

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Care standards

Quality of Services

Section 83 – Imposition of licence conditions on NHS foundation trusts

489. This section amends section 111 of the Health and Social Care Act 2012 (imposition of licence conditions on NHS foundation trusts) (the 2012 Act) to extend Monitor's powers to be able to impose additional licence conditions on foundation trusts. Monitor will be able to impose additional licence conditions on a foundation trust when the CQC has issued a warning notice to that trust requiring it to make a significant improvement to the quality of the health care provided by it (*subsection (2)*). At present Monitor can only make use of these powers if there is a failure in governance of a foundation trust.
490. Where there was a breach of any such additional licence conditions by the NHS foundation trust concerned, Monitor's powers to suspend or remove directors or governors under section 111(5) of the 2012 Act would also apply (*subsection (3)*). In the event of health care services provided by the trust requiring significant improvement, Monitor will, as a result, be able to take timely action to make changes to leadership or governance with the intention of securing improvements to those services.