

NOTICE OF PROPOSAL TO REQUIRE APPOINTMENT OF INTERIM CHAIR

TO:

King's College Hospital NHS Foundation Trust ("**the Licensee**")
Denmark Hill
London
SE5 9RS

PROPOSAL:

On the basis of the grounds set out below, and having regard to its Enforcement Guidance, NHS Improvement proposes to require the Licensee to appoint an interim chair as specified below, pursuant to its powers under section 111(5) of the Health and Social Care Act 2012 ("the Act").

In this notice, "NHS Improvement" means Monitor.

PROPOSED REQUIREMENT:

The Licensee must appoint the person specified by NHS Improvement as the interim chair of the Licensee, with effect from a date to be agreed by NHS Improvement and on such terms and conditions as NHS Improvement may approve.

PERIOD FOR MAKING REPRESENTATIONS:

The notice period within which the Licensee may make representations to NHS Improvement regarding the proposal is 2 days. Representations must be sent to NHS Improvement by close on Wednesday 20 December 2017.

GROUNDINGS:

1. Licence

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

2. Power to require appointment of interim chair

Enforcement action to date

- 2.1. NHS Improvement accepted enforcement undertakings from the Licensee on 6 July 2017. NHS Improvement imposed an additional licence condition (“the additional condition”) on the Licensee under section 111 of the Act on 18 December 2017.
- 2.2. Paragraph 1 of the additional condition requires the Licensee to ensure that it has in place sufficient and effective board and management leadership capacity and capability, as well as appropriate governance systems and processes, to enable it to:
 - 2.2.1. address the issues specified in paragraph 2 of the additional condition; and
 - 2.2.2. comply with any enforcement undertakings accepted, or discretionary requirements imposed, by NHS Improvement in relation to these issues.
- 2.3. The issues referred to in paragraph 1 of the additional condition are:
 - 2.3.1. the Licensee’s serious financial position, continued financial decline and lack of financial control;
 - 2.3.2. the outstanding financial governance concerns following the NHS Improvement investigation in relation to Windsor Walk and the Critical Care Unit; and
 - 2.3.3. 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.

Chair

- 2.4. The chair of the Licensee, Lord Kerlake, resigned from his post on 11 December 2017. A permanent replacement has not yet been identified.

Breach of the additional condition and need for action

- 2.5. These matters demonstrate that the Licensee does not have in place sufficient and effective board and management leadership capacity and capability as required by the additional condition.
- 2.6. NHS Improvement is therefore satisfied that the Licensee is breaching the additional condition.
- 2.7. NHS Improvement considers that in light of this breach, and the issues identified in the additional condition, there is an urgent need to appoint an interim chair.
- 2.8. NHS Improvement also considers that the person appointed as interim chair must be an individual with the skills and experience necessary to ensure that the Licensee addresses those issues, complies with its enforcement undertakings and takes the steps appropriate to secure compliance with the its licence.

3. Appropriateness of Requirement

In considering the appropriateness of the requirement proposed in this case, NHS Improvement has taken into account its Enforcement Guidance.

The requirement proposed in this notice would be without prejudice to:

(a) the requirements of the additional condition;

(b) the requirements of any enforcement undertaking given by the Licensee; and

(c) the requirement on the Licensee to ensure that it is compliant with all the conditions of its licence including those relating to:

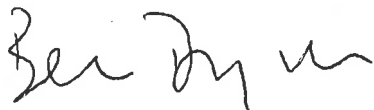
- compliance with the health care standards binding on the Licensee; and*
- compliance with all requirements concerning quality of care.*

If the requirement proposed in this notice was imposed, and a person failed to comply with that requirement, NHS Improvement would be able to do one or more of the things it may require the Licensee to do under section 111(5) of the Act, including appointing the proposed interim chair, or removing one or more of the other directors or governors.

NHS IMPROVEMENT

Dated: 18 / 12 / 2017

Signed:



Ben Dyson
Chair of the Provider Regulation Committee
NHS Improvement

