



# AGENDA

## Council of Governors

**Date:** Wednesday 7 July 2021

**Location:** MS Teams

**Start Time:** 5:00pm

**Finish Time:** 7:00pm

Timings	Item No		Lead	Paper/Verbal
<b>Opening Matters</b>				
5:00	<b>CG-001-21</b>	Welcome & Apologies	KD	<b>Verbal</b>
	<b>CG-002-21</b>	Declarations of Interests Concerning Agenda Items	KD	<b>Verbal</b>
	<b>CG-003-21</b>	Minutes of last meeting: 26 November 2020	KD	<b>Paper</b>
	<b>CG-004-21</b>	Matters Arising & Action Log	KD	<b>Verbal</b>
<b>Performance</b>				
5:05	<b>CG-005-21</b>	Chairs Welcome	KD	<b>Verbal</b>
5:10	<b>CG-006-21</b>	Chief Executive Update	LB	<b>Verbal</b>
5:20	<b>CG-007-21</b>	Lead Governor Report	JW	<b>Verbal</b>
5:25	<b>CG-008-21</b>	Performance & Quality Update	Execs	<b>Presentation</b>
<b>Assurance</b>				
5:45	<b>CG-009-21</b>	Performance Committee - Assurance Report	GB	<b>Verbal</b>
5:55	<b>CG-010-21</b>	Quality Committee - Assurance Report	TJ	<b>Verbal</b>
6:10	<b>CG-011-21</b>	Audit Committee - Assurance Report	MT	<b>Verbal</b>
<b>Governance</b>				
6:20	<b>CG-012-21</b>	Amendments to the Constitution	AW	<b>Paper</b>
6:30	<b>CG-013-21</b>	Chair & Non-Executive Directors Appraisals	AW/JW	<b>Paper –to be tabled</b>
6:40	<b>CG-014-21</b>	Patient Experience & Inclusion Group – Report <ul style="list-style-type: none"> <li>• 17<sup>th</sup> March 2021</li> <li>• 19<sup>th</sup> May 2021</li> </ul>	AWa	<b>Paper</b>



# AGENDA

Closing Matters				
6:50	CG-015-21	Governor Questions	KD	Verbal
	CG-016-21	Any Other Business	KD	Verbal

## Next Meeting: (Extra-Ordinary & Annual Members Meeting)

**Date:** 22 September 2021

**Location:** MS Teams

**Start Time:** 4:00pm

**Finish Time:**



**The Clatterbridge Cancer Centre NHS Foundation Trust**  
**MINUTES OF THE COUNCIL OF GOVERNORS**  
**Thursday 26<sup>th</sup> November 2020**  
**MS Teams (Recording)**  
**5:00pm**

<b>Present:</b>	<p>Kathy Doran (KD)  Ray Murphy (RM)  Sonia Holdsworth (SH)</p> <p>John Field (JF)  Andrew Waller (Awa)  Glenys Crisp (GC)  Pat Higgins (PH)  Brian Blundell (BB)  Keith Lewis (KL)  John Roberts (JR)  Jane Wilkinson (JW)  Steve Sanderson (SS)  Deborah Spearing (DB)  Samantha Wilde (SW)  Yvonne Nolan (YN)  Laura Jane Brown (LJB)  Andy Pettitt (AP)  Andrew Bibby (AB)</p> <p>Liz Bishop (LB)  James Thomson (JT)  Jayne Shaw (JSh)  Sheena Khanduri (SK)  Joan Spencer (JSp)  Alison Hastings (AH)  Geoff Broadhead (GB)  Elkan Abrahamson (EA)  Terry Jones (TJ)  Mark Tattersall (MT)  Angela Wendzicha (AWe)  Emer Scott (ES)</p> <p>Sara Barr (SB)  Tom Pharaoh (TP)</p>	<p>Chair  Governor, Nominated - Cancer Steering Group  Governor, Nominated – Macmillan Cancer Support  Governor, Public – Wirral &amp; rest of England  Governor, Public – Wirral &amp; rest of England  Governor, Public – Warrington &amp; Halton  Governor, Public – Cheshire West &amp; Chester  Governor, Public - Cheshire West &amp; Chester  Governor, Public – Liverpool  Governor, Public – Liverpool  Governor, Public – Wales  Governor, Public – St Helens &amp; Knowsley  Governor, Staff – Non Clinical  Governor, Staff – Radiographers  Governor, - Nominated - WBC  Governor, Staff – Nurse  Governor, Nominated – UOL  Governor, Nominated – Asst. Regional Director of Specialised Commissioning (North) NHS England  Chief Executive  Director of Finance  Director of Human Resources  Medical Director  Chief Operating Officer  Non Executive Director  Non Executive Director  Non Executive Director  Non Executive Director  Non Executive Director  Assoc. Director of Corporate Governance  Assoc. Director of Strategic Marketing &amp; Communications  Chief Information Officer  Assoc. Director of Strategy</p>
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**Apols:**

<p>Andrea Chambers (AC)  Anne Olsson (AO)  Pat Gillis (PG)  Jackie McCreaney(JMc)  Sheila Lloyd (SL)</p>	<p>Governor, Nominated - Manx Cancer Help  Governor, Public - Sefton  Governor, Public – St Helens &amp; Knowsley  Governor, Public – Liverpool  Director of Nursing &amp; Quality</p>
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Item	Administrative Items	Action
COG-27-20	<p><b>Chair Welcome and Note of Apologies</b></p> <p>The offered apologies were noted.</p>	
COG-28-20	<p><b>Welcome New Governors</b></p> <p>Following our recent elections KD welcomed:</p> <ol style="list-style-type: none"> <li>1. John Roberts – Public Governor – Liverpool. John was a Governor 2016-2019 he successfully applied following a 12-month break.</li> <li>2. Yvonne Nolan - Nominated Governor - Wirral Borough Council.</li> <li>3. John Field, re-elected Public Governor - Wirral &amp; the rest of England.</li> <li>4. Deborah Spearing, re-elected - Staff – Non Clinical.</li> </ol>	
COG-29-20	<p><b>Declarations of Committee Members and other attendees interests concerning agenda items</b></p> <p>No declarations of interests were received.</p>	
COG-30-20	<p><b>Minutes of the meeting: 10<sup>th</sup> September 2020</b></p> <p>The minutes of the last meeting were agreed as a true and accurate record.</p>	
COG-31-20	<p><b>Matters Arising and Summary of Agreed Actions</b></p> <p>It was agreed that the Action Sheet was correct as reported with the following updates provided at the meeting:</p> <p><b>CoG-09-20:</b> KD informed the Council that two volunteers had visited Trust Board last Wednesday and talked about the work they do as Volunteers at our Liverpool site. There are approximately 100 volunteers at the Liverpool site, a lot of them are students who have helped during the Covid19 crisis. JW and LJB agreed that the dedication our volunteers show is exemplary. KL informed he and other Governors had offered their help but to date had not been asked. This will be discussed with Karen Kay.</p>	<b>AW</b>
<b>Performance &amp; Strategy</b>		
COG-32-20	<p><b>Integrated Performance Report:</b></p>	

	<p><b>Operational Performance</b> – JSp advised the Council that the report provides an overview for October 2020 explaining key operational issues, highlighting the following:</p> <ul style="list-style-type: none"> <li>• The Trust has maintained excellent operational performance throughout the COVID-19 pandemic and expansion into Liverpool.</li> <li>• Haemato-Oncology are continuing to make good progress with streamlining cancer pathways.</li> <li>• Work remains ongoing for the Haemato-Oncology in-patient move onto Meditech on the 1<sup>st</sup> December 2020</li> <li>• We are continuing with our offer of mutual aid to the system; this includes Imaging services, transfer of AO &amp; HO patients from LUHFT and developing pathways for Interventional Radiology.</li> <li>• The consultation regarding our new management structure closed 21/11/20 with a plan to implement a new management structure by January 2021.</li> </ul> <p>A Governor asked if there was any leeway regarding breaches? JSp confirmed that during the first wave there was a slight leeway but advised we had maintained excellent operational performance throughout the pandemic and the expansion into Liverpool. Everyone is better prepared during the current second wave.</p> <p>A question was raised regarding the new management structure. JSp explained that following the move to Liverpool we would need to function in a different way, preferably to place the Site Reference Groups (SRGs) at the heart of the decision making within the Directorates. The management restructure will reflect each division to be led by an Associate Medical Director, a Divisional Director and a Divisional Nurse or Allied Health Professional.</p> <p>A Governor asked for an update regarding the 5-year Plan, JSp explained that this had been signed off by the Trust Board and will be circulated shortly. This is also an agenda item, COG-33-20.</p> <p><b>Quality Performance:</b> JSp highlighted that overall performance around quality is excellent, noting various areas in red on the slide, explaining how they were resolved.</p> <ul style="list-style-type: none"> <li>• IMER – number of reportable incidents – following a 72 hour review it was found there was no harm to the patient.</li> <li>• MSSA (attributable) – related to a line in a patients arm resulting in a post infection review.</li> <li>• Kiebsiella (attributable) – linked to a prostate cancer abscess infection.</li> </ul>	
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	<ul style="list-style-type: none"> <li>• Formal complaints to be resolved with 25 working days – currently only achieve 31%. The operational team and quality team are working together to develop a new process.</li> <li>• Policies out of date - AWe informed the Council currently we have 260 policies of which 12 are to be reviewed. 10 of the 12 will be going through committee structures during November with virtual approval through December.</li> </ul> <p>JSp informed the Council of the work our Emergency Preparedness Resilience &amp; Response (EPRR) team had successfully achieved including antibody testing to all staff, Lateral testing kits to all front line staff and managed the flu campaign.</p> <p><b>Patient Experience –</b></p> <ul style="list-style-type: none"> <li>• Friends and Family SMS Text reminder service was launched in October 2020</li> <li>• Weekly Patient Experience ‘ward rounds’ commenced</li> <li>• Ongoing recruitment of front of house volunteers</li> </ul> <p>JSp commented that despite Covid-19 the quality team have managed to continue monthly reporting through the Integrated Governance Committee and the Quality Committee.</p> <p>At this point KD congratulated JSp as this is her first meeting since her appointment to the substantive role of Chief Operating Officer</p> <p>KD also noted that John Roberts, Public Governor for Liverpool and Yvonne Nolan, Nominated Governor for Wirral Borough Council have joined the meeting, KD welcomed them.</p> <p><b>Financial Performance -</b> JT explained the key financial headlines for October 2020 advising the small deficit we have should break even by end of our financial year. Our funding, which is a fixed allocation includes amounts for both growth and Covid-19 costs. He advised there is sufficient cash to fund all our capital investments, although we are slightly behind in our capital programme this will pick up in the final quarter this year. JT further confirmed the budget setting for next year 2021/22 will take place in quarter four. The Council will be informed accordingly when ready for sign off.</p> <p><b>Workforce Performance –</b> JSh gave the Council a general summary highlighting there are no reds on the chart and the ambers are almost green. This compares favourably with other organisations.</p>	
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	<p>JSh indicated our sickness absence has remained static over the last 3-months. Regarding Mandatory training our compliance is one of the top performing across Cheshire &amp; Merseyside.</p>	
<p><b>COG-33-20</b></p>	<p><b>Five Year Strategy</b></p> <p>LB confirmed that the 5-year Strategy had been approved at the October Trust Board. TP highlighted the steps taken in developing the strategy during 2020.</p> <p>The Strategy outlines six strategic priorities:</p> <ul style="list-style-type: none"> <li>• Be outstanding – includes Quality, Operational and Finance.</li> <li>• Be collaborative – relates to partnerships we are involved with.</li> <li>• Be a great place to work – outlines our strategic priorities around workforce over the next 5-years.</li> <li>• Be research leaders – outlines collaborative working in our Research Strategy.</li> <li>• Be digital – digital technology for patients and staff.</li> <li>• Be innovative – to be enterprising and innovative exploring opportunities that improve or support patient care.</li> </ul> <p>A detailed discussion ensued with the following matters being raised:</p> <p>Governor Strategy Committee: It was highlighted that previously, the Governors had been part of a Governor Strategy Committee but this has not met recently. Discussion ensued as to how the Governors could become involved with the Strategy development. TP added that the Strategy has already been approved by the Board. KD suggested that the Governors have a separate online session in relation to the strategy implementation.</p> <p>A Governor suggested, in connection with communications – it should be about ‘engagement’ with staff rather than ‘communicated’ to them. LB responded and informed the Council that the development of the strategy had been a two way conversation which started last Christmas. Each tumour group was involved and asked what should be included in the 5-year strategy.</p> <p>ES introduced herself (Emer Scott, Assoc. Director of Strategic Marketing &amp; Communications) and agreed that communication is very much two way and we do involve people in what we are doing. Further clarity was sought by the Governors on communication with external audiences with LB confirming that</p>	

	<p>we have a list of stakeholders which includes M.P's etc. and is regularly updated.</p> <p>ES advised that we are currently looking at how best to communicate to the general public as well as staff and patients. AW informed, the external company which facilitates our annual elections, also have the facility to contact every member, this could help with communications. AW will meet with ES to discuss.</p> <p>Regarding digitalisation - sometime ago the Council were advised that CCC's platform was not compatible with The Royal (LUHFT) and paper records were being transported between sites, how has this been addressed? SB advised CCC Haemato-oncology are using some of the I.T. provided by The Royal (LUHFT), we expect to be fully integrated on Meditech next Tuesday 1st December. SB pointed out that all information had been transported safely without using paper copies.</p> <p>A suggestion was made that perhaps patients could access information through Community Centres, LB confirmed this action was already being investigated by the Cancer Alliance.</p>	<b>AW/ES</b>
<b>Corporate Governance</b>		
<b>COG-34-20</b>	<p><b>Non-Executive Director Appointment</b></p> <p>Jane Wilkinson, Lead Governor informed the Council the recruitment for this vacancy had resulted in excess of 60 applicants. Following deliberations, five were invited for interview.</p> <p>The interview process was robust and consisted of a Focus Group and an interview panel. The panel consisted of Kathy Doran, Liz Bishop, Andy Waller and myself with Jayne Shaw providing HR advice. The panel agreed unanimously that there were two outstanding candidates.</p> <p>The following candidates are recommended to the Council of Governors:</p> <p><b>Asutosh Yagnik</b> Asutosh has a proven track record in senior leadership in small and large complex organisations with a focus on people, commercial as well as governance and leadership within a range of companies. Asutosh is currently working with University College London at their Institute for Strategy, Resilience and Security. He has vast experience in industry relating to pharmaceutical, Healthcare financial services, public sector manufacturing and oil and gas energy and Utilities.</p> <p><b>Anna Rothery</b></p>	



	<p>Anna is currently the Lord Mayor of Liverpool and brings with her a wealth of experience in community development. Anna is actively working with Cheshire NHS Midwifery initiative on increasing representation from diverse communities. Anna is passionate about the Trust and about people and individual rights to equality and has and continues to be involved in ground-breaking initiatives.</p> <p>Both individuals will bring something very different to the Board and the Governor Nominations Committee strongly recommend both Asutosh Yagnik and Anna Rothery as new Non-Executive Directors from 1<sup>st</sup> January 2021.</p> <p>A brief discussion took place, it was noted that the Focus Group had agreed unanimously with the interview panel. KD thanked all who had been involved with the interview process and asked the Council if they agreed with the recommendations? The Council agreed.</p> <p>KD advised the successful candidates C.V's will be circulated to the Council.</p>	<p><b>AW</b></p>
<p><b>COG-35-20</b></p>	<p><b>Audit Committee - Update</b></p> <p>MT informed the Council there have been regular meetings held during the summer with excellent feedback received from Mersey Internal Audit. During the most recent Committee meeting updates were given on results of the follow up work in six areas that that were outstanding. Challenges were noted during the summer regarding timings of completion of our external audit. This challenge necessitated questions to be raised with Grant Thornton (external auditors) and our internal team to examine what had caused the delays. A joint report supported by our team was subsequently submitted to the October meeting, this report highlighted actions for Grant Thornton and our internal team to examine in an attempt to halt future delays.</p> <p>Our internal tracking system has been greatly improved and easily identifies any problems resulting in clarity and giving assurance.</p> <p>MT reminded the Council that Grant Thornton were appointed on a 2-year term, therefore during the first quarter of next financial year plans will need to be put in place to begin the tender process for new external auditors, this process will involve the Governors.</p> <p>Board Assurance Framework (BAF) – this supports the 5-year Strategy in managing the risks, any change to the strategy has</p>	

	to be reflected in the BAF document to identify any strategic risks.	
<b>COG-36-20</b>	<p><b>Quality Committee - Update</b></p> <p>TJ thanked KD for the opportunity to present to the Council of Governors for the first time during his term of Non-Executive Director. He informed the Council that following Covid-19 and to keep in line with national guidance the Quality Committee was subsumed into the Trust Board from April to September 2020 but has now returned to operating as a separate committee.</p> <p>TJ explained the Quality Committee covers a wide range, the core work is to scrutinise the work of the Integrated Performance Report and to receive reports from five sub-committees, (1) The Digital Programme Board (2) Integrated Governance Committee (3) Risk Management Committee (4) Drug &amp; Therapeutics Committee and (5) Workforce, Education &amp; Organisational Committee.</p> <p>Last February the Quality Committee agreed to suspend the Risk Management Committee to allow detailed work on the Datix system to be carried out and has now resumed meetings.</p>	
<b>COG-37-20</b>	<p><b>Performance Committee – Update</b></p> <p>GB explained that owing to Covid-19 there had been a slight pause in the meetings during the summer but is now back to regular monthly meetings. He highlighted some of the standard agenda items i.e. Transforming Cancer Care programme which mainly focused on the expansion into Liverpool. Currently the focus relates to redevelopment of the Wirral site and how it is being progressed.</p> <p>The Integrated Performance report is submitted to the Performance Committee, this report highlights performance indicators. A report from Finance informs the committee of their strategy and updates on changes instigated from NHS England including Covid-19 costs.</p>	
<b>COG-38-20</b>	<p><b>Charitable Funds Committee – Update</b></p> <p>KD introduced AH who Chairs this Committee, informing the Council she will be leaving at the end of this year and thanked her for her dedication over the last 9-years. JW also commended AH on her help with the Governors and their Committees.</p> <p>AH thanked KD and JW for their kind words. She gave thanks to SS who had helped when AH had been appointed Interim Chair.</p>	

	<p>AH informed the Council during the last 9-months fundraising had been very difficult thus resulting in a loss of income. Our new target is 43% of the original figure pre Covid-19. This reduction impacted our LEGO Brick Hospital, however an agreement has been reached with the company who provided the model, and they have agreed to complete the building on our behalf.</p> <p>AH advised the Investment Committee has been reinvigorated and despite the market being volatile we are experiencing a good level of return.</p> <p>There has been a serious incident regarding our Charity Bags. Households are asked to donate clothes etc and leave outside for collection. It transpired that a company imitating CCC were collecting the donated goods. The Police and Action Fraud have been notified.</p> <p>The Charity have received two donations from NHS Charities Together in the sum of £45,000 as a result of Captain Tom Moore walking during lockdown. The donation has been used to support staff, volunteers and patients impacted by Covid-19.</p> <p>SS also thanked AH for her support during his term as Lead Governor.</p>	
<p><b>COG-39-20</b></p>	<p><b>Patient Experience Committee – Update</b></p> <p>AWa explained that owing to Covid-19 Governors Patient Experience Committee meetings had been suspended however he together with KL, SS, LJB have been attending the Trusts’ Patient Experience &amp; Inclusion Group (PEIG) committee meetings. AWa informed that Karen Kay, Deputy Director of Nursing who Chairs the committee and Kirsteen Scowcroft (KS) the lead for the Digital pledge are both to be commended for their success with this committee. He also commented that KL provides positive input to the meetings. AWa gave a brief outline about the PEIG committee and their objectives highlighting three issues that he had been asked to bring to the attention of this Council meeting:</p> <ol style="list-style-type: none"> <li>1. The Trust has not had a PEIG lead for sometime; would it be possible to recruit to this role?</li> <li>2. Staff Health and Wellbeing is very important to PEIG: Currently there is a Strategy but no group – would it be possible to form a group to engage with PEIG?</li> </ol>	

	<p>3. The PEIG Committee would like a Non Executive Director to engage with the Committee and have input to the agenda?</p> <p>Pat Higgins confirmed she would like to attend the next PEIG committee meeting. AWa will advise dates.</p> <p>KD thanked all for engaging in the PEIG meetings and confirmed the three points raised will be addressed.</p>	<p><b>AWa</b></p> <p><b>AW</b></p>
<b>COG-40-20</b>	<p><b>Membership &amp; Communications Committee – Update</b></p> <p>JW confirmed owing to Covid-19 the committee meetings were placed on hold however, there will be a meeting in January and confirmed that all Governors would be welcome to attend. JW will have a meeting with ES regarding communications prior to the meeting.</p> <p>AWe informed that the Governors Committees had been suspended following National Guidance in relation to Covid-19 pandemic.</p> <p>AWe updated the Council regarding the Annual Members' Meeting: Again, owing to the pandemic the national advice given was that the AMM could not be held as normal therefore recordings and filming have taken place during the last week. A notification is on the website and various social media sites inviting people to look at our Annual Report/Annual Accounts and to let us have any questions. The recording will be available on Monday 30<sup>th</sup> November.</p>	<p><b>JW/ES</b></p>
<b>COG-41-20</b>	<p><b>Any Other Business</b></p> <p>KD informed the Council that Sonia Holdsworth, Nominated Governor for Macmillan will be leaving at the end of November. KD and JW thanked SH for her input over the years to the Council and hoped she may reapply as a Public Governor when a vacancy occurs in her constituency.</p> <p>There was no other business.</p> <p>KD thanked Governors and staff for joining the meeting and wished them all a very Happy Christmas and New Year.</p>	
	<p><b>Date of next meeting:</b></p> <p><b>February 2021 via MS Teams.</b></p>	

