



Non-Executive Director - NHS Counter Fraud Authority

Information pack for applicants

Closing date: Midday on Tuesday, 17 October 2023
Reference no: VAC-6825

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Section 1 – The Role

1.1 Role description and person specification

Role Description

As a Non-Executive Director of the NHS Counter Fraud Authority (NHSCFA), you will be responsible for ensuring the sound governance of the NHSCFA, including ensuring robust and effective systems of financial control and risk management are in place. Along with the Non-Executive team, you will contribute to the development of the strategy and annual objectives.

You will also ensure that the NHSCFA promotes the values of the NHS by setting a high standard for ethics and responsible business. You will build, maintain and enhance NHSCFA's reputation as an open and independent body that places a high priority upon preventing and detecting fraud and recovering losses where they occur. This will ensure public funds essential to delivering effective patient care, are directed to where they are needed most.

You will play a key role in ensuring that the organisation is focused upon providing excellent services and good value for money and enabling the NHSCFA to contribute to the wider aims of the NHS. You will provide appropriate challenge, scrutiny and support at Board level, ensuring the NHSCFA is doing all it can to reduce fraud in the NHS and is meeting its obligations related to the Government Functional Standard GovS 013: Counter Fraud.

Key responsibilities

Strategy

- Develop and promote the strategic focus of the NHSCFA through constructive debate and challenge at Board level
- Support the maintenance and development of effective relationships with external stakeholders, including member organisations and partner bodies in the health and social care system. Where appropriate, to act as a good ambassador for the NHSCFA
- Help to strengthen the reputation of the NHSCFA through ensuring that it provides timely and relevant expertise to the NHS

Performance

- Ensure the Board acts in the best interests of the public and other stakeholders and is fully accountable for the services provided and the expenditure of public funds
- Set ambitious targets for all aspects of the NHSCFA's work to ensure that it delivers high quality services, decision making and advice

People

- Ensure that the NHSCFA has appropriate policies to promote the interests and training of its staff, so that they can provide an excellent service to customers

- Ensure that the NHSCFA develops and maintains strong working relationships with the Department of Health and Social Care, other health arms-length bodies and other stakeholders at all levels.

Person specification

Ministers are seeking to make 2 Non-Executive Director appointments to the board of the NHS Counter Fraud Authority (NHSCFA).

The Department of Health and Social Care values and promotes diversity and encourages applications from all sections of the community. The boards of public bodies should reflect the population they are there to serve. Boards also benefit from fresh perspectives, and we are always keen to encourage candidates new to public appointments to consider applying for our roles.

To be considered, you must be able to demonstrate that you have the qualities, skills and experience to meet all the essential criteria for appointment.

Essential Criteria

- A career record of achievement, with an ability to operate effectively on the board of a high-profile national organisation that operates in a complex system
- An ability to guide the NHSCFA's strategic direction with an ability to analyse complex and sometimes conflicting data and to draw balanced conclusions from information presented to you
- Excellent communication skills with the ability to gain the confidence of senior stakeholders and challenge management recommendations where necessary.
- First class team-working skills and the willingness to work in a corporate manner to achieve the NHSCFA's objectives.

Desirable criteria:

- A data/tech, accounting, legal or investigative background.

Remuneration and status of appointment

- NEDs are remunerated at the standard rate of £7,883 a year.
- Remuneration for this role is treated as employment income and will be subject to tax and National Insurance contributions, both of which will be deducted at source under PAYE before you are paid.
- You can claim reimbursement for reasonable travel and subsistence costs which are properly and necessarily incurred on official business, in line with the travel and subsistence policy and rates of the NHSCFA. However, these payments are taxable as earnings and will be subject to tax and national insurance, both of which will be deducted

at source under PAYE before you are paid. A copy of the policy and rates can be obtained from the NHSCFA.

- This is an office holder appointment and does not attract any benefits under any Civil Service Pension Scheme. You will not be eligible for redundancy pay as you are not an employee. No other arrangements have been made for compensation upon the end of your term of appointment because an office holder who is appointed for a limited duration would have no expectation of serving beyond that period.
- As this is an office holder appointment, you will not become a member of the Civil Service. You will not be subject to the provisions of employment law.

Time commitment

2 to 3 days per month.

Location

The location of main office is:

Government Hub
10 South Colonnade
Canary Wharf
London
E14 5EA

Board meetings take place every two months in London, Coventry or Newcastle & Virtual

Tenure of office

Ministers will determine the length of the appointment, which will be up to 3 years.

The possibility of re-appointment for a further term is at the discretion of Ministers. Any re-appointment is subject to satisfactory annual appraisals of performance during the first term in the post. There is no automatic presumption of re-appointment; each case should be considered on its own merits, taking into account a number of factors including, but not restricted to, the diversity of the current board and its balance of skills and experience. In most cases, the total time served in post will not exceed more than two terms or serve in any one post for more than ten years.

Accountability

Non-Executive Directors are appointed by the Secretary of State for Health and Social Care and are accountable to the Secretary of State via the Chair for carrying out their duties and for their performance.

