

National Health Service Act 2006 ("the Act")

NOTICE of exercise of intervention powers under section 52 of the Act

**To: The Board of Directors and The Members' Council
Dorset County Hospital NHS Foundation Trust
Dorset County Hospital
Williams Avenue
Dorchester
DT1 2JY**

1. On the basis of information made available to the Independent Regulator of NHS Foundation Trusts ("Monitor") by Dorset County Hospital NHS Foundation Trust ("the Foundation Trust") and having taken into account representations made to Monitor by the Foundation Trust and the likely impact on the Foundation Trust of the recent resignation of its former Chair, Monitor is satisfied that the:
 - (a) Foundation Trust has contravened, and is failing to comply with a term of its Authorisation, specifically, Condition 2, which requires the Foundation Trust to exercise its functions "*effectively, efficiently and economically*"; and
 - (b) contravention and failure are significant under section 52(1) of the Act.
2. This Notice constitutes formal notification of the immediate exercise by Monitor of its statutory powers under section 52(3) and (4) of the Act.
3. Without prejudice to any further action which Monitor may take under the Act, Monitor:
 - (i) appoints with immediate effect Jeffrey Ellwood as Interim Chairman of the Foundation Trust until such time as a Chairman, duly appointed by the Members' Council in accordance with the Act, has commenced their term of office at the Foundation Trust. The terms of the interim appointment of Mr Ellwood are to be on such terms with respect to remuneration and allowances as Monitor may direct; and
 - (ii) requires the Members' Council of the Foundation Trust to immediately commence its formal recruitment process to appoint a Chairman.



**Dated 29 October 2009
William Moyes
Executive Chairman**

Annex to NOTICE dated 29 October 2009 of exercise of intervention powers under section 52 of the Act to:

Dorset County Hospital NHS Foundation Trust

Currently Monitor has no reason for concerns as to the quality of the clinical care provided by the Foundation Trust to its patients.

The formal intervention relates at this stage to matters of strategic and operational leadership capacity. The Foundation Trust currently has a financial risk rating of 1 and forecasts that this rating will remain throughout the financial year 2009/10. The aim of this formal intervention is to assist the Foundation Trust in acquiring the leadership skills it will need in order to complete and then successfully deliver against its recovery plan.

It is clear, in particular, that the Foundation Trust will need strong board leadership to design and then implement the level of organisational and resourcing change necessary for the Foundation Trust to deliver against its plan.

Overall, intervention is a secure mechanism of ensuring that appropriate regulatory control is in place to help stabilise the Foundation Trust, assist in its successful recovery and to protect the services it provides for patients.