

**Annual declaration for director posts**

**Brighton & Sussex University Hospitals NHS Trust (“the Trust”)**

**“Fit and Proper Person” declaration**

1. The Trust is required to ensure, in accordance with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, that those holding director posts (executive and non-executive, permanent, interim and associate) are fit and proper to carry out this role.

2. By signing the declaration below, you are confirming that you do not fall within the definition of an “unfit person” or any other criteria set out below, and that you are not aware of any pending proceedings or matters which may call such a declaration into question.

**Regulated Activities Regulations**

3. Regulation 5 of the Regulated Activities Regulations states that the Trust must not appoint or have in place an individual as a director, or performing the functions of or equivalent or similar to the functions of, such a director, if they do not satisfy all the requirements set out in paragraph 3 of that Regulation.

4. The requirements of paragraph 3 of Regulation 5 of the Regulated Activities Regulations are that:

 (a) the individual is of good character;

(b) the individual has the qualifications, competence, skills and experience which are necessary for the relevant office or position or the work for which they are employed;

(c) the individual is able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position for which they are appointed or to the work for which they are employed;

(d) the individual has not 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; and

 (e) none of the grounds of unfitness specified in Part 1 of Schedule 4 apply to the individual.

5. The grounds of unfitness specified in Part 1 of Schedule 4 to the Regulated Activities Regulations are:

(1) the person is an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged;

(2) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;

(3) the person is a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986;

(4) the person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;

(5) the person is included in the children’s barred list or the adults’ barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland;

(6) the person is prohibited from holding the relevant office or position, or in the case of an individual for carrying on the regulated activity, by or under any enactment.

6. The grounds of good character specified in Part 2 of Schedule 4 to the Regulated Activities Regulations are:

(7) whether the person has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence.

(8) whether the person has been erased, removed or struck-off a register of professionals maintained by a regulator of health care or social work professionals.

I acknowledge the extracts from the Regulated Activities Regulations above. I confirm that I do not fit within the definition of an “unfit person” as listed above and that there are no other grounds under which I would be ineligible to continue in post. I undertake to notify the Trust immediately if I no longer satisfy the criteria to be a “fit and proper person” or other grounds under which I would be ineligible to continue in post come to my attention.

Name: **[Name]**  Signed:

Position: **[Position]**  Date: