

ENFORCEMENT UNDERTAKINGS

University Hospital of North Midlands NHS Trust ("the Licensee")
Royal Stoke University Hospital
Newcastle Road
Stoke on Trent
ST4 6QG

DECISION

NHS England, based on the grounds set out below, and having regard to its Enforcement Guidance, has decided to accept from the Licensee the enforcement undertakings specified below pursuant to its powers under section 106 of the Health and Social Care Act 2012 ("the Act").

These undertakings supersede the previous undertakings agreed with NHS England in October 2023. NHS England is satisfied that the Licensee has met the requirements related to Maternity, the Staff Survey, Cancer services, and specific Governance requirements as set out in the 2023 undertakings. NHS England has issued compliance certificates for those undertakings.

GROUND

1. Licence

The Licensee is the holder of a licence granted under Section 87 of the Act.

2. Breaches

- 2.1. NHS England has grounds that the Licensee has provided and is providing health care services for the purposes of the NHS in breach of the following conditions of its licence: NHS 2 (5) (a) (b) (c) (f) (g) NHS 2: (6) (b)

3. Issues:

- 3.1. The Licensee has been non-compliant with the standards for A&E waiting times (4 hour and 12 hours) and ambulance handover delays ("the standards") set by NHS England Operational Planning Guidance since 2018 and has not delivered a sustained improvement in other aspects of its urgent and emergency care performance, including most notably in relation to ambulance handover delays and the number of days spent in critical incident escalation.
- 3.2. The Licensee did not deliver the Operating Plan targets it agreed with NHS England for elective care in 2024/25 and has a significant number of patients experiencing long waits from referral to treatment. The Licensee accounted for

approximately half of all 78 week waits in the Midlands region in May 2025 and a quarter of all 65 week waits.

UNDERTAKINGS

Operational Performance – Urgent and Emergency Care (UEC)

- 3.3. The Licensee will, by 10th October 2025, ensure that there is a robust UEC improvement plan (“the UEC Plan”) in place to improve A&E waiting times (4 and 12 hour waits) and reduce ambulance handover delays in accordance with the commitments made in the Staffordshire and Stoke on Trent system’s Operational Plan for 2025/26. The UEC Plan should also describe how and when the Licensee will implement the recommendations arising from the NHS England National Clinical Advisor’s review of the Licensee’s UEC services which was carried out in January 2025.
- 3.4. The UEC Plan will include actions to:
 - 3.4.1. monitor the impact on quality and mitigate potential harm;
 - 3.4.2. address any issues relating to the effectiveness of the leadership and management within the Emergency Department or wider organisation;
 - 3.4.3. address any cultural or behavioural issues which may be acting as a barrier to improved performance;
 - 3.4.4. include trajectories to show how the Licensee will meet the targets for UEC contained in the Staffordshire and Stoke-on-Trent Operational Plan (2025/26), which has been agreed with NHS England;
 - 3.4.5. describe the key risks and the mitigating actions that will be taken to support the UEC Plan’s implementation;
 - 3.4.6. be jointly developed with SSOT ICB, WMAS and other system partners as required;
 - 3.4.7. describe the key milestones associated with the implementation of the UEC Plan, including the deadline for completion and senior accountable officers for each milestone; and
 - 3.4.8. confirm the key performance indicators which the Licensee will use to measure progress against each action, and the expected impact on overall UEC performance.
- 3.5. The Licensee will incorporate any comments or amendments regarding the UEC Plan made by NHS England, or a third party if such assurance is requested by NHS England, and will send a revised copy of the UEC Plan to NHS England within 5 working days of amendments being agreed.

- 3.6. The Licensee will deliver the UEC Plan and will provide NHS England with a monthly report on the delivery of each of the improvement priorities identified within the UEC Plan. Reports will be submitted in writing and reviewed as part of the System Delivery Meetings and Quarterly System Review Meetings between the Licensee and NHS England. The Licensee will also provide more regular and / or ad hoc updates on the UEC Plan's delivery if requested by NHS England.
- 3.7. The Licensee will notify NHS England as soon as practicable when it becomes aware of matters which materially affect the Licensee's ability to deliver the UEC Plan, and the Licensee shall promptly update the UEC Plan to address those matters. The Licensee shall submit an updated UEC Plan within five working days of notifying NHS England of the proposed change. Any changes will be subject to approval by NHS England before they can be actioned by the Licensee.
- 3.8. The Licensee will ensure that the implementation of the UEC Plan does not compromise its overall financial position. The Licensee will keep the financial cost of its improvements under close review and will notify NHS England and Staffordshire and Stoke-on-Trent ICB as soon as practicable of any matters which are identified as potentially having a material impact on the Licensee's overall financial position.