For a discussion about the role

For further information regarding the role of the NHSCFA and the role of a NED please contact:

Name: Jane Robinson

Tel: 020 7210 4852

Email: Jane.Robinson@dhsc.gov.uk

1.2 NHSCFA role and responsibilities

The NHS Counter Fraud Authority (NHSCFA) is a Special Health Authority, created under section 28 of the National Health Service Act 2006 and established on 1 November 2017, under The NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017. It carries out the Secretary of State's counter fraud functions in respect of the health service in England.

With a resource of around 163 full time staff, NHSCFA received an indicative non-ringfenced revenue budget allocation of £13.254 million in 2022/23. The NHSCFA produces an annual Strategic Intelligence Assessment (SIA). The SIA 2022 estimates the NHS in England is vulnerable to £1.198 billion worth of fraud each year.

The NHSCFA Board is responsible for providing strategic leadership for the organisation and ensuring that the ALB is able to account to Parliament and the public on how it delivers its functions. The NHSCFA published its [Annual Report and Accounts 2022/23](#) on 13 July 2023.

The current NHSCFA strategy covers the period of 2020-2023 and will soon publish a new strategy, setting out the organisations' priorities, for the next 3 years.

- NHSCFA website: <https://cfa.nhs.uk/>
- NHSCFA corporate publications: <https://cfa.nhs.uk/about-nhscfa/corporate-publications>
- NHSCFA website (NHSCFA Six principles of Good Practice and Value and Behaviours Framework): <https://cfa.nhs.uk/about-nhscfa/working-at-nhscfa/values-and-behaviour-framework>
- GOV.UK (Government Partnerships with Arms-Length Bodies Code of Good Practice): <https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>

Section 2: The recruitment

2.1 Making an application

Thank you for your interest in the appointment of a Non-Executive Director.

The Department of Health and Social Care's Honours and ALB Public Appointments Unit is managing this recruitment campaign.

In order to apply, you will need to [create an account](#) or [sign in](#) on the "Apply for a public appointment" website.

Once you are logged into your account, click on 'apply for this role' and follow the on-screen instructions. To apply, all candidates are required to provide:

- a Curriculum Vitae (CV)
- a Supporting Statement
- equality information
- information relating to any outside interests or reputational issues

Guidance on what to include in your CV/Supporting Statement and tips for applying can be found in the corresponding sections below and on the public appointment website: [Public appointments - GOV.UK](#).

We will ask you to check and confirm your personal details to ensure your application is accurate.

You will also have the opportunity to make a reasonable adjustment request or apply under the disability confident scheme before you submit your application.

You will also be required to make any declarations related to standards in public life and ensuring public confidence in your Supporting Statement. Further information on this can be found in the relevant section below.

If you are unable to create an account and apply online, or if you have any problems submitting your application online, please contact Daniel Clemence on 0113 2545335 or Steve Howell on 0113 2545539

Applications must be received by **midday on Tuesday, 17 October 2023**.

The Advisory Assessment Panel reserves the right to only consider applications that contain all of the elements listed above, and that arrive before the published deadline for applications.

In completing an application, please firstly note the following in relation to:

- Disqualification from appointment
- Outside interests and reputational issues: Conflicts of interest
- Outside interests and reputational issues: Political Activity and social media

- Standards in public life and ensuring public confidence.

Disqualification from appointment

The Cabinet Office sets out the following regarding all public appointments:

In general, you should have the right to work in the UK to be eligible to apply for a public appointment. There are a small number of specialist roles that are not open to non-British citizens. Any nationality requirements will be specified in the vacancy details.

The Government expects all holders of public office to work to the highest personal and professional standards. You cannot be considered for a public appointment if:

- you are disqualified from acting as a company director (under the Company Directors Disqualification Act 1986)
- have an unspent conviction on your criminal record
- your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors.

In addition, legislation related to NHSCFA sets out how individuals are disqualified from appointment as a NHSCFA NED, if they/are:

- Work for or hold other certain positions on a health service body or a body which provides services under a commissioning contract, or you are contracted in some capacity to provide services to such a body
- Have been dismissed as an employee in the last 5 years (other than by redundancy) from a health service body or a body which provides health services under a commissioning contract
- Had your appointment terminated at any point on certain grounds from other positions on a health service body or from another role on a body which provides health services under a commissioning contract
- Have been convicted of a criminal offence within the previous 5 years and sentenced to imprisonment or been subject to certain decisions directions under the Competition Act 1998 or has been a party to an agreement which was the subject of a regulatory or judicial finding or decision.
- Have been subject to a bankruptcy order or restrictions order
- Have been subject to a disqualification order or undertaking in relation to Company Directors
- Have been disqualified from being or removed from office as a charity trustee on certain grounds

- Have been refused from inclusion on a list that allows you to provide primary medical, dental, ophthalmic or pharmaceutical services or you have been suspended or removed from such a list on certain grounds

Also:

- You cannot hold office as a chair or NED of an NHS Trust whilst you are a chair, member, director or employee of the NHS Counter Fraud Authority.
- You cannot hold office as a chair or non-officer member of the NHS Business Services Authority if you are the chair, chief executive or non-officer member of the NHS Counter Fraud Authority.

The above is only intended to act as a summary and you should consider the full legislation, which is attached for your ease at **Annex A** to this document.