Council of Governors Committee - Action Log						
KEY: BLUE = COMPLETE / GREEN = ON TRACK / AMBER = AT RISK / RED = LATE						
Item No.	Date of Meeting	Item	Action(s)	Action by	Date to complete by	Date Completed / update
CoG-51-19	07.11.19	Trust Board Development Day	New 'Trust values tree' to be shared with Council once completed	JSh	Ongoing	Programme of work to review and refresh our Values planned to support the new Strategic plan. Engagement activities are being held with staff, patients and stakeholders.
CoG-31-20	26.11.20	Matters Arising	Governors to offer of help at CCCL - to be discussed with Karen Kay	AW	Feb-21	Completed
CoG-33-20	26.11.20	Five Year Strategy	Online conversation regarding Governors involvement with Strategy	AW/TP	Feb-21	Strategy Implementation Update confirmed for Monday 5 July 2021. COMPLETED
CoG-39-20	26.11.20	Patient Experience Cttee - Update	1. Lead for Patient Experience 2. Staff health & wellbeing - forum group 3. NED on the group.		Jul-21	1. Recruitment completed for Patient Experience Manager. 2. KK to liaise with Steph Thomas re the existing support in place. 3. PEIG is an operational group and therefore not appropriate for a NED to be part of the group.
CoG-39-20	26.11.20	Patient Experience Cttee - Update	Pat Higgins to be notified of next date for PEIG Committee	AWa	31.12.21	
CoG-40-20	26.11.20	Membership & Comms Committee - update	All Governors invited to attend next meeting in January 2021	All Govs	31.01.2021	Dates to be confirmed for 2021
CoG-40-20	26.11.20	Membership & Comms Committee - update	Meeting to discuss communications with members/public	JW/ES	31.01.2021	Completed

# Council of Governors Performance Update

**7<sup>th</sup> July 2021**

**Hannah Gray**

**James Thomson**

**Jayne Shaw**



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- 1. Operational Performance**
- 2. Quality Performance**
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- 4. Workforce Performance**
- 5. Questions**



# Efficiency

Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
S	Length of Stay: Elective (days): Solid Tumour	↓	G: ≤6.5 A: 6.5-6.8 R: >6.8	5.5	6.5	J J A S O N D J F M A M
S	Length of Stay: Emergency (days): Solid Tumour	↔	G: ≤8 A: 8.1-8.4 R: >8.4	7.4	6.6	J J A S O N D J F M A M
S	Length of Stay: Elective (days): HO Ward 4	↔	G: ≤21 A: 21.1-22.1 R: >22.1	12.5	15.1	J J A S O N D J F M A M
S	Length of Stay: Emergency (days): HO Ward 4	↔	G: ≤22 A: 22.1-23.1 R: >23.1	10.5	11.8	J J A S O N D J F M A M
S	Length of Stay: Elective (days): HO Ward 5	↔	G: ≤32 A: 32.1-33.6 R: >33.6	11.4	17	J J A S O N D J F M A M
S	Length of Stay: Emergency (days): HO Ward 5	↔	G: ≤46 A: 46.1-48.3 R: >48.3	0	5	J J A S O N D J F M A M
S	Delayed Transfers of Care as % of occupied bed days (now CCC)	↔	≤3.5%	2.2%	1.9%	J J A S O N D J F M A M
S	Bed Occupancy: Midnight (Ward 4: HO)	↔	G: ≥85% A: 81-84.9% R: <81%	81.6%	81.7%	J J A S O N D J F M A M
S	Bed Occupancy: Midnight (Ward 5: HO)	↔	G: ≥80% A: 76-79.9% R: <76%	61.0%	59.4%	J J A S O N D J F M A M
S	Bed Occupancy: Midday (Solid Tumour)	↔	G: ≥85% A: 81-84.9% R: <81%	78.6%	79.0%	J J A S O N D J F M A M
S	Bed Occupancy: Midnight (Solid Tumour)	↔	G: ≥85% A: 81-84.9% R: <81%	72.4%	71.9%	J J A S O N D J F M A M







# Efficiency

Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
C/S	% of elective procedures cancelled on or after the day of admission	↔	0%	0%	0%	0% for all months
C/S	% of cancelled elective procedures (on or after the day of admission) rebooked within 28 days of cancellation	↔	100%	None cancelled	None cancelled	No elective procedures have been cancelled on or after the day of admission
C/S	% of urgent operations cancelled for a second time	↔	0%	0%	0%	0% for all months
L	Imaging Reporting: Inpatients (within 24hrs)	↔	G: ≥90% A: 80-89.9% R: <80%	97.6%	98.2%	J J A S O N D J F M A M
L	Imaging Reporting: Outpatients (within 7 days)	↔	G: ≥90% A: 80-89.9% R: <80%	83.6%	83.2%	J J A S O N D J F M A M
C/Phase 3 Covid-19 Guidance	Data Quality - % Ethnicity that is complete (or patient declined to answer)	↔	100%	99.2%	96.7%	J J A S O N D J F M A M
C	Data Quality - % of outpatients with an outcome	↔	G: ≥95% A: 90-94.9% R: <90%	96.7%	96.5%	J J A S O N D J F M A M
C	Data Quality - % of outpatients with an attend status	↔	G: ≥95% A: 90-94.9% R: <90%	96.6%	96.9%	J J A S O N D J F M A M
S	Percentage of Subject Access Requests responded to within 1 month	↔	100%	100%	100%	J J A S O N D J F M A M
C	% of overdue ISN (Information Standard Notices)	↔	0%	0%	0%	0% for all months



# Access

Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
L	7 days from referral to first appointment	↓	G: ≥90% A: 80-89.9% R: <85%	84.4%	85.0%	
C/S	2 week wait from GP referral to 1st appointment	↔	93%	100.0%	100.0%	
L	24 days from referral to first treatment	↑	G: ≥85% A: 80-84.9% R: <80%	90.6%	87.0%	
C/S	28 day faster diagnosis - (Referral to diagnosis)	↑	75% (shadow monitoring)	83.3%	78.6%	
S	31 day wait from diagnosis to first treatment	↔	96%	98.8%	99.1%	
C/S	31 day wait for subsequent treatment (Drugs)	↔	98%	99.2%	99.0%	
C/S	31 day wait for subsequent treatment (Radiotherapy)	↔	94%	95.9%	97.2%	
S	Number of 31 day patients treated ≥ day 73	↔	0	0	0	
C/S	62 Day wait from GP referral to treatment	↔	85%	91.2%	88.8%	
C/S	62 Day wait from screening to treatment	↔	90%	100.0%	100.0%	
L	Number of patients treated between 63 and 103 days (inclusive)	N/A	No Target	42	74	
S	Number of patients treated => 104 days	N/A	No Target	15	27	
L	Number of patients treated => 104 days AND at CCC for over 24 days (Avoidable)	↔	G: 0 A: 1 R: <1	0	0	
C/S	Diagnostics: 6 Week Wait	↔	99%	100%	100%	
C/S	18 weeks from referral to treatment (RTT) Incomplete Pathways	↔	92%	98.7%	98.5%	



# Key Operational Issues

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1. Maintained excellent operational performance throughout the COVID-19 pandemic and expansion into CCC Liverpool.
2. New 'Divisional' and 'Clinical Business Unit' management structure implemented and functioning well.
3. Haemato-oncology (HO) are making good progress with streamlining cancer pathways; reviewing options for a Rapid Diagnostic Service and implementing system changes.
4. Successful move of Haemato-Oncology in-patient services onto Meditech (Electronic Patient Record system) on the 1<sup>st</sup> December 2020.
5. Provided significant mutual aid to the wider NHS system, including imaging capacity and transfer of Acute Oncology and HO patients from LUHFT.
6. The dedicated Teenage and Young Adult Unit opened at CCCL in April 2021.
7. Produced online dashboards to support patient safety, COVID-19 recovery planning and the achievement of Cancer Waiting Times standards.





The Clatterbridge  
Cancer Centre  
NHS Foundation Trust

# Quality Performance

Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
C/S	Never Events		0	0	0	0 for all months
C/S	Serious Untoward Incidents (month reported to STEIS)		0	2	3	
C/S	Serious Untoward Incidents: % submitted within 60 working days / agreed timescales		100%	0 requiring submission	100%	
S	RIDDOR - number of reportable incidents		0	0	1	
S	Significant accidental or unintended exposure (SAUE); Radiotherapy delivered dose or Radiotherapy geographical miss - Treatment Errors		G: ≤3 A: 4-5 R: >5	0	0	
S	Significant accidental or unintended exposure (SAUE); Radiotherapy delivered dose or Radiotherapy geographical miss - Imaging Errors		G: ≤8 A: 9-12 R: >12	0	0	
S	Incidents /1,000 Bed Days		No target	221	215	
L	Incidents resulting in harm /1,000 bed days		No target	22	20	
C/S	Inpatient Falls resulting in harm due to lapse in care		0	0	0	
S	Inpatient falls resulting in harm due to lapse in care /1,000 bed days		0	0	0	
C/S	Pressure Ulcers (hospital acquired grade 3/4, with a lapse in care)		0	0	0	0 for all months
C/S	Pressure Ulcers (hospital acquired grade 3/4, with a lapse in care) /1,000 bed days		0	0	0	0 for all months



# Quality Performance

Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
S	Consultant Review within 14 hours (emergency admissions)	↔	90%	98.2%	98.0%	J J A S O N D J F M A M
C/S	% of Sepsis patients being given IV antibiotics within an hour*	↔	90%	97.0%	97.0%	J J A S O N D J F M A M
C/S	VTE Risk Assessment	↓	95%	94.0%	95.0%	J J A S O N D J F M A M
S	Dementia: Percentage to whom case finding is applied	↔	90%	92.0%	97.0%	J J A S O N D J F M A M
S	Dementia: Percentage with a diagnostic assessment	-	90%	No patients	N/A	J J A S O N D J F M A M
S	Dementia: Percentage of cases referred	-	90%	No patients	N/A	No patients were referred
C/S	Clostridiodes difficile infections (attributable)	↔	≤4 (pr yr)	2	3	J J A S O N D J F M A M
C/S	E Coli (attributable)	↑	G: ≤9, A: 10 R: >10 (pr yr)	1	1	J J A S O N D J F M A M
C/S	MRSA infections (attributable)	↔	0	0	0	0 for all months
C/S	MSSA bacteraemia (attributable)	↔	G: ≤4, A: 5 R: >5 (pr yr)	0	0	J J A S O N D J F M A M
C	Klebsiella (attributable)	↓	G: ≤9, A: 10 R: >10 (pr yr)	0	1	J J A S O N D J F M A M
C	Pseudomonas (attributable)	↔	G: ≤4, A: 5 R: >5 (pr yr)	0	0	J J A S O N D J F M A M
C/S	Patient FFT score (% positive)	↔	G: ≥95% A: 90-94.9% R: <90%	96%	96%	J J A S O N D J F M A M

# Quality Performance



Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
C	Number of formal complaints received	↑	No target	4	7	
S	Number of formal complaints / count of WTE staff (ratio)	↑	No target	0.003	0.002	
C	% of formal complaints acknowledged within 3 working days	↓	100%	75%	86%	
L	% of routine formal complaints resolved in month, which were resolved within 25 working days	↔	G: ≥75% A: 65-74.9% R: <65%	50%	33%	
L	% of complex formal complaints resolved in month, which were resolved within 60 working days	N/A	G: ≥75% A: 65-74.9% R: <65%	100%	100%	
C/S	% of FOIs responded to within 20 days	↔	100%	100%	100%	
C/S	Number of IG incidents escalated to ICO	↔	0	0	0	0 for all months
C	NICE Guidance: % of guidance compliant	↔	G: ≥90% A: 85-89.9% R: <85%	95%	94%	
L	Number of policies due to go out of date in 3 months	↓	No target	24	N/A	
L	% of policies in date	↑	G: ≥95% A: 93.1-94.9% R: <93%	95%	95%	
C/S	NHS E/I Patient Safety Alerts: number not implemented within set timescale.	↔	0	0	0	0 for all months

# Quality Highlights

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- Successful delivery of the COVID -19 vaccination plan.
- Effective Infection Control management of COVID -19.
- Patient Friends and Family test: over 2,000 responses per month.
- Contribution of our volunteers during the pandemic.
- Activity of the 'Patient Experience and Inclusion Group' and the 'Dementia, Learning Disabilities and Autism Collaborative'.
- 'Perfect Ward' initiative implemented.
- Improved management of complaints.





# Financial Performance

For May 2021, the key financial headlines are:

Metric	In Mth 2 Actual	In Mth 2 Plan*	Variance	Risk RAG	YTD Actual	YTD Plan*	Variance	Risk RAG
Trust Surplus/ (Deficit) (£000)	2	0	2		33	0	33	
CPL/Propcare Surplus/ (Deficit) (£000)	121	0	121		234	0	234	
Control Total Surplus/ (Deficit) (£000)	123	0	123		267	0	267	
Cash holding (£000)	52,835	53,451	(616)		52,835	53,451	(616)	
Capital Expenditure (£000)	20	0	20		26	0	(26)	

The month 2 Trust financial position to the end of May is £33k surplus, the consolidated position is showing a £267k surplus, against a break even plan. Cash is showing a closing balance of £52.8m which is £0.6m below planned cash. Capital spend is £20k in month.







# Workforce Performance

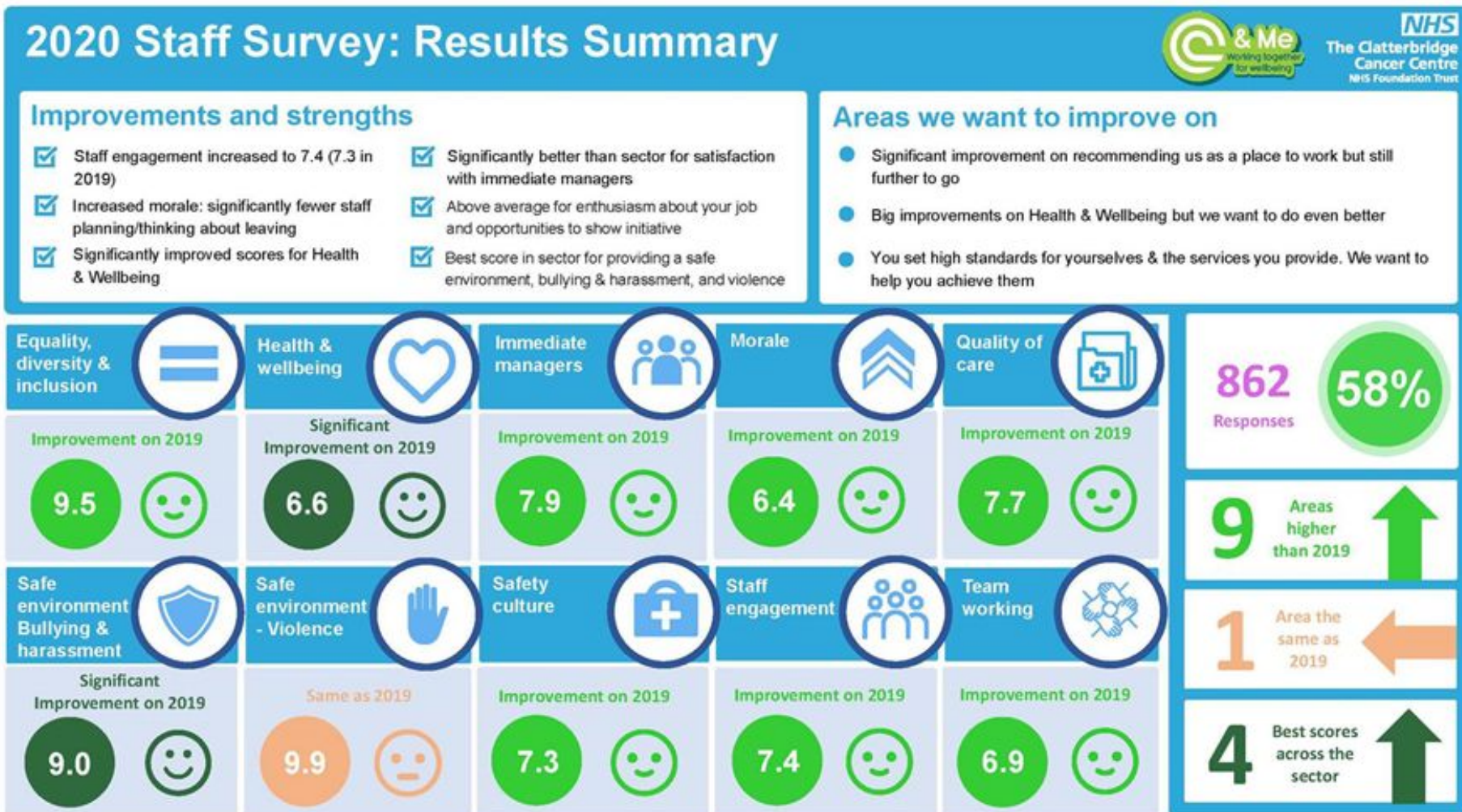
Directive	Key Performance Indicator	Change in RAG rating from previous month	Target	May-21	YTD 2021/22	Last 12 Months
S	Staff Sickness	↑	G: ≤4% A: 4.1-4.9% R: ≥5%	4.2%	3.86%	J J A S O N D J F M A M
S	Staff Turnover	↓	G: ≤1.2% A: 1.21-1.24% R: ≥1.25%	1.06%	2.76%	J J A S O N D J F M A M
S	Statutory and Mandatory Training	↔	G: ≥90% A: 75-89% R: ≤75%	95.6%	N/A	J J A S O N D J F M A M
L	PADR rate	↔	G: ≥95% A: 75-94.9% R: ≤74%	82.3%	N/A	J J A S O N D J F M A M
S	FFT staff: Recommend as a place to work (Quarterly survey)	-	G: ≥95% A: 90-94.9% R: ≤90%	N/A	N/A	J J A S O N D J F M A M
S	FFT staff: Recommend care and treatment (Quarterly survey)	-	G: ≥95% A: 90-94.9% R: ≤90%	N/A	N/A	J J A S O N D J F M A M
L	% of Staff who have had the <b>first</b> dose Covid-19 vaccination (at month end)	↑	No national target	92.4%	N/A	J J A S O N D J F M A M
L	% of BAME Staff who have had the <b>first</b> dose Covid-19 vaccination (at month end)	↑	No national target	90.6%	N/A	J J A S O N D J F M A M
L	% of Staff who have had the <b>first</b> dose Covid-19 vaccination or have refused the vaccination (at month end)	↑	No national target	95.8%	N/A	J J A S O N D J F M A M
L	% of BAME Staff who have had the <b>first</b> dose Covid-19 vaccination or have refused the vaccination (at month end)	↑	No national target	93.4%	N/A	J J A S O N D J F M A M
L	Covid-19 vaccinations: <b>Second</b> dose received as % of first dose received (at month end)	↑	No national target	95.7%	N/A	J J A S O N D J F M A M
L	Covid-19 vaccinations: BAME staff, <b>Second</b> dose received as % of first dose received (at month end)	↑	No national target	94.8%	N/A	J J A S O N D J F M A M



The Clatterbridge  
Cancer Centre  
NHS Foundation Trust

# Workforce Performance

The national staff survey took place from Sep-Nov 2020.



# Workforce Performance

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- Sickness absence reached a high of 6.5% in January 2021, however CCC's figures have been significantly lower than in other local NHS Trusts during the pandemic.
- Following a period of relatively high turnover prior to opening CCC Liverpool, this has been below target in most months.
- Statutory and Mandatory training compliance continues to perform above the Trust target of 90%.
- The Trust is currently underperforming against the PADR target. Changes to the process have been enacted to support compliance.
- National Staff Survey Results 2020 improved in all but one category (maintained at 9.9).
- Divisional and Corporate Service staff engagement work is progressing well.



