

## **ENFORCEMENT UNDERTAKINGS**

### **NHS TRUST:**

East Midlands Ambulance Service NHS Trust  
1 Horizon Place  
Mellors Way  
Nottingham  
NG8 6PY

### **DECISION:**

On the basis of the grounds set out below, and having regard to its Enforcement Guidance, NHS Improvement has decided to accept the undertakings from the trust specified by below pursuant to its powers under or by virtue of the National Health Service Act 2006 and the TDA Directions.

### **DEFINITIONS:**

In this document:

"the conditions of the Licence" means the conditions of the licence issued by Monitor under Chapter 3 of Part 3 of the Health and Social Care Act 2012 in respect of which NHS Improvement has deemed it appropriate for NHS Trusts to comply with equivalent conditions, pursuant to paragraph 6(c) of the TDA Directions;

"NHS Improvement" means the National Health Service Trust Development Authority;

"TDA Directions" means the National Health Service Trust Development Authority Directions and Revocations and the Revocation of the Imperial College Healthcare National Health Service Trust Directions 2016.

### **GROUND:**

#### 1. The trust

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

### **BREACHES:**

#### 2. Issues and need for action

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

2.2. In particular:

2.2.1. Following a Capacity & Demand Review by Operational Research & Health ("ORH") in May 2018, the trust agreed, as part of the contract performance improvement trajectory for 2018/19, ambulance response times with clinical commissioning groups, NHS England and NHS Improvement. The trust missed its C2 90<sup>th</sup> Percentile for Q1 and both mean & 90<sup>th</sup> percentile response time trajectories for Q2 and is behind trajectory for Q3.

2.3. These demonstrate failings by the trust to establish and effectively implement systems or processes to ensure compliance with the trust's duty to operate efficiently, economically and effectively and to ensure compliance with healthcare standards binding on the trust.

2.4. Need for action:

NHS Improvement 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.

2.5. Appropriateness of Undertakings:

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

## **UNDERTAKINGS**

NHS Improvement has agreed to accept, and the trust has agreed to give, the following undertakings.

### **1. Ambulance Response Times**

- 1.1. The trust will take all reasonable steps to deliver ambulance response times performance in line with its performance improvement trajectory as set out in the ORH.
- 1.2. The trust will take all reasonable actions to meet its recruitment and fleet procurement trajectories in line with the ORH recommendations.
- 1.3. If risks to performance articulated in the ORH and outside the trust's control materialise, such as activity, acuity levels or handover delays above those modelled in the ORH, the trust will continue to report on the impact of those factors via the EMAS Deep Dive meetings. These requirements apply each time a relevant risk emerges.
- 1.4. The trust will engage effectively with key stakeholders to ensure appropriate planning to enable the trust to manage risks from system partners that will impact on the trust's ability to deliver its 2018/19 winter plan.

## 2. Programme Management

- 2.1. The trust will implement sufficient programme management and governance arrangements to enable the delivery of these undertakings.
- 2.2. Such programme management and governance arrangements must enable the Board to:
  - 2.2.1. obtain a clear oversight over the progress in delivering these undertakings;
  - 2.2.2. obtain an understanding of the risks to the successful achievement of the undertakings and ensure appropriate mitigation; and
  - 2.2.3. hold individuals to account for the delivery of the undertakings.

## 3. Meetings and reports

- 3.1. The trust will attend meetings or, if NHS Improvement stipulates, conference calls, at such times and places, and with such attendees, as may be required by NHS Improvement.
- 3.2. The trust will provide such reports in relation to the matters covered by these undertakings as NHS Improvement may require.

Any failure to comply with the above undertakings may result in NHS Improvement taking further regulatory action. This could include giving formal directions to the trust under section 8 of the National Health Service Act 2006 and paragraph 6 of the TDA Directions.

### **THE TRUST**

Signed



**Richard Henderson**  
Chief Executive

Dated **30 January 2019**

### **NHS IMPROVEMENT**

Signed



Head of Performance and member of the Regional Provider Support Group (Midlands and East)

Date

11/3/19