

ENFORCEMENT UNDERTAKINGS

LICENSEE:

Calderstones Partnership NHS Foundation Trust ("the Licensee")
Trust Headquarters
Mitton Road
Whalley
Clitheroe
Lancashire
BB7 9PE

DECISION

On the basis of the grounds set out below, and having regard to its Enforcement Guidance, Monitor has decided to accept from the Licensee the enforcement undertakings specified below pursuant to its powers under section 106 of the Health and Social Care Act 2012 (the "Act").

GROUND

1. Licence

The Licensee is the holder of a licence granted under section 87 of the Act.

2. Breaches of the Licence

2.1. Governance (including Quality Governance)

2.1.1. Monitor has reasonable grounds to suspect that the Licensee has provided and is providing healthcare services for the purposes of the NHS in breach of the following conditions of its licence: FT4(2); FT4(5)(a), (b), (c), (e) and (f); FT4(6)(a), (b), (c), (d) and (f).

2.1.2. In particular:

2.1.2.1. An independent review dated 23 October 2013 (the "BGAF Review") of the Licensee's progress with implementing the recommendations made in its Board Governance Assurance Framework ("BGAF") review in April 2013 found that the Licensee had demonstrated limited progress in fully implementing and embedding the recommendations and identified a number of governance concerns, as set out in the BGAF Review;

2.1.2.2. An independent review dated 21 October 2013 (the "QGF Review") found that the Licensee scored 6.0 against Monitor's Quality Governance Framework ("QGF"); and



2.1.2.3. A safeguarding case conference identified shortcomings in the way the Licensee safeguarded an individual service user. These issues had not been identified by the Licensee's own quality governance processes;

2.1.2.4. The above issues and the other breaches referred to in this notice demonstrate a failure of governance arrangements.

2.1.3. Need for action

Monitor believes that the action which the Licensee has undertaken to take pursuant to these undertakings is action to secure that the breaches in question do not continue or recur.

3. Appropriateness of Undertakings

In considering the appropriateness of accepting in this case the undertakings set out below, Monitor has taken into account the matters set out in its Enforcement Guidance.

UNDERTAKINGS

Monitor has agreed to accept and the Licensee has agreed to give the following undertakings, pursuant to section 106 of the Act:

1. Governance

- 1.1. The Licensee will by 6 January 2014 (unless otherwise agreed with Monitor) develop and submit to Monitor an action plan (the "Governance Action Plan") to address the recommendations and associated actions identified in the BGAF Review and the QGF Review.
- 1.2. The Licensee will provide to Monitor, should Monitor so request, assurance on the effectiveness of the Governance Action Plan, or any part thereof, in such form and at such time as may be specified in the request.
- 1.3. If Monitor requests the Licensee to obtain assurance on the effectiveness of the Governance Action Plan under paragraph 1.2 above, the Licensee will update the Governance Action Plan to include any recommendations and associated actions following that assurance and provide an updated Governance Action Plan to Monitor within 2 weeks of the date of the external assurance. All references below to the Governance Action Plan include any updates to the Governance Action Plan under this paragraph.
- 1.4. The Licensee will implement effectively the actions within the Governance Action Plan by the relevant timeframes within the Governance Action Plan and in any event by no later than 30 October 2014 (unless otherwise agreed with Monitor).



- 1.5. The Licensee will by 30 April 2014 (unless otherwise agreed with Monitor) commission an external review of the implementation of the actions within the Governance Action Plan from a source to be agreed with Monitor and according to a scope to be agreed with Monitor.
- 1.6. The external review under paragraph 1.5 above will be produced and submitted to Monitor by 30 June 2014 (unless otherwise agreed with Monitor).
- 1.7. The Licensee will implement all of the findings, recommendations and associated actions in the external review in paragraph 1.5 above within the timescales set out in that external review.

2. Safeguarding Case Conference (SCC)

- 2.1. The Licensee will, by 30 April 2014 (unless otherwise agreed with Monitor) commission an external review (the "SCC Review") of the Licensee's implementation of the following action plans that it has developed to implement the recommendations and associated actions of the SCC dated 7 August 2013 (the "SCC Action Plan"):
 - o Protection plan for Scott House;
 - o Organisational Learnings for Individual Packages of Support;
 - o Organisational Learnings for the Trust;
 - o Additional Protective Factors mitigating against Safeguarding Incidents for Individual Packages of Care; and
 - o Additional Protective Factors mitigating against Safeguarding Incidents for all Services.

from a source to be agreed with Monitor and according to a scope agreed with Monitor.

- 2.2. The SCC Review will be produced and submitted to Monitor by 30 June 2014 (unless otherwise agreed with Monitor).
- 2.3. The Licensee will implement all of the findings, recommendations and associated actions in the SCC Review within the timescales set out in that SCC Review.

3. General

- 3.1. The Licensee will implement sufficient programme management and governance arrangements to enable delivery of the recommendations and associated actions in the Governance Action Plan and the SCC Action Plan.
- 3.2. Such programme management and governance arrangements will enable the Board to:
 - 3.2.1. obtain a clear oversight over the progress in delivering the plans;
 - 3.2.2. obtain an understanding of any risks to the successful achievement of the plans and ensure appropriate mitigation of any such risks; and



- 3.2.3. hold individuals to account for the delivery of the actions in the plans.
- 3.3. The Licensee will provide monthly written updates to Monitor by the last working day of each month from January 2014, until further notice, detailing the Licensee's progress against the Governance Action Plan and SCC Action Plan and an explanation of any failure to meet any of the timeframes set out in those Plans and these undertakings.
- 3.4. The Licensee shall meet with Monitor during the currency of these undertakings to discuss its progress in meeting those undertakings. These meetings shall take place at the times and places to be specified by Monitor and with attendees specified by Monitor.

THE REQUIREMENTS IN THIS NOTICE ARE WITHOUT PREJUDICE TO THE REQUIREMENT ON THE LICENSEE TO COMPLY WITH THE CONDITIONS IN ITS LICENCE.

ANY FAILURE TO COMPLY WITH THE ABOVE UNDERTAKINGS WILL RENDER THE LICENSEE LIABLE TO FURTHER FORMAL ACTION BY MONITOR. THIS COULD INCLUDE THE IMPOSITION OF DISCRETIONARY REQUIREMENTS UNDER SECTION 105 OF THE ACT IN RESPECT OF THE BREACH IN RESPECT OF WHICH THE UNDERTAKINGS WERE GIVEN AND/OR REVOCATION OF THE LICENCE PURSUANT TO SECTION 89 OF THE ACT.

WHERE MONITOR IS SATISFIED THAT THE LICENSEE HAS GIVEN INACCURATE, MISLEADING OR INCOMPLETE INFORMATION IN RELATION TO THE UNDERTAKINGS: (i) MONITOR MAY TREAT THE LICENSEE AS HAVING FAILED TO COMPLY WITH THE UNDERTAKINGS; AND (ii) IF MONITOR DECIDES SO TO TREAT THE LICENSEE, MONITOR MUST BY NOTICE REVOKE ANY COMPLIANCE CERTIFICATE GIVEN TO THE LICENSEE IN RESPECT OF COMPLIANCE WITH THE RELEVANT UNDERTAKINGS.

LICENSEE



Signed (Chair of Licensee)

Dated: 13 December 2013

MONITOR

A handwritten signature in black ink, appearing to be 'D. B. Smith' with a large flourish extending to the right.

Signed (Chair of relevant decision-making committee)

Dated: 20/12/13

A small, handwritten mark or signature in the bottom right corner of the page, possibly a stylized 'a' or 'r'.