# Questions

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# REPORT COVER

Report to:	Council of Governors	
Date of meeting:	7 July 2021	
Agenda item:	CG-012-21	
Title:	Amendments to the Constitution	
Report prepared by:	Angela Wendzicha	
Executive Lead:		
Status of the report: (please tick)	Public <input checked="" type="checkbox"/>	Private <input type="checkbox"/>

Paper previously considered by:	Not applicable
Date & decision:	

Purpose of the paper/key points for discussion:	<p>The Trust is required to review its Constitution every 3 years. The last review and update was carried out in 2018, therefore the Trust is required to review, update if necessary and present to the Council of Governors for approval.</p> <p>The current Constitution is also attached for your ease of reference.</p> <p>The attached revised Constitution has been amended to reflect the following;</p> <ol style="list-style-type: none"> <li>The Constitution is now aligned to the model NHS Constitution and therefore the order has been amended.</li> <li>The composition of each Constituency is set out in Annex 1-3</li> <li>The Council of Governors is asked to consider the inclusion of paragraph 9- Automatic Membership of Staff.</li> <li>The Council of Governors is asked to note the inclusion of Annex 7 – Standing Orders for the Council of Governors.</li> <li>The Dispute Resolution section has been refined and expanded and added as an Annex to the Constitution (Annex 8)</li> <li>The Council of Governors is asked to note that the current Constitution used the terminology of ‘nominated’ and ‘appointed’ governors referring to the same class of constituent. The Council of Governors is asked to approve the use of ‘Appointed’ Governor.</li> <li>The Council of Governors is asked to note the change of name of Appointing organisation, Manx Cancer help to MCH Psychological Services</li> <li>The Council of Governors is asked to note the Cancer Steering Group as an Appointing organisation has ceased to exist and has been replaced with the Cancer Alliance</li> <li>The Council of Governors is asked to consider the approval of Liverpool Council as an additional Appointing Organisation.</li> </ol>
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# REPORT COVER

Action required: (please tick)	Discuss	<input checked="" type="checkbox"/>
	Approve	<input checked="" type="checkbox"/>
	For information/noting	<input type="checkbox"/>

Next steps required:	<p>Following approval by the Council of Governors, the Constitution will be presented at the Trust Audit Committee, Trust Board and any agreed amendments a the next Annual Members meeting.</p> <p>The formatting and page numbers will be added at the design stage following approval.</p>
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# REPORT COVER

The paper links to the following strategic priorities and Board Assurance Framework (BAF) Risks (please select)

**BE OUTSTANDING**

BAF Risk	Please select
If we do not have robust Trust-wide quality and clinical governance arrangements in place we will not deliver safe and effective care resulting in poor outcomes for our patients and negative regulatory outcomes.	<input checked="" type="checkbox"/>
Operational sustainability: If the demand for treatment exceeds the resources available, we are at risk of failing to deliver against healthcare standards which will impact on our ability to recover performance to the required levels within the agreed timeframes.	<input type="checkbox"/>
Financial sustainability: Due to changes in funding, the Trust may exceed activity levels resulting in increased costs that exceed the current agreed block funding.	<input type="checkbox"/>

**BE COLLABORATIVE**

BAF Risk	Please select
If we do not build upon the work with the Cancer Alliance and other partners this will adversely affect the Trust's ability to positively influence prevention, early diagnosis, standardisation of care and performance in cancer services.	<input checked="" type="checkbox"/>

**BE RESEARCH LEADERS**

BAF Risk	Please select
If we do not maintain our ECMC status this will adversely affect patient access to the latest novel therapies, CCC research reputation, acquiring CRUK status which in turn will have an impact on CCC's ability to support early phase trial research, progress against the Research Strategy and academic oncology in Liverpool.	<input type="checkbox"/>
Issues within the Pharmacy Aseptic Unit adversely impacting on the manufacture and dispensing of drugs resulting in some trials not being set up or re-opened as part of the recovery plan adversely impacting on patient accessibility to research and reputational damage with Sponsors.	<input type="checkbox"/>

**BE A GREAT PLACE TO WORK**

BAF Risk	Please select
If we do not invest in effective, inclusive leadership, there is a risk this will adversely impact on the Trust's ability to deliver the Trust's five year Strategy.	<input type="checkbox"/>
If we are unable to recruit and retain high calibre staff there is a risk of an adverse impact on the quality of care and reputation of the Trust.	<input type="checkbox"/>

**BE DIGITAL**

BAF Risk	Please select
If we do not invest in effective, inclusive leadership, there is a risk this will adversely impact on the Trust's ability to deliver the Trust's five year Strategy.	<input type="checkbox"/>
If the Trust is hit by a Cyber/ransomware attack, there is a risk that all systems could be disabled resulting in potential loss of data and delayed care.	<input type="checkbox"/>

**BE INNOVATIVE**

BAF Risk	Please select
If we do not develop our Subsidiary Companies and Joint Venture we will not be able to re-invest back into the NHS.	<input type="checkbox"/>

### EQUALITY & DIVERSITY IMPACT ASSESSMENT

Are there concerns that the policy/service could have an adverse impact on:

Age	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Disability	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Gender	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Race	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Religious/belief	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Sexual orientation	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Gender Reassignment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Pregnancy/maternity	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			

If YES to one or more of the above please add further detail and identify if a full impact assessment is required.





**The Clatterbridge Cancer  
Centre NHS Foundation  
Trust Constitution**



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**CONSTITUTION OF**

**THE CLATTERBRIDGE CANCER CENTRE**

**NHS FOUNDATION TRUST**

**(A PUBLIC BENEFIT ORGANISATION)**

**Version 12**  
**July 2021**

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## The Clatterbridge Cancer Centre NHS Foundation Trust Constitution

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## 1. Interpretation and Definitions

- 1.1 Unless otherwise stated, words or expressions contained in this constitution shall bear the same meaning as in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012
- 1.2 Words importing the masculine gender only shall include the feminine gender; words importing the singular shall import the plural and vice-versa.
- 1.3 In this Constitution:

<b>Accounting Officer</b>	means the person who from time to time discharges the functions specified in paragraph 25(5) of Schedule 7 to the 2006 Act.
<b>Appointed Governor</b>	means those Governors appointed by the appointing organisation
<b>Appointing Organisations</b>	means those organisations named in this Constitution who are entitled to appoint Governors
<b>Areas of the Trust</b>	means the areas of the Public Constituencies in Annex 1
<b>Authorisation</b>	means an authorisation given by NHS Improvement (NHSI)
<b>Board of Directors</b>	means the Board of Directors as constituted in accordance with this Constitution and the 2006 Act
<b>Chairman</b>	means the Chair of the organisation
<b>Company Secretary</b>	means the Secretary of the Trust or any other person appointed to perform the duties of the Company Secretary including a joint, assistant of deputy Secretary or such other person as may be appointed by the Trust to perform the functions of the Company Secretary under this Constitution
<b>Council of Governors</b>	means the Council of Governors as constituted in accordance with this Constitution which shall have the same meaning as the Council of Governors in the 2006 Act
<b>Dispute Resolution Procedure</b>	means the dispute resolution procedure as set out in Annex 8

<b>Elected Governors</b>	means those Governors elected by the public constituencies and staff constituencies
<b>Financial Year</b>	means any period of 12 months beginning on 1 April
<b>Lead Governor</b>	means the Governor elected by the Council of Governors as the main link between the Governors and the Chair of the Trust
<b>Monitor</b>	means the body corporate known as Monitor (as provided by Section 61 of the 2012 Act) and incorporated into NHSI, the statutory entity that remains the regulator of NHS foundation trusts
<b>Nominations Committee</b>	means a Committee of the Council of Governors established in accordance with Paragraph 26
<b>Significant Transaction</b>	as defined in Paragraph 45

## 2. Name

The name of the foundation trust is The Clatterbridge Cancer Centre NHS Foundation Trust (the Trust).

## 3. Principal Purpose

- 3.1 The principal purpose of the Trust is the provision of goods and services for the purposes of the health service in England<sup>1</sup>.
- 3.2 The trust does not fulfil its principal purpose unless, in each financial year, its total income from the provision of goods and services for the purposes of the health service in England is greater than its total income from the provision of goods and services for any other purposes.

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<sup>1</sup> The principal purpose is as set out in sub-section 43(1) of the 2006 Act and must be included in the constitution by virtue of paragraph 2(2). The paragraphs which follow reflect other provisions in section 43.

3.3 The Trust may provide goods and services for any purposes related to:

3.3.1 the provision of services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness, and

3.3.2 the promotion and protection of public health.

3.4 The Trust may also carry on activities other than those mentioned in the above paragraph for the purpose of making additional income available in order better to carry on its principal purpose.

#### **4. Powers**

4.1 The powers of the Trust are set out in the 2006 Act.

4.2 All the powers of the Trust shall be exercised by the Board of Directors on behalf of the Trust.

4.3 Any of these powers may be delegated to a committee of directors or to an executive director.

#### **5. Membership and Constituencies**

The Trust shall have members, each of whom shall be a member of one of the following constituencies:

5.1 a public constituency

5.2 a staff constituency

5.3 appointed constituency

#### **6. Application for Membership**

An individual who is eligible to become a member of the Trust may do so on application to the trust.

#### **7. Public Constituency**

7.1 An individual who lives in the areas specified in Annex 1 as the areas for a public constituency may become or continue as a member of the trust.

7.2 Those individuals who live in the areas specified for a public constituency are referred to collectively as a Public Constituency.

7.3 The minimum number of members in each Public Constituency is specified in Annex 1.

## **8. Staff Constituency**

- 8.1 An individual who is employed by the Trust under a contract of employment with the Trust may become or continue as a member of the Trust provided:
  - 8.1.1 He/she is employed by the Trust under a contract of employment which has no fixed term or has a fixed term of at least 12 months; or
  - 8.1.2 He/she has been continuously employed by the trust under a contract of employment for at least 12 months.
- 8.2 Individuals who exercise functions for the purposes of the Trust, otherwise than under a contract of employment with the Trust, may become or continue as members of the staff constituency provided such individuals have exercised these functions continuously for a period of at least 12 months.
- 8.3 Those individuals who are eligible for membership of the Trust by reason of the previous provisions are referred to collectively as the Staff Constituency.
- 8.4 The Staff Constituency shall be divided into six descriptions of individuals who are eligible for membership of the Staff Constituency, each description of individuals being specified within Annex 2 and being referred to as a class within the Staff Constituency.
- 8.5 The minimum number of members in each class of the Staff Constituency is specified in Annex 2.

**9. Automatic membership by default – staff**

- 9.1 An individual who is:
  - 9.1.1 eligible to become a member of the Staff Constituency, and
  - 9.1.2 invited by the trust to become a member of the Staff Constituency and a member of the appropriate class within the Staff Constituency,

shall become a member of the Trust as a member of the Staff Constituency and appropriate class within the Staff Constituency without an application being made, unless he informs the Trust that he does not wish to do so.



## **10. Restriction on Membership**

- 10.1 An individual who is a member of a constituency, or of a class within a constituency, may not while membership of that constituency or class continues, be a member of any other constituency or class.
- 10.2 An individual who satisfies the criteria for membership of the Staff Constituency may not become or continue as a member of any constituency other than the Staff Constituency.
- 10.3 An individual must be at least 16 years old to become a member of the Trust.
- 10.4 A member shall cease to be a member if:
  - 10.4.1 they resign by notice to the Company Secretary
  - 10.4.2 they die
  - 10.4.3 they are expelled from membership under this Constitution
  - 10.4.4 they cease to be entitled under this Constitution to be a member of the public or any classes of the staff constituencies.
- 10.5 A member may be expelled by a resolution approved by not less than two-thirds of the Governors present and voting at a meeting of the Council of Governors.
- 10.6 Any complaint made about a member must be sent to the member no less than one calendar month before the meeting of the council of Governors where the complaint will be considered with an invitation to attend to answer the complaint.
- 10.7 If the member complained of fails to respond and fails to attend the meeting without due cause, the meeting may proceed in their absence.
- 10.8 A member expelled from membership will cease to be a member upon the declaration of the Chair of the meeting that the resolution to expel them was carried.
- 10.9 No person who has been expelled from membership is to be re-admitted except by a resolution carried by the two-thirds of the Council of Governors voting.

## **11. Annual Members' Meeting**

- 11.1 The Trust shall hold an annual meeting of its members ('Annual Members' Meeting'). The Annual Members' Meeting shall be open to members of the public and will be held within 9 months of the end of each financial year.

11.2 Members meetings are open to all Members of the Trust, Governors, Directors and representatives of the Trust External Auditors.

11.3 All Annual member's meetings shall be convened by the Company Secretary.

11.4 At the Annual Member's meeting:

11.4.1 The Board of Directors shall present to the members:

11.4.1.1 the annual accounts

11.4.1.2 any report of the Trust's External Auditor

11.4.1.3 the annual report

11.5 The Council of Governors shall present to the members:

11.5.1 a report on steps taken to secure that (taken as a whole) the actual membership of its public constituencies and of the classes of staff constituencies is representative of those eligible for such membership.

11.5.1.1 the progress of the membership strategy

11.5.1.2 any proposed changes to the composition of the Council of Governors and of Non-Executive Directors.

11.5.1.3 the results of the election and appointment of Governors and the appointment of any Non-Executive Directors will be announced.

11.6 Notice of a members meeting is to be given:

11.6.1 by notice prominently displayed at the Trust Headquarters and at all of the Trust's places of business; and

11.6.2 by notice on the Trust website

At least 14 clear days before the date of the meeting. The notice must:

11.6.3 be given to the Council of Governors and the Board of Directors and to the External Auditor;

11.6.4 state whether the meeting is an annual or a special members meeting;

11.6.5 give the time, date and place of the meeting; and

11.6.6 indicate the business to be dealt with at the meeting.

11.7 The Chairman of the Trust, or in their absence the Lead Governor shall act as Chair at all members meetings of the Trust. If neither are present, the Governors present shall elect one of the Governors to Chair.

## **12. Council of Governors – composition**

- 12.1 The Trust is to have a Council of Governors, which shall comprise both Elected and Appointed Governors.
- 12.2 The composition of the Council of Governors is specified in Annex 4.
- 12.3 The members of the Council of Governors, other than the appointed members, shall be chosen by election by their constituency or, where there are classes within a constituency, by their class within that constituency. The number of governors to be elected by each constituency, or, where appropriate, by each class of each constituency, is specified in Annex 4.
- 12.4 The Council of Governors represents the interests of members of the Trust and appointed organisations, regularly feeding back information about the Trust, its vision and its performance to the constituency they represent.

## **13. Council of Governors – Election of Governors**

- 13.1 Elections for elected members of the Council of Governors shall be conducted in accordance with the Model Election Rules.
- 13.2 The Model Election Rules as published from time to time by the Department of Health form part of this constitution. The Model Election Rules current at the date of the trust's Authorisation are attached at Annex 5.
- 13.3 A subsequent variation of the Model Election Rules by the Department of Health shall not constitute a variation of the terms of this constitution for the purposes of Paragraph 44 of the constitution (amendment of the constitution).
- 13.4 An election, if contested, shall be by secret ballot.
- 13.5 Governors must be at least 16 years of age at the closing date for nomination for their election or appointment.

## **14. Council of Governors - Tenure**

- 14.1 An elected governor may hold office for a period of up to 3 years commencing immediately after the Annual Members meeting at which their election is announced.
- 14.2 An elected governor shall cease to hold office if he ceases to be a

member of the constituency or class by which he was elected.

14.3 An elected governor shall be eligible for re-election at the end of his term and be allowed to serve a maximum of 9 years (3 consecutive terms if so elected).

14.4 If a vacancy arises on the Council of Governors for any other reason other than expiry of term of office, the following provisions will apply:

14.4.1 Where the vacancy arises amongst the Appointed Governors, the Company Secretary shall request that the Appointing organisation appoints a replacement to hold office for the remainder of the term of office.

14.4.2 Where the vacancy arises amongst the elected Governors, the Council of Governors shall be at liberty to either, call an election within three months to fill the seat for the remainder of the term; or invite the next highest polling candidate for that seat at the most recent election, who is willing to take office, to fill the seat until the next annual election, at which time the seat will fall vacant and subject to election for any unexpired period of the term of office.

14.5 An appointed governor may hold office for a period of up to 9 years.

14.6 An appointed governor shall cease to hold office if the appointing organisation withdraws its sponsorship of him.

14.7 An appointed governor shall be eligible for re-appointment at the end of his term.

## **15. Council of Governors – Disqualification and Removal**

15.1 The following may not become or continue as a member of the Council of Governors:

15.1.1 a person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged;

15.1.2 a person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it;

15.1.3 a person in relation to whom a moratorium period on a debt relief order applies (under Part 7A of the Insolvency Act 1986);

15.1.4 a person who within the preceding five years has been

convicted in the British Islands of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him.

- 15.2 Further provisions as to the circumstances in which an individual may not become or continue as a member of the Board of Governors are set out in Annex 6.

## **16. Council of Governors – Duties of Governors**

- 16.1 The general duties of the Council of Governors are:
- 16.1.1 to hold the non-executive directors individually and collectively to account for the performance of the Board of Directors, and
  - 16.1.2 to represent the interests of the members of the trust as a whole and the interests of the public.
- 16.2 The Trust must take steps to secure that the governors are equipped with the skills and knowledge they require in their capacity as such.

## **17. Council of Governors – Meetings of Governors**

- 17.1 The Chairman of the Trust (i.e. the Chairman of the Board of Directors, appointed in accordance with the provisions of paragraph 26) or, in his absence Vice Chair (appointed in accordance with the provisions of paragraph 27 below), shall preside at meetings of the Council of Governors. If the Chair and Vice Chair are absent, another Non-Executive Director shall preside as chosen by the Directors present.
- 17.2 Meetings of the Council of Governors shall be open to members of the public. Members of the public may be excluded from a meeting for special reasons. The Chair may exclude any member of the public from a meeting of the Council of Governors if they are interfering or preventing the proper conduct of the meeting.
- 17.3 For the purposes of obtaining information about the Trust's performance of its functions or the Directors' performance of their duties (and deciding whether to propose a vote on the Trust's or Directors' performance), the Council of Governors may require one or more of the Directors to attend a meeting.

## **18. Council of Governors – Standing Orders**

The standing orders for the practice and procedure of the Council of Governors are attached at Annex 7.

## **19. Council of Governors – Referral to the Panel**

19.1 In this paragraph, the “Panel” means a panel of persons appointed by Monitor to which a Governor of an NHS Foundation Trust may refer a question as to whether the Trust has failed or is failing:

19.1.1 to act in accordance with its constitution, or

19.1.2 to act in accordance with provision made by or under Chapter 5 of the 2006 Act.

19.2 A Governor may refer a question to the Panel only if more than half of the members of the Council of Governors voting approve the referral.

## **20. Council of Governors - Conflicts of Interest of Governors**

20.1 If a Governor has a pecuniary, personal or family interest, whether that interest is actual or potential and whether that interest is direct or indirect, in any proposed contract or other matter which is under consideration or is to be considered by the Council of Governors, the Governor shall disclose that interest to the members of the Council of Governors as soon as he becomes aware of it.

20.2 The Standing Orders for the Council of Governors shall make provision for the disclosure of interests and arrangements for the exclusion of a Governor declaring any interest from any discussion or consideration of the matter in respect of which an interest has been disclosed.

## **21. Council of Governors – Travel Expenses**

The Trust may pay travelling and other expenses to members of the Council of Governors at rates determined by the Trust.

## **22. Lead Governor**

22.1 Any Governor who, immediately after the Annual Members meeting, and having at least one year of his term remaining may nominate himself for the office of Lead Governor by giving notice to the Chairman at least ten working days before the Annual Members meeting.

22.2 The Council of Governors shall vote on the nomination of the Lead Governor.

22.3 If more than one nomination has been received, the Council of

Governors shall choose the Lead Governor by paper ballot. If there is equality of votes, the tied nominees shall be subject to a second vote by paper ballot.

- 22.4 The Lead Governor's duties shall include:
  - 22.4.1 facilitating communication between Governors and members of the Board of Directors
  - 22.4.2 contributing to the appraisal of the Chairman in such manner and to such extent as the person conducting the appraisal may see fit
  - 22.4.3 initiating proceedings to remove a Governor where circumstances set out in this Constitution for removal have arisen.
  - 22.4.4 Liaising, as appropriate with Council of Governors for other NHS Foundation Trusts.

### **Council of Governors – Further Provisions**

Further provisions with respect to the Council of Governors are set out in Annex 6.

### **23. Board of Directors – Composition**

23.1 The Trust is to have a Board of Directors, which shall comprise both executive and Non-Executive Directors.

23.1 The Board of Directors is to comprise:

- 23.1.1 a Non-Executive Chairman
- 23.1.2 up to 6 other Non-Executive Directors; and
- 23.1.3 up to 6 Executive Directors.
- 23.1.4 a Director of Strategy (non-voting)
- 23.1.5 a Chief Information Officer (non-voting)

23.2 One of the Executive Directors shall be the Chief Executive.

23.3 The Chief Executive shall be the Accounting Officer.

23.4 One of the Executive Directors shall be the Finance Director

23.5 One of the Executive Directors is to be a registered medical practitioner or a registered dentist (within the meaning of the Dentists Act 1984).

23.6 One of the Executive Directors is to be a registered nurse or a registered midwife.

23.7 The operation of the Board of Directors, shall be such that, at all times, at least half of the Board of Directors, excluding the Chair, shall be Non-Executive Directors

### **24 Board of Directors – General Duty**

The general duty of the Board of Directors and of each director individually, is to act with a view to promoting the success of the Trust so as to maximise the benefits for the members of the Trust as a whole and for the public.

### **25 Board of Directors – Qualification for Appointment as a Non-Executive Director**

A person may be appointed as a Non-Executive Director only if –

- 25.1 he is a member of a Public Constituency, or



25.2 he is not disqualified by virtue of Paragraph 29 below.

**26 Board of Directors – Appointment and Removal of Chairman and other Non-Executive Directors**

- 26.1 The Council of Governors shall create a duly authorised Nominations Committee consisting of the Chair (or the Vice Chair unless they are standing for appointment, in which case it will be the Senior Independent Director) and at least three Elected Governors.
- 26.2 The Nominations Committee shall seek the views of the Board of Directors as to their recommended criteria and process for the selection of candidates and, having regard to those views, shall then seek, shortlist and interview such candidates as the Nominations Committee considers appropriate and shall make recommendations to the Council of Governors as to the potential appointments as Non-Executive Directors and shall advise the Board of Directors of those recommendations.
- 26.3 The Nominations Committee shall be at liberty to request the attendance of and seek advice and assistance from persons other than members of the Nominations Committee or other Governors in arriving at its said recommendations.
- 26.4 The Nominations Committee shall provide advice to the Council of Governors on the levels of remuneration for the Chairman and the Non-Executive Directors.
- 26.5 The Nominations Committee shall receive reports on behalf of the Council of Governors on the process and outcomes of appraisal for the Chairman and Non-Executive Directors.
- 26.6 The Council of Governors at a general meeting of the Council of Governors shall resolve to appoint such candidate or candidates as they consider appropriate and shall have regard to the recommendation of the Nominations Committee and views of the Chief Executive and Board of Directors in reaching that decision.
- 26.7 Removal of the Chairman or another Non-Executive Director shall require the approval of three-quarters of the members of the Council of Governors. Written reasons for the proposal to remove shall be provided to the Non-Executive Director in question, who shall be given the opportunity to respond to such reasons.
- 26.8 If any proposal to remove a Non-Executive Director is not approved at a meeting of the Council of Governors, no further proposal can be put forward to remove such Non-Executive Director based upon the same reasons within 12 months of the meeting.

