

National Health Service Act 2006 ("the Act")

NOTICE of exercise of intervention powers under section 52 of the Act

**To: The Board of Directors and The Council of Governors
Gloucestershire Hospitals NHS Foundation Trust
Trust Headquarters
1 College Lawn
Cheltenham
GL53 7AG**

1. On the basis of information available to the Independent Regulator of NHS Foundation Trusts ("Monitor") about Gloucestershire Hospitals NHS Foundation Trust ("the Foundation Trust") and having taken into account representations made to Monitor by the Foundation Trust, Monitor is satisfied that:
 - (a) the Foundation Trust has contravened, and is failing to comply with its terms of Authorisation, in particular:
 - (i) Condition 2, which requires the Foundation Trust to exercise its functions effectively, efficiently and economically; and
 - (ii) Condition 6, its healthcare targets and other standards duty.
 - (b) the contravention and failure are significant under section 52(1) of the Act.
2. This Notice constitutes formal notification of the immediate exercise by Monitor of its statutory powers under section 52(3) of the Act.
3. Without prejudice to any further action which Monitor may take under the Act, Monitor requires the Foundation Trust to:
 - 3.1 produce an overall plan for delivering sustainable achievement of compliance with the Accident and Emergency target and to implement it effectively; and
 - 3.2 commission the NHS IMAS Intensive Support Team ("IST") to approve the plan and to provide support to assist the Foundation Trust in the implementation of the plan. This will provide independent assurance to the Foundation Trust Board and Monitor on the effectiveness of the plan and on the effectiveness of the implementation of the plan.



**Dated 1 May 2012
David Bennett
Chair**

Annex to NOTICE dated 1 May 2012 of exercise of intervention powers under section 52 of the Act to:

Gloucestershire Hospitals NHS Foundation Trust

The aim of this formal intervention is to ensure that the Foundation Trust makes the necessary improvements to its Accident and Emergency service promptly and with sufficient regulatory oversight and control. This is intended to help ensure that all issues relevant to the Trust's breaches of its Authorisation can be properly and sustainably addressed at a suitable pace, thereby securing due assurance as to both the safety and quality of services for patients and the effective running of the Foundation Trust.

In this context, it should be noted that the commissioning requirement at paragraph 3.2 will facilitate Monitor's intention to seek assurance from the IST on the effectiveness of the Foundation Trust's plan and on the effectiveness of the Foundation Trust's implementation of the plan, both of which remain the Foundation Trust's sole responsibility.

Overall, intervention is a secure mechanism of ensuring that appropriate regulatory control is in place to help the Foundation Trust to strengthen its governance arrangements and to protect the services it provides to patients.

In accordance with its Compliance Framework, Monitor will keep the Foundation Trust's situation under careful review.