

Single Operating Model - Part two - NHS Trust oversight

This FAQ sheet has been developed to address questions linked to the oversight approach and the self-certification template that supports this. NHS Trust Boards need to read and keep up to date with the Monitor Compliance Framework which informs part of the approach to oversight. This FAQ does not attempt to repeat or summarise the Monitor Compliance Framework which is something aspirants Foundation Trusts (FTs) need to fully understand as they work towards assessment.

A new version of the self certification template has been developed and has been circulated for use from December 2012 onwards. The new template addresses many of the feedback points received.

Some NHS Trusts have seen the approach to oversight as an additional performance management route. It is important for the provider development system to be clear that oversight is not a replacement or duplication of any existing performance management frameworks. The self certification approach to oversight, in particular, supports NHS Trust Boards to understand how the Monitor risk ratings work and the importance of good governance, self certification and Board assurance. The information gathered will inform the monthly meetings with NHS Trusts. This is, in effect, a shadow regulatory approach preparing the organisations to act and behave in the mindset of being an autonomous FT, not an organisation that awaits instruction to act from their SHA and DH.

Frequently Asked Questions

1. Some NHS Trusts with Monitor have questioned why they need to take part in oversight when they are "almost Foundation Trusts".

Until an NHS Trust is authorised as a Foundation Trust it remains an NHS Trust. There are a number of recent examples of NHS Trusts that have got to the final assessment phase with Monitor but not been authorised and a small number that have had to go back to the start of the process.

It is more important than ever that NHS Trust Boards understand their position against the Monitor Compliance Framework while in assessment with Monitor. Some NHS Trust Boards have had issues in assessment through a lack of understanding of the Compliance Framework, the risk ratings and/or the process of robust self-certification and assurance.

2. NHS Trusts need to submit quality and contractual information which is above and beyond the Monitor Compliance Framework approach. Why the difference and what do you do with this information?

Monitor is a regulator of Foundation Trusts. SHAs and the TDA have a different role and we would like to receive information on quality and contracts to inform the monthly oversight discussion meetings. Receiving this information in advance means we do not need to use the meetings to gather data but can use the time to discuss key issues and risks.

Some NHS Trusts have raised concerns about reporting small variations or single issues. The NHS Trust Board should self-certify an accurate picture relating to these areas and the SHA/TDA will be proportionate in their response. E.g. It is helpful for the SHA/TDA to be aware of any fines levied but this may not be discussed further if it is small in proportion to overall income.

We have not developed detailed definitions for each element of these returns. NHS Trust Boards should be clear how they gain assurance in these areas and report the information that they use.

The quality and contractual information are not turned into ranking tables. Many NHS Trust Boards have welcomed the simple format that puts headline data on a rolling monthly basis in front of them.

3. NHS Trusts have asked questions about definitions and over-ride rules.

The oversight return uses the same over-ride rules as Monitor and the template has been updated to reflect those rules more accurately.

It is important that NHS Trust Boards understand how they would be viewed by Monitor under the Compliance Regime which plays a key role in their assessment process. This is a shadow regulatory approach.

We have not re-written the Compliance Framework for NHS Trusts. It is available on the Monitor website and NHS Trusts are encouraged to review and understand it.

4. Some of the Board statements differ to those in the Monitor Compliance Framework.

Some of the statements in the Monitor Compliance Framework link to being a Foundation Trust and having the associated freedoms and powers. The oversight template sticks as closely as possible but has had to amend some of them to reflect the different technical and legal accountabilities NHS Trusts operate within. The statements and other metrics will be updated when Monitor issue substantive changes to their Compliance Framework.

5. What do you expect in terms of the comments column?

We have changed this from comments to Board action to clarify our expectations. If a standard is being missed or an issue is identified then we would like to understand what action the Board has agreed to take.

6. Some figures are not available in the timeframe set out.

Please include the most recent figures. For example, SHMI should be the most recent rate published by Dr Foster.

7. Some indicators are not relevant to my NHS Trust.

NHS Trust Boards do not need to complete indicators that are not applicable to them. For example, a mental health trust would not need to report against ambulance response times.

NHS Trust Boards should check whether indicators are relevant. For example, compliance with access to services for people with learning disabilities applies to all NHS Trusts. NHS Trust Boards knowing which Governance Risk Rating indicators apply to their organisation needs to be viewed as a minimum requirement as they move forwards to assessment for FT status.

8. Liquidity at my NHS Trust is a negative number, the template will not accept negative numbers.

The template accepts ratings from 1 to 5 which are summarised in the Monitor Compliance Framework. NHS Trusts are asked to insert the rating not the number of days as per the Compliance Framework.

9. Should we assume a working capital facility in our calculation of the financial risk rating?

Yes. This should be up to a maximum of 30 days operating expenses as per the Monitor Compliance Framework.