## **27. Board of Directors – Appointment of a Vice Chair**

The Council of Governors at a general meeting of the Council of Governors shall appoint one of the Non-Executive Directors as Vice Chair.

## **28. Board of Directors - Appointment and Removal of the Chief Executive and other Executive Directors**

28.1 Non-Executive Directors shall appoint or remove the Chief Executive.

28.2 A Committee comprising the Chairman, the Chief Executive and the other Non-Executive Directors shall appoint or remove the other Executive Directors.

## **29 Board of Directors – Disqualification**

The following may not become or continue as a member of the Board of Directors:

29.1 a person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged.

29.2 a person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it.

29.3 a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986)

29.4 a person who within the preceding five years has been convicted in the British Islands of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him.

29.5 he/she is a medical practitioner that has been removed from the professional register by the General Medical Council or is a nursing professional who has been removed from the professional register by the Nursing and Midwifery Council.

29.6 a person whose conduct has caused, or is likely to cause, material prejudice to the best interests of the Trust or the proper conduct of the Board of Directors or otherwise in a manner inconsistent with continued membership of the Board of Directors.

### **30 Board of Directors – Meetings**

- 30.1 Meetings of the Board of Directors shall be open to members of the public. Members of the public may be excluded from a Part 2 meeting for special reasons and having regard to the confidential nature of the business to be transacted, publicity of which would be prejudicial to the public interest.
- 30.2 Before holding a meeting, the Board of Directors must send a copy of the agenda of the meeting to the Council of Governors. As soon as practicable after holding a meeting, the Board of Directors must send a copy of the minutes of the meeting to the Council of Governors.

### **31 Board of Directors – Standing Orders**

The standing orders for the practice and procedure of the Board of Directors are set out in the Trust Standing Orders incorporated into the Corporate Governance Manual.

### **32 Board of Directors - Conflicts of Interest of Directors**

- 32.1 The duties that a Director of the Trust has by virtue of being a Director include in particular:
- 32.1.1 A duty to avoid a situation in which the Director has (or can have) a direct or indirect interest that conflicts (or possibly may conflict) with the interests of the Trust.
  - 32.1.2 A duty not to accept a benefit from a third party by reason of being a Director of doing (or not doing) anything in that capacity.
- 32.2 The duty referred to in sub-paragraph 32.1.2 is not infringed if :
- 32.2.1 The situation cannot reasonably be regarded as likely to give rise to a conflict of interest, or
  - 32.2.2 The matter has been authorised in accordance with the Constitution.
- 32.3 The duty referred to in sub-paragraph 32.1.2 is not infringed if acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest.
- 32.4 In sub-paragraph 32.1.2, “third party” means a person other than:
- 32.4.1 The Trust, or
  - 32.4.2 A person acting on its behalf.
- 32.5 If a Director of the Trust has in any way a direct or indirect interest in a proposed transaction or arrangement with the Trust, the Director must declare the nature and extent of that interest to the other Directors.
- 32.6 If a declaration under this paragraph proves to be, or becomes, inaccurate, incomplete, a further declaration must be made.

- 32.7 Any declaration required by this paragraph must be made before the Trust enters into the transaction or arrangement.
- 32.8 This paragraph does not require a declaration of an interest of which the Director is not aware or where the Director is not aware of the transaction or arrangement in question.
- 32.9 A Director need not declare an interest –
- 32.9.1 If it cannot reasonably be regarded as likely to give rise to a conflict of interest;
  - 32.9.2 If, or to the extent that, the Directors are already aware of it;
  - 32.9.3 If, or to the extent that, it concerns terms of the Director's appointment that have been or are to be considered:

- 32.9.3.1 By a meeting of the Board of Directors, or
- 32.9.3.2 By a committee of the Directors appointed for the purpose under the Constitution.

### **33 Board of Directors – Remuneration and Terms of Office**

- 33.1 The Council of Governors at a general meeting of the Council of Governors shall decide the remuneration and allowances, and the other terms and conditions of office, of the Chairman and the other Non-Executive Directors.
- 33.2 The Chairman and the Non-Executive Directors shall be eligible for appointment for three, three year terms of office, and in exceptional circumstances a further term of one year subject to a satisfactory appraisal. The Chairman or the Non-Executive Directors shall not be appointed to that office for a total period which exceeds ten years in aggregate.
- 33.3 The Trust shall establish a Committee of Non-Executive Directors to decide the remuneration and allowances, and the other terms and conditions of office, of the Chief Executive and other Executive Directors.

### **34 Registers**

The Trust shall have:

- 34.1 a register of members showing, in respect of each member, the constituency to which he belongs and, where there are classes within it, the class to which he belongs;
- 34.2 a register of members of the Council of Governors;
- 34.3 a register of interests of governors;
- 34.4 a register of directors; and
- 34.5 a register of interests of the directors.

### **35. Admission to and Removal from the Registers**

- 35.1 The Company Secretary shall add to the confidential register of members the name of any member who is accepted under the provisions of this Constitution.

### **36. Registers – Inspection and Copies**

- 36.1 The Trust shall make the registers specified in Paragraph 34 above available for inspection by members of the public, except in the circumstances set out below or as otherwise prescribed by regulations.
- 36.2 The Trust shall not make any part of its registers available for inspection by members of the public which shows details of any member of the Trust, if the member so requests.
- 36.3 So far as the registers are required to be made available:
- 36.3.1 they are to be available for inspection free of charge at all reasonable times; and
- 36.3.2 a person who requests a copy of or extract from the registers is to be provided with a copy or extract
- 36.4 If the person requesting a copy or extract is not a member of the Trust, the Trust may impose a reasonable charge for doing so.

### **37. Documents Available for Public Inspection**

- 37.1 The trust shall make the following documents available for inspection by members of the public free of charge at all reasonable times:
- 37.1.1 a copy of the current Constitution
- 37.1.2 a copy of the latest annual accounts and of any report of the auditor on them, and
- 37.1.3 a copy of the latest annual report.
- 37.2 The Trust shall also make the following documents relating to a special administration of the Trust available for inspection by members of the public free of charge at all reasonable times:
- 37.2.1 a copy of any order made under Section 65D (appointment of Trust special administrator), 65J (power to extend time), 65KC (action following Secretary of State's rejection of final report), 65L (Trusts coming out of administration) or 65LA (Trusts to be dissolved) of the 2006 Act.
- 37.2.2 a copy of any report laid under Section 65D (appointment of Trust special administrator) of the 2006 Act.

37.2.3 a copy of any information published under Section 65D (appointment of Trust special administrator) of the 2006 Act.

37.2.4 a copy of any draft report published under Section 65F (administrator's draft report) of the 2006 Act.

37.2.5 a copy of any statement provided under Section 65F (administrator's draft report) of the 2006 Act.

37.2.6 a copy of any notice published under Section 65F (administrator's draft report), 65G (consultation plan); 65H (consultation requirements), 65J (power to extend time), 65KA (Monitor's decision); 65KB (Secretary of State's response to Monitor's decision); 65KC (action following Secretary of State's rejection of the final report or, 65KD (Secretary of State's response to re-submitted final report) of the 2006 Act.

37.2.7 a copy of any statement published or provided under Section 65G (consultation plan) of the 2006 Act.

37.2.8 a copy of any final report published under Section 65I (administrator's final report).

37.2.9 a copy of any statement published under Section 65J (power to extend time) or 65KC (action following Secretary of State's rejection of the final report) of the 2006 Act.

37.2.10 a copy of any information published under Section 65M (replacement of Trust special administrator) of the 2006 Act.

37.3 Any person who requests a copy of or extract from any of the above documents is to be provided with a copy.

37.4 If the person requesting a copy or extract is not a member of the Trust, the trust may impose a reasonable charge for doing so.

### **38. Auditor**

- 38.1 The Trust shall have an auditor.
- 38.2 The Council of Governors shall appoint or remove the auditor at a general meeting of the Council of Governors.
- 38.3 The Auditor is to carry out his duties in accordance with Schedule 10 to the 2006 Act and in accordance with any directions given by NHS Improvement (NHSI) the organisation that incorporates Monitor, the statutory entity that remains the regulator of NHS Foundation Trusts.

### **39 Audit committee**

The Trust shall establish a Committee of Non-Executive Directors as an Audit Committee to perform such monitoring, reviewing and other functions as are appropriate.

### **40 Accounts**

- 40.1 The Trust must keep proper accounts and proper records in relation to the accounts.
- 40.2 NHS Improvement may with the approval of the Secretary of State give directions to the Trust as to the content and form of its accounts.
- 40.3 The accounts are to be audited by the Trust's auditor.
- 40.4 The Trust shall prepare in respect of each financial year annual accounts in such form as NHS Improvement, the organisation that incorporates Monitor may with the approval of the Secretary of State direct.
- 40.5 The functions of the Trust with respect to the preparation of the Annual Accounts shall be delegated to the Accounting Officer.

### **41 Annual Report, Forward Plans and Non-NHS Work**

- 41.1 The Trust shall prepare an Annual Report and send it to NHS Improvement.
- 41.2 The Trust shall give information as to its forward planning in respect of each financial year to NHS Improvement, the organisation that incorporated Monitor, the statutory entity that remains the regulator of NHS Foundation Trusts.



41.3 The document containing the information with respect to forward planning (referred to above) shall be prepared by the Directors.

41.4 In preparing the document, the Directors shall have regard to the views of the Council of Governors.

41.5 Each forward plan must include information about:

41.5.1 the activities other than the provision of goods and services for the purposes of the health service in England that the Trust proposes to carry on, and

41.5.2 the income it expects to receive from doing so.

41.6 Where a forward plan contains a proposal that the trust carry on an activity of a kind mentioned in sub-paragraph 45.5.1 the Council of Governors must:

41.6.1 determine whether it is satisfied that the carrying on of the activity will not to any significant extent interfere with the fulfilment by the trust of its principal purpose or the performance of its other functions, and

41.6.2 notify the Directors of the Trust of its determination.

41.7 A Trust which proposes to increase by 5% or more the proportion of its total income in any financial year attributable to activities other than the provision of goods and services for the purposes of the health service in England may implement the proposal only if more than half of the members of the council of governors of the Trust voting approve its implementation.

## **42 Presentation of the Annual Accounts and Reports to the Governors and Members**

42.1 The following documents are to be presented to the Council of Governors at a general meeting of the Council of Governors:

42.1.1 the Annual Accounts

42.1.2 any report of the auditor on them

42.1.3 the Annual Report.

42.2 The documents shall also be presented to the members of the Trust at the Annual Members' Meeting by at least one member of the Board of Directors in attendance.

42.3 The Trust may combine a meeting of the Council of Governors convened for the purposes of sub-paragraph 42.2 with the Annual Members' Meeting.

#### **43 Instruments**

43.1 The Trust shall have a seal.

43.2 The seal shall not be affixed except under the authority of the Board of Directors.

#### **44 Amendment of the constitution**

44.1 The Trust may make amendments of its Constitution only if:

44.1.1 More than half of the members of the Council of Governors of the Trust voting approve the notices, and

44.1.2 More than half of the members of the Board of Directors of the Trust voting approve the amendments.

44.2 Amendments made under Paragraph 44 take effect as soon as the conditions in that paragraph are satisfied, but the amendment has no effect in so far as the Constitution would, as a result of the amendment, not accord with schedule 7 of the 2006 Act.

44.3 Where an amendment is made to the Constitution in relation the powers or duties of the Council of Governors (or otherwise with respect to the role that the Council of Governors has as part of the Trust):

44.3.1 At least one member of the Council of Governors must attend the next Annual Members' Meeting and present the amendment, and

44.3.2 The Trust must give the members an opportunity to vote on whether they approve the amendment.

44.4 If more than half of the members voting approve the amendment, the amendment continues to have effect; otherwise, it ceases to have effect and the trust must take such steps as are necessary as a result.

44.5 Amendments by the Trust of its Constitution are to be notified to NHS Improvement. For the avoidance of doubt, NHS Improvement's functions do not include a power or duty to determine whether or not the constitution, as a result of the amendments, accords with Schedule 7 of the 2006 Act.

## **45 Mergers etc. and Significant Transactions**

45.1 The Trust may only apply for a merger, acquisition, separation or dissolution (in accordance with the provisions of the 2006 Act) with the approval of more than half of the members of the Council of Governors.

45.2 The trust may enter into a significant transaction only if more than half of the members of the Council of Governors of the Trust voting approve entering into the transaction.

45.3 “Significant transaction” means a transaction that equates to:

45.3.1 the value equates to 25% of either the Trust’s Gross Assets, Income or Gross Capital (inclusive of the transaction), calculated with reference to the Trust’s opening Balance Sheet for the Financial Year in which approval is being sought.

**ANNEX 1 – THE PUBLIC CONSTITUENCIES**

Name of Areas within the Constituency	Number of Governors
Liverpool	3
St Helen's and Knowsley	2
Sefton	2
Cheshire West and Chester	2
Warrington and Halton	2
Wirral and the Rest of England	3
Wales	1
<b>Total</b>	<b>15</b>

**ANNEX 2 – THE STAFF CONSTITUENCY**

Name of Constituency	Class of Staff Membership	Number of Governors
Staff	Doctor	1
	Non-Clinical	1
	Nurse	1
	Other Clinical	1
	Radiographer	1
	Volunteers, Service Providers, Contracted Staff	1

**ANNEX 3 – THE APPOINTED CONSTITUENCY**

NAME OF APPOINTED CONSTITUENCY	NUMBER OF APPOINTED GOVERNORS
Liverpool University	1
Macmillan Cancer Support	1
MCH Psychological Services	1
Liverpool University Hospital NHS Foundation Trust	1
Cancer Alliance	1
NHS England: Cheshire and Merseyside sub regional team	1

**ANNEX 4 – COMPOSITION OF COUNCIL OF GOVERNORS****Elected Governors**

<b>Public Constituency</b>	<b>Number of Governors</b>
Liverpool	3
St Helen's and Knowsley	2
Sefton	2
Cheshire West and Chester	2
Warrington and Halton	2
Wirral and the Rest of England	3
Wales	1
<b>Total</b>	<b>15</b>

**Appointed Governors**

<b>Appointing Organisation</b>	<b>Number of Governors</b>
Liverpool University	1
Macmillan Cancer Support	1
MCH Psychological Services	1
Liverpool University Hospital NHS Foundation Trust	1
Cancer Alliance	1
NHS England: Cheshire and Merseyside sub regional team	1
<b>Total</b>	<b>6</b>

**Staff Governors**

<b>Name of Constituency</b>	<b>Class of Staff Membership</b>	<b>Number of Governors</b>
Staff	Doctor	1
	Non-Clinical	1
	Nurse	1
	Other Clinical	1
	Radiographer	1
	Volunteers, Service Providers, Contracted Staff	1
<b>Total</b>		<b>6</b>

## ANNEX 5 –THE MODEL ELECTION RULES

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# MODEL ELECTION RULES 2014

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### **PART 1: INTERPRETATION**

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### **PART 2: TIMETABLE FOR ELECTION**

2. Timetable
3. Computation of time

### **PART 3: RETURNING OFFICER**

4. Returning officer
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### **PART 4: STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS**

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9. Nomination of candidates
10. Candidate's particulars
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*Procedure for receipt of envelopes, internet votes, telephone vote and text message votes*

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- 42. Arrangements for counting of the votes
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**PART 1: INTERPRETATION**

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**1. Interpretation**

1.1 In these rules, unless the context otherwise requires:

“*2006 Act*” means the National Health Service Act 2006;

“*corporation*” means the public benefit corporation subject to this constitution;

“*council of governors*” means the council of governors of the corporation;

“*declaration of identity*” has the meaning set out in rule 21.1;

“*election*” means an election by a constituency, or by a class within a constituency, to fill a vacancy among one or more posts on the council of governors;

“*e-voting*” means voting using either the internet, telephone or text message;

“*e-voting information*” has the meaning set out in rule 24.2;

“*ID declaration form*” has the meaning set out in Rule 21.1; “internet voting record” has the meaning set out in rule 26.4(d);

“*internet voting system*” means such computer hardware and software, data other equipment and services as may be provided by the returning officer for the purpose of enabling voters to cast their votes using the internet;

“*lead governor*” means the governor nominated by the corporation to fulfil the role described in Appendix B to The NHS Foundation Trust Code of Governance (Monitor, December 2013) or any later version of such code.

“*list of eligible voters*” means the list referred to in rule 22.1, containing the information in rule 22.2;

“*method of polling*” means a method of casting a vote in a poll, which may be by post, internet, text message or telephone;

“*Monitor*” means the corporate body known as Monitor as provided by section 61 of the 2012 Act;

“*numerical voting code*” has the meaning set out in rule 64.2(b)

“*polling website*” has the meaning set out in rule 26.1;

“*postal voting information*” has the meaning set out in rule 24.1;

“*telephone short code*” means a short telephone number used for the purposes of submitting a vote by text message;

“*telephone voting facility*” has the meaning set out in rule 26.2;

“*telephone voting record*” has the meaning set out in rule 26.5 (d);

“*text message voting facility*” has the meaning set out in rule 26.3;

“*text voting record*” has the meaning set out in rule 26.6 (d);

*“the telephone voting system”* means such telephone voting facility as may be provided by the returning officer for the purpose of enabling voters to cast their votes by telephone;

*“the text message voting system”* means such text messaging voting facility as may be provided by the returning officer for the purpose of enabling voters to cast their votes by text message;

*“voter ID number”* means a unique, randomly generated numeric identifier allocated to each voter by the Returning Officer for the purpose of e-voting,

*“voting information”* means postal voting information and/or e-voting information

1.2

Other expressions used in these rules and in Schedule 7 to the NHS Act 2006 have the same meaning in these rules as in that Schedule.

## PART 2: TIMETABLE FOR ELECTIONS

### 2. Timetable

2.1 The proceedings at an election shall be conducted in accordance with the following timetable:

Proceeding	Time
Publication of notice of election	Not later than the fortieth day before the day of the close of the poll.
Final day for delivery of nomination forms to returning officer	Not later than the twenty eighth day before the day of the close of the poll.
Publication of statement of nominated candidates	Not later than the twenty seventh day before the day of the close of the poll.
Final day for delivery of notices of withdrawals by candidates from election	Not later than twenty fifth day before the day of the close of the poll.
Notice of the poll	Not later than the fifteenth day before the day of the close of the poll.
Close of the poll	By 5.00pm on the final day of the election.

### 3. Computation of time

3.1 In computing any period of time for the purposes of the timetable:

- (a) a Saturday or Sunday;
- (b) Christmas day, Good Friday, or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll, nor shall the returning officer be obliged to proceed with the counting of votes on such a day.

3.2 In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

## PART 3: RETURNING OFFICER

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### **4. Returning Officer**

- 4.1 Subject to rule 69, the returning officer for an election is to be appointed by the corporation.
- 4.2 Where two or more elections are to be held concurrently, the same returning officer may be appointed for all those elections.

### **5. Staff**

- 5.1 Subject to rule 69, the returning officer may appoint and pay such staff, including such technical advisers, as he or she considers necessary for the purposes of the election.

### **6. Expenditure**

- 6.1 The corporation is to pay the returning officer:
- (a) any expenses incurred by that officer in the exercise of his or her functions under these rules,
  - (b) such remuneration and other expenses as the corporation may determine.

### **7. Duty of co-operation**

- 7.1 The corporation is to co-operate with the returning officer in the exercise of his or her functions under these rules.

**PART 4: STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS**

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**8. Notice of election**

- 8.1 The returning officer is to publish a notice of the election stating:
- (a) the constituency, or class within a constituency, for which the election is being held,
  - (b) the number of members of the council of governors to be elected from that constituency, or class within that constituency,
  - (c) the details of any nomination committee that has been established by the corporation,
  - (d) the address and times at which nomination forms may be obtained;
  - (e) the address for return of nomination forms (including, where the return of nomination forms in an electronic format will be permitted, the e-mail address for such return) and the date and time by which they must be received by the returning officer,
  - (f) the date and time by which any notice of withdrawal must be received by the returning officer
  - (g) the contact details of the returning officer
  - (h) the date and time of the close of the poll in the event of a contest.

**9. Nomination of candidates**

- 9.1 Subject to rule 9.2, each candidate must nominate themselves on a single nomination form.
- 9.2 The returning officer:
- (a) is to supply any member of the corporation with a nomination form, and
  - (b) is to prepare a nomination form for signature at the request of any member of the corporation,
- but it is not necessary for a nomination to be on a form supplied by the returning officer and a nomination can, subject to rule 13, be in an electronic format.

**10. Candidate's particulars**

- 10.1 The nomination form must state the candidate's:
- (a) full name,
  - (b) contact address in full (which should be a postal address although an e-mail address may also be provided for the purposes of electronic communication), and
  - (c) constituency, or class within a constituency, of which the candidate is a member.

