



TRUST BOARD

DOCUMENT TITLE:	Declaration to NHS Improvement – General Condition 6 – systems for compliance with licence conditions
SPONSOR (EXECUTIVE DIRECTOR):	Jo Chambers, Chief Executive & Yve Buckland, Chairman
AUTHOR:	Simon Grainger-Lloyd, Associate Director of Governance & Company Secretary
DATE OF MEETING:	7 June 2016

EXECUTIVE SUMMARY:

It is a requirement of the governance condition of the Trust's licence that the Trust publishes a statement within three months of the end of the financial year setting out whether it believes it has complied with the required governance arrangements of its licence (Condition FT4 (8)).

The governance condition requires the Trust Board to confirm:

- Compliance with the governance condition at the date of the statement; and
- Forward compliance with the governance condition for the current financial year, specifying (i) risks to compliance and (ii) any actions proposed to manage such risks

Appendix A outlines the rationale and core evidence that the Board can rely on in order to confirm or otherwise the statements relating to the Corporate Governance statement and other declaration.

It is proposed to declare '**Not Confirmed**' to the statement that the provider has complied with required governance arrangements, largely on the basis of the regulatory concerns around the Trust's management of the 18 weeks RTT position and long term sustainability outlined in the draft letter from NHS Improvement received in May.

NHS Improvement also requires the Board to make a declaration regarding:

- The provision of necessary training to governors, pursuant to Section 151(5) of the Health & Social Care Act 2012. The Board is recommended to make a declaration of '**Confirmed**' in respect of Governor training.

Foundation trusts are also required to make annual declarations to NHSI regarding their systems for compliance with provider licence conditions (General Condition G6). The licence condition declaration was discussed at the May private session on 30 May, but is attached as Appendix B for completeness in public. It was submitted on 31 May in line with the required deadline.

All of these declarations must be made 'having regard to the views of governors'. The Board is asked to note that although the meeting cycle for the Council of Governors has not permitted discussion at a formal meeting, the proposed declarations have been circulated to the Council of Governors for

comment. Any feedback received will be taken into account ahead of the formal submission at the end of June.

REPORT RECOMMENDATION:

The Board is asked to:

- Review the list of evidence available to support the Corporate Governance Statement and Governor training
- Approve in principle the declarations proposed, subject to formal agreement by a committee of the Chairman and Acting Chief Executive
- Note the licence conditions declaration which was agreed on 30 May 2017
- Agree to publish the declarations to the required deadline

ACTION REQUIRED *(Indicate with 'x' the purpose that applies):*

The receiving body is asked to receive, consider and:

Note and accept	Approve the recommendation	Discuss
	X	

KEY AREAS OF IMPACT *(Indicate with 'x' all those that apply):*

Financial	x	Environmental	x	Communications & Media	x
Business and market share	x	Legal & Policy	x	Patient Experience	x
Clinical	x	Equality and Diversity		Workforce	x

Comments: *[elaborate on the impact suggested above]*

ALIGNMENT TO TRUST OBJECTIVES, RISK REGISTERS, BAF, STANDARDS AND PERFORMANCE METRICS:

Compliance with NHS improvement's self certification guidance issues in April 2017 and specifically compliance with the Trust's licence to operate.

PREVIOUS CONSIDERATION:

The licence condition declaration was discussed at the May private session on 30 May 2017