
Report to:	Cabinet	Date of Meeting:	16 January 2014
Subject:	Appointment of Trust Governor – Liverpool Womens NHS Foundation Trust	Wards Affected:	All
Report of:	Director of Corporate Services		
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Purpose/Summary

To consider a request from the Trust Secretary of the Liverpool Womens NHS Foundation for a Member of the Council to be appointed on to the Council of Governors for the Foundation Trust.

Recommendation(s)

The Cabinet is request to appoint one member to represent the Council on the Council of Governors for the Liverpool Womens NHS Foundation Trust for a term of office expiring in September 2017.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability		✓	
4	Health and Well-Being	✓		
5	Children and Young People		✓	
6	Creating Safe Communities		✓	
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy	✓		

Reasons for the Recommendation:

The Cabinet has delegated authority to make appointments to outside bodies as appropriate.

Alternative Options Considered and Rejected:

None

What will it cost and how will it be financed?

(A) Revenue Costs
None

(B) Capital Costs
None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial	
Legal	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

The appointment of a Council representative on to the Council of Governors will ensure that the interests of residents of Sefton are taken into account by the Liverpool Womens NHS Foundation Trust.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD2735) has been consulted and notes the report does not indicate any direct financial implications

Head of Corporate Legal Services (LD 2040) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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Background Papers:

There are no background papers available for inspection

1. Introduction/Background

- 1.1 The Trust Secretary of the Liverpool Womens NHS Foundation has submitted a request for a Member of Sefton Council to be appointed on to the Council of Governors for the Foundation Trust for a term of office of 3 years expiring in September 2017 with a maximum term of 6 years.
- 1.2 The Council of Governors for the Liverpool Womens Foundation Trust meets four times per annum in April, July, October and January, typically on a Wednesday from 1730 – 2000 at Liverpool Women’s Hospital and the next meeting will be on Wednesday 22 January 2014 at 1730. Governors may also join one of the Council’s three committees together with ad hoc task and finish groups, depending upon their areas of interest and other commitments. All new Governors are provided with induction training (one full day) and other training where possible.
- 1.3 Both Liverpool and Knowsley Council’s already have appointees on the Council of Governors for the Liverpool Womens Foundation Trust.
- 1.4 Governors are a critical part of NHS Foundation Trusts. They provide a vital link between the organisation and its members and representing members’ interests. Governors also have a duty to hold members of the Board of Directors to account.
- 1.5 The following **role description** is primarily based on the duties outlined for Governors in legislation and as reflected in the Trust’s constitution.
 1. To hold the Non-Executive Directors (NEDs) individually and collectively to account for the performance of the Board of Directors
 2. To represent the interests of the members of the Foundation Trust as a whole and the interests of the public, bringing a fair and open-minded view on all issues
 3. To appoint and, if appropriate, remove the Chair of the Trust
 4. To appoint and, if appropriate, remove the other Non-Executive Directors of the Trust’s Board of Directors
 5. To decide the remuneration and allowances and other terms and conditions of office of the Chair and the other Non-Executive Directors
 6. To approve the appointment of the Chief Executive
 7. To appoint and, if appropriate, remove the NHS Foundation Trust’s auditor
 8. To receive the NHS Foundation Trust’s annual accounts, any report of the auditor on them, and the annual report.
 9. Put forward views on the Foundation Trust’s forward plan

10. Develop, approve and oversee implementation of the Trust's membership strategy.

It should be noted that Governors' duties are not of a managerial nature.

1.6 A person **may not** become a Governor of the Foundation Trust, and if already holding such office will immediately cease to do so, if:

- they are under sixteen years of age at the date they are nominated for election or appointment;
- they are a Director of the Foundation Trust;
- they are the spouse, partner, parent or child of a member of the Board of Directors of the Foundation Trust;
- **they are a member of a Local Authority's Committee which scrutinises health matters**
- being a member of one of the public constituencies, they refuse to sign a declaration in the form specified by the Secretary of particulars of their qualification to vote as a member of the Foundation Trust, and that they are not prevented from being a governor;
- if they are subject to a sex offender order ;
- they have been adjudged bankrupt or their estate has been sequestrated and in either case they have not been discharged;
- they have made a composition or arrangement with, or granted a trust deed for, their creditors and have not been discharged in respect of it;
- they have within the preceding five years been convicted in the British Islands of any offence:
 - against a woman or child; or
 - any other offence for which a sentence of imprisonment (whether suspended or not) for a period of three months or more (without the option of a fine) was imposed;
- being a member of the staff constituency, they are subject to a live disciplinary sanction including verbal warning;
- they have within the preceding two years been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body;
- they are a person whose tenure of office as the Chair or as a member or director of a health service body has been terminated on the grounds that their appointment is not in the interests of the health service, for non-attendance at meetings, or for non-disclosure of a pecuniary interest.

1.7 Further to the exclusion highlighted above relating to Members of the Overview and Scrutiny Committee (Health and Social Care), the Cabinet is requested to note that Councillor Cummins is currently a Governor on the Aintree Hospital Foundation Trust and that Trust has an 'exclusivity' clause in its constitution which would exclude him from being a Governor of another Foundation Trust, so if Councillor Cummins was interested in becoming a Governor of the Liverpool Women's Foundation Trust, he would need to resign from Aintree and the Cabinet would need to appoint a new Governor for that Trust.