

# Self-certification: guidance for NHS trusts

March 2018

## Introduction

1. Last year was the first year that NHS trusts self-certified. Although NHS trusts are exempt from needing the provider licence, they are required to comply with conditions equivalent to the licence that NHS Improvement has deemed appropriate.
2. 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 Conditions G6 and FT4) and must self-certify under these licence provisions.
3. 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 Condition CoS7(3) does not apply to NHS trusts.**
4. This note provides guidance on the annual self-certification that NHS trusts are required to conduct in accordance with the requirements of the provider licence. It does not provide guidance on self-certifications that may be required, for example, under the annual planning review (APR).

## What is required?

5. Providers need to self-certify the following after the financial year end:

### NHS provider licence conditions

- The provider has taken all precautions necessary to comply with the licence, NHS acts and NHS Constitution (Condition G6(3)).
- The provider has complied with required governance arrangements (Condition FT4(8)).

6. The aim of self-certification is for providers to carry out assurance that they are in compliance with the conditions.

7. It is up to providers how they do this. Any process should ensure that the provider's board understands clearly whether or not the provider can confirm compliance. We provide templates for boards to use in this process if they find them helpful.
8. This note explains what each provider licence condition means, as well as how to use the templates. Because it is up to each provider how it goes about self-certification, the guidance is necessarily high level and should be read alongside:
  - a. the templates
  - b. [NHS provider licence](#) (last updated February 2013)
  - c. [Single Oversight Framework](#) (November 2017).
9. If you have any questions not addressed in this note or any of the additional documents referred to, please contact your regional lead.

## Condition G6

10. Condition G6(2) requires NHS trusts to have processes and systems that:
  - a. identify risks to compliance
  - b. take reasonable mitigating actions to prevent those risks and a failure to comply from occurring.

Providers must annually review whether these processes and systems are effective.

11. Providers must publish their G6 self-certification within one month following the deadline for sign-off (as set out in Condition G6(4)).

### Using the template?

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12. Providers should choose 'confirmed' or 'not confirmed' as appropriate for the declaration.
13. Providers choosing 'not confirmed' should explain why in the free text box provided.

## Condition FT4

14. NHS trusts must self-certify under Condition FT4(8).
15. Providers should review whether their governance systems achieve the objectives set out in the licence condition.
16. There is no set approach to meeting these standards and objectives but we expect any compliant approach to involve effective board and committee structures, reporting lines and performance and risk management systems.
17. NHS trusts can find further information on governance by referring to:
  - a. [well-led framework for governance reviews](#) (last updated September 2017)
  - b. [Single Oversight Framework](#) (November 2017).

### Using the template?

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18. Providers must select 'confirmed' or 'not confirmed' for each declaration as appropriate and set out relevant risks and mitigating actions in each case.
19. Providers choosing 'not confirmed' for any declaration should explain why in the free text box provided.

## Sign off

20. The board must sign off on self-certification.

## Deadlines

21. Boards must sign off on self-certification no later than:
  - a. Condition G6: 31 May 2018
  - b. Condition FT4: 30 June 2018.

## Audits

You are no longer required to return your completed provider licence self-certifications or templates to NHS Improvement. Instead, from July 2018 NHS Improvement will contact a select number of NHS trusts and foundation trusts to ask

for evidence that they have self-certified. This can either be through providing the completed templates if they have used them, or relevant board minutes and papers recording sign-off.

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