

NOTICE OF IMPOSITION OF ADDITIONAL LICENCE CONDITION

LICENSEE:

Northern Lincolnshire and Goole Hospitals NHS Foundation Trust ("the Licensee")
Diana Princess of Wales Hospital
Scartho Road
Grimsby
North East Lincolnshire
DN33 2BA

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 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 -
 - (a) an effectively functioning board and board committees; and
 - (b) sufficient and effective board, management and clinical leadership capacity and capability,to enable it to address successfully the issues specified in paragraph 2.
2. The issues referred to in paragraph 1 are the governance issues that have caused or contributed to, or are causing or contributing to, or will cause or contribute to, the breaches, or the risk of a breach, of the conditions of the Licensee's licence ."

ANTICIPATED EFFECT OF THE ADDITIONAL CONDITION:

Monitor anticipates that the effect of imposing the additional condition would be as set out below under the heading(s) 'Need for Action' in the section below headed 'Grounds'.

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

No incidental or consequential modifications would be required to the Licensee's licence.

GROUNDS

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 Licensee's licence, specifically: FT4(4), FT4(5)(a) to (f), FT4(6) and FT4(7).

2.2. Need for action

Monitor considers that the imposition of the condition specified above would be 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 in this case, Monitor has taken into account the matters set out in its Enforcement Guidance.

THE REQUIREMENTS OF THE CONDITION WOULD BE WITHOUT PREJUDICE TO (i) THE REQUIREMENTS OF ANY ENFORCEMENT UNDERTAKING GIVEN BY THE LICENSEE AND (ii) 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 6 August 2013

Signed