When sending your application online, you will be asked to confirm that the information you have provided is true and correct and that you are eligible to apply for a public appointment. As part of this, you will also confirm that you have read any disqualification criteria for the role, and that you are willing to stand down from any other role/s in order to take up appointment. If you are currently disqualified from appointment, please provide further details in your supporting letter.

For further advice please contact Daniel Clemence at Daniel.Clemence@dhsc.gov.uk

Outside interests and reputational interests: Conflicts of interest

Before you apply you should carefully consider if you or a party related to you have any interests which could lead to a real or perceived conflict of interest if you were to be appointed.

When you apply you will be asked to complete four sections on the following:

- Financial interests
- Employment, appointments and other outside roles
- Personal interests
- Any other relevant interests or activity.

You should declare anything relevant that you think may call into question your ability to properly discharge the responsibilities of the role you are applying for, or may be perceived as having scope to do so by a reasonable member of the public.

Interests may include, (without limitation), any outside personal or business interests, any direct and indirect financial interests (such as shareholdings or share options in individual companies), or any positions of employment, other appointments or other positions of authority, that you or any party related to you have and which may influence your judgement in performing your public appointment or may be perceived by a reasonable member of the public as having scope to do so. A 'party related to you' could include for example (but

without limitation) a spouse/partner, a business partner, a close family member or a person living in the same household as you, or a close family member.

Further help and examples of the types of things which you may need to disclose will be given to you on the relevant pages when you create your account and application on the public appointments application system (gov.uk website).

Many conflicts of interest can be satisfactorily resolved and declaring a potential conflict does not prevent you from being interviewed.

If you are shortlisted, the panel will discuss any potential conflicts with you during your interview, including any proposals you may have to mitigate them, and can record that in their advice to Ministers. If Ministers wish to appoint you, an offer of appointment may be subject to you giving up any unmanageable conflicts of interest. Any interests that are deemed manageable will need to be formally declared and may be published in line with NHSCFA's organisational policy regarding Declarations of Interest.

Failure to declare a potential conflict of interest may become grounds for withdrawing an offer of appointment. If offered the role, you will also be required to make a Declaration of Interests and to keep the Declaration up to date throughout the tenure of your appointment. The requirement to declare interests will also be included in your Terms and Conditions of appointment. Failure to disclose an interest, subject to the interest and the circumstances, may become grounds during the tenure of your appointment, for suspension or termination of your appointment.

Outside interests and reputational issues: Political Activity and social media

In the same section of your online application, you will also be asked to declare if you have undertaken any political activity for a political party within the last five years and for details of any social media accounts that can be viewed by the public.

Political Activity

Political activity information is primarily for monitoring purposes only, however if you are shortlisted for interview, this information will be shared with the Advisory Assessment Panel. The reason for this, is that it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision-making, resolving conflict and public speaking. If you have had such experience and you consider it relevant to your application for this post, you should also take the opportunity to include it separately in your Supporting Statement. If possible, you should not, however, identify the relevant political party in your statement.

If you are appointed to this role, please note that any political activity you declare will be published in accordance with the Governance Code on Public Appointments. Political activity is not a bar to appointment, but it must be declared.

Social Media

You can provide up to five public social media accounts and will be asked for the full URL of each. If you apply for a public appointment and are shortlisted for interview, DHSC will

conduct appropriate checks, as part of which we will consider anything in the public domain related to your conduct or professional capacity. This may include searches of previous public statements and social media, blogs or any other publicly available information. We ask for information about your social media accounts to make sure these checks are carried out accurately.

Standards in public life and ensuring public confidence

If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment to Ministers or the ALB or cause public confidence in the appointment to be jeopardised, **it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue/s in your Supporting statement.**

This should include declaring in your Supporting Statement if:

- you are, or have been, bankrupt or you have made an arrangement with a creditor at any point, including the dates of this
- you are subject to a current police investigation
- there are any previous or pending personal conduct issues where:
 - i) a complaint/ personal conduct issue has either been upheld or partly upheld
 - ii) an investigation that relates at least in part to your personal conduct, is to take place but it is yet to start, or a similar such investigation is underway, but it is yet to conclude
 - iii) a complaint/personal conduct issue is current, but at the time of your application it is yet to be confirmed whether or how it will be investigated further.
- there are any possible reputational issues arising from your past actions or public statements that you have made (including through social media and blogs)
- there are any other matters which may mean you may not be able to meet the requirements of the Code of Conduct for Board Members of Public Bodies. You can access this document at: [Code of conduct for board members of public bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Alongside your own declaration, we will conduct appropriate checks, as part of which we will consider anything in the public domain related to your conduct or professional capacity. This may include searches of previous public statements and social media, blogs or any other publicly available information. This will be shared with the Panel.

The Panel may explore any issues you have raised or have been identified in Due Diligence checks with you as part of assessing your application.

Failure to disclose relevant information requested could result in an appointment offer being withdrawn or the appointment being terminated, as the person appointed to this role will be expected to demonstrate the highest standards of corporate and personal conduct and in line with standards set out in the Code of Conduct for Board Members of Public Bodies, which includes the Seven Principles of Public Life. As part of agreeing to the terms and conditions of appointment you will be expected to agree to meeting the standards set out in this Code.

