



**In Confidence**  
Tom Kark QC  
Department of Health and Social Care  
*Sent by email*

3 October 2018

Dear Mr Kark

**Re: Evidence for the Review of the Fit and Proper Persons Requirement (FPPR)**

I am writing to contribute to your review of FPPR. Please accept my apologies for not writing to you earlier.

We are currently carrying out investigations into the regulation of FPPR, which have not yet reached a conclusion. However, during these investigations, we have developed new insight and understanding into what is required for an effective whole-system approach to the regulation of FPPR.

Public sector organisations need more guidance in arriving at a sensible position on FPPR. In particular, the issues we are considering demonstrate a need for organisations that regulate FPPR to be supported to ensure that:

- there is a consistent and clear understanding of the purpose of FPPR;
- there is a transparent and clear approach to the application of Regulation 5 and responsibilities in relation to it;
- Regulation 5 is applied consistently;
- there is a rigorous process for analysing competing evidence about compliance with Regulation 5;
- the rationale for decisions on compliance with Regulation 5 is clearly explained and properly recorded;
- third parties receive timely and appropriate communication about the FPPR process; and
- there is a transparent and clear approach to enforcement.

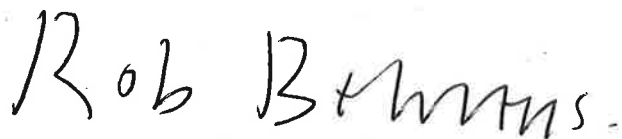


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For reasons of confidentiality, I cannot share any details about our ongoing investigations but I would welcome the opportunity to discuss our findings once these have been agreed and finalised. It is my intention to lay these before Parliament in due course. In the meantime, I hope that the issues outlined above will prove useful to your review.

Yours sincerely

A handwritten signature in black ink that reads "Rob Behrens". The letters are cursive and slightly slanted to the right.

**Rob Behrens CBE**  
Ombudsman and Chair  
Parliamentary and Health Service Ombudsman