- Professional registration verification: Confirming that any required professional registrations are current and valid.

When is it Required?

The fit and proper person requirement is enforced:

- At appointment: When a new director, board member, or senior manager is appointed, the provider must ensure they meet the fit and proper person criteria.
- Ongoing Compliance: Providers must continually ensure that individuals in these positions remain fit and proper. This may involve regular reviews and checks.
- Regulatory Inspections: During CQC inspections, Providers may be asked to provide evidence that their senior leaders meet the fit and proper person requirements.