CV

Please ensure your CV includes:

- Your full name, title, home address, personal contact telephone numbers (land line and mobile) and personal email address.
- Details of your education and qualifications, employment history, directorships, membership of professional bodies and any relevant publications or awards.
- Contact details for at least two referees. One referee should be the person to whom you are/were accountable in your current/most recent appointment or position of employment. Please indicate the relationship of each referee to you. References will be requested for short-listed candidates prior to interview
- Brief details of your current or most recent post and the dates you occupied this role, and any past or present Ministerial appointments.

Supporting Statement

The Supporting Statement is your opportunity to demonstrate how you meet each of the criteria set out in the person specification. You may want to add the essential and/or desirable criteria set out in the role description as subheadings and in your statement and provide evidence underneath these. This will help the Advisory Assessment Panel to see how your skills and expertise relate to the role.

Please also set out details regarding any reputational issues (see above guidance on Standards in Public life).

Please ensure your full name, the role to which you are applying and the corresponding reference number for the post are clearly noted at the top of your Statement.

Please write all acronyms in full first, limit your statement to two pages and type or write clearly in black ink.

We will commission a pre-assessment of candidate applications which will then be provided to the Panel for consideration and to inform the shortlisting process. By applying, you are agreeing to your application being shared with another party for pre-assessment. It is the responsibility of the panel to determine who it believes best meet the criteria for the role, and who should be invited to interview.

You must inform the Department if, *during the application and assessment process*, your circumstances change in respect to any information that has been or should have been provided by you in your application.

Equality Information

You will be asked to complete questions on equality information when completing your application online. If you have previously created an account, the responses from that previous application will be saved. You will have the opportunity to review and edit your responses before you submit an application.

We encourage applications from talented individuals from all backgrounds and across the whole of the United Kingdom. Boards of public bodies are most effective when they reflect the diversity of views of the public they serve and this is an important part of the Government's levelling up agenda.

We collect equality information, including information about applicants' characteristics and educational and professional backgrounds so that we can make sure we are attracting a broad range of people to these roles and that our recruitment processes are fair for everyone. Without this information, it makes it difficult to see if our outreach is working, if the application process is having an unfair impact on certain groups and whether changes are making a positive difference.

The data you provide is used to produce anonymised management information about the diversity of applicants. You can select "prefer not to say" to any question you do not wish to answer. **The information you provide will not be seen by the Advisory Assessment Panel.**

Reasonable Adjustments

We are committed to making reasonable adjustments to make sure applicants with disabilities, physical or mental health conditions, or other needs are not substantially disadvantaged when applying for public appointments. This can include changing the recruitment process to enable people who wish to apply to do so.

Some examples of adjustments are:

- ensuring that application forms are available in different or accessible formats
- making adaptations to interview locations
- allowing candidates to present their skills and experience in a different way
- giving additional detailed information on the assessment process to allow candidates time to prepare themselves
- allowing support workers, for example sign language interpreters
- making provision for support animals to attend.

When you complete your application online, you will be given the opportunity to tick a box to request reasonable adjustment(s) to the application process at the "check your answers before sending your application" stage.

Disability Confident Scheme

The Department of Health and Social Care values and promotes diversity and is committed to equality of opportunity for all and to the appointment of disabled people. We are a member of the Government's Disability Confident Scheme. We use the Disability Confident Scheme symbol, along with other like-minded employers, to show our commitment to good practice in appointing people with a disability. The Scheme helps recruit and retain disabled people.

As part of implementing the Scheme, we guarantee an interview to anyone with a disability whose application meets all the essential criteria in the person specification for the role and who has asked that their application is considered under the Scheme. Indicating that you wish your application to be considered under the Scheme will in no way prejudice your application.

What do we mean by a disability?

To be eligible for the Disability Confident Scheme you must have a disability or long-term health condition, which could be physical, sensory or mental and must be expected to last for at least 12 months. You do not have to be registered as a disabled person to apply under this Scheme.

If you wish to apply under the Scheme, please tick the relevant box at the "check your answers before sending your application" stage of your online application.

2.2 The Assessment Process

We will deal with your application as quickly as possible and will advise you of the likely timetable at each stage.

Planned timetable

- Closing date: Midday on 17 October 2023
- Shortlisting: W/C 06 November (TBC)
- Interviews: W/C 27 November (TBC)

Advisory Assessment Panel

Advisory Assessment Panels (AAP) are chosen by Ministers to assist them in their decision-making. These include a departmental official and an independent member. For competitions recruiting non-executive members of a board (apart from the Chair), the panel will usually include a representative from the public body concerned.

AAP's perform a number of functions, including agreeing an assessment strategy with ministers, undertaking sifting, carrying out interviews in line with the advertised criteria and deciding objectively who meets the published selection criteria for the role before recommending to ministers which candidates they find appointable. It is then for the minister to decide who to appoint to the role.