Operational Performance – Elective Care

- 3.9. The Licensee will, by 10th October 2025, ensure that there is a robust Elective Improvement Plan ("the Elective Plan") in place to deliver its 2025/26 Operational Plan commitments to improve elective care, as agreed with NHS England.
- 3.10. The Elective Plan will in particular:
 - 3.10.1. state how the Licensee will deliver its 2025/26 Operational Plan commitments for elective care (including diagnostics, theatres, outpatients and patient access) and provide trajectories that demonstrate the route to delivery of the Elective Plan;
 - 3.10.2. set out a future vision for elective care services (including diagnostics, theatres, outpatients and patient access) at the Licensee and the milestones that will lead to the implementation of that vision over the next ten years. This should be aligned with the defined health needs of the population, as well as the Ten Year Plan (once published), national Reforming Elective Care for Patients strategy and Staffordshire and Stoke on Trent ICB's strategy for transforming elective care;

- 3.10.3. describe the key risks and the mitigating actions that will be taken to support the Elective Plan's implementation;
 - 3.10.4. demonstrate that the Licensee has collaborated with Staffordshire and Stoke on Trent ICB and other partner organisations as appropriate;
 - 3.10.5. describe the governance arrangements that the Licensee will put in place to oversee the delivery of the Elective Plan, how these will relate to the Licensee's existing governance arrangements (including those overseeing operational performance, clinical quality and finance) and how they will integrate with the governance arrangements that Staffordshire and Stoke on Trent ICB has established to lead the delivery and development of elective care.
 - 3.10.6. describe the key milestones associated with the implementation of the Elective Plan, including the deadline for completion and senior responsible officers for each milestone;
 - 3.10.7. confirm the key performance indicators which the Licensee will use to measure progress against each action, and the expected impact on overall elective performance.
- 3.11. The Licensee will incorporate any comments or amendments regarding the Elective Plan made by NHS England, or a third party if such assurance is requested by NHS England, and will send a revised copy of the Elective Plan to NHS England within five working days of amendments being agreed.
- 3.12. The Licensee will deliver the Elective Plan and will provide NHS England with a monthly report on the delivery of the each of the improvement priorities identified within the Elective Plan. Reports will be submitted in writing and reviewed as part of the System Delivery Meetings and Quarterly System Review Meetings between the Licensee and NHS England. The Licensee will also provide more regular and / or ad hoc updates on the Elective Plan's delivery if requested by NHS England.
- 3.13. The Licensee will notify NHS England as soon as practicable when it becomes aware of matters which materially affect the Licensee's ability to deliver the Elective Plan, and the Licensee shall promptly update the Elective Plan to address those matters. The Licensee shall submit an updated Elective Plan within five working days of notifying NHS England of the proposed change. Any changes will be subject to approval by NHS England before they can be actioned by the Licensee.
- 3.14. The Licensee will ensure that the implementation of the Elective Plan does not compromise its overall financial position. The Licensee will keep the financial cost of its improvements under close review and will notify NHS England and Staffordshire and Stoke-on-Trent ICB as soon as practicable of any matters

which are identified as potentially having a material impact on the Licensee's overall financial position.

4. Programme Management

- 4.1. The Licensee will implement sufficient programme management and governance arrangements to enable delivery of these undertakings.
- 4.2. Such programme management and governance arrangements must enable the Board to:
 - 4.2.1. obtain clear oversight over the process in delivering these undertakings;
 - 4.2.2. obtain an understanding of the risks to the successful achievement of the undertakings and ensure appropriate mitigation;
 - 4.2.3. hold individuals to account for the delivery of the undertakings; and
 - 4.2.4. ensure that appropriate quality impact assessments are undertaken and monitored

5. Meetings and Reports

- 5.1. The Licensee will provide NHS England with final draft copies of its UEC and Elective Plan ("Plan/s") (as indicated in paragraphs 3.3. and 3.9) to review before they are approved by the Licensee's Board. The final version of both plans will then be shared with NHS England within five working days.
- 5.2. The Licensee will attend meetings or, if NHS England stipulates, conference calls, at such times and places, and with such attendees, as may be required by NHS England.
- 5.3. The Licensee will provide such reports in relation to the matters covered by these undertakings as NHS England may require.
- 5.4. The Licensee will report to NHS England on the delivery of its Plans on a monthly basis and more frequently if required.

The undertakings set out above are without prejudice to the requirement on the Licensee to ensure that it is compliant with all the conditions of its licence and those conditions relating to:

- 5.4.1. compliance with the health care standards binding on the Licensee;
- 5.4.2. and compliance with all requirements concerning quality of care.

Any failure to comply with the above undertakings will render the Licensee liable to further formal action by NHS England. This could include the imposition of discretionary requirements under Section 105 of the Act in respect of the breach

which the undertakings were given, and/or revocation of the licence pursuant to Section 89 of the Act.

Where NHS England is satisfied that the Licensee has given inaccurate, misleading or incomplete information in relation to the undertakings: (i) NHS England may treat the Licensee as having failed to comply with the undertakings; and (ii) if NHS England decides so to treat the Licensee, NHS England must by notice revoke any compliance certificate given to the Licensee in respect of compliance with the relevant undertakings.

SIGNED

LICENSEE

Signed

A handwritten signature in black ink, appearing to be 'Dr Simon Constable', with a long horizontal flourish extending to the right.

Dr Simon Constable
Chief Executive of Licensee

Dated: 10.09.2025

NHS ENGLAND

A handwritten signature in black ink, appearing to be 'Rebecca Farmer', with a long horizontal flourish extending to the right.

Rebecca Farmer
Director of System Co-ordination and Oversight (West Midlands) and member of the
Regional Support Group
NHS England – Midlands

Dated: 12.09.2025