

**NOTICE OF IMPOSITION OF ADDITIONAL LICENCE CONDITIONS
PURSUANT TO SECTION 111 OF THE HEALTH AND SOCIAL CARE ACT
2012:**

TO:

East Kent Hospitals University Foundation Trust
Kent and Canterbury Hospital
Ethelbert Road
Canterbury
Kent
CT1 3NG

DECISION

On the basis of the grounds set out below, and having regard to its Enforcement Guidance, NHS England has imposed the additional licence conditions specified below on the Licensee pursuant to its powers under section 111 of the Health and Social Care Act 2012 (“the Act”).

THE LICENCE IS AMENDED AS FOLLOWS:

After Condition NHS 2 (Governance arrangements), insert:

“Additional licence conditions – Additional governance arrangements

1. The Licensee must ensure that the board is equipped with the right leadership skills, experience and capacity to oversee all elements of organisational governance financial delivery, quality of care and operational delivery in line with national standards and expectations and regulatory notices, and address any concerns in a timely and robust manner. In particular, the Licensee must ensure that:
 - a. The board receives timely, relevant, sufficient and accurate information on finance, quality and operational delivery that is focused on the areas of concern that require oversight, challenge and direction from the board;
 - b. It has effective systems in place to monitor patient experience with clear and effective paths to relay safety concerns to the board promptly;
-

- c. That the board responds promptly and effectively to information or concerns to which paragraphs (a) and (b) above relate.
 - d. The personnel on the board, reporting to the board and within the rest of the Licensee's organisation are sufficient in number and appropriately qualified to ensure compliance with these additional licence conditions;
 - e. It has in place an effectively functioning Council of Governors, operating within the requirements of the Licensee's Constitution to enable it to ensure compliance with these additional licence conditions;
 - f. It complies with any current or future section 106 enforcement undertakings accepted by, or section 105 discretionary requirements imposed by, NHS England; and
 - g. It can address any other issues relating to governance or operations that have caused or contributed to, or are causing or contributing to, or will cause or contribute to, the breach of the conditions of the Licensee's licence.
2. Upon request from NHS England the Licensee must promptly provide evidence demonstrating its compliance with the requirements set out in additional licence condition 1 above.
 3. The Licensee must notify NHS England promptly, and in any event within one working day of any material change of circumstance which threatens its ability to comply with the any of its obligations under its NHS Provider Licence or any obligations arising from current or future section 106 enforcement undertakings accepted by, or section 105 discretionary requirements imposed by, NHS England.

ANTICIPATED EFFECT OF THE ADDITIONAL LICENCE CONDITIONS:

NHS England anticipates that the effect of imposing the additional conditions will be as set out in paragraph 2.2 below under the heading 'Grounds for Action'.

INCIDENTAL OR CONSEQUENTIAL MODIFICATIONS REQUIRED AS A RESULT OF THE IMPOSITION OF THE ADDITIONAL CONDITIONS:

No incidental or consequential modifications are required to the Licensee's licence.

GROUNDS FOR ACTION

1. Licence

The Licensee is the holder of a licence granted under section 87 of the Act and an NHS foundation trust.

2. Power to impose additional licence conditions

2.1 NHS England is satisfied that the governance of the Licensee is such that the Licensee will fail to comply with one or more of the conditions of its Licence, in particular conditions NHS2(2); NHS2(4)(a)(b)(c); NHS2(5)(a)(b)(c)(d); NHS2(7).

2.2 NHS England has in particular considered the following matters:

2.2.1 Leadership and board instability and the impact of recent events on the working relationship between the wider board members and with the Council of Governors, in line with the [Insightful Provider Board](#). It is imperative that a strong and stable board and executive leadership team is in place, with an effectively functioning Council of Governors, in order to set direction, manage and respond to the range and scale of the issues currently faced by the Trust.

2.2.2 Across the Trust, there continues to be significant operational delivery issues including challenging 12-hour A&E performance, ongoing use of corridor care and elective long waits. These areas align to enforcement undertakings which the Trust accepted over 18 months ago, which have not been complied with to date.

2.2.3 Following an unannounced visit to the Trust's Queen Elizabeth the Queen Mother Hospital on 06 and 07 January 2026, the CQC issued a Section 31 letter of intent to the Trust followed by a Section 29A Warning Notice. This was in response to serious quality concerns related to potential harm to patients in the emergency department and temporary escalation areas, and flow through the emergency department to the wider hospital and staffing.

2.2.4 As part of the Secretary of State's Independent Investigation into Maternity and Neonatal Services in England, there is increased scrutiny over the Trust's current practices within neonatal services, which is of concern. This is compounded by the risk of key leadership roles

(Director of Midwifery and their Deputy) requiring interim vacancy cover with ongoing recruitment.

2.2.5 At month 9 the Trust reported a £20.5m adverse variance to plan equating to a £32.8m deficit including deficit support funding (DSF), or £67.4m deficit excluding DSF. As part of month 9 reporting, the Trust formally reforecast its outturn position with NHS England to a £47.4m deficit including DSF (or £84.0m excluding DSF). This forecast is £40.8m adverse to plan; key factors driving the forecast are: (i) loss of Q3-Q4 DSF of £23m, and (ii) a shortfall on CIP delivery of £17.8m.

2.3 In light of the above, NHS England is satisfied that that the governance of the Licensee is such that the Licensee is failing or will fail to comply with the conditions of its licence.

2.4 NHS England considers that the imposition of the conditions specified above is appropriate for reducing the risk of non-compliance identified above.

3. Appropriateness of additional licence conditions

In considering the appropriateness of imposing the additional conditions proposed in this case, NHS England has taken into account its Enforcement Guidance.

The requirements of the proposed additional licence conditions would be without prejudice to:

- (a) The requirements of any enforcement undertakings given by the Licensee; and*
- (b) The requirement on the Licensee to ensure that it is compliant with all the conditions of its licence including those related to:*
 - compliance with the health care standards binding on the Licensee;*
 - effective financial decision-making, management and control;*
 - compliance with all requirements concerning quality of care.*

Any failure to comply with the proposed additional licence conditions would render the Licensee liable to further formal action by NHS England.

NHS ENGLAND

Signed: 

Regional Director: Anne Eden

Dated: 28th April 2026