

## NOTICE OF MODIFICATION TO THE ADDITIONAL LICENCE CONDITION

### LICENSEE:

Stockport NHS Foundation Trust ("the Licensee")  
Oak House  
Stepping Hill Hospital  
Poplar Grove  
Stockport  
Cheshire  
SK2 7JE

### DECISION

On the basis of the grounds set out below, and having regard to its Enforcement Guidance, Monitor has modified the additional licence condition imposed on the Licensee on 4 August 2014 so that it now reads as specified below. Monitor has made this modification pursuant to its power under section 111(4) of the Health and Social Care Act 2012 ("the Act").

### THE LICENCE HAS BEEN MODIFIED 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;*
  - b) *sufficient capacity and capability to enable the Licensee to address the issues specified in paragraph (2) effectively and to comply with any discretionary requirements imposed or enforcement undertakings accepted under the 2012 Act in connection with those issues.*
2. *The issues referred to in paragraph (1) are –*
  - a) *the failure to take the action necessary to ensure compliance with the A&E 4 hour maximum waiting time target on a sustainable basis;*
  - b) *any other issues relating to the operation of the Licensee's board and its other governance arrangements, including those identified in any independent assessment of its governance arrangements, 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 MODIFYING THE ADDITIONAL CONDITION:

Monitor 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 MODIFICATION OF THE ADDITIONAL CONDITION:

None.

### GROUNDNS

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(s)

2.1. Monitor is satisfied that the governance of the Licensee is such that the Licensee will continue to fail to comply with the conditions of its Licence including the additional licence condition imposed under section 111 of the Act, and specifically conditions: FT4(2); FT4(4); FT4(5)(a), (b), (c), (e), (f) and (g); and FT4(6); and FT4(7).

2.2. Need for action

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

3. Appropriateness of modification of additional licence condition

The modification reflects that a statement of compliance will be issued for discretionary requirement 2 of the Discretionary Requirements dated 4 August 2014 relating to Board effectiveness and governance. In considering the appropriateness of modifying the additional licence condition, Monitor has taken into account the matters set out in its Enforcement Guidance.

**THE REQUIREMENTS OF THE MODIFIED ADDITIONAL LICENCE CONDITION ARE 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 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 01/06/2015.

Signed



David Bennett, Chief Executive of Monitor