The panel will include:

- Sean Byrne, DHSC senior sponsor for NHSCFA (panel chair)
- TBC, Counter Fraud Authority Chair (panel member)
- TBC, as the Independent Panel Member

Assessment

- Ministers are responsible and accountable to Parliament for the public appointments made within their department. As a result, they must be consulted at every stage of the appointments process.
- An Advisory Assessment Panel (AAP) is appointed by Ministers to assist them in their decision making. The role of the Panel is to decide, objectively, which candidates meet the eligibility criteria for the role.
- At the shortlisting meeting the AAP will assess applications against the essential criteria and decide which candidates have best met the criteria, who should be recommended for interview. Ministers will then be consulted on the AAP's recommended shortlist. If you have applied under the Disability Confident Scheme and you meet all the essential criteria, then you will also be invited for an interview.

- If you apply under the Disability Confident Scheme and you are not shortlisted for interview, we can provide a summary of the assessment of your written application, if you choose to request feedback. However, we regret that due to the volume of applications received, we are only able to offer feedback to candidates who have been unsuccessful at the interview stage.
- Once the shortlist has been agreed by Ministers, you will be advised (by e-mail) whether you have been shortlisted. Those shortlisted will be invited to an interview. Interviews will be conducted either face-to-face, in central London or by video/ teleconference. We will confirm arrangements to shortlisted candidates in due course.
- If you are invited to interview and are unable to attend on the set date, then an alternative date can only be offered at the discretion of the AAP.
- The AAP will meet again to interview candidates and determine who meets the essential criteria and is therefore appointable to the role. The AAP may invite you to make a brief presentation at the start of the interview and will go on to question you about your skills and experience, including asking specific questions to assess whether you meet the criteria set out for the post. The AAP will also explore with you any potential conflicts of interest or any other issues arising from your personal and professional history which may impact on an appointment decision (see section 2.1 for further details).
- Details of the panel's assessment of interviewed candidates are provided to Ministers, including whether they have judged a candidate to be appointable to the role. It is then for Ministers to decide who should be appointed. In some circumstances, Ministers may choose not to appoint any candidates and re-run the competition.
- Ministers may choose to meet with candidates before making a decision. Candidates should therefore be prepared for a short time gap between interview and a final appointment decision being made. Candidates who have been interviewed will be kept informed of progress.
- Once the decision on the appointment has been made, interviewed candidates will be advised of the outcome of their application, including whom they may approach for feedback, if they wish. We appreciate it takes a lot of time and effort to apply for roles, and prepare for and attend an interview, and that feedback is a valuable part of the process.

Offer of appointment

If you are successful, you will be contacted by Officials to inform you of the offer and to confirm if you would be willing to accept. If you would, then the next steps will be to ask you to complete a Declaration of Interests form, which will be required to be signed-off by you and a senior official and for DHSC to conduct baseline security checks.

Baseline Personnel Security Standard (BPSS) checks are conducted on candidates prior to appointment and your role will be offered subject to these checks being completed. The BPSS is a recognised standard within government for the screening of individuals. The checks will require you to initially provide three forms of documentation to the Honours and ALB Public Appointments Unit to verify your identity, and then provide further personal data, by completing an online form. The link to complete this form will be sent separately to you.

Rehabilitation of Offenders Act 1974

This post is subject to an exception order under the provisions of the Rehabilitation of Offenders Act 1974. This stipulates that all previous convictions, including those that are 'spent' must be declared. Previous convictions will not necessarily preclude an individual from employment but must be declared in writing at the appropriate stage during the recruitment process.

The post holder must hold or be prepared to undergo Security Clearance vetting.

Appointment

On completion of your Declaration of Interests and baseline security checks, you will receive a letter from Ministers appointing you as a NED of NHSCFA, which will confirm the terms and conditions on which the appointment is offered.

Announcement

All public appointments are announced on GOV.UK. The announcement is required to include the length of your appointment, the remuneration for the role and whether you have declared any political activity. We will share the draft announcement with you before it is made.

Queries

For any queries about your application status or the selection process, please contact Daniel Clemence in DHSC's Honours and ALB Public Appointments Unit:

Email: Daniel.Clemence@dhsc.gov.uk

If you choose to apply, we would like to thank you in advance for your time and effort in making an application.

You will receive an automated email to confirm your application has been submitted successfully. Following the closing date, you will receive a further email from DHSC's Honours and ALB Public Appointments Unit which will confirm next steps in the selection process. If you have not received your application ID reference number within 3 working days of the advertised closing date, please contact us quoting reference VAC-6825.

Governance Code on Public Appointments and the Commissioner for Public Appointments

The Governance Code on Public Appointments, published by the Cabinet Office, sets out the principles that should underpin all public appointments. The Governance Code can be found at:

<https://www.gov.uk/government/publications/governance-code-for-public-appointments>

The regulation of public appointments against the requirements of the Governance Code is carried out by the Commissioner for Public Appointments.

