

**Bolsover District Council**

**Executive**

**31<sup>st</sup> October 2016**

**Appointments to Outside Body**

**Report of the Senior Governance Officer**

This report is public

**Purpose of the Report**

- To make an appointment to an outside body.

**1 Report Details**

- 1.1 The Council has been approached to provide a Member to sit on an outside organisation. Details are attached as an appendix to this report.
- 1.2 The organisation relates to an Executive function and the relevant Executive Member has been allocated as follows:
- The Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust – Portfolio Holder for Health and Wellbeing

This is a three year appointment and the current Portfolio Holder for Health and Wellbeing meets the criteria set out by the NHS Trust and has made a substantial contribution in the past.

**2 Conclusions and Reasons for Recommendation**

- 2.1 To appoint a member to the outside body.

**3 Consultation and Equality Impact**

- 3.1 None.

**4 Alternative Options and Reasons for Rejection**

- 4.1 Not to appoint, but this would leave Bolsover without representation on a key outside body.

**5 Implications**

None.

## 6 **Recommendations**

6.1 To appoint the:

- Portfolio Member for Health and Wellbeing to The Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	
<b>Links to Corporate Plan priorities or Policy Framework</b>	

## 8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
A	Letter from Chesterfield Royal Hospital NHS Foundation Trust
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
A. Brownsword, Senior Governance Officer	2529

**Chief Executive's Office  
Communications**

Telephone: 01246 513217  
Fax: 01246 512737  
e-mail: [nicolasmith17@nhs.net](mailto:nicolasmith17@nhs.net)

Calow  
Chesterfield  
S44 5BL

Tel: 01246 277271  
Minicom: 01246 512611  
[www.chesterfieldroyal.nhs.uk](http://www.chesterfieldroyal.nhs.uk)

Ms Abby Brownsword  
Senior Governance Officer  
Bolsover District Council  
The Arc  
High Street  
Clown  
Chesterfield  
Derbyshire  
S43 4JY

10 October 2016

Dear Ms Brownsword

**The Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust: Derbyshire  
Local Government Association Partner Appointments**

I am writing to you regarding the 2016 election and nomination process for Chesterfield Royal Hospital NHS Foundation Trust, which will formerly launch later this week (Tuesday 18 October 2016).

As you are aware the Derbyshire Local Government Association is eligible to appoint two partner governors (drawn from the eligible district councils) to the Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust. The eligible districts are:

Amber Valley District Council  
Bolsover District Council  
Chesterfield Borough Council  
Derbyshire Dales District Council  
High Peak Borough Council  
North East Derbyshire District Council

At present, councils are represented by the following councillors with terms of office (under our constitution) noted:

Title	Terms of office	Current term expires
Cllr Brian Murray-Carr Bolsover District Council	1. 1 January 2014 – 31 December 2016	31 December 2016
Cllr Kate Caulfield Chesterfield Borough Council	1. 1 October 2014 - 30 September 2017	30 September 2017

Councillor Brian Murray-Carr's seat will therefore fall vacant on 31 December 2016 and I write to invite you to appoint a partner governor, for a three-year term of office with effect from 1 January 2017 to 31 December 2019.

For clarification, I can confirm that should he wish to continue, Cllr Murray-Carr is eligible for a second term appointment. He has made a substantial contribution in the role of partner governor and his re-appointment, together with that of other partner governors, would be welcomed in terms of providing some continuity in the functioning of the governing body.

I have copied this letter to Cllr Murray-Carr to let him know that I am asking the Association for an appointment to be made from 1 January 2017.

I enclose two copies of a guide to the appointment of partner governors, one for your reference and the other one to give to the appointed nominee. This sets out the terms of appointment, including eligibility, tenure and time commitment, explains the Trust's governance arrangements, and clarifies the role and responsibilities of the Council of Governors.

I have also enclosed a nomination form to complete and a proposed schedule of meetings of the Council of Governors for 2017 (please note that these have not yet been formalised).

I would be grateful if you could make arrangements for this appointment to be made. In doing so, please ensure that the nominated appointee satisfies the eligibility criteria and are made aware of the requirements of the appointment. Please also ensure that the nomination form is completed and signed by the nominated appointees and returned with your formal letter of confirmation of the appointments. I enclose a pre-paid envelope for return of these documents.

Results from our public elections are due to be announced on Tuesday 13 December 2016 and I would be grateful if you could confirm the appointment by that date. In the meantime please do not hesitate to contact me on 01246 513217 should you have any queries.

Once I have received confirmation of appointment, I will contact the nominated appointee to provide further information and ensure that they receive agenda papers for the meetings of the Council.

Thank you for facilitating the process of appointment by the Association. Please accept my apologies if you are no longer the current secretariat, in which case I would be grateful if you could pass this letter on as appropriate.

