

## **UNDERTAKINGS**

### **NHS TRUST:**

Nottingham University Hospitals NHS Trust ("the Trust")  
Trust HQ, City Hospital campus  
Hucknall Road,  
Nottingham  
NG5 1PB

### **DECISION:**

On the basis of the grounds set out below and pursuant to the powers exercisable by NHS Improvement under or by virtue of the National Health Service Act 2006 and the TDA Directions, NHS Improvement has decided to accept undertakings from the Trust.

### **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.

### **GROUNDINGS:**

#### 1. The Trust

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

#### 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) to (c), (f), (g)

2.2. In particular:

At Quarter 1 2017/18, the Trust has breached the Accident and Emergency 4 hour maximum waiting time target ("the A&E standard") and in each quarter since Quarter 2 2015/16. The Trust has an improvement plan but has failed to deliver some of the

key elements of the plan against the expected timelines, which has resulted in failure to meet its recovery trajectory. The Trust has failed to address its A&E performance sustainably over this period and has not delivered its recovery trajectory in 2017/18.

2.3 These failings by the Trust demonstrate a failure of governance arrangements including, in particular, failure to establish and effectively implement systems or processes:

- (a) to ensure compliance with the Trust's duty to operate efficiently, economically and effectively;
- (b) for timely and effective scrutiny and oversight by the Board of the Trust's operations;
- (c) 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 ensure that the failures to comply with the relevant requirements of the conditions of the Licence do not continue or recur.

## **UNDERTAKINGS**

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

### **1. Operational**

#### **A&E**

- 1.1. The Trust will take all reasonable steps to recover operational performance to meet national standards, including but not limited to those set out in paragraphs 1.2 to 1.4, below.
- 1.2. The Trust will produce and submit to NHS Improvement an updated Urgent Care Action Plan ("the A&E plan") to achieve compliance with the A&E standard on a sustainable basis. The updated A&E plan will be submitted to NHS Improvement by a date to be agreed with NHS Improvement.
- 1.3. The Trust will continue to work with the Emergency Care Improvement Programme (ECIP) to provide assistance in making recommendations for improvement and incorporating these into the A&E plan to be submitted to NHS Improvement.
- 1.4. The A&E plan will include, in particular;
  - 1.4.1. A narrative of the current drivers of performance below the A&E standard;

- 1.4.2. The Trust's planned actions, in conjunction with system partners, to improve A&E performance at the Trust. The actions should include realistic assumptions, key performance indicators against each action, resourcing and expected impact on overall A&E performance; and
- 1.4.3. The Trust's trajectory to deliver the A&E standard.
- 1.5. The Trust will ensure that the A&E plan is endorsed by the A&E Delivery Board and the STP Leadership Board.
- 1.6. The Trust will implement all the actions in the A&E plan within timescales set out in the A&E plan, unless otherwise agreed by NHS Improvement.
- 1.7. The Trust will take all other reasonable steps to deliver compliance with the A&E standard on a sustainable basis within a timeline to be agreed with NHS Improvement.
- 1.8. The Trust will report to NHS Improvement on the implementation of the updated A&E plan each month or an alternative frequency if required by NHS Improvement.
- 1.9. The Trust will keep the A&E plan and its delivery under review and provide appropriate assurance to its Board regarding progress towards meeting the requirements of paragraph 1.1.

## 2. Programme management

- 2.1. The Trust will implement sufficient programme management and governance arrangements to enable delivery of these undertakings.
- 2.2. Such programme management and governance arrangements must enable the board to:
  - 2.2.1. obtain clear oversight over the process 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 Direction.

**THE TRUST**

Signed



Tracy Taylor

Chief Executive, Nottingham University Hospitals NHS Trust

Dated: 27/11/17

**NHS IMPROVEMENT**

Signed



Fran Steele

Delivery and Improvement Director

Member of the Midlands and East Regional Provider Support Group

Dated: 27/11/17