**11. Declaration of interests**

11.1 The nomination form must state:

- (a) any financial interest that the candidate has in the corporation, and
- (b) whether the candidate is a member of a political party, and if so, which party,

and if the candidate has no such interests, the paper must include a statement to that effect.

**12. Declaration of eligibility**

12.1 The nomination form must include a declaration made by the candidate:

- (a) that he or she is not prevented from being a member of the council of governors by paragraph 8 of Schedule 7 of the 2006 Act or by any provision of the constitution; and,
- (b) for a member of the public or patient constituency, of the particulars of his or her qualification to vote as a member of that constituency, or class within that constituency, for which the election is being held.

**13. Signature of candidate**

13.1 The nomination form must be signed and dated by the candidate, in a manner prescribed by the returning officer, indicating that:

- (a) they wish to stand as a candidate,
- (b) their declaration of interests as required under rule 11, is true and correct, and
- (c) their declaration of eligibility, as required under rule 12, is true and correct.

13.2 Where the return of nomination forms in an electronic format is permitted, the returning officer shall specify the particular signature formalities (if any) that will need to be complied with by the candidate.

**14. Decisions as to the validity of nomination**

14.1 Where a nomination form is received by the returning officer in accordance with these rules, the candidate is deemed to stand for election unless and until the returning officer:

- (a) decides that the candidate is not eligible to stand,
- (b) decides that the nomination form is invalid,
- (c) receives satisfactory proof that the candidate has died, or
- (d) receives a written request by the candidate of their withdrawal from candidacy.

14.2 The returning officer is entitled to decide that a nomination form is invalid only on one of the following grounds:

- (a) that the paper is not received on or before the final time and date for



- return of nomination forms, as specified in the notice of the election,
  - (b) that the paper does not contain the candidate's particulars, as required by rule 10;
  - (c) that the paper does not contain a declaration of the interests of the candidate, as required by rule 11,
  - (d) that the paper does not include a declaration of eligibility as required by rule 12, or
  - (e) that the paper is not signed and dated by the candidate, if required by rule 13.
- 14.3 The returning officer is to examine each nomination form as soon as is practicable after he or she has received it, and decide whether the candidate has been validly nominated.
- 14.4 Where the returning officer decides that a nomination is invalid, the returning officer must endorse this on the nomination form, stating the reasons for their decision.
- 14.5 The returning officer is to send notice of the decision as to whether a nomination is valid or invalid to the candidate at the contact address given in the candidate's nomination form. If an e-mail address has been given in the candidate's nomination form (in addition to the candidate's postal address), the returning officer may send notice of the decision to that address.
- 15. Publication of statement of candidates**
  - 15.1 The returning officer is to prepare and publish a statement showing the candidates who are standing for election.
  - 15.2 The statement must show:
    - (a) the name, contact address (which shall be the candidate's postal address), and constituency or class within a constituency of each candidate standing, and
    - (b) the declared interests of each candidate standing,as given in their nomination form.
  - 15.3 The statement must list the candidates standing for election in alphabetical order by surname.
  - 15.4 The returning officer must send a copy of the statement of candidates and copies of the nomination forms to the corporation as soon as is practicable after publishing the statement.
- 16. Inspection of statement of nominated candidates and nomination forms**
  - 16.1 The corporation is to make the statement of the candidates and the nomination forms supplied by the returning officer under rule 15.4 available for inspection by members of the corporation free of charge at all reasonable times.
  - 16.2 If a member of the corporation requests a copy or extract of the

statement of candidates or their nomination forms, the corporation is to provide that member with the copy or extract free of charge.

**17. Withdrawal of candidates**

17.1 A candidate may withdraw from election on or before the date and time for withdrawal by candidates, by providing to the returning officer a written notice of withdrawal which is signed by the candidate and attested by a witness.

**18. Method of election**

18.1 If the number of candidates remaining validly nominated for an election after any withdrawals under these rules is greater than the number of members to be elected to the council of governors, a poll is to be taken in accordance with Parts 5 and 6 of these rules.

18.2 If the number of candidates remaining validly nominated for an election after any withdrawals under these rules is equal to the number of members to be elected to the council of governors, those candidates are to be declared elected in accordance with Part 7 of these rules.

18.3 If the number of candidates remaining validly nominated for an election after any withdrawals under these rules is less than the number of members to be elected to be council of governors, then:

- (a) the candidates who remain validly nominated are to be declared elected in accordance with Part 7 of these rules, and
- (b) the returning officer is to order a new election to fill any vacancy which remains unfilled, on a day appointed by him or her in consultation with the corporation.

**PART 5: CONTESTED ELECTIONS**

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**19. Poll to be taken by ballot**

- 19.1 The votes at the poll must be given by secret ballot.
- 19.2 The votes are to be counted and the result of the poll determined in accordance with Part 6 of these rules.
- 19.3 The corporation may decide that voters within a constituency or class within a constituency, may, subject to rule 19.4, cast their votes at the poll using such different methods of polling in any combination as the corporation may determine.
- 19.4 The corporation may decide that voters within a constituency or class within a constituency for whom an e-mail address is included in the list of eligible voters may only cast their votes at the poll using an e-voting method of polling.
- 19.5 Before the corporation decides, in accordance with rule 19.3 that one or more e-voting methods of polling will be made available for the purposes of the poll, the corporation must satisfy itself that:
- (a) if internet voting is to be a method of polling, the internet voting system to be used for the purpose of the election is:
    - (i) configured in accordance with these rules; and
    - (ii) will create an accurate internet voting record in respect of any voter who casts his or her vote using the internet voting system;
  - (b) if telephone voting to be a method of polling, the telephone voting system to be used for the purpose of the election is:
    - (i) configured in accordance with these rules; and
    - (ii) will create an accurate telephone voting record in respect of any voter who casts his or her vote using the telephone voting system;
  - (c) if text message voting is to be a method of polling, the text message voting system to be used for the purpose of the election is:
    - (i) configured in accordance with these rules; and
    - (ii) will create an accurate text voting record in respect of any voter who casts his or her vote using the text message voting system.

**20. The ballot paper**

- 20.1 The ballot of each voter (other than a voter who casts his or her ballot by an e-voting method of polling) is to consist of a ballot paper with the persons remaining validly nominated for an election after any withdrawals under these rules, and no others, inserted in the paper.
- 20.2 Every ballot paper must specify:
- (a) the name of the corporation,

- (b) the constituency, or class within a constituency, for which the election is being held,
- (c) the number of members of the council of governors to be elected from that constituency, or class within that constituency,
- (d) the names and other particulars of the candidates standing for election, with the details and order being the same as in the statement of nominated candidates,
- (e) instructions on how to vote by all available methods of polling, including the relevant voter's voter ID number if one or more e-voting methods of polling are available,
- (f) if the ballot paper is to be returned by post, the address for its return and the date and time of the close of the poll, and
- (g) the contact details of the returning officer.

20.3 Each ballot paper must have a unique identifier.

20.4 Each ballot paper must have features incorporated into it to prevent it from being reproduced.

**21. The declaration of identity (public and patient constituencies)**

21.1 The corporation shall require each voter who participates in an election for a public or patient constituency to make a declaration confirming:

- (a) that the voter is the person:
  - (i) to whom the ballot paper was addressed, and/or
  - (ii) to whom the voter ID number contained within the e-voting information was allocated,
- (b) that he or she has not marked or returned any other voting information in the election, and
- (c) the particulars of his or her qualification to vote as a member of the constituency or class within the constituency for which the election is being held,

("declaration of identity")

and the corporation shall make such arrangements as it considers appropriate to facilitate the making and the return of a declaration of identity by each voter, whether by the completion of a paper form ("ID declaration form") or the use of an electronic method.

21.2 The voter must be required to return his or her declaration of identity with his or her ballot.

21.3 The voting information shall caution the voter that if the declaration of identity is not duly returned or is returned without having been made correctly, any vote cast by the voter may be declared invalid.

*Action to be taken before the poll*

**22. List of eligible voters**

- 22.1 The corporation is to provide the returning officer with a list of the members of the constituency or class within a constituency for which the election is being held who are eligible to vote by virtue of rule 27 as soon as is reasonably practicable after the final date for the delivery of notices of withdrawals by candidates from an election.
- 22.2 The list is to include, for each member:
- (a) a postal address; and,
  - (b) the member's e-mail address, if this has been provided
- to which his or her voting information may, subject to rule 22.3, be sent.
- 22.3 The corporation may decide that the e-voting information is to be sent only by e-mail to those members in the list of eligible voters for whom an e-mail address is included in that list.

**23. Notice of poll**

- 23.1 The returning officer is to publish a notice of the poll stating:
- (a) the name of the corporation,
  - (b) the constituency, or class within a constituency, for which the election is being held,
  - (c) the number of members of the council of governors to be elected from that constituency, or class with that constituency,
  - (d) the names, contact addresses, and other particulars of the candidates standing for election, with the details and order being the same as in the statement of nominated candidates,
  - (e) that the ballot papers for the election are to be issued and returned, if appropriate, by post,
  - (f) the methods of polling by which votes may be cast at the election by voters in a constituency or class within a constituency, as determined by the corporation in accordance with rule 19.3,
  - (g) the address for return of the ballot papers,
  - (h) the uniform resource locator (url) where, if internet voting is a method of polling, the polling website is located;
  - (i) the telephone number where, if telephone voting is a method of polling, the telephone voting facility is located,
  - (j) the telephone number or telephone short code where, if text message voting is a method of polling, the text message voting facility is located,
  - (k) the date and time of the close of the poll,
  - (l) the address and final dates for applications for replacement voting information, and
  - (m) the contact details of the returning officer.

**24. Issue of voting information by returning officer**

- 24.1 Subject to rule 24.3, as soon as is reasonably practicable on or after the publication of the notice of the poll, the returning officer is to send the following information by post to each member of the corporation named in the list of eligible voters:
- (a) a ballot paper and ballot paper envelope,
  - (b) the ID declaration form (if required),
  - (c) information about each candidate standing for election, pursuant to rule 61 of these rules, and
  - (d) a covering envelope;
- ("postal voting information").
- 24.2 Subject to rules 24.3 and 24.4, as soon as is reasonably practicable on or after the publication of the notice of the poll, the returning officer is to send the following information by e-mail and/ or by post to each member of the corporation named in the list of eligible voters whom the corporation determines in accordance with rule 19.3 and/ or rule 19.4 may cast his or her vote by an e-voting method of polling:
- (a) instructions on how to vote and how to make a declaration of identity (if required),
  - (b) the voter's voter ID number,
  - (c) information about each candidate standing for election, pursuant to rule 64 of these rules, or details of where this information is readily available on the internet or available in such other formats as the Returning Officer thinks appropriate, (d) contact details of the returning officer,
- ("e-voting information").
- 24.3 The corporation may determine that any member of the corporation shall:
- (a) only be sent postal voting information; or
  - (b) only be sent e-voting information; or
  - (c) be sent both postal voting information and e-voting information;
- for the purposes of the poll.
- 24.4 If the corporation determines, in accordance with rule 22.3, that the e-voting information is to be sent only by e-mail to those members in the list of eligible voters for whom an e-mail address is included in that list, then the returning officer shall only send that information by e-mail.
- 24.5 The voting information is to be sent to the postal address and/ or e-mail address for each member, as specified in the list of eligible voters.
- 25. Ballot paper envelope and covering envelope**
- 25.1 The ballot paper envelope must have clear instructions to the voter printed on it, instructing the voter to seal the ballot paper inside the envelope once the ballot paper has been marked.

- 25.2 The covering envelope is to have:
- (a) the address for return of the ballot paper printed on it, and
  - (b) pre-paid postage for return to that address.
- 25.3 There should be clear instructions, either printed on the covering envelope or elsewhere, instructing the voter to seal the following documents inside the covering envelope and return it to the returning officer –
- (a) the completed ID declaration form if required, and
  - (b) the ballot paper envelope, with the ballot paper sealed inside it.

**26. E-voting systems**

- 26.1 If internet voting is a method of polling for the relevant election then the returning officer must provide a website for the purpose of voting over the internet (in these rules referred to as "the polling website").
- 26.2 If telephone voting is a method of polling for the relevant election then the returning officer must provide an automated telephone system for the purpose of voting by the use of a touch-tone telephone (in these rules referred to as "the telephone voting facility").
- 26.3 If text message voting is a method of polling for the relevant election then the returning officer must provide an automated text messaging system for the purpose of voting by text message (in these rules referred to as "the text message voting facility").
- 26.4 The returning officer shall ensure that the polling website and internet voting system provided will:
- (a) require a voter to:
    - (i) enter his or her voter ID number; and
    - (ii) where the election is for a public or patient constituency, make a declaration of identity;in order to be able to cast his or her vote;
  - (b) specify:
    - (i) the name of the corporation,
    - (ii) the constituency, or class within a constituency, for which the election is being held,
    - (iii) the number of members of the council of governors to be elected from that constituency, or class within that constituency,
    - (iv) the names and other particulars of the candidates standing for election, with the details and order being the same as in the statement of nominated candidates,
    - (v) instructions on how to vote and how to make a declaration of identity,
    - (vi) the date and time of the close of the poll, and

- (vii) the contact details of the returning officer;
- (c) prevent a voter from voting for more candidates than he or she is entitled to at the election;
- (d) create a record ("internet voting record") that is stored in the internet voting system in respect of each vote cast by a voter using the internet that comprises of-
  - (i) the voter's voter ID number;
  - (ii) the voter's declaration of identity (where required);
  - (iii) the candidate or candidates for whom the voter has voted; and
  - (iv) the date and time of the voter's vote,
- (e) if the voter's vote has been duly cast and recorded, provide the voter with confirmation of this; and
- (f) prevent any voter from voting after the close of poll.

26.5

The returning officer shall ensure that the telephone voting facility and telephone voting system provided will:

- (a) require a voter to
  - (i) enter his or her voter ID number in order to be able to cast his or her vote; and
  - (ii) where the election is for a public or patient constituency, make a declaration of identity;
- (b) specify:
  - (i) the name of the corporation,
  - (ii) the constituency, or class within a constituency, for which the election is being held,
  - (iii) the number of members of the council of governors to be elected from that constituency, or class within that constituency,
  - (iv) instructions on how to vote and how to make a declaration of identity,
  - (v) the date and time of the close of the poll, and
  - (vi) the contact details of the returning officer;
- (c) prevent a voter from voting for more candidates than he or she is entitled to at the election;
- (d) create a record ("telephone voting record") that is stored in the telephone voting system in respect of each vote cast by a voter using the telephone that comprises of:
  - (i) the voter's voter ID number;
  - (ii) the voter's declaration of identity (where required);
  - (iii) the candidate or candidates for whom the voter has voted; and
  - (iv) the date and time of the voter's vote



- (e) if the voter's vote has been duly cast and recorded, provide the voter with confirmation of this;
- (f) prevent any voter from voting after the close of poll.

26.6 The returning officer shall ensure that the text message voting facility and text messaging voting system provided will:

- (a) require a voter to:
  - (i) provide his or her voter ID number; and
  - (ii) where the election is for a public or patient constituency, make a declaration of identity;
 in order to be able to cast his or her vote;
- (b) prevent a voter from voting for more candidates than he or she is entitled to at the election;
- (d) create a record ("text voting record") that is stored in the text messaging voting system in respect of each vote cast by a voter by text message that comprises of:
  - (i) the voter's voter ID number;
  - (ii) the voter's declaration of identity (where required);
  - (iii) the candidate or candidates for whom the voter has voted; and
  - (iii) the date and time of the voter's vote
- (e) if the voter's vote has been duly cast and recorded, provide the voter with confirmation of this;
- (f) prevent any voter from voting after the close of poll.

*The poll*

**27. Eligibility to vote**

- 27.1 An individual who becomes a member of the corporation on or before the closing date for the receipt of nominations by candidates for the election, is eligible to vote in that election.

**28. Voting by persons who require assistance**

- 28.1 The returning officer is to put in place arrangements to enable requests for assistance to vote to be made.
- 28.2 Where the returning officer receives a request from a voter who requires assistance to vote, the returning officer is to make such arrangements as he or she considers necessary to enable that voter to vote.

**29. Spoilt ballot papers and spoilt text message votes**

- 29.1 If a voter has dealt with his or her ballot paper in such a manner that it cannot be accepted as a ballot paper (referred to as a "spoilt ballot paper"), that voter may apply to the returning officer for a replacement ballot paper.
- 29.2 On receiving an application, the returning officer is to obtain the details of the unique identifier on the spoilt ballot paper, if he or she can obtain it.

- 29.3 The returning officer may not issue a replacement ballot paper for a spoilt ballot paper unless he or she:
- (a) is satisfied as to the voter's identity; and
  - (b) has ensured that the completed ID declaration form, if required, has not been returned.
- 29.4 After issuing a replacement ballot paper for a spoilt ballot paper, the returning officer shall enter in a list ("the list of spoilt ballot papers"):
- (a) the name of the voter, and
  - (b) the details of the unique identifier of the spoilt ballot paper (if that officer was able to obtain it), and
  - (c) the details of the unique identifier of the replacement ballot paper.
- 29.5 If a voter has dealt with his or her text message vote in such a manner that it cannot be accepted as a vote (referred to as a "spoilt text message vote"), that voter may apply to the returning officer for a replacement voter ID number.
- 29.6 On receiving an application, the returning officer is to obtain the details of the voter ID number on the spoilt text message vote, if he or she can obtain it.
- 29.7 The returning officer may not issue a replacement voter ID number in respect of a spoilt text message vote unless he or she is satisfied as to the voter's identity.
- 29.8 After issuing a replacement voter ID number in respect of a spoilt text message vote, the returning officer shall enter in a list ("the list of spoilt text message votes"):
- (a) the name of the voter, and
  - (b) the details of the voter ID number on the spoilt text message vote (if that officer was able to obtain it), and
  - (c) the details of the replacement voter ID number issued to the voter.

**30. Lost voting information**

- 30.1 Where a voter has not received his or her voting information by the tenth day before the close of the poll, that voter may apply to the returning officer for replacement voting information.
- 30.2 The returning officer may not issue replacement voting information in respect of lost voting information unless he or she:
- (a) is satisfied as to the voter's identity,
  - (b) has no reason to doubt that the voter did not receive the original voting information,
  - (c) has ensured that no declaration of identity, if required, has been returned.
- 30.3 After issuing replacement voting information in respect of lost voting

information, the returning officer shall enter in a list (“the list of lost ballot documents”):

- (a) the name of the voter
- (b) the details of the unique identifier of the replacement ballot paper, if applicable, and
- (c) the voter ID number of the voter.

### **31. Issue of replacement voting information**

31.1 If a person applies for replacement voting information under rule 29 or 30 and a declaration of identity has already been received by the returning officer in the name of that voter, the returning officer may not issue replacement voting information unless, in addition to the requirements imposed by rule 29.3 or 30.2, he or she is also satisfied that that person has not already voted in the election, notwithstanding the fact that a declaration of identity if required has already been received by the returning officer in the name of that voter.

31.2 After issuing replacement voting information under this rule, the returning officer shall enter in a list (“the list of tendered voting information”):

- (a) the name of the voter,
- (b) the unique identifier of any replacement ballot paper issued under this rule;
- (c) the voter ID number of the voter.

### **32. ID declaration form for replacement ballot papers (public and patient constituencies)**

32.1 In respect of an election for a public or patient constituency an ID declaration form must be issued with each replacement ballot paper requiring the voter to make a declaration of identity.

*Polling by internet, telephone or text*

### **33. Procedure for remote voting by internet**

33.1 To cast his or her vote using the internet, a voter will need to gain access to the polling website by keying in the url of the polling website provided in the voting information.

33.2 When prompted to do so, the voter will need to enter his or her voter ID number.

33.3 If the internet voting system authenticates the voter ID number, the system will give the voter access to the polling website for the election in which the voter is eligible to vote.

33.4 To cast his or her vote, the voter will need to key in a mark on the screen opposite the particulars of the candidate or candidates for whom he or she wishes to cast his or her vote.

33.5 The voter will not be able to access the internet voting system for an election once his or her vote at that election has been cast.

**34. Voting procedure for remote voting by telephone**

- 34.1 To cast his or her vote by telephone, the voter will need to gain access to the telephone voting facility by calling the designated telephone number provided in the voter information using a telephone with a touch-tone keypad.
- 34.2 When prompted to do so, the voter will need to enter his or her voter ID number using the keypad.
- 34.3 If the telephone voting facility authenticates the voter ID number, the voter will be prompted to vote in the election.
- 34.4 When prompted to do so the voter may then cast his or her vote by keying in the numerical voting code of the candidate or candidates, for whom he or she wishes to vote.
- 34.5 The voter will not be able to access the telephone voting facility for an election once his or her vote at that election has been cast.

**35. Voting procedure for remote voting by text message**

- 35.1 To cast his or her vote by text message the voter will need to gain access to the text message voting facility by sending a text message to the designated telephone number or telephone short code provided in the voter information.
- 35.2 The text message sent by the voter must contain his or her voter ID number and the numerical voting code for the candidate or candidates, for whom he or she wishes to vote.
- 35.3 The text message sent by the voter will need to be structured in accordance with the instructions on how to vote contained in the voter information, otherwise the vote will not be cast.

*Procedure for receipt of envelopes, internet votes, telephone votes and text message votes*

**36. Receipt of voting documents**

- 36.1 Where the returning officer receives:
- (a) a covering envelope, or
  - (b) any other envelope containing an ID declaration form if required, a ballot paper envelope, or a ballot paper,
- before the close of the poll, that officer is to open it as soon as is practicable; and rules 37 and 38 are to apply.
- 36.2 The returning officer may open any covering envelope or any ballot paper envelope for the purposes of rules 37 and 38, but must make arrangements to ensure that no person obtains or communicates information as to:
- (a) the candidate for whom a voter has voted, or
  - (b) the unique identifier on a ballot paper.
- 36.3 The returning officer must make arrangements to ensure the safety and

security of the ballot papers and other documents.

**37. Validity of votes**

- 37.1 A ballot paper shall not be taken to be duly returned unless the returning officer is satisfied that it has been received by the returning officer before the close of the poll, with an ID declaration form if required that has been correctly completed, signed and dated.
- 37.2 Where the returning officer is satisfied that rule 37.1 has been fulfilled, he or she is to:
- (a) put the ID declaration form if required in a separate packet, and
  - (b) put the ballot paper aside for counting after the close of the poll.
- 37.3 Where the returning officer is not satisfied that rule 37.1 has been fulfilled, he or she is to:
- (a) mark the ballot paper “disqualified”,
  - (b) if there is an ID declaration form accompanying the ballot paper, mark it “disqualified” and attach it to the ballot paper,
  - (c) record the unique identifier on the ballot paper in a list of disqualified documents (the “list of disqualified documents”); and
  - (d) place the document or documents in a separate packet.
- 37.4 An internet, telephone or text message vote shall not be taken to be duly returned unless the returning officer is satisfied that the internet voting record, telephone voting record or text voting record (as applicable) has been received by the returning officer before the close of the poll, with a declaration of identity if required that has been correctly made.
- 37.5 Where the returning officer is satisfied that rule 37.4 has been fulfilled, he or she is to put the internet voting record, telephone voting record or text voting record (as applicable) aside for counting after the close of the poll.
- 37.6 Where the returning officer is not satisfied that rule 37.4 has been fulfilled, he or she is to:
- (a) mark the internet voting record, telephone voting record or text voting record (as applicable) “disqualified”,
  - (b) record the voter ID number on the internet voting record, telephone voting record or text voting record (as applicable) in the list of disqualified documents; and
  - (c) place the document or documents in a separate packet.

**38. Declaration of identity but no ballot paper (public and patient constituency)<sup>2</sup>**

- 38.1 Where the returning officer receives an ID declaration form if required but no ballot paper, the returning officer is to:

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<sup>2</sup> It should not be possible, technically, to make a declaration of identity electronically without also submitting a vote.

- (a) mark the ID declaration form “disqualified”,
- (b) record the name of the voter in the list of disqualified documents, indicating that a declaration of identity was received from the voter without a ballot paper, and
- (c) place the ID declaration form in a separate packet.

### **39. De-duplication of votes**

39.1 Where different methods of polling are being used in an election, the returning officer shall examine all votes cast to ascertain if a voter ID number has been used more than once to cast a vote in the election.

39.2 If the returning officer ascertains that a voter ID number has been used more than once to cast a vote in the election he or she shall:

- (a) only accept as duly returned the first vote received that was cast using the relevant voter ID number; and
- (b) mark as “disqualified” all other votes that were cast using the relevant voter ID number

39.3 Where a ballot paper is disqualified under this rule the returning officer shall:

- (a) mark the ballot paper “disqualified”,
- (b) if there is an ID declaration form accompanying the ballot paper, mark it “disqualified” and attach it to the ballot paper,
- (c) record the unique identifier and the voter ID number on the ballot paper in the list of disqualified documents;
- (d) place the document or documents in a separate packet; and
- (e) disregard the ballot paper when counting the votes in accordance with these rules.

39.4 Where an internet voting record, telephone voting record or text voting record is disqualified under this rule the returning officer shall:

- (a) mark the internet voting record, telephone voting record or text voting record (as applicable) “disqualified”,
- (b) record the voter ID number on the internet voting record, telephone voting record or text voting record (as applicable) in the list of disqualified documents;
- (c) place the internet voting record, telephone voting record or text voting record (as applicable) in a separate packet, and
- (d) disregard the internet voting record, telephone voting record or text voting record (as applicable) when counting the votes in accordance with these rules.

### **40. Sealing of packets**

40.1 As soon as is possible after the close of the poll and after the completion of the procedure under rules 37 and 38, the returning officer is to seal the packets containing:

- (a) the disqualified documents, together with the list of disqualified

- documents inside it,
- (b) the ID declaration forms, if required,
- (c) the list of spoiled ballot papers and the list of spoiled text message votes,
- (d) the list of lost ballot documents,
- (e) the list of eligible voters, and
- (f) the list of tendered voting information

and ensure that complete electronic copies of the internet voting records, telephone voting records and text voting records created in accordance with rule 26 are held in a device suitable for the purpose of storage.

## PART 6: COUNTING THE VOTES

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### STV41. Interpretation of Part 6

#### STV41.1 In Part 6 of these rules:

*“ballot document”* means a ballot paper, internet voting record, telephone voting record or text voting record.

*“continuing candidate”* means any candidate not deemed to be elected, and not excluded,

*“count”* means all the operations involved in counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of the excluded candidates,

*“deemed to be elected”* means deemed to be elected for the purposes of counting of votes but without prejudice to the declaration of the result of the poll,

*“mark”* means a figure, an identifiable written word, or a mark such as “X”,

*“non-transferable vote”* means a ballot document:

(a) on which no second or subsequent preference is recorded for a continuing candidate,

or

(b) which is excluded by the returning officer under rule STV49,

*“preference”* as used in the following contexts has the meaning assigned below:

(a) *“first preference”* means the figure “1” or any mark or word which clearly indicates a first (or only) preference,

(b) *“next available preference”* means a preference which is the second, or as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored); and

(c) in this context, a *“second preference”* is shown by the figure “2” or any mark or word which clearly indicates a second preference, and a third preference by the figure “3” or any mark or word which clearly indicates a third preference, and so on,

*“quota”* means the number calculated in accordance with rule STV46,

*“surplus”* means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable ballot documents from the candidate who has the surplus,

*“stage of the count”* means:



- (a) the determination of the first preference vote of each candidate,
- (b) the transfer of a surplus of a candidate deemed to be elected, or
- (c) the exclusion of one or more candidates at any given time,

“*transferable vote*” means a ballot document on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate,

“*transferred vote*” means a vote derived from a ballot document on which a second or subsequent preference is recorded for the candidate to whom that ballot document has been transferred, and

“*transfer value*” means the value of a transferred vote calculated in accordance with rules STV47.4 or STV47.7.

#### **42. Arrangements for counting of the votes**

- 42.1 The returning officer is to make arrangements for counting the votes as soon as is practicable after the close of the poll.
- 42.2 The returning officer may make arrangements for any votes to be counted using vote counting software where:
  - (a) the board of directors and the council of governors of the corporation have approved:
    - (i) the use of such software for the purpose of counting votes in the relevant election, and
    - (ii) a policy governing the use of such software, and
  - (b) the corporation and the returning officer are satisfied that the use of such software will produce an accurate result.

#### **43. The count**

- 43.1 The returning officer is to:
  - (a) count and record the number of:
    - (iii) ballot papers that have been returned; and
    - (iv) the number of internet voting records, telephone voting records and/or text voting records that have been created, and
  - (b) count the votes according to the provisions in this Part of the rules and/or the provisions of any policy approved pursuant to rule 42.2(ii) where vote counting software is being used.
- 43.2 The returning officer, while counting and recording the number of ballot papers, internet voting records, telephone voting records and/or text voting records and counting the votes, must make arrangements to ensure that no person obtains or communicates information as to the unique identifier on a ballot paper or the voter ID number on an internet voting record, telephone voting record or text voting record.

43.3 The returning officer is to proceed continuously with counting the votes as far as is practicable.

**STV44. Rejected ballot papers and rejected text voting records**

STV44.1 Any ballot paper:

- (a) which does not bear the features that have been incorporated into the other ballot papers to prevent them from being reproduced,
- (b) on which the figure "1" standing alone is not placed so as to indicate a first preference for any candidate,
- (c) on which anything is written or marked by which the voter can be identified except the unique identifier, or
- (d) which is unmarked or rejected because of uncertainty,

shall be rejected and not counted, but the ballot paper shall not be rejected by reason only of carrying the words "one", "two", "three" and so on, or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

STV44.2 The returning officer is to endorse the word "rejected" on any ballot paper which under this rule is not to be counted.

STV44.3 Any text voting record:

- (a) on which the figure "1" standing alone is not placed so as to indicate a first preference for any candidate,
- (b) on which anything is written or marked by which the voter can be identified except the unique identifier, or
- (c) which is unmarked or rejected because of uncertainty,

shall be rejected and not counted, but the text voting record shall not be rejected by reason only of carrying the words "one", "two", "three" and so on, or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

STV44.4 The returning officer is to endorse the word "rejected" on any text voting record which under this rule is not to be counted.

STV44.5 The returning officer is to draw up a statement showing the number of ballot papers rejected by him or her under each of the subparagraphs (a) to (d) of rule STV44.1 and the number of text voting records rejected by him or her under each of the sub-paragraphs (a) to (c) of rule STV44.3.

**FPP44. Rejected ballot papers and rejected text voting records**

FPP44.1 Any ballot paper:

- (a) which does not bear the features that have been incorporated into the other ballot papers to prevent them from being reproduced,
- (b) on which votes are given for more candidates than the voter is entitled to vote,
- (c) on which anything is written or marked by which the voter can be identified except the unique identifier, or
- (d) which is unmarked or rejected because of uncertainty,

shall, subject to rules FPP44.2 and FPP44.3, be rejected and not counted.

FPP44.2 Where the voter is entitled to vote for more than one candidate, a ballot paper is not to be rejected because of uncertainty in respect of any vote where no uncertainty arises, and that vote is to be counted.

FPP44.3 A ballot paper on which a vote is marked:

- (a) elsewhere than in the proper place,
- (b) otherwise than by means of a clear mark,
- (c) by more than one mark,

is not to be rejected for such reason (either wholly or in respect of that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he or she can be identified by it.

FPP44.4 The returning officer is to:

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and
- (b) in the case of a ballot paper on which any vote is counted under rules FPP44.2 and FPP 44.3, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted.

FPP44.5 The returning officer is to draw up a statement showing the number of rejected ballot papers under the following headings:

- (a) does not bear proper features that have been incorporated into the ballot paper,
- (b) voting for more candidates than the voter is entitled to,
- (c) writing or mark by which voter could be identified, and
- (d) unmarked or rejected because of uncertainty,

and, where applicable, each heading must record the number of ballot papers rejected in part.

FPP44.6 Any text voting record:

- (a) on which votes are given for more candidates than the voter is entitled to vote,

- (b) on which anything is written or marked by which the voter can be identified except the voter ID number, or
- (c) which is unmarked or rejected because of uncertainty,

shall, subject to rules FPP44.7 and FPP44.8, be rejected and not counted.

FPP44.7 Where the voter is entitled to vote for more than one candidate, a text voting record is not to be rejected because of uncertainty in respect of any vote where no uncertainty arises, and that vote is to be counted.

FPP448 A text voting record on which a vote is marked:

- (a) otherwise than by means of a clear mark,
- (b) by more than one mark,

is not to be rejected for such reason (either wholly or in respect of that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the text voting record is marked does not itself identify the voter and it is not shown that he or she can be identified by it.

FPP44.9 The returning officer is to:

- (a) endorse the word “rejected” on any text voting record which under this rule is not to be counted, and
- (b) in the case of a text voting record on which any vote is counted under rules FPP44.7 and FPP 44.8, endorse the words “rejected in part” on the text voting record and indicate which vote or votes have been counted.

FPP44.10 The returning officer is to draw up a statement showing the number of rejected text voting records under the following headings:

- (a) voting for more candidates than the voter is entitled to,
- (b) writing or mark by which voter could be identified, and
- (c) unmarked or rejected because of uncertainty,

and, where applicable, each heading must record the number of text voting records rejected in part.

#### **STV45. First stage**

STV45.1 The returning officer is to sort the ballot documents into parcels according to the candidates for whom the first preference votes are given.

STV45.2 The returning officer is to then count the number of first preference votes given on ballot documents for each candidate, and is to record those numbers.

STV45.3 The returning officer is to also ascertain and record the number of valid ballot documents.

#### **STV46. The quota**

STV46.1 The returning officer is to divide the number of valid ballot documents by a

number exceeding by one the number of members to be elected.

STV46.2 The result, increased by one, of the division under rule STV46.1 (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

STV46.3 At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that any election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in rules STV47.1 to STV47.3 has been complied with.

**STV47. Transfer of votes**

STV47.1 Where the number of first preference votes for any candidate exceeds the quota, the returning officer is to sort all the ballot documents on which first preference votes are given for that candidate into sub- parcels so that they are grouped:

- (a) according to next available preference given on those ballot documents for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

STV47.2 The returning officer is to count the number of ballot documents in each parcel referred to in rule STV47.1.

STV47.3 The returning officer is, in accordance with this rule and rule STV48, to transfer each sub-parcel of ballot documents referred to in rule STV47.1(a) to the candidate for whom the next available preference is given on those ballot documents.

STV47.4 The vote on each ballot document transferred under rule STV47.3 shall be at a value (“the transfer value”) which:

- (a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and
- (b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot documents on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

STV47.5 Where at the end of any stage of the count involving the transfer of ballot documents, the number of votes for any candidate exceeds the quota, the returning officer is to sort the ballot documents in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped:

- (a) according to the next available preference given on those ballot documents for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

STV47.6 The returning officer is, in accordance with this rule and rule STV48, to transfer each sub-parcel of ballot documents referred to in rule STV47.5(a) to the candidate for whom the next available preference is given on those ballot

documents.

STV47.7 The vote on each ballot document transferred under rule STV47.6 shall be at:

- (a) a transfer value calculated as set out in rule STV47.4(b), or
- (b) at the value at which that vote was received by the candidate from whom it is now being transferred,

whichever is the less.

STV47.8 Each transfer of a surplus constitutes a stage in the count.

STV47.9 Subject to rule STV47.10, the returning officer shall proceed to transfer transferable ballot documents until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

STV47.10 Transferable ballot documents shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are:

- (a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote, or
- (b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.

STV47.11 This rule does not apply at an election where there is only one vacancy.

**STV48. Supplementary provisions on transfer**

STV48.1 If, at any stage of the count, two or more candidates have surpluses, the transferable ballot documents of the candidate with the highest surplus shall be transferred first, and if:

- (a) The surpluses determined in respect of two or more candidates are equal, the transferable ballot documents of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes shall be transferred first, and
- (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot, and the transferable ballot documents of the candidate on whom the lot falls shall be transferred first.

STV48.2 The returning officer shall, on each transfer of transferable ballot documents under rule STV47:

- (a) record the total value of the votes transferred to each candidate,
- (b) add that value to the previous total of votes recorded for each candidate and record the new total,
- (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes and add that difference to the previously recorded total of non-transferable votes,

- and
- (d) compare:
- (i) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with
- (ii) the recorded total of valid first preference votes.
- STV48.3 All ballot documents transferred under rule STV47 or STV49 shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that ballot document or, as the case may be, all the ballot documents in that sub-parcel.
- STV48.4 Where a ballot document is so marked that it is unclear to the returning officer at any stage of the count under rule STV47 or STV49 for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot document as a non-transferable vote; and votes on a ballot document shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.
- STV49. Exclusion of candidates**
- STV49.1 If:
- (a) all transferable ballot documents which under the provisions of rule STV47 (including that rule as applied by rule STV49.11) and this rule are required to be transferred, have been transferred, and
- (b) subject to rule STV50, one or more vacancies remain to be filled,
- the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where rule STV49.12 applies, the candidates with the then lowest votes).
- STV9.2 The returning officer shall sort all the ballot documents on which first preference votes are given for the candidate or candidates excluded under rule STV49.1 into two sub-parcels so that they are grouped as:
- (a) ballot documents on which a next available preference is given, and
- (b) ballot documents on which no such preference is given (thereby including ballot documents on which preferences are given only for candidates who are deemed to be elected or are excluded).
- STV49.3 The returning officer shall, in accordance with this rule and rule STV48, transfer each sub-parcel of ballot documents referred to in rule STV49.2 to the candidate for whom the next available preference is given on those ballot documents.
- STV49.4 The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.
- STV49.5 If, subject to rule STV50, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable ballot documents, if any, which had been transferred to any candidate excluded under rule STV49.1 into sub- parcels according to their transfer value.

- STV49.6 The returning officer shall transfer those ballot documents in the sub-parcel of transferable ballot documents with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those ballot documents (thereby passing over candidates who are deemed to be elected or are excluded).
- STV49.7 The vote on each transferable ballot document transferred under rule STV49.6 shall be at the value at which that vote was received by the candidate excluded under rule STV49.1.
- STV9.8 Any ballot documents on which no next available preferences have been expressed shall be set aside as non-transferable votes.
- STV49.9 After the returning officer has completed the transfer of the ballot documents in the sub-parcel of ballot documents with the highest transfer value he or she shall proceed to transfer in the same way the sub-parcel of ballot documents with the next highest value and so on until he has dealt with each sub-parcel of a candidate excluded under rule STV49.1.
- STV49.10 The returning officer shall after each stage of the count completed under this rule:
- (a) record:
    - (i) the total value of votes, or
    - (ii) the total transfer value of votes transferred to each candidate,
  - (b) add that total to the previous total of votes recorded for each candidate and record the new total,
  - (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total, and
  - (d) compare:
    - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
    - (ii) the recorded total of valid first preference votes.
- STV49.11 If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with rules STV47.5 to STV47.10 and rule STV48.
- STV49.12 Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates.
- STV49.13 If when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest:
- (a) regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded, and
  - (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.



**STV50. Filling of last vacancies**

- STV50.1 Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.
- STV50.2 Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.
- STV50.3 Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.

**STV51. Order of election of candidates**

- STV51.1 The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule STV47.10.
- STV51.2 A candidate credited with a number of votes equal to, and not greater than, the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.
- STV51.3 Where the surpluses of two or more candidates are equal and are not required to be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.
- STV51.4 Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first.

**FPP51. Equality of votes**

FPP51.1 Where, after the counting of votes is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer is to decide between those candidates by a lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## PART 7: FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

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### **FPP52. Declaration of result for contested elections**

- FPP52.1 In a contested election, when the result of the poll has been ascertained, the returning officer is to:
- (a) declare the candidate or candidates whom more votes have been given than for the other candidates, up to the number of vacancies to be filled on the council of governors from the constituency, or class within a constituency, for which the election is being held to be elected,
  - (b) give notice of the name of each candidate who he or she has declared elected:
    - (i) where the election is held under a proposed constitution pursuant to powers conferred on the [insert name] NHS Trust by section 33(4) of the 2006 Act, to the chairman of the NHS Trust, or
    - (ii) in any other case, to the chairman of the corporation; and
  - (c) give public notice of the name of each candidate whom he or she has declared elected.

- FPP52.2 The returning officer is to make:
- (a) the total number of votes given for each candidate (whether elected or not), and
  - (b) the number of rejected ballot papers under each of the headings in rule FPP44.5,
  - (c) the number of rejected text voting records under each of the headings in rule FPP44.10,
- available on request.

### **STV52. Declaration of result for contested elections**

- STV52.1 In a contested election, when the result of the poll has been ascertained, the returning officer is to:
- (a) declare the candidates who are deemed to be elected under Part 6 of these rules as elected,
  - (b) give notice of the name of each candidate who he or she has declared elected –
    - (i) where the election is held under a proposed constitution pursuant to powers conferred on the [insert name] NHS Trust by section 33(4) of the 2006 Act, to the chairman of the NHS Trust, or
    - (ii) in any other case, to the chairman of the corporation, and
  - (c) give public notice of the name of each candidate who he or she has declared elected.

- STV52.2 The returning officer is to make:
- (a) the number of first preference votes for each candidate whether elected or not,

- (b) any transfer of votes,
- (c) the total number of votes for each candidate at each stage of the count at which such transfer took place,
- (d) the order in which the successful candidates were elected, and
- (e) the number of rejected ballot papers under each of the headings in rule STV44.1,
- (f) the number of rejected text voting records under each of the headings in rule STV44.3,

available on request.

**53. Declaration of result for uncontested elections**

53.1 In an uncontested election, the returning officer is to as soon as is practicable after final day for the delivery of notices of withdrawals by candidates from the election:

- (a) declare the candidate or candidates remaining validly nominated to be elected,
- (b) give notice of the name of each candidate who he or she has declared elected to the chairman of the corporation, and
- (c) give public notice of the name of each candidate who he or she has declared elected.

## PART 8: DISPOSAL OF DOCUMENTS

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### 54. Sealing up of documents relating to the poll

54.1 On completion of the counting at a contested election, the returning officer is to seal up the following documents in separate packets:

- (a) the counted ballot papers, internet voting records, telephone voting records and text voting records,
- (b) the ballot papers and text voting records endorsed with “rejected in part”,
- (c) the rejected ballot papers and text voting records, and
- (d) the statement of rejected ballot papers and the statement of rejected text voting records,

and ensure that complete electronic copies of the internet voting records, telephone voting records and text voting records created in accordance with rule 26 are held in a device suitable for the purpose of storage.

54.2 The returning officer must not open the sealed packets of:

- (a) the disqualified documents, with the list of disqualified documents inside it,
- (b) the list of spoiled ballot papers and the list of spoiled text message votes,
- (c) the list of lost ballot documents, and
- (d) the list of eligible voters,

or access the complete electronic copies of the internet voting records, telephone voting records and text voting records created in accordance with rule 26 and held in a device suitable for the purpose of storage.

54.3 The returning officer must endorse on each packet a description of:

- (a) its contents,
- (b) the date of the publication of notice of the election,
- (c) the name of the corporation to which the election relates, and
- (d) the constituency, or class within a constituency, to which the election relates.

### 55. Delivery of documents

55.1 Once the documents relating to the poll have been sealed up and endorsed pursuant to rule 56, the returning officer is to forward them to the chair of the corporation.

### 56. Forwarding of documents received after close of the poll

56.1 Where:

- (a) any voting documents are received by the returning officer after the close of the poll, or

- (b) any envelopes addressed to eligible voters are returned as undelivered too late to be resent, or
- (c) any applications for replacement voting information are made too late to enable new voting information to be issued,

the returning officer is to put them in a separate packet, seal it up, and endorse and forward it to the chairman of the corporation.

**57. Retention and public inspection of documents**

- 57.1 The corporation is to retain the documents relating to an election that are forwarded to the chair by the returning officer under these rules for one year, and then, unless otherwise directed by the board of directors of the corporation, cause them to be destroyed.
- 57.2 With the exception of the documents listed in rule 58.1, the documents relating to an election that are held by the corporation shall be available for inspection by members of the public at all reasonable times.
- 57.3 A person may request a copy or extract from the documents relating to an election that are held by the corporation, and the corporation is to provide it, and may impose a reasonable charge for doing so.

**58. Application for inspection of certain documents relating to an election**

- 58.1 The corporation may not allow:
  - (a) the inspection of, or the opening of any sealed packet containing –
    - (i) any rejected ballot papers, including ballot papers rejected in part,
    - (ii) any rejected text voting records, including text voting records rejected in part,
    - (iii) any disqualified documents, or the list of disqualified documents,
    - (iv) any counted ballot papers, internet voting records, telephone voting records or text voting records, or
    - (v) the list of eligible voters, or
  - (b) access to or the inspection of the complete electronic copies of the internet voting records, telephone voting records and text voting records created in accordance with rule 26 and held in a device suitable for the purpose of storage,  
by any person without the consent of the board of directors of the corporation.
- 58.2 A person may apply to the board of directors of the corporation to inspect any of the documents listed in rule 58.1, and the board of directors of the corporation may only consent to such inspection if it is satisfied that it is necessary for the purpose of questioning an election pursuant to Part 11.
- 58.3 The board of directors of the corporation's consent may be on any terms or conditions that it thinks necessary, including conditions as to –
  - (a) persons,

- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

and the corporation must only make the documents available for inspection in accordance with those terms and conditions.

58.4 On an application to inspect any of the documents listed in rule 58.1 the board of directors of the corporation must:

- (a) in giving its consent, and
- (b) in making the documents available for inspection

ensure that the way in which the vote of any particular member has been given shall not be disclosed, until it has been established –

- (i) that his or her vote was given, and
- (ii) that Monitor has declared that the vote was invalid.

## PART 9: DEATH OF A CANDIDATE DURING A CONTESTED ELECTION

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- FPP59. Countermand or abandonment of poll on death of candidate**
- FPP59.1 If at a contested election, proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate has died, then the returning officer is to:
- (a) countermand notice of the poll, or, if voting information has been issued, direct that the poll be abandoned within that constituency or class, and
  - (b) order a new election, on a date to be appointed by him or her in consultation with the corporation, within the period of 40 days, computed in accordance with rule 3 of these rules, beginning with the day that the poll was countermanded or abandoned.
- FPP59.2 Where a new election is ordered under rule FPP59.1, no fresh nomination is necessary for any candidate who was validly nominated for the election where the poll was countermanded or abandoned but further candidates shall be invited for that constituency or class.
- FPP59.3 Where a poll is abandoned under rule FPP59.1(a), rules FPP59.4 to FPP59.7 are to apply.
- FPP59.4 The returning officer shall not take any step or further step to open envelopes or deal with their contents in accordance with rules 38 and 39, and is to make up separate sealed packets in accordance with rule 40.
- FPP59.5 The returning officer is to:
- (a) count and record the number of ballot papers, internet voting records, telephone voting records and text voting records that have been received,
  - (b) seal up the ballot papers, internet voting records, telephone voting records and text voting records into packets, along with the records of the number of ballot papers, internet voting records, telephone voting records and text voting records and
- ensure that complete electronic copies of the internet voting records telephone voting records and text voting records created in accordance with rule 26 are held in a device suitable for the purpose of storage.
- FPP59.6 The returning officer is to endorse on each packet a description of:
- (a) its contents,
  - (b) the date of the publication of notice of the election,
  - (c) the name of the corporation to which the election relates, and
  - (d) the constituency, or class within a constituency, to which the election relates.
- FPP59.7 Once the documents relating to the poll have been sealed up and endorsed pursuant to rules FPP59.4 to FPP59.6, the returning officer is to deliver them to the chairman of the corporation, and rules 57 and 58 are to apply.



**STV59. Countermand or abandonment of poll on death of candidate**

STV59.1 If, at a contested election, proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate has died, then the returning officer is to:

- (a) publish a notice stating that the candidate has died, and
- (b) proceed with the counting of the votes as if that candidate had been excluded from the count so that –
  - (i) ballot documents which only have a first preference recorded for the candidate that has died, and no preferences for any other candidates, are not to be counted, and
  - (ii) ballot documents which have preferences recorded for other candidates are to be counted according to the consecutive order of those preferences, passing over preferences marked for the candidate who has died.

STV59.2 The ballot documents which have preferences recorded for the candidate who has died are to be sealed with the other counted ballot documents pursuant to rule 54.1(a).

## PART 10: ELECTION EXPENSES AND PUBLICITY

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### *Election expenses*

#### **60. Election expenses**

- 60.1 Any expenses incurred, or payments made, for the purposes of an election which contravene this Part are an electoral irregularity, which may only be questioned in an application made to Monitor under Part 11 of these rules.

#### **61. Expenses and payments by candidates**

- 61.1 A candidate may not incur any expenses or make a payment (of whatever nature) for the purposes of an election, other than expenses or payments that relate to:
- (a) personal expenses,
  - (b) travelling expenses, and expenses incurred while living away from home, and
  - (c) expenses for stationery, postage, telephone, internet (or any similar means of communication) and other petty expenses, to a limit of £100.

#### **62. Election expenses incurred by other persons**

- 62.1 No person may:
- (a) incur any expenses or make a payment (of whatever nature) for the purposes of a candidate's election, whether on that candidate's behalf or otherwise, or
  - (b) give a candidate or his or her family any money or property (whether as a gift, donation, loan, or otherwise) to meet or contribute to expenses incurred by or on behalf of the candidate for the purposes of an election.
- 62.2 Nothing in this rule is to prevent the corporation from incurring such expenses, and making such payments, as it considers necessary pursuant to rules 63 and 64.

### *Publicity*

#### **63. Publicity about election by the corporation**

- 63.1 The corporation may:
- (a) compile and distribute such information about the candidates, and
  - (b) organise and hold such meetings to enable the candidates to speak and respond to questions,
- as it considers necessary.
- 63.2 Any information provided by the corporation about the candidates, including information compiled by the corporation under rule 64, must be:

- (a) objective, balanced and fair,
- (b) equivalent in size and content for all candidates,
- (c) compiled and distributed in consultation with all of the candidates standing for election, and
- (d) must not seek to promote or procure the election of a specific candidate or candidates, at the expense of the electoral prospects of one or more other candidates.

63.3 Where the corporation proposes to hold a meeting to enable the candidates to speak, the corporation must ensure that all of the candidates are invited to attend, and in organising and holding such a meeting, the corporation must not seek to promote or procure the election of a specific candidate or candidates at the expense of the electoral prospects of one or more other candidates.

**64. Information about candidates for inclusion with voting information**

64.1 The corporation must compile information about the candidates standing for election, to be distributed by the returning officer pursuant to rule 24 of these rules.

64.2 The information must consist of:

- (a) a statement submitted by the candidate of no more than 250 words,
- (b) if voting by telephone or text message is a method of polling for the election, the numerical voting code allocated by the returning officer to each candidate, for the purpose of recording votes using the telephone voting facility or the text message voting facility (“numerical voting code”), and
- (c) a photograph of the candidate.

**65. Meaning of “for the purposes of an election”**

65.1 In this Part, the phrase “for the purposes of an election” means with a view to, or otherwise in connection with, promoting or procuring a candidate’s election, including the prejudicing of another candidate’s electoral prospects; and the phrase “for the purposes of a candidate’s election” is to be construed accordingly.

65.2 The provision by any individual of his or her own services voluntarily, on his or her own time, and free of charge is not to be considered an expense for the purposes of this Part.

**PART 11: QUESTIONING ELECTIONS AND THE CONSEQUENCE OF  
IRREGULARITIES**

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**66. Application to question an election**

- 66.1 An application alleging a breach of these rules, including an electoral irregularity under Part 10, may be made to Monitor for the purpose of seeking a referral to the independent election arbitration panel ( IEAP).
- 66.2 An application may only be made once the outcome of the election has been declared by the returning officer.
- 66.3 An application may only be made to Monitor by:
- (a) a person who voted at the election or who claimed to have had the right to vote, or
  - (b) a candidate, or a person claiming to have had a right to be elected at the election.
- 66.4 The application must:
- (a) describe the alleged breach of the rules or electoral irregularity, and
  - (b) be in such a form as the independent panel may require.
- 66.5 The application must be presented in writing within 21 days of the declaration of the result of the election. Monitor will refer the application to the independent election arbitration panel appointed by Monitor.
- 66.6 If the independent election arbitration panel requests further information from the applicant, then that person must provide it as soon as is reasonably practicable.
- 66.7 Monitor shall delegate the determination of an application to a person or panel of persons to be nominated for the purpose.
- 66.8 The determination by the IEAP shall be binding on and shall be given effect by the corporation, the applicant and the members of the constituency (or class within a constituency) including all the candidates for the election to which the application relates.
- 66.9 The IEAP may prescribe rules of procedure for the determination of an application including costs.

**PART 12: MISCELLANEOUS**

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**67. Secrecy**

67.1 The following persons:

- (a) the returning officer,
- (b) the returning officer's staff,

must maintain and aid in maintaining the secrecy of the voting and the counting of the votes, and must not, except for some purpose authorised by law, communicate to any person any information as to:

- (i) the name of any member of the corporation who has or has not been given voting information or who has or has not voted,
- (ii) the unique identifier on any ballot paper,
- (iii) the voter ID number allocated to any voter,
- (iv) the candidate(s) for whom any member has voted.

67.2 No person may obtain or attempt to obtain information as to the candidate(s) for whom a voter is about to vote or has voted, or communicate such information to any person at any time, including the unique identifier on a ballot paper given to a voter or the voter ID number allocated to a voter.

67.3 The returning officer is to make such arrangements as he or she thinks fit to ensure that the individuals who are affected by this provision are aware of the duties it imposes.

**68. Prohibition of disclosure of vote**

68.1 No person who has voted at an election shall, in any legal or other proceedings to question the election, be required to state for whom he or she has voted.

**69. Disqualification**

69.1 A person may not be appointed as a returning officer, or as staff of the returning officer pursuant to these rules, if that person is:

- (a) a member of the corporation,
- (b) an employee of the corporation,
- (c) a director of the corporation, or
- (d) employed by or on behalf of a person who has been nominated for election.

**70. Delay in postal service through industrial action or unforeseen event**

70.1 If industrial action, or some other unforeseen event, results in a delay in:

- (a) the delivery of the documents in rule 24, or
- (b) the return of the ballot papers,

the returning officer may extend the time between the publication of the notice of the poll and the close of the poll by such period as he or she considers appropriate.

## **ANNEX 6 – ADDITIONAL PROVISIONS – COUNCIL OF GOVERNORS**

### **Eligibility to be a Member of the Council of Governors**

#### **1. Council of Governors – Further Provisions on Disqualification and Removal:**

Further to the provisions set out in Paragraph [ ] the following may not become or continue as a Governor of the Council of Governors if they are:

- 1.1 In the case of a Staff Governor, Public Governor or Appointed governor, he ceases to be a Member of the Constituency or the Class of a Membership Constituency by which he was elected, or appointed.
- 1.2 NHS Improvement (incorporating Monitor) has exercised its powers to remove that person as a Governor or has suspended him from office or has disqualified him from holding office as a Governor for a specified period.
- 1.3 A person who has within the preceding five years been dismissed, otherwise than by reason of redundancy, from any paid employment with an NHS Body.
- 1.4 A person whose tenure of office as the Chair, Non-Executive Director or as a Governor of an NHS body has previously been terminated on the grounds that his appointment is not in the interests of the NHS for non-attendance at meetings or for non-disclosure of a pecuniary interest.
- 1.5 A person who is a vexatious complainant of the Trust
- 1.6 A person who has had his name removed from a relevant list of medical practitioners pursuant to Paragraph 10 of the National Health Service (Performers Lists) Regulations 2004 or Section 151 of the 2006 Act (or similar provision elsewhere), and has not subsequently had his name included in such a list.
- 1.7 A person who is currently a member of an independent scrutiny body whose role includes or will include independent scrutiny of The Clatterbridge Cancer Centre NHS Foundation trust.
- 1.8 A person who is under 16 years of age.
- 1.9 A person who on the basis of disclosures obtained through an application to the Disclosure and Barring Scheme is not considered suitable by the Trust.
- 1.10 A person who is a spouse, partner, parent or child of a Director or the Chair of the Trust.
- 1.11 A person who is incapable by reason of a mental disorder, illness of injury, of managing and administering his property and affairs.
- 1.12 A person has failed to, and continues to refuse to make the required Declarations.
- 1.13 A person who makes a false declaration for any purpose under this Constitution or the 2006 Act.
- 1.14 A person whose conduct has caused, or is likely to cause, material prejudice to the best interests of the Trust or the proper conduct of the Council of Governors or otherwise in a manner inconsistent with continued membership of the Council of

Governors.

## 2. Termination of Tenure

In addition to Paragraph 14, the following will apply:

2.1 A Governor may resign from that office at any time during the term of that office by giving notice in writing to the Company Secretary.

2.2 If a Governor fails to attend 3 consecutive meetings of the Council of Governors his tenure of office shall be terminated immediately unless, on application by that Governor to the Council of Governors, the Council of Governors resolves that:

2.2.1 the absence was due to reasonable cause; and

2.2.2 the Governor will be able to start attending meetings of the Council of Governors within such a specified period as the Council of Governors considers reasonable.

2.3 The Council of Governors may, at a Council of Governors, by a Resolution approved by not less than 75% of the remaining Governors present terminate a Governor's tenure of office if for reasonable cause it considers that:

2.3.1 he is disqualified from becoming or continuing as a Member under this Constitution; or

2.3.2 he has knowingly or recklessly made a false declaration for any purpose provided under this Constitution or in the 2006 Act; or

2.3.3 his continuing as a Governor would or would be likely to:

2.3.3.1 prejudice the ability of the Trust to fulfil its principal purpose or other of its purposes under this Constitution or otherwise to discharge its duties and functions; or

2.3.3.2 harm the Trust's work with other persons or bodies with whom it is engaged or may be engaged in the provisions of goods and services; or

2.3.3.3 adversely affect public confidence in the goods or services provided by the Trust; or

2.3.3.4 otherwise bring the Trust into disrepute.

2.4 Upon a Governor resigning or, upon the Council of Governors resolving to terminate a Governor's tenure of office, that Governor shall cease to be a Governor and his name shall be forthwith removed from the Register of Governors notwithstanding any reference to the Dispute Resolution Procedure.

2.5 Any decision of the Council of Governors to terminate a Governor's tenure of office may be referred by that Governor to the Dispute Resolution Procedure (as set out in Annex 8) within 28 calendar days of the date upon which notice in writing of the Council of Governor's decision is given to the Governor.

2.6 A Governor whose tenure of office is terminated under this Paragraph 2 shall not be eligible for re-election.



## **ANNEX 7 – STANDING ORDERS FOR THE PRACTICE AND PROCEDURE OF THE COUNCIL OF GOVERNORS**

The following Standing Orders form part of the Constitution of The Clatterbridge Cancer Centre NHS Foundation Trust

### **1. Interpretation**

- 1.1 The Chairman shall be the final authority on the interpretation of these Standing Orders.
- 1.2 Statements of Governors made at meetings of the Council of Governors shall be relevant to the matter under discussion at the material time and the decision of the Chairman of the meeting on questions of order, relevance, regularity and any other matters shall be observed at the meeting.

### **2. The Trust**

- 2.1 All business shall be conducted in the name of the Trust

### **3. Meetings of the Council of Governors**

- 3.1 Admission of the Public and Press – the public and representatives of the press shall be afforded facilities to attend all meetings of the Council of Governors but shall be required to withdraw upon the Council of Governors resolving as follows:

*“That the representatives of the Press and other members of the public be excluded from the remainder of this meeting having regard to the confidential nature of the business to be transacted publicly on which would be prejudicial to the public interest.”*

- 3.2 The right of attendance referred to above carries no right to ask questions or otherwise participate in the meeting.
- 3.3 The Chairman (or other person presiding under the provision of Standing Order [ ]) shall give such directions as he thinks fit in regards to the arrangements for meetings and accommodation of the public and representatives of the press to ensure that the business of the meeting shall be conducted without interruption and disruption and, without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public and press will be required to withdraw upon the Council of Governors resolving as follows:

*“That in the interests of public order the meeting adjourn for (the period to be specified) to enable the completion of business without the presence of the public and press.”*

Nothing in these Standing Orders shall require the Council of Governors to allow members of the public or representative of the press to record proceedings in any manner whatsoever, other than writing, or to make any oral report of proceedings via social media as they take place without the prior agreement of the Council of Governors.

- 3.4 Calling Meetings – The Council of Governors is to meet at least four times in each financial year. Save in the case of emergencies or the need to conduct urgent

business, the Company Secretary shall give at least fourteen days written notice of the date and place of every meeting of the Council of Governors to all Governors. The notice will be placed on the Trust website.

3.5 Extraordinary meetings may be called by the Chair at short notice.

3.6 Meetings of the Council of Governors may be called by six Governors (including at least two Elected and two Appointed Governors) who give written notice to the Company Secretary specifying the business to be carried out. The Company Secretary shall send a written notice to all Governors as soon as practically possible following receipt of such a request.

3.7 Prior to each meeting of the Council of Governors, a public notice of the time and place of the meeting and the public agenda shall be displayed on the Trust website at least three working days prior to the meeting.

3.8 The Annual Members' Meeting of the Council of Governors will consider the Annual Accounts, any report of the Auditor on these Accounts and the Annual Report.

#### **4. Agenda and Supporting Papers**

4.1 The Agenda will be provided to the Governors not less than 3 working days before the meeting and supporting papers, whenever possible, shall accompany the agenda.

4.2 A Governor desiring a matter to be included on an agenda shall make his request in writing to the Chairman at least 10 working days before the meeting. Requests made less than 10 working days before a meeting may be included on the agenda at the discretion of the Chairman.

#### **5. Chairman of the Meeting**

5.1 The Chairman shall preside at meetings of the Council of Governors and shall be entitled to exercise a casting vote where the number of votes for and against a motion is equal.

5.2 If the Chairman is absent from a meeting of the Council of Governors, the Vice Chair shall preside over that meeting and he shall exercise all the rights and obligations of the Chairman including the right to exercise a second or casting vote where the number of votes for and against a motion is equal.

5.3 If any matter for consideration at a meeting of the Council of Governors relates to the conduct or interests of the Chairman or of the Non-Executive Director as a class, neither the Chairman nor any of the Non-Executive Directors shall preside over the period of the meeting during which the matter is under discussion. In these circumstances the period of the meeting shall be chaired by the Lead Governor, or in his absence, by another Governor chosen by the Governors. This person shall exercise all the rights and obligations of the Chairman including the right to exercise a second or casting vote where the number of votes for and against a motion is equal.

#### **6. Notice of, Amending or Withdrawing Motions and Notice to Rescind a Resolution**

6.1 A Governor desiring to move or amend a motion shall send a written notice thereof at least 10 working days before the meeting to the Chairman, who shall insert in the agenda of the meeting all notices so received subject to the notice being permissible

under the appropriate regulations. This does not prevent a motion being moved during a meeting without notice on any business mentioned on the agenda.

6.2 A motion or amendment once moved and seconded may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Chairman.

6.3 Notice of motion to amend or rescind any resolution (or the general substance of any resolution) which has been passed within the preceding six calendar months shall bear the signature of the Governor who gives it and also the signature of ten other Governors. When any such motion has been disposed of by the Council of Governors, it cannot be proposed again to the same effect within the next six calendar months unless the Chairman deems it to be appropriate.

6.4 The proposer of the motion shall have the right of reply at the close of any discussions on the motion or any proposed amendments.

6.5 When a motion is under discussion or immediately prior to discussion it shall be open to a Governor to move:

6.5.1 An amendment to the motion;

6.5.2 The adjournment of the discussion or the meeting;

6.5.3 That the meeting proceed to the next business;

6.5.4 The appointment of an ad hoc committee to deal with a specific item of business

6.5.5 That the motion be now put.

6.6 No amendment to the motion shall be admitted if, in the opinion of the Chairman of the meeting, the amendment negates the substance of the motion.

## **7. Voting**

7.1 If, in the opinion of the Chairman, a vote should be required on a question at a meeting of the Council of Governors, the result shall be determined by a majority of the votes of the Governors present and voting on the question.

7.2 All questions put to the vote shall, at the discretion of the Chairman of the meeting be determined by oral expression or by a show of hands. A paper ballot may also be used if a majority of the Governors present so request.