Kind regards

**Nicola Smith**  
**Governor and Membership Officer**

Copy to: Cllr Brian Murray-Carr, partner governor for Bolsover District Council

**APPOINTMENT OF PARTNER GOVERNORS**  
**to the Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust**  
**Guide for partner organisations and nominated appointees**

**1 Summary of governance arrangements**

- 1.1 Chesterfield Royal Hospital NHS Foundation Trust is a public benefit corporation, hereafter referred to as the Trust. As such, it has a Board of Directors and a Council of Governors. The chairman of the Trust chairs both the Board of Directors and Council of Governors.
- 1.2 The Board of Directors has a very similar status to the board of a trading company. It exercises all the powers vested in the Trust on its behalf, determining the strategic direction of the Trust and overseeing its management on a day-to-day basis.
- 1.3 The Council of Governors is a stakeholder group for the local community in the stewardship of the Trust. It is responsible for the appointment of the Trust's chairman and non-executive directors, and is consulted by the Board of Directors on the strategic direction and others matters of significance to the future plans of the Trust. It does not however have any role in the day-to-day management of the Trust.
- 1.4 The role and functioning of the Trust is determined by the Terms of Authorisation set by Monitor, the Independent Regulator of NHS Foundation Trusts. The role and functioning of the Board of Directors and Council of Governors is governed by the Trust's constitution and the standing orders derived from this as they apply to each.

**2 Membership of the Council of Governors**

- 2.1 Members of the public living in the area served by the Trust and employees of the Trust are eligible to register as members of the Trust. This enables them to take part in elections to the Council of Governors.
- 2.2 The constitution for the Trust specifies the following membership for the Council of Governors:
- 19 governors elected from the Trust's public constituency;
  - 4 governors elected from the Trust's staff constituency;
  - 9 governors appointed by partner organisations.

- 2.3 The eight partner governors are as follows:
- 2 clinical commissioning group (CCG) governors;
  - 3 local authority governors;
  - 2 education sector governors;
  - 2 voluntary sector governors.
- 2.4 The arrangements for partner governors to be appointed are set out at in section 4 below.

### **3 Roles and responsibilities of governors**

- 3.1 The Council of Governors, in accordance with the Trust's constitution, has the designated responsibilities set out in 3.2 to 3.7 below.
- 3.2 Appointing or dismissing the chairman and the other non-executive directors, and approving their remuneration, allowances and other terms and conditions of office.
- 3.3 Approving the appointment of the chief executive (but not of the initial appointment to that role).
- 3.4 Appointing or replacing the Trust's external auditors, and receiving the annual accounts, the auditors' report on the accounts, and the annual report.
- 3.5 Giving the views of the Council of Governors to the Board of Directors on the annual forward plan to be given to Monitor, which is prepared by the Board of Directors in respect of each financial year
- 3.6 Responding appropriately when consulted by the Board of Directors in accordance with the constitution.
- 3.7 Receiving and considering the views of the members on matters of significance to the future plans of the Trust.

### **4 Appointment of partner governors**

- 4.1 The organisations which appoint partner governors to the Council of Governors are identified in 4.2 to 4.5 below. For ease of reference, 'he' refers to both male and female governors.
- 4.2 North Derbyshire CCG and Hardwick CCG are the appointing bodies for the CCG governors.
- 4.3 Derbyshire Local Government Association is the appointing body for the local authority governors, and co-ordinates the appointment of one governor from Derbyshire County Council and two governors drawn from:
- Amber Valley Borough Council,
  - Bolsover District Council,



- Chesterfield Borough Council,
  - Derbyshire Dales District Council,
  - High Peak Borough Council and
  - North East Derbyshire District Council
- 4.4 The University of Sheffield and the University of Derby are the appointing bodies for the two education sector governors, with each appointing one governor.
- 4.5 The North Derbyshire Council for Voluntary Services are the appointing body for the two voluntary sector governors.
- 4.6 A governor appointed by partner organisation will be appointed for an initial period of three years. He will be eligible for re-appointment at the end of that period, and can be re-appointed on two occasions, subject to serving a maximum of nine years.
- 4.7 All governors, in discharging their responsibilities, are required to act at all times in the best interests of the Trust.
- 5 Disqualification from being a governor**
- 5.1 Under the Trust's constitution, a person may not become or continue as a partner governor of the Trust if any of the criteria set out in sections 5.2 to 5.7 below apply.
- 5.2 He is a director or employee of the Trust, or a director or governor of another foundation trust.
- 5.3 He has been adjudged bankrupt or his estate has been sequestrated and in either case he has not been discharged.
- 5.4 He has made a composition or arrangement with, or been granted a trust deed for, his creditors and has not been discharged in respect of it.
- 5.5 He has been convicted in the British Isles of any offence, and a sentence of imprisonment (whether suspended or not) for a period of three months or more (without the option of a fine) was imposed on him.
- 5.6 He has in the preceding ten years been dismissed by the Trust or its predecessor on any grounds, or in the case of another organisation, on any grounds other than redundancy.
- 5.7 He has ever been convicted of an offence against children or is currently on the Register of Sexual Offenders.

**6 Eligibility, termination of office and removal of governors**

- 6.1 Under the Trust's constitution, a person holding office as a partner governor shall cease to do so if any of the criteria set out in sections 6.2 to 6.11 below apply.
- 6.2 He resigns by giving notice in writing to the Governor and Membership Officer.
- 6.3 The appointing body withdraws their appointment of him or, if that appointment arises from his employment by the appointing body, he ceases to be employed by the appointing body.
- 6.4 He is a person whose tenure of office as a chairman or member or director of a health service body has been terminated on the grounds that his appointment is not in the interests of the health service, for non-attendance at meetings, or for non-disclosure of a pecuniary interest.
- 6.5 He has had his name removed by a direction under section 46 of the 1977 Act from any list prepared under Part II of that Act and has not subsequently had his name included in such a list.
- 6.6 He is incapable by reason of mental disorder, illness or injury of managing and administering his property and affairs.
- 6.7 He has failed to abide by the terms of any declaration made on nomination or appointment, or of any code of values and principles which the Trust may publish from time to time.
- 6.8 He is a vexatious complainant, in that, in the opinion of the Board of Directors, he has persistently and without reasonable grounds, made any unjustified complaint the effect of which is to subject the Trust (or any of its staff, agents, patients or carers) to inconvenience, harassment or expense.
- 6.9 He has failed to declare an interest in accordance with standing orders or, contrary to the standing orders, has voted at a meeting on a matter on which he has an interest, or has failed to declare any interest as required by the constitution or the standing orders; in this context 'interest' includes a pecuniary or a non-pecuniary interest whether direct or indirect.
- 6.10 He has been excluded from the Trust's premises because of abusive or violent behaviour; or he has failed to comply with or otherwise contravened the Trust's policy, 'Withholding treatment and exclusion from premises of violent and abusive patients' (as amended from time to time) and has been so notified to that effect by the Trust.
- 6.11 He is a member of a Local Authority Overview and Scrutiny Committee for Health (Social Affairs and Health Scrutiny Commission).



## **7 Declaration**

7.1 An appointee of a partner organisation will be required to make a declaration (on the pro forma provided) covering the points set out 7.2 below.

7.2 The declaration will confirm that the appointee:

- is resident at their given address;
- is eligible to be appointed to the Council of Governors and not debarred from standing for election;
- endorses the principles of the National Health Service and in particular that healthcare is available to everyone regardless of age, income or ethnicity and is based on need, not the ability to pay, as well as being free at the point of delivery;

7.3 Under section 36 of the Health and Social Care (Community Health and Standards) Act 2003, it is an offence to knowingly or recklessly make a declaration which is false in a material particular.

## **8 Other terms of appointment**

### **8.1 Register of interests**

8.1.1 A governor must declare any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter concerning the Trust; and any interests which are relevant and material to the business of the Trust.

8.1.2 The Trust will maintain a register of interests of members of the Council of Governors which will be available for public inspection.

### **8.2 Expenses**

8.2.1 Appointment as a governor is unpaid.

8.2.2 The Trust will pay travelling and other expenses to governors at rates determined by the Board of Directors.

### **8.3 Termination of office**

8.3.1 A governor may resign at any time during their term of office by giving written notice.

8.3.2 Where a governor becomes disqualified or otherwise ceases to be eligible, per 5 and 6 above, he must notify the Trust without delay.

8.3.3 The Council of Governors may remove a governor from office if he breaches attendance or other requirements set by the Council

8.4 Vacancy

- 8.4.1 Where a vacancy for a partner governor arises, the appointing body will be asked to appoint a replacement. The initial tenure of the governor appointed to the vacancy will be for the balance of the departing governor's term of appointment.

8.5 Disclosure and Barring Service (DBS)

- 8.5.1 All governors are subject to disclosure and barring service (DBS) checks which are undertaken by the Trust as soon as governors accept their seat on the council.
- 8.5.2 The Trust's Governor and Membership Officer must be advised of any changes in circumstances that affect the information which would be provided on a governors DBS check.

8.6 Governors code of conduct

- 8.6.1 All governors will be required to sign a code of conduct as soon as governors accept their seat on the council.

**9 Time commitment**

- 9.1 There are normally nine meetings of the Council of Governors each year, including at least one joint meeting with the Board of Directors. Each meeting (which includes a governors' pre-meeting) usually lasts three hours.
- 9.2 In addition, governors may serve on one of the two standing committees of the Council or the small number of other ad hoc committees or have other ad hoc commitments outside the formal meetings. Partner governors tend to have fewer such commitments than elected governors.
- 9.3 Over the course of a year, with reading time, the indicative time commitment is approximately one day a month.