

Declarations required by General condition 6 and Continuity of Service condition 7 of the NHS provider licence

The board are required to respond "Confirmed" or "Not confirmed" to the following statements (please select 'not confirmed' if confirming another option). Explanatory information should be provided where required.

1 & 2 General condition 6 - Systems for compliance with licence conditions (FTs and NHS trusts)

1 Following a review for the purpose of paragraph 2(b) of licence condition G6, the Directors of the Licensee are satisfied that, in the Financial Year most recently ended, the Licensee took all such precautions as were necessary in order to comply with the conditions of the licence, any requirements imposed on it under the NHS Acts and have had regard to the NHS Constitution. Confirmed OK

3 Continuity of services condition 7 - Availability of Resources (FTs designated CRS only)

EITHER:

3a After making enquiries the Directors of the Licensee have a reasonable expectation that the Licensee will have the Required Resources available to it after taking account distributions which might reasonably be expected to be declared or paid for the period of 12 months referred to in this certificate. [Yellow box]

OR

3b After making enquiries the Directors of the Licensee have a reasonable expectation, subject to what is explained below, that the Licensee will have the Required Resources available to it after taking into account in particular (but without limitation) any distribution which might reasonably be expected to be declared or paid for the period of 12 months referred to in this certificate. However, they would like to draw attention to the following factors (as described in the text box below) which may cast doubt on the ability of the Licensee to provide Commissioner Requested Services. Confirmed

OR

3c In the opinion of the Directors of the Licensee, the Licensee will not have the Required Resources available to it for the period of 12 months referred to in this certificate. [Yellow box]

Statement of main factors taken into account in making the above declaration

In making the above declaration, the main factors which have been taken into account by the Board of Directors are as follows:

The current designation of MFT services as CRS continues to be a 'default' position (i.e. automatic full designation, across all services). Commissioners have again postponed a full and recurrent review of MFT services to make a proper and considered CRS designation.

In effect, the current CRS designation remains inherited from the position in April 2013, when CRS principles were first established. At that point in time, the FT licence saw all NHS-funded services "grandfathered" into CRS status (pending service-line review) until 31st March 2016.


In March 2016, the Manchester CCGs decided to extend that position through until at least October 2017. Since then, Manchester CCG has extended this in light of the MFT merger, ongoing SHS and LCO developments. Given this, it would not be meaningful for MFT in isolation to undertake self-certification work across all services

It has remained the CCG's ultimate intention to work with MFT and the wider Manchester Health and Care Commissioning (MHCC) partnership to identify a revised list of CRS designated services. In the meantime, the CCG's view was that the current default designation provides stability and protection for services even though Commissioners remain able to re-procure or transfer services as has been the case for time during the period since April 2013 (e.g. outpatient Dermatology by CCGs, ACHD by NHS England).

In 2020/21 and 2021/22 there was no formal requirement to sign off full contract documentation between providers and commissioners, due to the impact of COVID-19. With addressing COVID-19, and subsequent elective recovery, any potential to review the list of CRS services has been severely constrained and, with the imminent change from CCGs to ICBs, to ensure consistency across GM, it is now more likely this will be picked up for 2023/24 contract at the earliest.

Given this position, MFT is unable to fully self-certify, across all services provided, that Option A or Option C are definitive

Signed on behalf of the board of directors, and, in the case of Foundation Trusts, having regard to the views of the governors

Signature 

Signature 

Name Jenny Ehrhardt

Name Sir Mike Deegan

Capacity Group Chief Finance Officer

Capacity Group Chief Executive

Date 30th May 2022

Date 30th May 2022

Further explanatory information should be provided below where the Board has been unable to confirm declarations under G6.