

Public Trust Board 29 June 2021

Annual Self-Certification with NHS Provider Licence

Purpose of the report

The annual self-certification provides assurance to NHSE/I that NHS providers are compliant with the conditions of their NHS provider licence. On an annual basis, the licence requires NHS providers to self-certify that they have:

- a. effective systems to ensure compliance with the conditions of the NHS provider licence, NHS legislation and the duty to have regard to the NHS Constitution (condition G6);
- b. complied with governance arrangements (condition FT4).

Whilst NHS Trusts are not required to hold a provider licence, directions from the Secretary of State require NHSE/I to ensure that NHS trusts comply with conditions equivalent to those in the licence as it deems appropriate. NHS trusts are therefore legally subject to the equivalent of certain provider licence conditions.

Analysis of the issue

As a result of the CQC Inspection in November/December 2018 the Trust was issued with a Warning Notice in its findings that were published in February 2019.

In early May 2019 NHSI subsequently decided to move the Trust to Segment 3 under the NHSI Operating Framework. Segment Level 3 means Providers receive mandated support for significant concerns as there is an actual/suspected breach of the licence (or equivalent for NHS trusts).

Whilst the Trust has been reporting improvements in the well led agenda throughout the year, it has not had a revised SOF rating or well led inspection for the 2020/21 year. Therefore the Board is asked to authorise self-certification on the following basis:

NHS provider licence condition	Confirmed	Not confirmed
Condition G6 – The provider has taken all precautions necessary to comply with the licence, NHS Acts and NHS Constitution.		✓
Condition FT4 – The provider has complied with required governance arrangements.		✓

Proposal

The evidence provided concludes that the two NHS Provider licence conditions G6 and F4 have not been met for the financial year 2020/21.

Decision Required

To self-certify non-compliance with the provider licence conditions G6 and FT4 for 2020/21.

Governance Table

For Board and Board Committees:	Trust Board 29 th June 2021	
Paper sponsored by:	Chris Oakes, Director of Governance and Risk	
Paper authored by:	Kate Dyer, Deputy Director of Governance and Risk	
Date submitted:	18 June 2021	
State which Board Committee or other forum within the Trust's governance structure, if any, have previously considered the report/this issue and the date of the relevant meeting(s):	NA	
If considered elsewhere, state the level of assurance gained by the Board Committee or other forum i.e. assured/ partially assured / not assured:	None	
State whether this is a 'one off' report or, if not, when an update report will be provided for the purposes of corporate Agenda planning	Annual Report	
STEP up to GREAT strategic alignment*:	High Standards	
	Transformation	
	Environments	
	Patient Involvement	
	Well Governed	Y
	Single Patient Record	
	Equality, Leadership, Culture	
	Access to Services	
	Trustwide Quality Improvement	
Organisational Risk Register considerations:	List risk number and title of risk	5 capacity and capability to deliver regulator standards
Is the decision required consistent with LPT's risk appetite:	Yes	
False and misleading information (FOMI) considerations:	None	
Positive confirmation that the content does not risk the safety of patients or the public	Confirmed	
Equality considerations:	None	