

Dr Minh Alexander

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Dear Dr Alexander,

Thank you for your emails of 12 and 13 February 2018.

The consultation and review of the Fit and Proper Person Requirement (FPPR) were conducted in line with policy to consider how we could improve the process for a newly introduced regulation after an agreed period of time.

The intention of the updated guidance is to show how we will share information of concern and how serious mismanagement and misconduct are defined. We have included this additional guidance in response to feedback from providers. NHS Providers have also produced further guidance for providers.

The recent recommendation of the report by Dr Bill Kirkup, into Liverpool Community Trust, is that the Department of Health and Social Care (DoHSC) considers the wider application of the FPPR regulation and I would encourage you to be involved in any consultation exercise undertaken by the DoHSC.

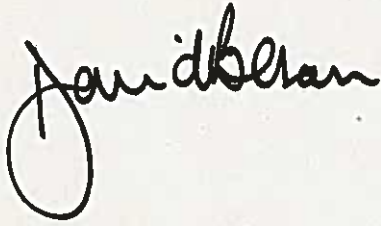
The Care Quality Commission (CQC) can only operate within the current regulation, which relates to Directors (or anyone performing the role of Director) of any provider bodies registered with CQC. There has been no change to Regulation 5, only to the guidance we have produced for providers and inspectors.

The current regulation holds providers to account to assure themselves of the fitness of their Directors, without regulating individuals or creating a barring scheme. It is not the responsibility of CQC to ensure fitness, although we can take action against the provider if we believe an unfit person to be in a directorship position. CQC assesses whether registered providers have appropriate processes for ensuring their Directors meet the fit and proper person's requirement.

I can confirm that we do not intend to review the FPPR referrals we have managed since the regulation was introduced in November 2014 for NHS Trusts, because as I have explained, the regulation has not changed, and we do not believe the issue of our new guidance makes this necessary.

I would like to thank you for writing to me and sharing your concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Behan'. The signature is fluid and cursive, with a large loop at the end of the last name.

**Sir David Behan CBE**  
**Chief Executive**