7.3 In no circumstances may an absent Governor vote by proxy. Absence is defined as being absent at the time of the vote.

## **8. Minutes**

8.1 Minutes of the proceedings of a meeting shall be drawn up and submitted for approval at the next meeting where they will be signed by the Chairman of that meeting.

8.2 No discussion shall take place upon the minutes except upon their accuracy or where the Chairman considers discussion appropriate. Any amendment to the minutes shall be agreed and recorded at the next meeting.

8.3 Minutes of the meeting shall record the names of those present.

8.4 Minutes of the meetings shall be made available to the public except for those minutes relating to business conducted when members of the public or press are

excluded under the terms of Paragraph 3.3 of these Standing Orders.

## **9. Quorum**

9.1 No business shall be transacted at a meeting of the Council of Governors unless at least five Public Governors, one Staff Governor and one Appointed Governor are present at the meeting.

9.2 If a Governor has been disqualified from participating in the discussion on any matter and/or from voting or any resolution by reason of the declaration of a conflict of interest he shall no longer count towards the quorum. If a quorum is then not available for the discussion and/or passing of a resolution on any matter, that matter may not be discussed further or voted upon at that meeting. Such a position shall be recorded in the minutes of the meeting. The meeting must then proceed to the next business.

9.3 The Council of Governors may agree that its members can participate in its meetings by telephone, video or computer link. Participation in a meeting in this manner shall be deemed to constitute presence in person at the meeting.

## **10. Nominations Committee**

10.1 The Council of Governors shall create a duly authorised Nominations Committee who shall seek the views of the Board of Directors as to their recommended criteria and process for the selection of candidates, and having regards to those views, shall then seek, shortlist and interview such candidates as the Nominations Committee considers appropriate and shall make recommendations to the Council of Governors as to potential appointments as Non-Executive Directors and shall advise the Board of Directors of those recommendations.

10.2 The Company Secretary shall attend the Nominations Committee and take minutes of any proceedings.

10.3 The Nominations Committee shall have such terms of reference and powers and be subject to such conditions (as to reporting back to the Council of Governors). Such terms of reference shall have effect as if incorporated into the Standing Orders.

10.4 The Council of Governors shall approve the appointments to the Nominations Committee. The Chairman of the Nominations Committee shall be the Trust Chairman.

10.5 Confidentiality – A member of the Nominations Committee shall not disclose a matter dealt with, or brought before the Nominations Committee without its permission until the Nominations Committee have reported to the Council of Governors or shall otherwise have concluded the matter.

## **11. Declarations of Interest and Register of Interests**

11.1 Interests which should be regarded as 'relevant and material' and which, for the avoidance of doubt should be included in the register are:

- a) Directorships, including Non-Executive Directorships held in private companies or

PLCs.

- b) Ownership, part-ownership or directorship of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS.
- c) A position of authority in a charity or voluntary organisation in the field of health and social care.
- d) Majority or controlling shareholdings in organisations likely or possibly seeking to do business with the NHS.
- e) Any connection with a voluntary or other organisation contracting for NHS services or commissioning NHS services.
- f) Membership of clubs, societies or organisations whose purpose may include furthering the business or personal interests of their members by undeclared or informal means. Such organisations include Masonic lodges and religious societies whose membership consists of professional and business people.
- g) Any connection with an organisation, entity or company considering entering into or having entered into a financial arrangement with the NHS

## **ANNEX 8 – DISPUTE RESOLUTION PROCEDURE**

1. In the event of a dispute with:
  - a) A member or prospective Member in relation to eligibility or disqualification; or
  - b) A Governor or prospective governor in relation to matters of eligibility, disqualification or termination of tenure;

The individual concerned shall be invite to an informal meeting with Company Secretary or with one or more of the Directors. If not resolved, the dispute shall be referred to a panel comprising the Chairman, at least one Elected Governor, and wither the Company Secretary or one of the Directors. The decision of the panel shall be final.

2. A dispute arising between the Council of Governors and the Board of Directors shall be referred to a panel comprising the Chairman, the Chief Executive and two governors who have been nominated by the Council of Governors. The panel shall use all reasonable endeavours to facilitate the resolution of the dispute.
3. In the event resolution is not reached under Paragraph 2 above, the panel shall consult the Council of Governors and the Board of Directors to determine whether the matter should be referred to mediation. In the event the decision is to refer to mediation, an external mediator shall be appointed by the Centre for Dispute Resolution or such other organisation as the panel shall agree.







# REPORT COVER

Report to:	Council of Governors	
Date of meeting:	7 July 2021	
Agenda item:	CG-014-21	
Title:	Patient Experience & Inclusion Group (PEIG) – Report	
Report prepared by:	Emily Kelso – Corporate Governance Manager & Andy Waller – Public Governor	
Executive Lead:	Joan Spencer	
Status of the report: (please tick)	Public <input checked="" type="checkbox"/>	Private <input type="checkbox"/>

Paper previously considered by:	
Date & decision:	

Purpose of the paper/key points for discussion:	<p>The paper provides a summary on the discussion points and actions from the PEIG meetings that took place:</p> <ul style="list-style-type: none"> <li>• 17<sup>th</sup> March 2021</li> <li>• 19<sup>th</sup> May 2021</li> </ul>
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Action required: (please tick)	Discuss <input checked="" type="checkbox"/>
	Approve <input checked="" type="checkbox"/>
	For information/noting <input type="checkbox"/>

Next steps required:	For ongoing development of the Board Assurance Framework.
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# REPORT COVER

The paper links to the following strategic priorities and Board Assurance Framework (BAF) Risks (please select)

**BE OUTSTANDING**

BAF Risk	Please select
If we do not have robust Trust-wide quality and clinical governance arrangements in place we will not deliver safe and effective care resulting in poor outcomes for our patients and negative regulatory outcomes.	<input checked="" type="checkbox"/>
Operational sustainability: If the demand for treatment exceeds the resources available, we are at risk of failing to deliver against healthcare standards which will impact on our ability to recover performance to the required levels within the agreed timeframes.	<input type="checkbox"/>
Financial sustainability: Due to changes in funding, the Trust may exceed activity levels resulting in increased costs that exceed the current agreed block funding.	<input type="checkbox"/>

**BE COLLABORATIVE**

BAF Risk	Please select
If we do not build upon the work with the Cancer Alliance and other partners this will adversely affect the Trust's ability to positively influence prevention, early diagnosis, standardisation of care and performance in cancer services.	<input checked="" type="checkbox"/>

**BE RESEARCH LEADERS**

BAF Risk	Please select
If we do not maintain our ECMC status this will adversely affect patient access to the latest novel therapies, CCC research reputation, acquiring CRUK status which in turn will have an impact on CCC's ability to support early phase trial research, progress against the Research Strategy and academic oncology in Liverpool.	<input type="checkbox"/>
Issues within the Pharmacy Aseptic Unit adversely impacting on the manufacture and dispensing of drugs resulting in some trials not being set up or re-opened as part of the recovery plan adversely impacting on patient accessibility to research and reputational damage with Sponsors.	<input type="checkbox"/>

**BE A GREAT PLACE TO WORK**

BAF Risk	Please select
If we do not invest in effective, inclusive leadership, there is a risk this will adversely impact on the Trust's ability to deliver the Trust's five year Strategy.	<input checked="" type="checkbox"/>
If we are unable to recruit and retain high calibre staff there is a risk of an adverse impact on the quality of care and reputation of the Trust.	<input type="checkbox"/>

**BE DIGITAL**

BAF Risk	Please select
If we do not invest in effective, inclusive leadership, there is a risk this will adversely impact on the Trust's ability to deliver the Trust's five year Strategy.	<input checked="" type="checkbox"/>
If the Trust is hit by a Cyber/ransomware attack, there is a risk that all systems could be disabled resulting in potential loss of data and delayed care.	<input checked="" type="checkbox"/>

**BE INNOVATIVE**

BAF Risk	Please select
If we do not develop our Subsidiary Companies and Joint Venture we will not be able to re-invest back into the NHS.	<input type="checkbox"/>

### EQUALITY & DIVERSITY IMPACT ASSESSMENT

Are there concerns that the policy/service could have an adverse impact on:

Age	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Disability	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Gender	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Race	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Religious/belief	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Sexual orientation	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Gender Reassignment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Pregnancy/maternity	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			

If YES to one or more of the above please add further detail and identify if a full impact assessment is required.



REPORT

# Patient Experience & Inclusion Group (PEIG) Report

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Andy Waller – Public Governor

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Version: 1.0 Ref: PIEG Assurance Report Date: July 2021

# REPORT

## 1.0 Introduction

In 2019 the Patient Experience and Inclusion Group was formed, the first meeting took place 1<sup>st</sup> August 2019, the group now meets bi-monthly. Governor Representatives are included as formal members of the group – **see Appendix 1 Terms of Reference.**

The PEIG was established to give oversight and assurance to the board, through committee structures that the Patient and Public Involvement and Engagement Strategy 2019 – 2021 was being implemented and the agreed pledges embedded across the organisation.

In May 2021 Kirsteen Scowcroft was appointed as the Trust's Head of Patient Experience and Inclusion. This senior appointment would be instrumental in leading the delivery of effective patient experience initiatives and assurance systems across the Trust.

The Council of Governors will receive a quarterly reports on the discussions and outcomes of PEIG meetings at Formal Council of Governor Meetings.

Dates of future PEIG meetings are: 21<sup>st</sup> July, 23<sup>rd</sup> September, 17<sup>th</sup> November 2021.

<b>Meeting Name</b>	Patient Experience & Inclusion Group
<b>Date of Meeting</b>	17th March 2021
<b>Chair's Name &amp; Title</b>	Karen Kay – Deputy Director of Nursing
<b>Governor Attendee</b>	Keith Lewis – Public Governor

## 2.0 Highlights from the Meeting – 17<sup>th</sup> March 2021

### Pledge Update

Progress updates and assurance was provided by each of the Pledge leads for pledges 1,3,4,5,6, 7 & 8. An action plan was received on Pledge 2 as difficulties had been experienced in appointing a suitable patient volunteer.

The pledges (that sit within the in the Patient and Public Engagement Strategy) ensure our patients continue to receive the safest care possible, and in an environment where all complaints raised are listened to, and used, for improving the quality of care by the Trust.

**Pledge 1** - Improve the utilisation of our members and widen the responsibilities of our Patient Council

**Pledge 2** - Introduce 'In your shoes' project in line with the implementation of The Patient & Family Centered Care project

- Improve signage Trust wide

**Pledge 3** - To pro-actively share 'You Said We Did' using feedback from Complaints/Pals/FFT/ in- house surveys and external surveys.

- We will be responsive.

**Pledge 4** - We will incorporate Mental Health awareness in everything we do

**Pledge 5** - We will deliver personalized care



# REPORT

**Pledge 6** - We will transform cancer care using world-class digital technology by digitally empowering patients to actively manage their health and care.

- We will enable information sharing through the digitally connected systems across Cheshire and Merseyside.
- We will establish a Digital Patient Participation Group (DPPG)

**Pledge 7** - We will increase the number of patients taking part in research studies.

- We will increase CCC's reputation nationally in Trials and Research.
- We will ensure patient access to research wherever they are

**Pledge 8** - Patient Health & Wellbeing- The Arts

## Radiotherapy Patient Experience Survey

The group received a presentation by Dan Hutton, Program Manager for the N.W. Radiotherapy Operational Delivery Network and is responsible for overseeing the delivery of the radiotherapy service specification for the N.W. radiotherapy providers.

The group received the draft survey which had been informed by the National Radiotherapy survey, annual patient experience survey and the Trusts patient experience surveys. The survey was aimed at identifying areas of good practice along with recommendations for areas of improvement for consideration by the Radiotherapy Operational Delivery Network (ODN), to be facilitated annually.

The group approved the survey to be circulated in June/July.

## National Voices 'What we need now' Report

The Group received the 'What we need now' National Voices report. It was noted that since the pandemic National Voices had been working with patient groups to establish their changing needs as a result of the pandemic. It was noted that 90 members were representing NHS Trusts nationwide in the HOPE Network, working together with National Voices to share good practice and address inequalities.

## Friends and Family Test (FFT) update

A report was presented to the group outlining the responses and feedback received via SMS FFT text from patients across all main settings from 1<sup>st</sup> to 28<sup>th</sup> February.

- 96.11% rated their experience as good/very good
- 1.78% rated their experience as poor/very poor

It was noted that the Trust was now producing more robust reporting on FFT into the Quality Committee.

## Volunteer Update

The group received the Volunteer Position Statement for March 2021. It was noted that since the pandemic there had been no active on site volunteers at CCC-W, mostly due to the shielding requirements of Volunteers. A letter and questionnaire had been sent to all CCC-W volunteers to ascertain those willing and eligible to return. Once collated, recruitment for new volunteers would begin, if required.

It was also noted that the Trust was advertising for new volunteers for the CCC-L, applicants had been asked to commit to 6 hours per week as a minimum. It was confirmed that the Trust was on track to have 100 active volunteers by spring/summer 2021.



# REPORT

## Dementia Update

The Group received the Dementia Strategy – 2nd year progress report. It was noted that substantial progress has been made over the last 12 months. The focus now was to continue to work with the Dementia Collaborative group to drive progress forward and to engage with the Dementia Action Alliance and adopt the Dementia Friendly Hospital Charter.

An easy read leaflet had been produced documenting a patient's journey within the new CCC-L site and also produced was a local Patient Complaints leaflet replacing the national version.

<b>Meeting Name</b>	Patient Experience & Inclusion Group (PEIG)
<b>Date of Meeting</b>	19th May 2021
<b>Chair's Name &amp; Title</b>	Karen Kay – Deputy Director of Nursing
<b>Governor Attendee</b>	Keith Lewis – Public Governor Stephen Sanderson – Public Governor

## 3.0 Highlights from the Meeting – 19<sup>th</sup> May 2021

### Pledge Update

Progress updates and assurance was provided by each of the Pledge leads:

**Pledge 1 Membership & Council** - was now complete

**Pledge 2 Shadowing/Signage** - had been delayed due to Covid-19 restrictions. A digital storytelling course was to be held in join to aid the 'in your shoes' element of the pledge.

**Pledge 3 "you said, we did"** – was on target for full completion by July

**Pledge 4 Mental Health**- Two staff members who are to become Mental Health First Aid Instructors have completed instructor programme.

**Pledge 5 Caring** - Inpatient visiting had been reintroduced in line with Government guidance with the onus on inpatient visitors to have a negative lateral flow test result prior to visiting.

**Pledge 6: Digital Transformation** - Had successfully been delivered and actions were fully complete.

**Pledge 7: Research** - 417 patients actively linked to COVID 19 research since April 2020. 512 patients recruited to non COVID 19 research studies since 1st April 2020 and 85% total portfolio had reopened following the pause. Funding had been secured from The Burdett Trust for Nursing for a study 'Exploring the impact of the COVID-19 pandemic on the psychological wellbeing of nurses working in the cancer setting across Cheshire and Mersey.

**Pledge 8: Art** - Art materials had been purchased for the patient art activity packs and a procedure is to be put in place to allow staff members to distribute packs to patients on demand. The piano was now on site at CCC-L, pre-loaded with in music and being played during the day. A business case for a partnership with Liverpool Philharmonic was to be submitted to Finance Committee. Once approved it would be presented as an application to Charitable Funds Committee in June 2021.





# REPORT

## North Mersey HO Patient Experience Survey

The group were advised that patient engagement transfer commenced on 10 May with patient surveys and interviews currently being undertaken and due to finish on 20 June. A high-level overview identifying trends and themes would be presented to the Council of Governors by September.

## Trust Website

It was reported that work had started to improve navigation on the Trust website. Patients were asked for their input as part of the Patient Improvement sessions.

## Patient Experience Improvement Framework Update

The Trust had undertaken sessions with the PPG group. An action plan was to be provided at Trust Board 30 June and to PEIG in July.

## Friends and Family Test (FFT) update

The responses and feedback received via SMS FFT text reminder from patients across all main settings from 1<sup>st</sup> to 31<sup>st</sup> March 2021, was provided:

- 96.46% rated their experience as good/very good
- 1.71% rated their experience as poor/very poor

The section on Patient Comments highlighted frustrations with service received per area. This information would help to develop divisional action plans.

## Staff health and wellbeing update

The group were informed of two additional questions added to the Staff Friends and Family Survey around staff health and wellbeing. The results showed a small decline in the figures. Investigations were underway to identify and understand the issues. Stress Awareness sessions had taken place to provide assist in stress management and focus on recovery. Good attendance had been noted for the programmes run in May 2021.

## Will Policy

The group were provided with the draft Will Policy which had been drafted in conjunction with The Royal Marsden Will Policy. In order to guide staff on, administrative and legal requirements regarding will-making when caring for patients and their families in end of life care.

## Family Volunteers Service - “Chatter Buddies” Initiative

The group were informed of a lesson learned from the pandemic on the loneliness experienced by patients. “Chatter Buddies” volunteers programme had been introduced to enable patients to enjoy regular conversation, unrelated to their diagnosis or condition and to relay any emails received from the patient’s family. The Head of Patient Experience & Inclusion would also act as a Chatter Buddie when facilitating weekly ward-rounds as would NEDs and Governors during Walkabouts.

## 4.0 Recommendations

The Council of Governors is asked to note the content of the report.



THE CLATTERBRIDGE CANCER CENTRE NHS FOUNDATION TRUST

## Patient Experience and Inclusion Group Terms of Reference

Name and designation of policy author(s)	Karen Kay - Deputy Director of Nursing
Approved by (committee, group, manager)	Patient Experience and Inclusion Group
Approving signature	Minutes of meeting received
Date approved	17 <sup>th</sup> October 2019
Review date	October 2020
Review type (annual, three yearly)	Annual
Target audience	All staff and stakeholders
Links to other strategies, policies, procedures	Patient Experience Strategy
Protective Marking Classification	Internal
This document replaces	New Document

Issue Date: 17 <sup>th</sup> October 2019	Page 1 of 4	Filename: RTWOPEIG	Version No: 1.0
Author: Karen Kay		Authorised by: Patient Experience and Inclusion Group	Copy No:



## THE CLATTERBRIDGE CANCER CENTRE NHS FOUNDATION TRUST

**Circulation/Dissemination:**

<b>Date added into Q-Pulse</b>	19 <sup>th</sup> December 2019
<b>Date notice posted in the Team Brief</b>	19 <sup>th</sup> December 2019
<b>Date document posted on the intranet</b>	19 <sup>th</sup> December 2019

<b>Date</b>	<b>Version</b>	<b>Author name and designation</b>	<b>Summary of main changes</b>
July 19	1.0	Karen Kay - Deputy Director of Nursing	New document

Issue Date: 17 <sup>th</sup> October 2019	Page 2 of 4	Filename: RTWOPEIG	Version No: 1.0
Author: Karen Kay		Authorised by: Patient Experience and Inclusion Group	Copy No:

## THE CLATTERBRIDGE CANCER CENTRE NHS FOUNDATION TRUST

<b>Title:</b>	Patient Experience and Inclusion Group (PEIG)
<b>Aim:</b>	<p>To give oversight and assurance to the board, through committee structures that the Patient and Public Involvement and Engagement Strategy 2019 – 2021 has been implemented and the agreed pledges embedded across the organisation.</p> <p>To ensure that the Patient Experience and Inclusion Group agenda is co-ordinated across the trust and supports cohesive working and robust communication with the Patient Experience Committee.</p>
<b>Specific Work Areas:</b>	<p>Provide support to Integrated Governance Committee (IGC) in considering all aspects of information that relates to the quality of care our patients receive.</p> <p>Review the reports relating to all patient experience and inclusion group activities, highlighting any themes and trends in order for the Trust to action and report back to the IGC Committee.</p> <p>Gather information generated from statistical reports (Patient Surveys) that directly relate to patient experience in addition to any information gathered by observations (during Governor walkabouts, PLACE visits), considering the relevance against actions being taken by the Trust.</p> <p>Work in conjunction with the Patient Experience Committee, assisting in the development of any relevant strategy documents, ensuring that the Governor statutory role is included where appropriate.</p> <p>To support the implementation and embedding of the eight Patient and Public Involvement and Engagement Strategy 2019 – 2021 pledges across the organisation. Being:</p> <ol style="list-style-type: none"> <li>1. Membership and council</li> <li>2. Shadowing / signage</li> </ol>

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THE CLATTERBRIDGE CANCER CENTRE NHS FOUNDATION TRUST

**Reporting Arrangements:**

<ul style="list-style-type: none"> <li>3. 'You said' 'we did'</li> <li>4. Mental health</li> <li>5. Caring</li> <li>6. Digital transformation</li> <li>7. Research</li> <li>8. Arts</li> </ul>
<p>The group chair will report to the Integrated Governance Committee (IGC) through an AAA report from each meeting.</p> <p>The chair may – on occasion, report directly, by exception to the IGC, outside of the scheduled PEIG</p>

**Membership:**

<p>Deputy Director of Nursing – Chair                  Associate Director for Improvement – deputy chair                  Patient Experience Manager                  Volunteers Manager                  All matrons / directoroate representative                  Head of Safeguarding                  Equality and Diversity lead                  Governor                  Head of Facilities – Propcare                  Lead nurses from Tumour groups                  TYA lead nurse                  AHP Manager/Dietetic Service Lead                  Additional needs coordinator                  TCC project member                  Research nurse                  IT – patient engagement lead                  (Art coordinator) new post</p>
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**Quorate:**

<p>The chair or deputy                  Representative from each directorate</p>
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**Standard Items**

<p>Progress of pledges</p>
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**Frequency:**

<p>Bi Monthly</p>
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