

**Board of Directors Meeting (held in Public)**  
**26 May 2021**

**NHS Provider Licence Annual Self-assessment**

**1. Background**

Each year, the Board of Directors is required to self-certify compliance with certain conditions against its licence as issued by “Monitor”. (“Monitor” was the independent regulator of NHS Foundation Trusts whose functions are now undertaken by NHS Improvement).

The specific conditions we are required to self-certify against are: General Condition G6, Foundation Trust Condition FT4, and Continuity of Services Condition CoS7.

In addition, the Board is required to self-certify that it has met its legal (Section 151(2) of the Health and Social Care Act 2012) and Constitutional (paragraph 14.2) obligation to “...take steps to secure that the governors are equipped with the skills and knowledge they require in their capacity as such.”

This report is aimed to provide information to determine if the Board can confirm compliance against these conditions.

**2.0 The Timetable for Board Sign-off**

The table below provides a description of each condition and the deadline date for sign-off by the Board:

**NHS provider licence conditions**

Condition G6(3)	The Trust has taken all precautions to comply with the licence, NHS acts and NHS Constitution	By 31 May
Condition G6(4)	Publication of condition G6(3) self-certification	By 30 June
Condition FT4(8)	The Trust has complied with required governance arrangements	By 30 June
Condition CoS7(3)	The Trust a reasonable expectation that required resources will be available to deliver the designate services for the 12 months from the date of the statement.	By 30 June

NHS Improvement provides a template to assist the recording of self-certifications, should the Trust be audited by NHS Improvement. This template is no longer mandatory but it can be used to illustrate compliance with the process and maintained for record keeping purposes should the Trust be audited by NHS Improvement.

**3.0 Condition G6(3)**

Condition G6(3) requires NHS providers to confirm or not confirm that they have processes and systems that:

- Identify risks to compliance with their licence, NHS Acts and the NHS Constitution
- Guard against those risks occurring.

### **3.1 The Board's determination of compliance with General Condition G6**

The question that this condition asks is if the Trust has identified the risks to compliance and if it has taken steps to mitigate such risks.

Evidence to support compliance against this condition is provided in Appendix A.

### **4.0 Condition FT4(8)**

Condition FT4(8) is regarding systems and processes for good governance and if the Trust has governance systems and processes in place to achieve compliance against condition FT4.

Having taken into account the well-led framework for governance reviews, NHS Foundation Trust Code of Governance and the Single Oversight Framework, Appendix A references evidence to support the Board's determination of compliance against FT4(8).

### **5.0 Continuity of Services Condition 7**

Only NHS Foundation Trusts that are designated as providing Commissioner Requested Services (CRS) are required to self-certify under condition CoS7(3).

#### ***What is CRS designation?***

CRS are services commissioners consider should continue to be provided locally even if the provider is at risk of failing financially and, as such, are subject to closer regulation by NHS Improvement. Providers can be designated as providing CRS because:

- There is no alternative provider close enough
- Removing the services would increase health inequalities
- Removing the services would make other related services unviable

The Trust has received confirmation that its acute services have been confirmed as CRS by its commissioners as part of the annual contract review process.

Under this requirement the Trust is required to confirm one of three statements below and to provide supporting narrative explaining the reasons for the chosen statement:

- a. The required resources will be available for 12 months from the date of the statement;
- b. The required resources will be available over the next 12 months, but specific factors may cast doubt on this; or
- c. The required resources will not be available over the next 12 months.

The Trust would like to confirm against (a) above, which was considered as part of its annual planning process, we are assured that that required resources will be available for acute services for 12 months from the date of the statement.

### **6.0 Other Self-certifications**

#### **6.1 Training of Governors**

NHS Foundation Trusts are required to review if their Governors have received enough training and guidance to carry out their roles.

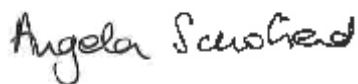
Throughout the year Governors have been continually communicated and engaged throughout the pandemic, in addition to this induction training is offered, there are opportunities to join local and national network events with presentations and information by Directors and officers provided throughout the year.

## 7.0 Recommendation

The Board is asked to:

1. Note the certified compliance against condition G6 (3) and that the Trust has taken all precautions to comply with the licence, NHS Acts and NHS Constitution;
2. Note the certified compliance against Condition FT4(8) governance arrangements;
3. Note certified compliance against Continuity of Services Condition 7 (3) that require resources will be available for acute services for 12 months from the date of the statement;
4. Note certified compliance against the Training of Governors obligation; and
5. Note and approve the plans in place to publish compliance against condition G6 (3) on the Trust's website by 30 June 2021.

We can confirm that the Board of Directors of Harrogate & District NHS Foundation Trust approved the plans in place at their meeting held on 25<sup>th</sup> May 2021.



**Angela Schofield**  
Chairman  
Harrogate & District NHS Foundation Trust  
26 May 2021



**Steve Russell**  
Chief Executive  
Harrogate & District NHS Foundation Trust  
26 May 2021