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| Report to: | Cabinet | Date of Meeting: | 27 March 2014 |
| Subject: | Appointment of Trust Governor – Southport and Ormskirk Hospital 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 Southport and Ormskirk Hospital 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 Southport and Ormskirk Hospital 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 Southport and Ormskirk Hospital NHS Foundation Trust.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD2886/14) has been consulted and notes the report does not indicate any direct financial implications

Head of Corporate Legal Services (LD 2191/14) 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

Contact Officer: Steve Pearce
Tel: 0151 934 2046
Email: steve.pearce@sefton.gov.uk

Background Papers:

There are no background papers available for inspection

1. Introduction/Background

- 1.1 The Trust Secretary of the Southport and Ormskirk Hospital 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 Governors represent the views of our stakeholders, including patients, members of the public, staff and key stakeholder organisations such as Sefton Council, and Lancashire County Council ensuring that their opinions on the future delivery and development of services influence the Board of Director's decisions.
- 1.3 The responsibilities of the Council of Governors in Foundation Trusts are set out in law; however the law does not recognise the role of Governors in non-Foundation Trusts so until the Trust achieves Foundation Trust status, the Council of Governors will operate in shadow form. This will allow the new Governors time to complete their induction and be prepared
- 1.4 The statutory duties of Governors are to:
- Appoint, and if appropriate, remove the Chair and other Non- Executive Directors;
 - Decide the remuneration and other terms and conditions of office of the Chair and other Non- Executive Directors (NEDs);
 - Approve the appointment of the Chief Executive;
 - Appoint, and if appropriate remove, the Trust's auditor;
 - Receive the Trust's annual accounts and annual report;
 - Represent members' views to the Board of Directors on the Trust's forward plans;
 - Hold the NEDs, individually and collectively, to account for the performance of the Board of Directors;
 - Taking decisions on significant transactions, mergers, acquisitions, separations and dissolutions;
 - Decide whether any private work the Trust may undertake will significantly interfere with the Trust's principal purpose of providing NHS services; and
 - Approve any proposed increased in non-NHS income of 5% or more in any financial year.
- 1.5 The Council of Governors meet formally in public four times a year and prior to each of these meetings there is an informal meeting of the Governors in private and with the Chair and Chief Executive which is optional for Governors to attend. There will be several Governor-led Committees such as the Membership Committee which meets four times a year and the Nominations Committee which will meet on an ad hoc basis; Governors may choose to be members of these Committees.
- 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 Councillor Killen is a Governor of the Liverpool Women's NHS Trust; and both of those Trusts have an 'exclusivity' clause in their constitutions which would exclude them from been a Governor of another Foundation Trust.

1.8 Following the appointment of the Council representative, the Southport and Ormskirk Hospital NHS Foundation Trust will be added to the list of approved duties in the Members Allowances Scheme.