

NOTICE OF IMPOSITION OF ADDITIONAL LICENCE CONDITION

LICENSEE:

Kettering General Hospital NHS Foundation Trust (“the Licensee”)
Rothwell Road
Kettering
Northants
NN16 8UZ

DECISION

On the basis of the grounds set out below, having taken into account representations by the Licensee and having regard to its Enforcement Guidance, Monitor has imposed the additional licence condition(s) 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 FT4, insert:

“Additional Licence Condition 1 – Additional governance requirements

1. The Licensee must ensure that it has in place board and management capacity and capability sufficient to ensure that it is able to implement the Urgent Care Plan, the Financial Plan and the Board Governance Plan as required by the discretionary requirements dated 5 April 2013 until such time as those plans have been fully implemented.”

ANTICIPATED EFFECT OF THE ADDITIONAL CONDITION:

Monitor anticipates that the effect of imposing the additional condition will be as set out below under the heading ‘Need for Action’ in the section below headed ‘Grounds’.

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

None.

GROUND(S)

1. Licence

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

2. Power to impose additional licence condition(s)

2.1. Monitor is satisfied that the governance of the Licensee is such that the Licensee will fail to comply with the conditions of its Licence, specifically conditions: CoS 3(1), FT4(2), FT4(3), FT4(4), FT4(5), FT4(6), and FT4(7).

2.2. Need for action

Monitor considers that the imposition of the condition specified above is appropriate for reducing the risk of non-compliance identified above.

3. Appropriateness of Imposition of Additional Licence Condition

In considering the appropriateness of imposing the additional condition proposed in this case, Monitor has taken into account the matters set out in its Enforcement Guidance.

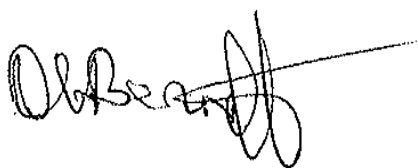
THE REQUIREMENTS IN THIS NOTICE ARE WITHOUT PREJUDICE TO THE REQUIREMENT ON THE LICENSEE TO ENSURE THAT IT IS COMPLIANT WITH ALL THE CONDITIONS OF ITS LICENCE INCLUDING THOSE RELATING TO:

- **COMPLIANCE WITH THE HEALTH CARE STANDARDS BINDING ON THE LICENSEE; AND**
- **COMPLIANCE WITH ALL REQUIREMENTS CONCERNING QUALITY OF CARE.**

ANY FAILURE TO COMPLY WITH THIS ADDITIONAL LICENCE CONDITION WILL RENDER THE LICENSEE LIABLE TO FURTHER FORMAL ACTION BY MONITOR. THIS COULD INCLUDE REQUIRING THE LICENSEE TO REMOVE ONE OR MORE OF THE DIRECTORS OR MEMBERS OF THE COUNCIL OF GOVERNORS AND APPOINT INTERIM DIRECTORS OR MEMBERS, SUSPEND ONE OR MORE DIRECTORS OR MEMBERS OF THE COUNCIL OF GOVERNORS FOR A SPECIFIED PERIOD AND/OR DISQUALIFY ONE OR MORE DIRECTORS OR MEMBERS OF THE COUNCIL OF GOVERNORS FOR A SPECIFIED PERIOD. THIS COULD INCLUDE ALSO OR INSTEAD ACTION UNDER SECTIONS 105 OR 106 OF THE ACT TO IMPOSE DISCRETIONARY REQUIREMENTS OR ACCEPT UNDERTAKINGS. MONITOR IS ALSO ABLE TO TAKE ACTION UNDER SECTION 89 TO REVOKE THE LICENSEE'S LICENCE.

MONITOR

Dated 24 April 2013

A handwritten signature in black ink, appearing to read 'David Bennett', with a long horizontal line extending to the right.

Signed David Bennett
 Chair of relevant decision-making committee

