

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 Council of Governors

**Bolton NHS Foundation Trust
Minerva Road
Farnworth
Bolton
BL4 0JR**

1. On the basis of information made available to Monitor by Bolton NHS Foundation Trust (“the Foundation Trust”) and having taken into account representations made to Monitor by the Foundation Trust, Monitor is satisfied:
 - (a) that the Foundation Trust has contravened, and is failing to comply with its terms of Authorisation, in particular:
 - (i) Condition 2, which requires the Foundation Trust to exercise its functions effectively, efficiently and economically;
 - (ii) Condition 5, which requires the Foundation Trust to ensure the existence of appropriate arrangements to provide representative and comprehensive governance; and
 - (iii) Condition 6, which requires the Foundation Trust to comply with the healthcare targets and indicators set out in the Compliance Framework; and
 - (b) that the contraventions and failures 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:
 - (a) appoints David Wakefield with effect from 7 August 2012 as Interim Chairman of the Foundation Trust for such period or periods, and on such terms with respect to remuneration and allowances, as Monitor may direct;
 - (b) requires the Foundation Trust to appoint external advisers to assist in the development of a robust financial recovery plan; and
 - (c) requires the Foundation Trust to appoint an Interim Turnaround Director to its Board, for such period or periods, and on such terms with respect to remuneration and allowances, as Monitor may direct.

Dated 2 August 2012



**David Bennett
Chair**

Annex to NOTICE dated 2 August 2012 of exercise of intervention powers under section 52 of the Act to:

Bolton NHS Foundation Trust

The aim of this formal intervention is to ensure that the Board of the Foundation Trust:

- has the appropriate leadership, skills and capacity to enable the Foundation Trust to make immediate and sustainable improvements to address the identified breaches of its terms of Authorisation;
- receives additional external support to develop a suitable financial recovery plan; and
- has additional Board-level capacity to drive the implementation of the changes required at the Foundation Trust, including ensuring that there are robust processes in place to identify any risks to quality of care as costs are reduced.

Overall, intervention is a secure mechanism of ensuring that appropriate regulatory control is in place to help the Foundation Trust to strengthen its governance arrangements and to protect the services it provides to patients.

In accordance with its Compliance Framework, Monitor will keep the Trust's situation under review.