

Ref RB HH 2024-04-25

Janelle Holmes
Chief Executive Officer
Wirral University Teaching Hospital NHS
Foundation Trust
Arrowe Park Hospital
Arrowe Park Road
Upton
CH49 5PE

NHS England
Richard Barker
North West Region
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By email

25 April 2024

Dear Janelle

Wirral University Teaching Hospitals NHS Foundation Trust: Final Discontinuation of Enforcement Undertakings and Notice of Removal of Section 111 Additional Licence Condition

Thank you for your letter of 23 April 2024, indicating acceptance of the proposed discontinuation of Enforcement Undertakings and removal of the Section 111 Additional Licence Condition currently in place at the Trust.

I am pleased to attach the final documentation for signing by the Trust and return by email to my office by 7 May 2024:

- Appendix A - Discontinuation of Enforcement Undertakings
- Appendix B - Notice of Removal of Section 111 Additional Licence Condition

We look forward to working with the Trust as you continue to strive for excellence in financial and operational management and fully embrace the wider system and regional opportunities for continuous improvement.

Please do not hesitate to contact me or a member of my team, should you wish to discuss the content of this letter or any related issues in more detail.

Yours sincerely



Richard Barker CBE
Regional Director (North West)

DISCONTINUATION OF ENFORCEMENT UNDERTAKINGS

LICENSEE:

Wirral University Teaching Hospital NHS Foundation Trust (“the Licensee”)
Arrowe Park Hospital
Arrowe Park Road
Upton
CH49 5PE

BACKGROUND:

NHS Improvement (as was) accepted enforcement undertakings under section 106 of the Health and Social Care Act 2012 from the Licensee on 23 March 2018 (“the Undertakings”).

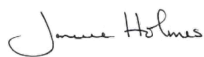
NHS England and the Licensee agree that it is not appropriate to continue the Undertakings currently in force with respect to Finance and A&E Performance due to the passage of time and changes in the Licensee’s circumstances.

In this document, “NHS Improvement” means Monitor, which was abolished and its functions transferred to NHS England on 1 July 2022 by the Health and Care Act 2022. Any reference to the “Undertakings” means the Undertakings as may have been varied from time to time.

UNDERTAKINGS TO BE DISCONTINUED:

NHS England and the Licensee agree to discontinue all of the section titled “Undertakings” in the Undertakings.

LICENSEE



Signed (Chair or Chief Executive of Licensee)

Dated: 25th April 2024

NHS ENGLAND



Signed: Richard Barker, North West Regional Director

Dated: 25th April 2024

APPENDIX B

NOTICE OF REMOVAL OF SECTION 111 ADDITIONAL LICENCE CONDITION

LICENSEE:

Wirral University Teaching Hospital NHS Foundation Trust (“the Licensee”)
Arrowe Park Hospital
Arrowe Park Road
Upton
CH49 5PE

The following additional licence condition was imposed by NHS Improvement¹ on the Licensee on 7 August 2015 in accordance with NHS Improvement’s power under section 111 of the Health and Social Care Act 2012:

“Additional Licence Condition 1 – Additional governance requirements:

1. *The Licensee must ensure that it has in place sufficient and effective Board, management and clinical leadership capacity and capability, as well as appropriate governance systems and processes, to enable it to: a. address the issues specified in paragraph 2 effectively; and b. comply with any discretionary requirement imposed or enforcement undertaking accepted under the 2012 Act in connection with those issues.*
2. *The issues referred to in paragraph 1 are:*
 - a. the Licensee’s financial position and the need to secure the delivery of its services on a financially sustainable basis;*
 - b. the need to ensure compliance with the A&E four-hour maximum waiting time target on a sustainable basis; and*
 - c. any other issues relating to governance or operations that have caused or contributed to, or are causing or contributing to, or will cause or*

¹ NHS Improvement was the operational name for Monitor and the NHS Trust Development Authority (NHS TDA). On 1 July 2022, Monitor and the NHS TDA were abolished and their functions were taken on by NHS England.

contribute to, the breaches, or the risk of breach, of the conditions of the Licensee's licence.

3. *For the purposes of paragraph 1, an issue is addressed effectively only if it is addressed within a reasonable timescale, including any applicable timescale proposed in any discretionary requirement or any enforcement undertaking, or reasonably specified by Monitor.”*

NHS England has decided it is appropriate to remove this additional licence condition, as from the date of this notice, for the following reasons:

- NHS England is satisfied that the financial governance risk can be adequately mitigated by established ICB monitoring and oversight.
- NHS England has decided to discontinue the enforcement undertakings in respect of A&E performance.

LICENSEE

Janice Holmes

Signed (Chair or Chief Executive of Licensee)

Dated: 25.4.2024

NHS ENGLAND



Signed: Richard Barker, North West Regional Director

Dated: 25th April 2024