

### **Notification of Removal of Section 111 Additional Licence Condition**

The following additional licence condition was imposed by Monitor on Medway NHS Foundation Trust ('the Trust') on 22 November 2013 in accordance with Monitor's power under section 111 of the Health and Social Care Act 2012:

"Additional Licence Condition 1 – Additional governance requirements:

1. The Licensee must ensure that it has in place sufficient and effective Board and management capacity and capability, as well as appropriate governance systems and processes, to enable it to:
  - a. address the issues specified in paragraph 2 effectively; and
  - b. comply with any discretionary requirement imposed or enforcement undertaking accepted under the 2012 Act in connection with those issues.
  
2. The issues referred to in paragraph 1 are:
  - a. the failure to take the action necessary to ensure compliance with A&E target on a sustainable basis;
  - b. the failures in relation to the quality of care provided by the Licensee, including but not limited to those identified by the Keogh Review and by the Care Quality Commission; and
  - c. 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 breaches, or the risk of breach, of the conditions of the Licensee's licence.
  
3. For the purposes of paragraphs 1, an issue is addressed effectively only if it is addressed within a reasonable timescale, including any applicable timescale proposed in any independent review of quality governance arrangements, discretionary requirement or enforcement undertaking, or reasonably specified by Monitor.

NHS England<sup>1</sup> has decided it is appropriate to remove this additional licence condition, as from the date of this notice for the following reasons:

The risk that the Licensee will fail to comply with its licence conditions has been satisfactorily reduced. There have been a number of changes to the Board executives at the Trust since 2013, but the current team has stability (Chair in post since 2020, CEO since 2022) and all posts are filled substantively. The Trust undertook a comprehensive governance review in 2021 and has completed all associated actions.

Processes are in place to monitor and improve A&E performance and the culture of the ED at the Trust is much improved as evidenced in the CQC report for Urgent and Emergency Care which rated the service as 'Good' in 2022 from a rating of 'Inadequate' in 2020.

Signed:



Regional Director, South East, NHS England

Date: 20<sup>th</sup> October 2023

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<sup>1</sup> The Health and Care Act 2022 created a single NHS organisation comprising what was previously Monitor and NHS Trust Development Authority (TDA), known as NHS Improvement. As of 1 July 2022, a number of the processes and functions formerly undertaken by Monitor and the NHS TDA have transferred to NHS England.