Self-certification for NHS trusts – May 2017

Introduction

This is the first year NHS trusts must self-certify. Although NHS trusts are exempt from needing the provider licence, directions from the Secretary of State require the NHS Trust Development Authority to ensure that NHS trusts comply with conditions equivalent to the licence as it deems appropriate.

The Single Oversight Framework (SOF) bases its oversight on the NHS provider licence. NHS trusts are therefore legally subject to the equivalent of certain provider licence conditions (including Condition G6 and Condition FT4) and must self-certify under these licence provisions. NHS trusts are required to self-certify that they can meet the obligations set out in the NHS provider licence (which itself includes requirements to comply with the National Health Service Act 2006, the Health and Social Care Act 2008, the Health Act 2009 and the Health and Social Care Act 2012, and to have regard to the NHS Constitution) and that they have complied with governance requirements. The self-certification requirement set out in CoS7(3) does not apply to NHS trusts.

Supporting Comments

The Corporate Risk Register and Board Assurance Framework (BAF) identify any risks and mitigating actions. Independent assurance on the Trust’s risk management processes is also provided by the Internal Auditor and External Auditor through the Audit Committee. Risks arising from service provision are reviewed at the Integrated Governance Committee.

As a result of feedback following the CQC visit in March 2017 the Trust commissioned the Good Governance Institute to review risk and quality governance; this is also part of the second phase of NHS Improvement’s Financial Improvement Programme, supported by EY.

The Trust has systems in place to identify risks to compliance and that all risks have appropriate mitigating actions. These will be reviewed again in the light of the Good Governance Institute and EY recommendations.

The Trust continues to have regard to the provisions contained within the NHS Constitution through the formulation and adoption of Trust policies and procedures. The NHS constitution is in line with the Trust’s overall vision of high quality care for all. The Trust governance structure reflects the needs of the NHS constitution and the rights of patients, service users and staff.

<table>
<thead>
<tr>
<th>NHS provider licence condition</th>
<th>Confirmed</th>
<th>Not confirmed</th>
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<tbody>
<tr>
<td>The provider has taken all precautions necessary to comply with the licence, NHS Acts and NI IS Constitution (Condition G6(3))</td>
<td>✔️</td>
<td></td>
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</table>

Signed on behalf of the Board:

Elizabeth Butler (Chair)  
Date: 23/5/2017