

UNDERTAKINGS

NHS TRUST:

Worcestershire Acute Hospitals NHS Trust (“the Trust”)
Charles Hastings Way
Worcester
WR5 1DD

DECISION:

NHS England, on the basis of the grounds set out below and pursuant to its powers under the National Health Service Act 2006 as amended (NHS Act 2006), has decided to accept these undertakings from the Trust.

BACKGROUND:

NHS Improvement accepted undertakings from the Trust on 16 May 2019. Since then, the Trust has made some progress and on 28 January 2022, NHS Improvement issued a compliance certificate for a number of the undertakings. As some of the undertakings were deemed to no longer be effective as a means of securing compliance with the conditions of the Licence due to the passage of time and intervening events, those undertakings were discontinued on 18 July 2022.

Despite some evidence of progress, NHS England continues to have concerns about quality and operational performance. NHS England is now taking regulatory action in the form of these updated undertakings which replace and supersede the May 2019 undertakings.

DEFINITIONS:

In this document:

“the conditions of the Licence” means the conditions of the licence held by providers of NHS services under Chapter 3 of Part 3 of the Health and Social Care Act 2012 which NHS England, acting in exercise of its functions under section 27A of the NHS Act 2006, expects NHS trusts to comply with;

“NHS Improvement” means the National Health Service Trust Development Authority, which was abolished and its functions transferred to NHS England on 1 July 2022 by the Health and Care Act 2022.

GROUND:

1. The Trust

The Trust is an NHS trust all or most of whose hospitals, facilities and establishments are situated in England.

2. Issues and need for action

2.0 NHS England has reasonable grounds to suspect that the Trust has provided and is providing health care services for the purposes of the health service in England while failing to comply with the following conditions of the Licence: (FT4(5)(c).

2.1 In particular:

Quality

2.1.1 An inspection of the Trust by the CQC on 16 December 2019 resulted in the trust's Worcestershire Hospital and Alexandra Hospital sites being rated as inadequate in Urgent and Emergency Care. The concerns relate to care of patients in the department, including overcrowding and delays to initial assessments and timely treatment. Further details are contained in the CQC's report published 13 February 2020 ('the CQC Report').

Operational Performance

Overall, recovery and improvement of operational performance has been exacerbated by the impact of the COVID 19 pandemic, however, the trust's recovery against its planned improvement trajectories has not been sufficient benchmarked against its peers.

It is recognised that there is a system contribution from other partner organisations in the delivery of the urgent care improvement and this is reflected in the system memorandum of understanding and mandated support in line with the system SOF 3 rating.

2.1.2 The Trust continues to experience significant challenges in relation to Urgent and Emergency Care performance including ambulance handover delays.

2.1.3 The Trust continues to experience significant challenges in relation to cancer performance. The H2 Operational Plan did not demonstrate a compliant position in relation to 62 day waiting times.

2.1.4 The Trust has been in regional escalation in relation to elective performance with diagnostics performance an area of concern.

2.2 These failings by the Trust demonstrate a failure of governance arrangements including, in particular, failure

- to ensure compliance with healthcare standards binding on the Trust.

2.3 Need for action:

NHS England believes that the action which the Trust has undertaken to take pursuant to these undertakings, is action required to secure that the failures to

comply with the relevant requirements of the conditions of the Licence do not continue or recur.

UNDERTAKINGS

NHS England has agreed to accept and the Trust has agreed to give the following undertakings.

1. Quality

1.1. The trust will take all reasonable steps to address the concerns identified in, but not limited to, the CQC Report, including carrying out the actions set out by CQC in accordance with timescales as determined by the CQC such that, upon re-inspection by the CQC the trust will no longer be found to be 'inadequate' in any of the CQC domains.

2. Operational Performance

2.1 Emergency Care

The Trust will take all reasonable steps to recover the operational performance and to achieve sustainable compliance with the urgent and emergency care standards in line with operational planning requirements and to significantly reduce the volume of ambulance handover delays to by exception only. The Trust will submit a revised trajectory and recovery plan as part of the planning process for 2022/23 in line with operational planning milestones and work with partners to deliver a system urgent care recovery and improvement plan.

2.2 Diagnostics

The Trust will take all reasonable steps to recover overall diagnostics performance (DM01) in line with operational planning requirements. The Trust will submit a revised trajectory and recovery plan as part of the planning process for 2022/23 in line with operational planning milestones and work with partners to deliver a system diagnostics recovery plan.

2.3 Cancer

The Trust will take all reasonable steps to recover overall cancer performance in line with operational planning requirements. The Trust will submit a revised trajectory and recovery plan as part of the planning process for 2022/23 in line with operational planning milestones and work with partners to deliver a system cancer recovery plan.

2.4 Elective Recovery

The Trust will take all reasonable steps to recover elective performance in line with operational planning requirements and the National Delivery plan for tackling the COVID-19 backlog of elective care. The Trust will submit a revised trajectory and recovery plan

as part of the planning process for 2022/23 in line with operational planning milestones and work with partners to deliver a system elective recovery plan.

3. **Programme management**

3.1. The Trust will implement sufficient programme management and governance arrangements to enable delivery of these undertakings.

3.2. Such programme management and governance arrangements must enable the board to:

3.2.1. obtain clear oversight over the process in delivering these undertakings;

3.2.2. obtain an understanding of the risks to the successful achievement of the undertakings and ensure appropriate mitigation; and

3.2.3. hold individuals to account for the delivery of the undertakings.

4. **Meetings and reports**

4.1. The Trust 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.

4.2. The Trust will provide such reports in relation to the matters covered by these undertakings as NHS England may require.

Any failure to comply with the above undertakings may result in NHS England taking further regulatory action. This could include giving formal directions to the Trust under section 27B of the NHS Act 2006.

THE TRUST

Signed



Matthew Hopkins

Chief Executive of Trust

Dated: 18 / 07 / 2022

NHS ENGLAND

Signed



Julie Grant

**Director of Strategic Transformation
(West Midlands) on behalf of the Regional
Support Group (Midlands)**

Dated 18 / 07 / 2022