

## **NOTICE OF ADDITIONAL LICENCE CONDITION**

### **LICENSEE:**

Dorset Healthcare University NHS Foundation Trust (“the Licensee”)  
11 Shelley Road  
Boscombe  
Bournemouth  
BH1 4JQ

### **PROPOSAL**

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 the Board and its committees-
  - a. are functioning effectively;
  - b. have sufficient capacity and capability to enable the Licensee to address the issues specified in paragraph 3 effectively;
  - c. carry out the strategic planning, and provide the leadership, necessary to address those issues effectively ; and
  - d. urgently take all reasonable steps to ensure those issues are addressed effectively.
2. The Licensee must ensure that its Council of Governors is operating effectively.
3. The issues referred to in paragraph 1 are the 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 .
4. For the purposes of paragraph 1, an issue is addressed effectively only if it is addressed within a reasonable timescale, including any applicable timescale proposed in an independent assessment of its governance arrangements or agreed with Monitor.”

### **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.

#### **GROUND(S)**

##### 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 one or more of the following conditions of the Licensee's licence: FT4(4), FT4(5)(a) to (c), (e) and (f), FT4(6) and FT4(7).

##### 2.2. Need for action

Monitor accepted an enforcement undertaking from the Licensee dated 23 April 2013, in which the Licensee undertook, among other things, to commission an assessment of the Licensee's governance and quality governance arrangements, and to implement an action plan to address the recommendations of the assessment report.

The assessment report dated 24 July 2013 made 61 recommendations, 29 of which were high priority. The report in particular identified serious issues in relation to the effective operation of the board of directors of the Licensee and the Licensee's overall governance arrangements. Those issues indicate serious governance failings that are causing or contributing to breaches of the Licensee's licence conditions, in particular those relating to governance (FT4), and the continuing risk of such breaches. In addition, the Licensee has failed to implement all the actions necessary to address the issues identified by the Care Quality Commission ("CQC) in relation to the Blandford and Waterston wards and the CQC continues to have moderate concerns. Monitor considers that the issues, including but not limited to the report recommendations, need to be addressed as a matter of urgency.

In the light of these matters, and the other available evidence, Monitor is satisfied that the Board is failing to secure compliance with the Licensee's licence conditions and failing properly to take steps to reduce the risk of non-compliance. In those circumstances, Monitor is satisfied that the governance of the Licensee is such that the Licensee is failing and will fail to comply with the conditions of its licence.

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 ADDITIONAL LICENCE CONDITION ARE 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 WOULD 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 WOULD ALSO BE ABLE TO TAKE ACTION UNDER SECTION 89 TO REVOKE THE LICENSEE'S LICENCE.**

**MONITOR**

Dated 4 September 2013

Signed

A handwritten signature in blue ink, appearing to read "Cidra Mafes". The signature is written in a cursive, flowing style.

