

## Council of Governors

<b>Report Title:</b>	East Suffolk and North Essex NHS Foundation Trust Constitution
<b>Executive/NED Lead:</b>	Helen Taylor, Chair
<b>Report author(s):</b>	Denver Greenhalgh, Director of Governance
<b>Previously considered by:</b>	N/A

**Approval**
         
  **Discussion**
         
  **Information**
         
  **Assurance**

### Executive summary

As part of annual governance review the ESNEFT constitution has been reviewed and the Council of Governors is asked to note the following amendments :

- Throughout the document Director of Governance has replaced references to the Company Secretary as this role no longer exists.
- Paragraph 13 (13.1.1) amended to state ‘Where a vacancy arises for an elected Governor the trust may, instead of holding a by-election, fill the vacancy by appointing the highest polling unsuccessful candidate at the most recent election of governors for the constituency or class in respect of which the vacancy has arisen, who is willing to take office. Any person so appointed shall hold office for the unexpired term of office of the retiring Governor’. This will enable casual vacancies within the Council of Governors to be filled in a timely manner. Where the person is unable or unwilling to take office then a by-election will be held.
- Paragraph 13 (13.1.2) given the above amendment the clause has been amended to state ‘If a vacancy occurs within six (6) months of the next scheduled election, then the seat will be held vacant until the next election’.
- Removal of references to transitional provisions.
- Amendment to public constituency areas to reflect the changes from Suffolk Coastal District Council to East Suffolk Council and removal of South Norfolk.

No other amendments are proposed at this time.

Prior to planned governor elections in 2021 the Trust would like to take the opportunity to review staff constituency classes. At the point of forming ESNEFT the staff constituency classes were respectively described as Colchester and Ipswich to reflect the predecessor trusts. As a number of staff members now work across sites and geographical areas the Trust would like to explore options to refine the descriptors. For this purpose a discussion paper will be brought to the next meeting of the Council of Governors.

### Action Required of the Council of Governors

In line with the National Health Service Act 2006 the Council of Governors are asked to review and approve the amendments to the Constitution prior to being presented to the

Board of Directors for approval at its September 2020 meeting.		
<b>Link to Strategic Objectives (SO)</b>		<b>Please tick</b>
SO1	Keep people in control of their health	<input checked="" type="checkbox"/>
SO2	Lead the integration of care	<input checked="" type="checkbox"/>
SO3	Develop our centres of excellence	<input checked="" type="checkbox"/>
SO4	Support and develop our staff	<input checked="" type="checkbox"/>
SO4	Drive technology enabled care	<input checked="" type="checkbox"/>
<b>Risk Implications for the Trust</b> <i>(including any clinical and financial consequences)</i>		If we do not have a constitution that describes the fundamental principles or established precedents that constitute the legal basis of ESNEFT, and how the organisation is governed, then we may not conduct business in line with the legislative requirements as set out in the National Health Service Act 2006.
<b>Trust Risk Appetite</b>		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
<b>Legal and regulatory implications</b> <i>(including links to CQC outcomes, Monitor, inspections, audits, etc)</i>		National Health Service Act 2006 as amended by the 2012 Act.
<b>Financial Implications</b>		None noted
<b>Equality and Diversity</b>		There are no issues relating to equality and diversity.