The Commissioner provides independent assurance that public appointments are made in accordance with the principles set out in the Code. The Commissioner is appointed by the Queen and is independent of the Government and the Civil Service. Further information about the role of the Commissioner is available from:

<http://publicappointmentscommissioner.independent.gov.uk>

If you are not completely satisfied

The Department of Health and Social Care will aim to process all applications as quickly as possible and to treat all applicants with courtesy. If you have any complaints about the way your application has been handled, please contact Steve Howell by emailing Steve.Howell@dhsc.gov.uk

If after receiving a comprehensive response from the Department you are still concerned, you can write to the Commissioner for Public Appointments. Please contact:

The Commissioner for Public Appointments
1 Horse Guards Road
London SW1A 2HQ
Tel: 0207 271 8938
Email: publicappointments@csc.gov.uk

2.3 How we will manage your personal information

Your personal information will be held in accordance with the General Data Protection Regulation. You will not receive unsolicited paper or electronic mail because of sending the Department of Health and Social Care any personal information. No personal information will be passed on to third parties for commercial purposes.

When we ask you for personal information, we promise we will:

- Only ask for what we need, and not collect too much or irrelevant information
- Ensure you know why we need it
- Protect it and insofar as is possible, make sure nobody has access to it who shouldn't
- Ensure you know what choice you have about giving us information
- Make sure we don't keep it longer than necessary
- Only use your information for the purposes you have authorised

We ask that you:

- Provide us with accurate information

- Inform us as soon as possible of any changes or if you notice mistakes in the information we hold about you

The Department of Health and Social Care will process personal data relating to you in accordance with: the Department of Health and Social Care data protection policy at [DHSC privacy notice - GOV.UK \(www.gov.uk\)](http://www.gov.uk) and the Cabinet Office's data protection policy for public appointments at [Privacy – Apply for a public appointment – GOV.UK \(apply-for-public-appointment.service.gov.uk\)](http://apply-for-public-appointment.service.gov.uk)

If you apply for a post, we will share some of the information you provide with the members of the selection panel for the post to which you are applying, so that your CV and supporting letter can be assessed.

The diversity information you provide will not be used in the selection process and will therefore not be shared with the Advisory Assessment Panel assessing your application at any stage. However, panels may review the political activity response at the interview stage. This in no way acts as a bar to appointment.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. The Department of Health and Social Care is required by the Commissioner for Public Appointments to retain information about the people who apply for public appointments within his remit and make this information available to him for audit purposes, if requested to do so. Information you provide in your application may therefore be made available to the Commissioner for Public Appointments and the Commissioner's auditors on a confidential basis to help fulfil either the Commissioner's formal complaints investigation role or for audit purposes.

Annex A – NHS Counter Fraud Authority Legislation Further Information

Disqualification

1. A person is disqualified as chair or non-officer member if they hold a position as a chairperson, member, officer, governor or director with, or is employed by, or contracted in any capacity to provide services to:
 - a. any health service body; or
 - b. any person or body which is not a health service body but which provides services under a commissioning contract within the meaning of section 6E of the NHS Act 2006

2. A health service body means:
 - a. the Board
 - b. a clinical commissioning group
 - c. an NHS trust (only relevant for Chair appointments and not for other members)
 - d. an NHS foundation trust (only relevant for Chair appointments and not for other members)
 - e. a special health authority
 - f. a combined authority or local authority in England carrying out functions provided for in the NHS Act 2006
 - g. Care Quality Commission
 - h. Health Education England
 - i. Health Research Authority
 - j. Health and Social Care Information Centre
 - k. Human Fertilisation and Embryology Authority
 - l. Human Tissue Authority
 - m. National Institute for Health and Care Excellence
 - n. An executive agency of the Secretary of State for Health and Social Care.

3. A person will also be disqualified if they have:
 - a. within the previous five years been convicted in the United Kingdom of any criminal offence; and
 - b. as a consequence of that conviction, been sentenced to a sentence of imprisonment (whether suspended or not); and neither the conviction has been quashed nor the sentence reduced to a sentence other than a sentence of imprisonment (whether suspended or not) on appeal
 - c. after attaining the age of 18 years, in respect of acts or omissions occurring on or after the person's attaining the age of 18 years:
 - i. 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 a criminal offence involving fraud, theft or bribery and the conviction has not been quashed on appeal
 - ii. been party to an agreement which is the subject of a decision under section 31 of the Competition Act 1998, subject to directions under section 32 or 33 arising from such a decision, including interim directions under section 35 of the Competition and Markets Authority in respect of prohibitions in Chapter 1 or Chapter 2 of Part 1 of the Competition Act 1998, or under Article 101(1) or 102 of the Treaty on the Functioning of the European Union, unless the decision has been successfully appealed under section

