

## APPENDIX 2 – MONITOR LICENCE CONDITIONS

Licence Condition	Description	NCUHT Compliance	Assurance
G4 – Fit and Proper Persons Test	<p>This condition requires that licences do not allow unfit persons to become or continue as Governors or Directors.</p> <p>“Unfit persons are: undischarged bankrupts, individuals who have served a prison sentence of three months or longer during previous five years, and disqualified directors. A company may also be an unfit person”.</p>		<ul style="list-style-type: none"> <li>• Standing Orders</li> <li>• Standing Financial Instructions</li> <li>• Code of Conduct for Boards</li> <li>• Code of Conduct for Shadow Governors</li> <li>• Review of recent additional requirements led by Director of HR and reported separately through to Board</li> </ul>
G5 – Monitor Guidance	<p>This condition requires licensees to have regard to any guidance that Monitor issues.</p>		<p>NCUHT complies with all mandatory Monitor (and TDA) guidance and considers Monitor’s best practice guidance as and when published.</p>
G7 – Registration with the Care Quality Commission (CQC)	<p>This condition reflects the obligation in the Health and Social Care Act 2012 for licensees to be registered with the CQC. This condition allows Monitor to withdraw the licence from providers whose CQC registration is cancelled and who therefore cannot continue to lawfully provide services.</p>		<ul style="list-style-type: none"> <li>• Current CQC Registration</li> <li>• Monthly QRP reporting in the Safety &amp; Quality Regulatory Report</li> <li>• Annual CQC assurance report to the Board</li> <li>• Active CQC compliance regime audited regularly</li> <li>• Compliance with planned and unannounced visits</li> </ul>
G8 – Patient Eligibility and Selection Criteria	<p>This condition required licensees to set and publish transparent patient eligibility and selection criteria and to apply these in a transparent manner. This includes criteria for determining patient eligibility for particular services, for accepting or rejecting referrals, or determining the manner in which services are provided</p>		<p>Adherence with the Prior Approvals Policy.</p> <p>Signposting to the CCG websites from the Trust website.</p>

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P1 – Recording of Information	<p>Under this licence condition, Monitor may require licensees to record information particularly information on their costs, in line with approved guidance Monitor will publish. The licence condition is worded in a way that any costs and other information that may be required can be collected from both licensees and their sub-contractors.</p> <p>This licence condition may also require licensees to record other information, such as quality and outcome data, in line with Monitor guidance and for the purpose of carrying out Monitor’s pricing functions.</p>		<ul style="list-style-type: none"> <li>• Business Unit income and expenditure, quality and activity reporting monthly to Board, FIP and Care Groups with supporting narrative explaining main variance from plan.</li> <li>• Monthly returns to the TDA on plan.</li> </ul>
P2 – Provision of Information	Under this condition, once the information has been recorded in line with Licence Condition P1, Monitor can request licensees to submit this data.		The Trust would comply with Monitor’s requests for information.
P3 – Assurance Report on Submissions to Monitor	Under this condition, Monitor may require licensees to submit an assurance report confirming the accuracy of the data they have provided under Licence Condition P2.		The Trust would comply with Monitor’s request for an assurance report.
P4 – Compliance with the National Tariff	<p>This licence condition imposes the obligation to charge for NHS healthcare services in line with the National Tariff.</p> <p><i>The Health and Social Care Act 2012 defines the</i></p>		Activity is charged in line with National Tariff where applicable.

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	<i>National Tariff as a document published by Monitor, so Pricing Condition 4 will not apply until Monitor publish the National Tariff (expected to be 2014/15).</i>		
P5 – Constructive Engagement Concerning Local Tariff Modifications	This licence condition required licensees to engage constructively with commissioners and to try and reach a local agreement before applying to Monitor for modification.		The Trust will engage constructively with commissioner to try and reach a local agreement before applying to Monitor (or the TDA) for a local modification.
C1 – The Right of Patients to Make Choices	This condition: <ul style="list-style-type: none"> <li>• Requires licensees to tell their patients when they have a choice of provider and to tell them where they can find information about the choices they have – this must be done in a way that is not misleading.</li> <li>• Requires that information and advice that licensees provide to patients about their choice of provider does not unfairly favour one provider over another and is presented in a manner that helps patients to make well-informed choices.</li> <li>• Prohibits licensees from offering gifts and benefits in kind for patient referrals or for the commissioning of services.</li> </ul>		The Trust complies with the patient choice requirements of the NHS Constitution.
C2 – Competition Oversight	This condition prohibits the licensee from entering into or maintaining agreements that have the object or effect of distorting competition to the extent it is against the interest of health care users.  It also prohibits the licensee from engaging in other		The Trust is cognisant of the Competition Act and Merger Laws and responds accordingly.

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	conduct which has the effect of preventing, restricting or distorting competition to the extent it is against the interests of health care users.		
<b>Licence Condition</b>	<b>Description</b>	<b>NCUHT Compliance</b>	<b>Assurance</b>
IC1 – Provision of Integrated Care	<p>This condition requires the licensee to not do anything that could be reasonably regarded as detrimental to enabling integrated care.</p> <p>The purpose of this licence condition is to enable Monitor to step in where integrated care is not being delivered, in spite of decisions and efforts made by commissioners.</p>		The Trust works in an integrated manner with commissioners and partner organisations e.g. Directors of Operations, Together for a Healthier Future, Out of Hospital Steering Group