



Trust Board Report

Meeting Date:	28 th September 2015
Title:	Securing Sustainability – TDA Planning Process
Executive Summary:	<p>This report provides an update on the Board and Provider Licence statements. The Board are asked to approve the submission noting the comments regarding the financial position.</p> <p>The Board are also asked to note the course of action taken in August for the approval of this report.</p>
Action Requested:	The Board is asked to: Approve the TDA Board Statements ready for the online submission
Report of:	Chief Executive
Author:	Head of Performance
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Links to Trust Strategic Objectives	<p>4. To have an effective, well integrated organisation which operates efficiently</p> <p>5. To maintain the financial health of the organisation and seek appropriate investment opportunities that enable further enhancement of patient services.</p> <p>6. To attract, retain and develop all employees and improve employee engagement year on year.</p>
Resource Implications:	Revenue: Capital: Workforce: Funding Source:
Risks: BAF/ TRR (describe risk and current risk score)	
Public or Private: (with reasons if private)	Public Session
References: (eg from/to other committees)	
Appendices/ References/ Background Reading	Appendix 1: Provider Licence Compliance Statements Appendix 2: Single Operating Model Board Statements
NHS Constitution: (How it impacts on any decision-making)	In determining this matter, the Board should have regard to the Core principles contained in the Constitution of: <ul style="list-style-type: none"> ✚ Equality of treatment and access to services ✚ High standards of excellence and professionalism ✚ Service user preferences ✚ Cross community working ✚ Best Value ✚ Accountability through local influence and scrutiny

Background Details	
1	<p>The Accountability Framework for NHS Trust Boards – Board Statements and Provider Licence Compliance:</p> <p>The Board continues to report full compliance against the Provider Licence statements and Board Statements. The Board Statements and Provider Licence Compliance submissions are shown at Appendix 1&2.</p> <p>In the NTDA Monthly Self-certification document, there is a specific requirement within the Finance section that states:</p> <p><i>The board is satisfied that the Trust shall at all times remain a going concern, as defined by the most up to date accounting standards in force from time to time.</i></p> <p>The Board are asked to declare full compliance against this standard noting that a deficit plan has recently been submitted as part of the annual planning process.</p> <p>For note: course of action for August approval: As there was no Trust Board during August, this report was approved via email. The Trust Board Secretary circulated the reports which confirmed that there was no change since the last submission; the trust remained compliant with all provider licence requirements and all board self-certification statements were confirmed.</p> <p>Comments were requested by exception only.</p>
2	<p>Recommendations:</p> <p>The Board is asked to approve the Board Statements and the Provider Licence statements ready for the submission at the end of September.</p>

	Condition	Requirement – Taken from the Licence	Compliance -
1.	Condition G4 – Fit and proper persons as Governors and Directors	This licence condition prevents licensees from allowing unfit persons to become or continue as governors or directors (or those performing similar or equivalent functions). In exceptional circumstances and at Monitor’s discretion we may issue a licence without the licensee having met this requirement. P16	Compliant
2.	Condition G5 – Having regard to Monitor guidance	This licence condition requires licensees to have regard for Monitor guidance at all times and where it does not follow the guidance it shall inform Monitor of the reasons for that decision. P20	Compliant
3.	Condition G7 - Registration with the Care Quality Commission	This licence condition requires providers to be registered with the CQC (if required to do so by law) and to notify us if their registration is cancelled. P16	Compliant
4.	Condition G8 – Patient eligibility and selection criteria	This condition requires licence holders to set transparent eligibility and selection criteria for patients and to apply these in a transparent manner. P16	Compliant
5.	Condition P1 – Recording of information	Under the licence condition, Monitor may oblige licensees to record information, particularly information about their costs, in line with guidance to be published by Monitor. P24	Compliant
6.	Condition P2 – Provision of information	Having recorded the information in line with Pricing condition 1 above, licensees can then be required to submit this information to Monitor. P24	Compliant
7.	Condition P3 – Assurance report on submissions to Monitor	When collecting information for price setting, it will be important that the information submitted is accurate. This condition allows Monitor to oblige licensees to submit an assurance report confirming that the information they have provided is accurate. P24	Compliant
8.	Condition P4 – Compliance with the National Tariff	The Health and Social Care Act 2012 requires commissioners to pay a price which complies with, or is determined in accordance with, the National Tariff for NHS health care services. This licence condition imposes a similar obligation on licensees, i.e. the obligation to charge for NHS health care services in line with the National Tariff. P24	Compliant
9.	Condition P5 – Constructive engagement concerning local tariff modifications	The Act allows for local modifications to prices. This licence condition requires licence holders to engage constructively with commissioners, and to try to reach agreement locally, before applying to Monitor for a modification. P24	Compliant
10.	Condition C1 – The right of patients to make choices	This condition protects patients’ rights to choose between providers by obliging providers to make information available and act in a fair way where patients have a choice of provider. This condition applies wherever patients have a choice of provider under the NHS Constitution, or where a choice has been conferred locally by commissioners. P28	Compliant
11.	Condition C2 – Competition oversight	This condition prevents providers from entering into or maintaining agreements that have the object or effect of preventing, restricting or distorting competition to the extent that it is against the interests of health care users. It also prohibits licensees from engaging in other conduct which has the effect of preventing, restricting or distorting competition to the extent that it is against the interests of health care users. P28	Compliant
12.	Condition IC1 – Provision of integrated care	The licensee shall not do anything that could reasonably be regarded as detrimental to enabling integrated care. It also includes a patient interest test. The patient interest test means that the obligations only apply to the extent that they are in the interests of people who use health care services. P34	Compliant