- 46 or 49 (further appeals) of the Competition Act 1998 and appeal proceedings have concluded; or
- iii. been subject to, or been party to an agreement which was, the subject of a regulatory or judicial finding or decision, other than one which was successfully reviewed or appealed, in respect of matters similar to those mentioned in para (ii) pursuant to the repealed legislation mentioned in sections 1 and 17 of the Competition Act 1998.
 - d. been the subject of a bankruptcy order within the meaning of section 381 of the Insolvency Act 1986, a bankruptcy restrictions order, an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, a debt relief restrictions order, or an interim debt relief restrictions order under Schedule 4ZB to that Act. Or is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or sequestration of the person's estate has been awarded and not recalled, or the person is a debtor who has not been discharged within the meaning of the Bankruptcy (Scotland) Act 2016, or is the subject of a bankruptcy restrictions order or interim bankruptcy restrictions order under Part 13 of that Act
 - e. been dismissed within the previous five years, otherwise than by reason of redundancy, from any paid employment with a health service body or any person or body which is not a health service body but which provides services under a commissioning contract within the meaning of section 6E of the NHS Act 2006.
 - f. had their tenure of office as the chairperson, a member, a director or a governor of a health service body has been terminated on the grounds:
 - i. that it was not in the interests of the health service body or of the health service that the person should continue to hold the office
 - ii. of non-attendance at meetings
 - iii. of non-disclosure of a pecuniary interest; or
 - iv. of misbehaviour, misconduct or failure to carry out the duties of the post or position held by the person
 - g. had their tenure of office as the chairperson, a member, a director or a governor of any person or body which is not a health service body but which provides services under a commissioning contract within the meaning of section 6E of the NHS Act has been terminated on the grounds of—
 - i. non-disclosure of a pecuniary interest; or
 - ii. misbehaviour, misconduct or failure to carry out the duties of the post or position held by the person
 - h. been subject to a disqualification order or undertaking under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986, the Company Directors Disqualification (Northern Ireland) Order 2002 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (disabilities on revocation of administration order against an individual)
 - i. removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which the person was privy, or which was contributed to or facilitated by the person's conduct; or disqualified from being a charity trustee in Scotland pursuant to section 69 of the Charities and Trustee Investment (Scotland) Act 2005;
 - j. been refused inclusion in a list maintained pursuant to regulations made under sections 91, 103, 123 or 147A of the NHS Act 2006 by reason of any matter concerning the person's honesty or probity
 - k. been included in such a list but that inclusion is suspended or subject to conditions by reason of any matter concerning the person's honesty or probity

- l. been included in such a list but has been removed or contingently removed from that list by reason of any matter concerning the person's honesty or probity
 - m. been similarly prevented from providing primary medical, dental ophthalmic or pharmaceutical services elsewhere in the United Kingdom in circumstances corresponding to those set out in paragraphs (i) to (k) in relation to England and in relation to whether a matter concerns the person's honesty or probity, the question, in any case that is disputed by the person concerned, is to be determined by the Secretary of State or, where requested by the Secretary of State in cases not concerning the chairperson's qualification to hold office, the chairperson.
4. An appointee cannot hold simultaneous offices in a number of bodies. These include:
- a. A person cannot hold office as a chair or non-executive director of an NHS Trust whilst also being a member, director or employee of the NHS Counter Fraud Authority.
 - b. A person cannot hold office on the board of the NHS Business Services Authority if they are the chair, chief executive or non-officer member of the NHS Counter Fraud Authority

Cessation of disqualification

5. Where a person is disqualified as a result of:
- a. Having been dismissed within the previous five years, otherwise than by reason of redundancy, from any paid employment with a health service body or any person or body which is not a health service body but which provides services under a commissioning contract within the meaning of section 6E of the NHS Act 2006
 - b. The tenure of office of the person as the chairperson, a member, a director or a governor of a health service body having been terminated on the grounds:
 - i. That it was not in the interests of the health service body or of the health service that the person should continue to hold the office
 - ii. Of non-attendance at meetings
 - iii. Of non-disclosure of a pecuniary interest; or
 - iv. Of misbehaviour, misconduct or failure to carry out the duties of the post or position held by the person.
 - c. The tenure of office of the person as the chairperson, a member, a director, or a governor of any person or body which is not a health service body but which provides services under a commissioning contract within the meaning of section 6E of the NHS Act 2006 has been terminated on the grounds of:
 - i. Non-disclosure of a pecuniary interest; or
 - ii. Misbehaviour, misconduct or failure to carry out the duties of the post or position held by the person
 - d. The person has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which the person was privy; or which was contributed to or facilitated by the person's conduct or disqualified from being a charity trustee in Scotland pursuant to section 69 of the Charities and Trustees Investment (Scotland) Act 2005;
 - e. The person was
 - i. refused inclusion in a list maintained pursuant to regulations made under sections 91 (persons providing primary medical services), 103 (persons providing primary dental services) 123 (persons performing primary ophthalmic services) or 147A (performers of

pharmaceutical services and assistants) of the NHS Act 2006 by reason of any matter concerning the person's honest or probity

- ii. was included in such a list but that inclusion is suspended or subject to conditions by reason of any matter concerning the person's honest or probity
- iii. was included in such a list but has been removed or contingently from that list by reason of any matter concerning the person's honesty or probity
- iv. is similarly prevented from providing primary medical, dental, ophthalmic or pharmaceutical services elsewhere in the United Kingdom in circumstances corresponding to those set out in paragraphs (i), (ii), and (iii) in relation to England, and in relation to whether a matter concerns the person's honesty or probity, the question, in any case that is disputed by the person concerned, is to be determined by the Secretary of State or, where requested by the Secretary of State in cases not concerning the chairperson's qualification to hold office, the chairperson.

6. That person may, after the expiry of two years beginning on the date of the dismissal, removal, refusal or suspension (as the case may be), apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification is to cease.

