

## Board of Directors – Meeting held in Public

**10 November 2022**

<b>Paper title:</b>	NHS England Consultation on the Provider Licence	<b>Agenda Item</b>  <b>23.0</b>
<b>Presented by:</b>	Fran Stead – Trust Board Secretary	
<b>Prepared by:</b>	Fran Stead – Trust Board Secretary	
<b>Committees where content has been discussed previously</b>	Name(s) and date(s) of sub-committee / working group	
<b>Purpose of the paper</b> Please check <b>ONE</b> box only:	<input type="checkbox"/> For approval <input checked="" type="checkbox"/> For information <input type="checkbox"/> For discussion	
<b>Link to Trust Strategic Vision</b> Please check <b>ALL</b> that apply	<input type="checkbox"/> Providing excellent quality services and seamless access <input type="checkbox"/> Creating the best place to work <input type="checkbox"/> Supporting people to live to their fullest potential <input type="checkbox"/> Financial sustainability, growth and innovation <input checked="" type="checkbox"/> Governance and well-led	
<b>Care Quality Commission domains</b> Please check <b>ALL</b> that apply	<input type="checkbox"/> Safe <input type="checkbox"/> Caring <input type="checkbox"/> Effective <input checked="" type="checkbox"/> Well-Led <input type="checkbox"/> Responsive	

<b>Purpose of the report</b>
To inform the Board of work supported by the Executive Management Team (EMT) on a joint response from the West Yorkshire System (WYS) - Mental Health, Learning Disability & Autism (MHLDA) Provider Collaborative, on NHS England’s consultation on the NHS Provider Licence.

<b>Executive Summary</b>
On the 1 November 2022, a discussion took place at the WYS Executive Collaborative meeting on the consultation by NHS England on the Provider Licence. It was agreed by the Executive Collaborative that a joint response would be provided from the WYS MHLDA Provider Collaborative, & one from the WYS Association of Acute Trusts on the consultation.
NHS England is proposing changes to the Provider Licence to support effective system working & the delivery of high-quality sustainable care. The Provider Licence sets out the

conditions that healthcare providers must meet to help ensure that the health sector works for the benefit of patients, now and in the future. All providers that deliver healthcare services for the NHS are required to hold a licence, unless exempt. The licence forms part of the oversight arrangements for NHS providers, serves as the legal mechanism for regulatory intervention, & underpins mandated support.

The proposals to change the Provider Licence are subject to a statutory requirement to consult existing licence holders, the Secretary of State, Integrated Care Boards, & the Care Quality Commission & its Healthwatch England Committee.

Feedback received by NHS England will be used to shape the final version of the Provider Licence. The proposed changes are described in detail in [statutory notice of consultation Part A](#). This is accompanied by a [draft new provider licence \(Part B\)](#) & an [assessment of the anticipated impact of these changes \(Part C\)](#).

The consultation closes on the 9 December 2022, following which it is anticipated that new Provider Licences will be issued to all licence holders. The estimated timeline for issue will be communicated as part of the publication by NHS England on the consultation response. Existing licence arrangements will be maintained until the new licences take effect.

The Board is asked to note that EMT will work with the WYS MHLDA provider collaborative during the consultation phase to provide a formal response.

Do the recommendations in this paper have any impact upon the requirements of the protected groups identified by the Equality Act?

- Yes** (please set out in your paper what action has been taken to address this)
- No**

### Recommendation(s)

The Board of Directors is asked to

- note that NHS England are undertaking a consultation on the NHS Provider Licence, which will conclude on 9 December 2022;
- note that NHS England will publicise the consultation response & the associated timescale for issue of the new Provider Licence; &
- note that EMT will work with the WYS MHLDA Provider Collaborative to contribute to the joint response from the System, as agreed at the WYS Executive Collaborative on 1 November 2022.

### Relationship to the Board Assurance Framework (BAF)

The work contained with this report links to the following strategic risks as identified in the BAF:

- SO1:** Engaging with our patients, service users and wider community to ensure they are equal partners in care delivery (QSC)

<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>SO2:</b> Prioitising our people, ensuring they have the tools, skills and right environment to be effective leaders with a culture that is open, compassionate, improvement-focused and inclusive culture (WEC)</li> <li><input checked="" type="checkbox"/> <b>SO3:</b> Maximising the potential of services to delivery outstanding care to our communities (QSC)</li> <li><input checked="" type="checkbox"/> <b>SO4:</b> Collaborating to drive innovation and transformation, enabling us to deliver against local and national ambitions (Board)</li> <li><input type="checkbox"/> <b>SO5:</b> To make effective use of our resources to ensure services are environmentally and financially sustainable and resilient (FBIC)</li> <li><input type="checkbox"/> <b>SO6:</b> To make progress in implementing our digital strategy to support our ambition to become a digital leader in the NHS (FBIC)</li> </ul>	
<p><b>Links to the Strategic Organisational Risk register (SORR)</b></p>	<p>The work contained with this report links to the following corporate risks as identified in the SORR:</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Compliance &amp; regulatory implications</b></p>	<p>The following compliance and regulatory implications have been identified as a result of the work outlined in this report:</p> <ul style="list-style-type: none"> <li>• Provider Licence</li> </ul>