

## **Appendix 1: Refreshed enforcement undertakings**

### **LICENSEE:**

Portsmouth Hospitals University Trust (“the Licensee”)  
Trust Headquarters  
Queen Alexandra Hospital  
Southwick Hill Road  
Portsmouth  
PO6 3LY

### **DECISION:**

NHS England, on the basis of 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”).

### **BACKGROUND:**

NHS England accepted undertakings from the Licensee on 17 May 2022 relating to urgent and emergency care (“the 2022 Undertakings”).

Since May 2022, there has been evidence of progress in reducing ambulance handover delays. However, NHS England continues to have concerns about urgent and emergency care, particularly in relation to Emergency Department (ED) waiting times and the bed occupancy rate needed to demonstrate that the Licensee has addressed the breaches in full and can sustain handover delays progress.

NHS England is now taking regulatory action in the form of agreeing these refreshed undertakings, which replace and supersede the May 2022 Undertakings.

In addition to the above, the Licensee also has an existing set of undertakings in place dated September 2023 (“the 2023 Undertakings”). The 2023 Undertakings relate to separate financial governance issues. The 2023 Undertakings are not affected by the agreement of this document.

### **GROUND**

#### **1. The Licensee**

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

#### **2. Breaches**

2.1. NHS England has reasonable grounds to suspect that the Licensee has provided and is providing health services for the purposes of the NHS in breach of the following condition(s) of its Licence.

2023 Licence	Summary of condition
NHS2(5)(c)	<p>The Licensee shall establish and effectively implement systems and/or processes:</p> <p>(c) to ensure compliance with healthcare standards</p>

## 2.2. In particular:

2.2.1. "The Licensee's 4-hour performance and level of ambulance handover delays have been a significant outlier for a number of years, resulting in the Licensee's Board agreeing enforcement undertakings with NHS England & Improvement to deliver improvements in April 2020 and with NHS England in May 2022. There has been a marked improvement in the Trust's performance since December 2024 as a result of improvement work and the opening of the new Emergency Department at Queen Alexandra Hospital. Further improvement remains necessary to demonstrate the Trust has addressed its historic performance challenges sustainably, during which time these undertakings remain in place.

2.2.2. Further improvements are required in relation to reducing ED waiting times and achieve 4 hour ED performance.

2.2.3. Bed Occupancy at the Licensee remains high and the 7 day average up to January 2025 was 95.7% against the 90% standard.

2.2.4. Further improvement are required to deliver the level of emergency care performance outlined in the NHS Operational Planning and Contracting Guidance 2025/26 and provide high quality care for patients.

2.3. The Trust has reviewed and strengthened its operational and governance arrangements to support the delivery of the levels of emergency care performance outlined in its 2025/26 Operating Plan.

## 3. Need for Action

3.1 NHS England believes that the action, which the Licensee has undertaken to take pursuant to these undertakings, is action to secure that the breaches in question do not continue or recur.

## 4. Appropriateness of Undertakings

4.1 In considering the appropriateness of accepting in this case the undertakings set out below, NHS England has taken into account the matters set out in its Enforcement Guidance.

## UNDERTAKINGS

### 1. Urgent and Emergency Care

1.1. The Licensee will take all reasonable steps to:

- 1.1.1. improve further and achieve 78% 4hr-ED waits
    - 1.1.2. eliminate >45-minute ambulance handover delays
    - 1.1.3. keep bed occupancy rate to a level which would reasonably be regarded as safe for the patients and appropriate for a supplier of healthcare services to the NHS.
    - 1.1.4. deliver the levels of emergency care performance outlined in the NHS Operational Planning and Contracting Guidance 2025/26 and provide high quality care for patients.
  - 1.2. The Licensee will work with system partners in the Hampshire and Isle of Wight Integrated Care System and make all reasonable efforts to update and implement the robust System Improvement Plan (SIP) agreed in 2024/25, that addresses the performance issues in relation to urgent and emergency care (including ambulance handover delays, 4 hrs ED waits and bed occupancy rate). This includes complying with the timelines set out in the SIP.
  - 1.3. The Licensee will keep the SIP under review in conjunction with system partners. Where matters are identified which materially affect the Licensee's ability to meet the requirements of paragraph 1.1, whether identified by the Licensee or another party, the Licensee will notify NHS England as soon as practicable and update and resubmit the SIP within a timeframe to be agreed with NHS England, for NHS England approval.
2. Improvement Director
- 2.1. The Licensee will cooperate and work with any Improvement Director who may be appointed by NHS England to work with the Licensee to oversee delivery and update of the SIP including the trajectories and support measures.
3. Reporting
- 3.1. The Licensee will attend meetings or, if NHS England stipulates, conference calls, to discuss its progress in meeting these undertakings. These meetings will take place once a month unless NHS England otherwise stipulates, at a time and place to be specified by NHS England and with attendees specified by NHS England.
  - 3.2. The Licensee will provide such reports in relation to the matters covered by these undertakings as NHS England may require.

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, including any additional licence condition imposed under the Act and those conditions relating to:

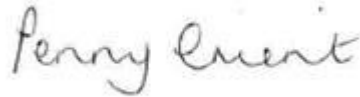
- (i) compliance with the healthcare standards binding on the Licensee; and
- (ii) compliance with all requirements concerning quality of care.

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.

#### **THE LICENSEE**

Signed

A handwritten signature in black ink, appearing to read 'Penny Lunt'.

#### **LICENSEE**

Signed (Chief Executive of Licensee)

Dated: 09.06.25

#### **NHS ENGLAND**

Signed

A handwritten signature in black ink, consisting of a stylized initial followed by a horizontal line.

Regional Director of Strategy and Transformation NHS  
England - South East

Dated: 10.06.25

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