7. Where the Secretary of State refuses an application to remove a disqualification, no further application may be made by that person until the expiry of the period of two years beginning with the date of the application, and this sub-paragraph is to apply to any subsequent application.

Notice and Termination

8. May resign by giving notice in writing to the Secretary of State.

9. Where the Secretary of State is of the opinion that it is not in the interests of, or conducive to the good management of, the Authority or of the health service that the chairperson or non-officer member should continue to hold office, the Secretary of State may forthwith terminate the chairperson's or non-officer member's tenure of office by giving the chairperson or that member notice in writing to that effect.

10. If the chairperson or a non-officer member fails to attend three successive meetings of the Authority the Secretary of State must forthwith terminate that person's tenure of office unless satisfied that:

- a. the absence was due to a reasonable cause; and
- b. the person in question will be able to attend meetings of the Authority within such a period as the Secretary of State considers reasonable.

11. Where a person has been appointed to be the chairperson or a non-officer member, and becomes disqualified for appointment, the chairperson or that member, as the case may be, must notify the Secretary of State in writing of such disqualification.

12. Where it comes to the notice of the Secretary of State that at the time of a person's appointment or later that person was so disqualified, the Secretary of State must forthwith declare that the person in question was not duly appointed and notify that person in writing to that effect, and upon receipt of any such notification, the person's tenure of office, if any, must be terminated, and the person must cease to act as chairperson or member, as the case may be.

13. If the chairman or a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at any meeting of the Authority at which the contract, proposed contract or other matter is the subject of consideration, they shall at the meeting and as soon as practicable after its commencement, disclose his interest and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it. If it appears to the Secretary of State that the chairman or a non-officer member has failed to comply with this, they may forthwith terminate that person's tenure of office by giving them notice in writing to that effect.

Suspension

14. The Secretary of State may suspend a chairperson or a non-officer member from office while the Secretary of State considers whether—

- a. to remove the appointee from office on the basis:
 - i. Where the Secretary of State is of the opinion that it is not in the interests of, conducive to the good management of, the Authority or the health service that the chairperson or non-officer member should continue to hold office
 - ii. If the chairperson or a non-officer member fails to attend three successive meetings of the Authority unless satisfied that the absence was due to a reasonable cause or the person in question will be able to attend meetings of the Authority within such a period as the Secretary of State considers reasonable
 - iii. If it appears to the Secretary of State that the chairperson or a non-officer member has failed to comply with paragraph 13 above.
- b. Or the appointee has become disqualified for appointment as stipulated above at paragraphs 1 to 3, or was so disqualified at the time of appointment, and if so, in the case of disqualification specifically 3(b)(i)(ii) and (iii) whether discretion should be exercised by the Secretary of State that a conviction for an offence of theft or fraud is not to disqualify a person from office if the offence is one it is appropriate to overlook by the reason of the youth of the person at the time of the commission of the offence or the impact of the offence or other mitigating factors.

15. The Secretary of State must give notice in writing to the appointee of the decision to suspend and the suspension takes effect on receipt of such notification.

16. A notice may be delivered in person; in which case the appointee is treated as receiving it when it is delivered; or sent by first class post to the appointee's last known address, in which case the appointee is treated as receiving it on the third day after the day on which it was posted.

17. The initial period of suspension must not exceed 6 months.

18. The Secretary of State may review the appointee's suspension at any time.

19. The Secretary of State must review the appointee's suspension if requested in writing by the appointee to do so but need not carry out a review less than 3 months after the beginning of the initial period of suspension.

20. A review must take into account any representations made by the appointee.

21. Following a review, the Secretary of State may revoke the suspension; or suspend the appointee for another period of not more than 6 months from the expiry of the current period.

22. The Secretary of State must revoke the suspension if at any time the Secretary of State decides that:

- a. there are no grounds to remove the chairperson or non-officer member from office under paragraphs 9, 10, or 13 above
- b. there are such grounds but the Secretary of State does not remove the appointee from office as chairperson or non-officer member, as the case may be, under these provisions; or
- c. the appointee is not disqualified for appointment under paragraphs 1 to 3 above.

Suspension of chairperson and appointment of Vice Chairperson

23. Where a chairperson is suspended, if a vice chairperson has been appointed that appointment will cease to have effect. The Secretary of State may re-appoint that vice chairman, or another non-officer member. The appointment of a vice chairperson is to be for a period, not exceeding the shorter of:

- a. the period for which the chairperson is suspended; and
- b. the remainder of the non-officer member's term as a member of the Authority.

24. When the period for which a person is appointed as vice-chairperson expires, the Secretary of State may re-appoint that person, or appoint another non-officer member as vice-chairperson.

Notice of Vice Chairperson

25. A vice chairperson may at any time resign from the office of vice-chairperson by giving notice in writing to the Secretary of State. Any notice is to take effect on the date specified within the notice or on the date that the notice is received by the Secretary of State.

Termination of Vice Chairperson

26. A person's appointment as vice chairperson may be terminated if it's in the opinion of the Secretary of State that it's in the Authority's best interests for another non-officer member to take up the role.

27. If a vice chairperson resigns or their appointment is terminated the Secretary of State may appoint another non-officer member

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