

NOTICE OF PROPOSAL TO MODIFY THE ADDITIONAL LICENCE CONDITION

LICENSEE:

Norfolk and Suffolk NHS Foundation Trust ("the Licensee")
Hellesdon Hospital
Drayton High Road
Norwich
Norfolk
NR6 5BE

PROPOSAL

On the basis of the grounds set out below, and having regard to its Enforcement Guidance, NHS Improvement proposes to modify the additional licence condition imposed on the Licensee on 19 February 2015 so that it now reads as specified below. NHS Improvement proposes to make this modification pursuant to its power under section 111(4) of the Health and Social Care Act 2012 ("the Act").

Any reference to "NHS Improvement" in this notice is to be taken as a reference to Monitor under the Act.

ADDITIONAL LICENCE CONDITION 1 IS TO BE MODIFIED AS FOLLOWS:

"Additional Licence Condition 1 – Additional governance requirements:

1. *The Licensee must ensure that it has in place –*

- (a) an effectively functioning board and board committees;*
 - (b) sufficient and effective board, management and clinical leadership capacity and capability, and*
 - (c) appropriate governance systems and processes*
- to enable it to successfully meet the undertakings set out at paragraphs 1 to 6 of the Enforcement Undertakings agreed by the Licensee dated 23 January 2018."*

ANTICIPATED EFFECT OF MODIFYING THE ADDITIONAL CONDITION:

NHS Improvement anticipates that the effect of modifying 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 PROPOSED MODIFICATION OF THE ADDITIONAL CONDITION:

None.

NOTICE PERIOD

The notice period within which the Licensee may make representations to NHS Improvement regarding this proposal is 6 working days ending on 23 January 2018.

GROUNDS

1. Licence

The Licensee is the holder of a licence granted under section 87 of the Act which includes an additional licence condition imposed under section 111 of the Act.

2. Power to modify additional licence condition

2.1. NHS Improvement 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: FT4(2), FT4(4)(a)-(c), FT4(5)(b), FT4(5)(c), FT4(5)(e), FT4(5)(f) and FT4(6)(a)-(f).

2.2. Need for action

NHS Improvement considers that the proposed modification of the condition, as specified above, is appropriate for reducing the risk of non-compliance identified above.

3. Appropriateness of proposed modification of additional licence condition

Following inspections of the Licensee by the Care Quality Commission ("CQC") in July 2017, the CQC found the Licensee to be "inadequate" overall. It has set out a number of recommendations for the Licensee.

On 23 January 2018 the Licensee and NHS Improvement agreed to new undertakings. In considering the appropriateness of modifying the additional licence condition, NHS Improvement has taken into account the matters set out in its Enforcement Guidance.

The requirements of the modified additional licence condition would be without prejudice to (i) any enforcement undertakings given by the licensee pursuant to section 106 of the act (ii) any discretionary requirements imposed on the licensee pursuant to section 105 of the act and (iii) 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 the modified additional licence condition would render the licensee liable to further formal action by NHS improvement. 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. Nhs improvement is also able to take action under section 89 to revoke the licensee's licence.

Signed on behalf of NHS Improvement

Name: Frances Shattock

Date: 23/01/2018



Position: Delivery and Improvement Director (East of England)

Signature: