

Council of Governors

Thursday, 07 March 2019

Report Title:	East Suffolk and North Essex NHS Foundation Trust
Executive/NED Lead:	Denver Greenhalgh, Director of Governance
Report author(s):	Ann Alderton, Company Secretary
Previously considered by:	Trust Executive

Approval

 Discussion

 Information

 Assurance

Executive summary

The East Suffolk and North Essex NHS Foundation Trust Constitution has been reviewed and updated. There are two main areas of change, as follows:

- Removal of references to the transitional period and other provisions relating to the period immediately after the merger; and
- A change in the arrangement to fill casual vacancies, to allow the Trust to approach unsuccessful candidates up to 12 months after an election instead of 6 months. This should reduce the risk of having to call a by-election when a governor vacancy arises.

The review also identified minor spelling references and incorrect internal references which were updated at the same time.

None of the amendments are an amendment under paragraph 45.3 of the Constitution in relation to the powers or duties of the Council of Governors and, as such, do not need to be presented to the members at an Annual Members' meeting for a vote.

Once both the Council of Governors and Board of Directors approve the amendments, the revised Constitution will take effect.

Action Required of the Council of Governors
To approve the revised Constitution

Link to Strategic Objectives (SO)		Please tick
SO1	Improve quality and patient outcomes	<input type="checkbox"/>
SO2	Provide better value for money	<input checked="" type="checkbox"/>
SO3	Sustain and improve access to services that meet the needs of the population	<input type="checkbox"/>
SO4	Deliver a sustainable, skilled workforce	<input type="checkbox"/>

Risk Implications for the Trust <i>(including any clinical and financial consequences)</i>	If we do not update our Constitution it will contain obsolete references and provisions which do not reflect current governance practice
Trust Risk Appetite	Compliance/Regulatory: The board has a minimal/cautious risk appetite on regulatory compliance. If it relates to the delivery of safe care or the health and safety of individuals, it will meet requirements and will only challenge if

	there is strong evidence
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Legal and regulatory implications <i>(including links to CQC outcomes, Monitor, inspections, audits, etc)</i>	The Constitution must comply with Schedule 7 of the NHS Act 2006. Once approved, the new Constitution must be sent to NHSI
Financial Implications	By reducing the risk of having by-elections to fill casual vacancies, the Trust can save up to £10k per by-election
Equality and Diversity	Nothing in the paper contravenes Equality and Diversity legislation