

Declarations required by General condition 6 and Continuity of Service condition 7 of the NHS provider licence

The board are required to respond "Confirmed" or "Not confirmed" to the following statements (please select 'not confirmed' if confirming another option). Explanatory information should be provided where required.

1 & 2 General condition 6 - Systems for compliance with licence conditions (FTs and NHS trusts)

1 Following a review for the purpose of paragraph 2(b) of licence condition G6, the Directors of the Licensee are satisfied that, in the Financial Year most recently ended, the Licensee took all such precautions as were necessary in order to comply with the conditions of the licence, any requirements imposed on it under the NHS Acts and have had regard to the NHS Constitution.

Not confirmed

Please complete the explanatory information in cell E36

3 Continuity of services condition 7 - Availability of Resources (FTs designated CRS only)

EITHER:

3a After making enquiries the Directors of the Licensee have a reasonable expectation that the Licensee will have the Required Resources available to it after taking account distributions which might reasonably be expected to be declared or paid for the period of 12 months referred to in this certificate.

Please Respond

OR

3b After making enquiries the Directors of the Licensee have a reasonable expectation, subject to what is explained below, that the Licensee will have the Required Resources available to it after taking into account in particular (but without limitation) any distribution which might reasonably be expected to be declared or paid for the period of 12 months referred to in this certificate. However, they would like to draw attention to the following factors (as described in the text box below) which may cast doubt on the ability of the Licensee to provide Commissioner Requested Services.

Please Respond

OR

3c In the opinion of the Directors of the Licensee, the Licensee will not have the Required Resources available to it for the period of 12 months referred to in this certificate.

Please Respond

Statement of main factors taken into account in making the above declaration

In making the above declaration, the main factors which have been taken into account by the Board of Directors are as follows:

[e.g. key risks to delivery of CRS, assets or subcontractors required to deliver CRS, etc.]

Signed on behalf of the board of directors, and, in the case of Foundation Trusts, having regard to the views of the governors

Signature

Signature

Name David Wakefield

Name Tracy Bullock

Capacity Chairman

Capacity Chief Executive

Date 08 May 2019

Date 08 May 2019

Further explanatory information should be provided below where the Board has been unable to confirm declarations under G6.

The Trust Board have taken a decision that on the basis of being unsustainable financially and having failed a number of targets, compliance cannot be declared.

During 2017/18, the Trust was placed in Financial Special Measure by its regulators at NHSI and as a result a Financial Recovery Plan (FRP) was developed. The plan for 2018/19 required the Trust to deliver a deficit of £44.8 m though the Trust outturned at £56.0 m (prior to the impact of Expert Determination). The Board has now approved a further plan for 2019/20 of break-even, and a control total has been agreed with our regulators.

In addition, the Trust failed to achieve a number of NHS constitutional targets including Referral to Treatment (RTT), A&E 4 hour standard and 62 day cancer standard. The Trust has plans in place to improve performance against those targets though is not proposing to achieve the A&E and RTT target in 19/20.