

**COUNCIL OF GOVERNORS' MEETING  
8<sup>th</sup> July 2014  
SUMMARY SHEET**

<b>TITLE OF PAPER</b>	Trust Constitution Amendment to public membership
<b>TO BE PRESENTED BY</b>	Professor Alan Walker, Chair
<b>ACTION REQUIRED</b>	<ul style="list-style-type: none"> <li>▪ To seek Council of Governor's approval of an amendment to the Trust's Constitution in relation to membership criteria prior to approval by the Board of Directors and ratification at the 2014 Annual Members Meeting and notification to Monitor.</li> </ul>

<b>OUTCOME</b>	<ul style="list-style-type: none"> <li>▪ The Trust's Constitution will be amended to reflect a broader membership and the Council of Governors will be increased by one to ensure the new membership is represented.</li> </ul>
<b>TIMETABLE FOR DECISION</b>	<ul style="list-style-type: none"> <li>▪ The Council is to vote on the proposal at its meeting of 8<sup>th</sup> July 2014</li> </ul>
<b>LINKS TO OTHER KEY REPORTS / DECISIONS</b>	<ul style="list-style-type: none"> <li>▪ Francis Report – greater public accountability</li> </ul>
<b>LINKS TO OTHER RELEVANT FRAMEWORKS BAF, RISK, OUTCOMES ETC</b>	<ul style="list-style-type: none"> <li>▪ Council of Governors Standing Orders</li> </ul> <p>HSE <input type="checkbox"/> MH Act <input type="checkbox"/> Equality <input type="checkbox"/> BME <input type="checkbox"/> Disability Legislation <input type="checkbox"/> NHS Constitution: Staff Rights <input type="checkbox"/> Patients' Rights <input type="checkbox"/> Public's Rights <input type="checkbox"/> Principles <input type="checkbox"/></p>
<b>IMPLICATIONS FOR SERVICE DELIVERY AND FINANCIAL IMPACT</b>	None identified
<b>CONSIDERATION OF LEGAL ISSUES</b>	The Council will be exercising its powers under paragraph 45 of the Trust's Constitution.

<b>Author of Report</b>	Sam Stoddart
<b>Designation</b>	Membership Manager
<b>Date of Report</b>	13 <sup>th</sup> June 2014

## SUMMARY REPORT

**Report to:** The Council of Governors

**Date:** 8<sup>th</sup> July 2014

**Subject:** Amendment to the Trust's Constitution in relation to membership

**From:** Sam Stoddart, Membership Manager

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### 1. Purpose

At the 13<sup>th</sup> June 2013 Council of Governors meeting, a proposal was brought by the Nomination and Remuneration Committee seeking Council approval to commission a piece of work to look at the options to amend the eligibility criteria for membership of the Trust. This was agreed and this paper presents a proposal, subsequent to a review of practice across other NHS Foundation Trusts, to amend the public membership.

Under the current terms of the Trust's Constitution, public membership is limited to people living within Sheffield's electoral wards and from these eight governors are elected to represent four geographical areas of the city.

This paper provides reasons for proposing an expanded public membership to include areas outside Sheffield and to propose an increase in number of governors on the Council of Governors from 43 to 44 to accommodate a new membership category.

### 2. Summary

Since its authorisation as a Foundation Trust in 2008, SHSC has been actively recruiting new members in order to ensure membership is representative of the city and that greater numbers of people are provided with the opportunity to engage with the Trust and contribute to its development and success. Greater membership numbers also strengthen the Trust's accountability to the community.

However, since 2008 it has become clear that there are a significant number of people who live outside Sheffield's electoral wards who consider themselves part of the local community and wish to become members of the Trust. They have therefore been awarded partial membership in that they receive the Trust's magazine, are invited to membership events and encouraged to feedback on Trust priorities. However, they are unable to vote in governor elections because they do not fulfil membership criteria. It should be noted that these figures have been included in Monitor returns.

To date, there are currently 401 members who fall outside Sheffield's electoral wards. Below are the wards to which they belong. It is clear from this that the vast majority would be considered very close neighbours of Sheffield.

Adwick	Edlington and	Renishaw
Anston and Woodsetts	Warmsworth	Ridgeway and Marsh Lane
Armthorpe	Elmton-with-Creswell	Rockingham
Ashover	Gosforth Valley	Rother
Askern Spa	Harworth	Rother Vale
Axholme Central	Hasland	Rotherham East
Balby	Hatfield	Rotherham West
Barlborough	Hathersage and Eyam	Royston
Barlow and Holmesfield	Hellaby	Scarcliffe
Bessacarr and Cantley	Hemsworth	Silverwood
Blackwell	Heslington	Sitwell
Bolsover West	Holderness	Sprotbrough
Boston Castle	Hollingwood and Inkersall	St Helens
Bradwell	Holmebrook	St Leonard's
Brampton and Walton	Hoober	Stairfoot
Brinsworth and Catcliffe	Hope Valley	Swinton
Brockwell	Hoyland Milton	Torne Valley
Brumby	Keppel	Town Moor
Calver	Killamarsh East	Tupton
Carlton Hill	Killamarsh West	Tuxford and Trent
Central	Kingstone	Unstone
Clowne North	Litton and Longstone	Valley
Coal Aston	Loundsley Green	Wales
Conisbrough and Denaby	Lowgates and	Walton
Cudworth	Woodthorpe	Wath
Darfield	Maltby	Wheatley
Darton East	Manvers	Wickersley
Darton West	Matlock All Saints	Wingerworth
Dearne South	Mexborough	Wingfield
Dinnington	Monk Bretton	Wombwell
Dodworth	North East	Worksop East
Dronfield North	Old Town	Worksop North
Dronfield South	Old Whittington	Worksop North East
Dronfield Woodhouse	Penistone East	Worksop North West
Dunston	Penistone West	Worksop South
Eckington North	Pilsley and Morton	Worksop South East
Eckington South	Pontefract North	Worsbrough
Edenthorpe, Kirk Sandall and Barnby Dun	Pontefract South	
	Rawmarsh	

It is not uncommon in other Foundation Trusts for example to convert public members who fall outside the membership criteria to patient or service user members. That is a policy that has not been adopted in this Trust.