Board Statements – NTDA Monthly Self-certification, September 2015

For each statement the Board is asked to confirm the following:

For Clinical Quality that:		Response
1.	The Board is satisfied that, to the best of its knowledge and using its own processes and having had regard to the TDA's oversight model (supported by Care Quality Commission information, its own information on serious incidents, patterns of complaints, and including any further metrics it chooses to adopt), the trust has, and will keep in place, effective arrangements for the purpose of monitoring and continually improving the quality of health care provided to its patients.	Yes
2.	The board is satisfied that plans in place are sufficient to ensure on-going compliance with the Care Quality Commission's registration requirements.	Yes
3.	The board is satisfied that processes and procedures are in place to ensure all medical practitioners providing care on behalf of the Trust have met the relevant registration and revalidation requirements.	Yes
For Finance that:		
4	The board is satisfied that the Trust shall at all times remain a going concern, as defined by the most up to date accounting standards in force from time to time.	Yes
For Governance that:		
5.	The board will ensure that the Trust remains at all times compliant with the NTDA accountability framework and shows regard to the NHS Constitution at all times.	Yes
6.	All current key risks to compliance with the NTDA's Accountability Framework have been identified (raised either internally or by external audit and assessment bodies) and addressed – or there are appropriate action plans in place to address the issues in a timely manner.	Yes
7.	The board has considered all likely future risks to compliance with the NTDA Accountability Framework and has reviewed appropriate evidence regarding the level of severity, likelihood of a breach occurring and the plans for mitigation of these risks to ensure continued compliance.	Yes
8.	The necessary planning, performance management and corporate and clinical risk management processes and mitigation plans are in place to deliver the annual operating plan, including that all audit committee recommendations accepted by the board are implemented satisfactorily.	Yes
9.	An Annual Governance Statement is in place, and the Trust is compliant with the risk management and assurance framework requirements that support the Statement pursuant to the most up to date guidance from HM Treasury (www.hm-treasury.gov.uk)	Yes
10.	The Board is satisfied that plans in place are sufficient to ensure on-going compliance with all existing targets as set out in the NDTA oversight model; and a commitment to comply with all known targets going forward.	Yes
11.	The Trust has achieved a minimum of Level 2 performance against the requirements of the Information Governance Toolkit.	Yes
12.	The board will ensure that the Trust will at all times operate effectively. This includes maintaining its register of interests, ensuring that there are no material conflicts of interests in the board of directors; and that all board positions are filled, or plans are in place to fill any vacancies.	Yes
13.	The board is satisfied that all executive and non-executive directors have the appropriate qualifications, experience and skills to discharge their functions effectively, including setting strategy, monitoring and managing performance and risks, and ensuring management capacity and capability.	Yes
14.	The board is satisfied that the management team has the capacity, capability and experience necessary to deliver the annual operating plan; and the management structure in place is adequate to deliver the annual operating plan.	Yes