As well as excluding people who wish to participate fully in the Trust, the current constitution also acts as a barrier to attracting candidates for Non-Executive Director (NED) appointments, including that of the Chair. It is currently a constitutional requirement that Non-Executives must be a member of the Trust. Therefore, only those people living within the boundaries of Sheffield electoral wards can apply. By expanding public member constituencies, not only could the Trust fully engage with over 400 members, but it could also attract NED candidates from outside the Sheffield locality hence the proposal from the Nomination and Remuneration Committee to consider this amendment.

However, there are implications for the Council of Governors. There must be a governor representative for each constituency. Keeping the current size of Council would mean removing one position in order to make a space for a new 'Public outside Sheffield' governor. A more pragmatic way forward would be to increase the size of Council by one.

It is acknowledged that a broader review of the constitution needs to take place and making this constitutional change would not impede that process.

### **3. Next Steps**

The Council of Governors is asked to vote on the following proposal in accordance with paragraph 45 of the constitution.

- To expand public membership to include a new 'Out of Sheffield' constituency
- To increase the Council of Governors from 43 to 44 to include one position for an elected 'Public Out of Sheffield' governor.

In accordance with the constitution more than half of those members present at the 8<sup>th</sup> July Council meeting must approve the amendment. A record of the vote will be included in the minutes.

Following approval, the proposal will be taken to the Board of Directors, where according to the constitution more than half its members must approve the amendment.

Finally, at least one member of the Council of Governors must attend the Annual Members' Meeting on 22<sup>nd</sup> September 2014 and present the amendment. Members must be given the opportunity to vote on whether to approve the amendment. If more than half vote in its favour the amendment will be adopted and Monitor, the independent regulator will be notified.

### **4. Required Actions**

- The Council is requested to make the decision referred to in 3 above in exercise of its powers to do so under paragraph 45.1 of the Trust's Constitution.

### **5. Monitoring Arrangements**

The Council's decision will be formally noted in the minutes of its meeting.

### **6. Contact Details**

For further information, please contact:

Sam Stoddart, Membership Manager on 0114 271 8825

## Amendments in the Constitution (identified by red text)

### Annex 1: THE PUBLIC CONSTITUENCY (page 20)

Table 1

Name of the Public Constituency	Area of the Public Constituency (as defined by electoral wards)	Minimum number of Members	Number of Governors to be elected
<b>Sheffield North East</b>	West Ecclesfield, East Ecclesfield, Southey, Firth Park, Burngreave, and Shiregreen and Brightside	150	2
<b>Sheffield North West</b>	Stocksbridge and Upper Don, Stannington, Hillsborough, Walkley, Broomhill and Central	150	2
<b>Sheffield South East</b>	Darnall, Manor Castle, Arbourthorne, Richmond, Birley, Mosborough, Beighton and Woodhouse	150	2
<b>Sheffield South West</b>	Gleadless Valley, Dore and Totley, Fulwood, Graves Park, Nether Edge, Eccleshall, Beauchief and Greenhill, and Crookes	150	2
<b>Outside Sheffield</b>	All wards in England	100	1

## Annex 4: Composition of the Council of Governors (Page 31)

### 3. COMPOSITION OF THE COUNCIL OF GOVERNORS

	Electing/Appointing Body	Number of Governors	Total
<b>1.</b>	<b>Public Constituency</b>		
	1.1 Sheffield North East	2	<b>9</b>
	1.2 Sheffield North West	2	
	1.3 Sheffield South East	2	
	1.4 Sheffield South West	2	
	1.5 Outside Sheffield	1	
<b>2.</b>	<b>Staff Constituency</b>		
	2.1 Nursing Staff Class	1	<b>8</b>
	2.2 Social Worker Staff Class	1	
	2.3 Medical and Clinical Staff Class	1	
	2.4 Allied Health Professions Staff Class	1	
	2.5 Psychology Staff Class	1	
	2.6 Support Worker Class	1	
	2.7 Support Clinical Staff Class	1	
	2.8 Support Central Department Staff Class	1	
<b>3.</b>	<b>Service Users and Carers' Constituency</b>		
	3.1 Service Users Class	10	<b>16</b>
	3.2 Carers Class	4	
	3.3 Young Service User and Carer Class	2	
<b>4.</b>	<b>Appointed Governors</b>		
	4.1 Sheffield Primary Care Trust	1	<b>4</b>
	4.2 Sheffield City Council	3	
<b>5.</b>	<b>Further Organisations</b>		
	5.1 Sheffield Care Trust Joint Consultative Forum		<b>7</b>
	5.2 Sheffield Hallam University	1	
	5.3 Sheffield University	1	
	5.4 Voluntary Action Sheffield	1	
	5.5 Sheffield African Caribbean Mental Health Association	2	
	5.6 Sheffield Pakistani Muslim Centre	1	
	<b>Total number of Governors</b>	<b>44</b>	<b>44</b>