



Information for Candidates
Council of Governors Elections East Kent Hospitals University NHS
Foundation Trust 2012/13
Part II

The Election Time Table

Election Process

The election process for this election will be carried out by UK-Engage who will act as Returning Officer for the Trust in accordance with the legislation and the rules issued by the Department of Health and Monitor (the independent regulator for Foundation Trusts)

The registered offices are:

UK Engage
Image House
10 Acorn Business Park
Heaton Lane
Stockport
SK4 1AS

The contact details of the Returning Officer are:

Kelly Mallon
Returning Officer
UK Engage
Image House
10 Acorn Business Park
Heaton Lane
Stockport
SK4 1AS

Tel: 0161 209 4808

Email: eastkent@uk-engage.org

Timeline for election –See also detailed election timetable on the next page..

11/12/12 Nomination forms available
16/01/13 Deadline for nominations
31/01/13 Notice of poll published
31/01/13 Voting packs to members in contested areas
25/02/13 Election closing date
26/02/13 Results declared

East Kent Hospitals University NHS Foundation Trust : Outline Timetable for Election Dec 2012 – Feb 2013

Event	Description	Time
<p>Publication of notice of election:</p> <p>Nomination forms sent out</p>	<p>Nomination forms will be despatched to all members who have pre-registered with the Membership Office.</p> <p>After this date anyone wishing to stand for election must contact the Returning Officer</p>	Tuesday 11 December 2012
<p>Final day for delivery of nomination papers to returning officer</p>	<p>Completed nomination papers must be returned to the Returning Officer – NOT TO THE TRUST by 5.00p.m.</p> <p>Nominations received after this time will not be included</p>	Wednesday 16 January 2013
<p>Publication of statement of nominated candidates</p>	<p>A summary of nominated candidates will be sent to the candidates by the Returning Officer</p>	Thursday 17 January 2013
<p>Final day for delivery of notices of withdrawals by candidates from election</p>	<p>Any candidates wishing to withdraw from the election have until this date to notify the Returning Officer</p>	Friday 18 January 2013
<p>Notice to general public of the poll</p>	<p>Notice to general public of the poll</p>	Tuesday 31 January 2013
<p>Voting Packs despatched</p>	<p>Voting packs despatched by post to all foundation trust members within the constituency.</p>	Tuesday 31 January 2013
<p>Close of the poll</p>	<p>Members voting slips must be returned to the Returning Officer - NOT TO THE TRUST by 5.00 pm.</p>	Monday 25 February 2013
<p>Results of the poll</p>	<p>Report provided to the Trust who will notify candidates and publish results on the website.</p>	Tuesday 26 February 2013

Extracts from the Trust's Constitution

Full constitution available from website or by request from membership office

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 Not used

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 an area specified in Annex 1 as an area for a public constituency may become or continue as a member of the trust.

7.2 Those individuals who live in an area specified as an area for any public constituency are referred to collectively as the Public Constituency.

7.3 The minimum number of members in each area for the 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 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 has been continuously employed by the trust under a contract of employment for at least 12 months.

8.2 Not used

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 Not used

8.5 The minimum number of members in the Staff Constituency is specified in Annex 2.

Automatic membership by default – staff

8.6 An individual who is:

8.6.1 eligible to become a member of the Staff Constituency, and

8.6.2 invited by the trust to become a member of the Staff Constituency

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

9. Not used

10. Restriction on membership

An individual who is a member of a constituency, may not while membership of that constituency continues, be a member of any other constituency.

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 Further provisions as to the circumstances in which an individual may not become or continue as a member of the trust are set out in Annex 9 – Further Provisions.

11. Council of Governors – composition

11.1 The trust is to have a Council of Governors, which shall comprise both elected and appointed governors.

11.2 The composition of the Council of Governors is specified in Annex 4.

11.3 The members of the Council of Governors, other than the appointed members, shall be chosen by election by their constituency. The number of governors to be elected by each constituency is specified in Annex 4.

11.4 If an elected member of the Council of Governors shall die or resign within 12 months of his or her election, then the Board of Governors shall invite the next highest polling candidate for that seat at the most recent election, who is willing to hold office, to fill the seat for any unexpired period of the term of office. If there is no such candidate, then an election shall be conducted.

12. Council of Governors – election of governors

12.1 Elections for elected members of the Council of Governors shall be conducted in accordance with the Model Election Rules.

12.2 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.

12.3 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 42 of the constitution (amendment of the constitution).

12.4 An election, if contested, shall be by secret ballot.

13. Council of Governors - tenure

13.1 An elected governor may hold office for a period of up to 3 years.

13.2 An elected governor shall cease to hold office if he ceases to be a member of the constituency by which he was elected.

13.3 An elected governor shall be eligible for re-election at the end of his term, but for no more than three successive terms making nine years in total.

13.4 An appointed governor may hold office for a period of up to 3 years

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

13.6 An appointed governor shall be eligible for reappointment at the end of his term, but for no more than three successive terms making nine years in total.

14. Council of Governors – disqualification and removal

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

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

14.1.2 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;

14.1.3 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.

14.2 Governors must be at least 16 years of age at the date they are nominated for election or appointment.

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

14.4 Monitor may remove one or all of the governors from the Council if this is necessary to deal with a situation where the Trust is failing. Governors will also be disqualified if they cease to meet the eligibility criteria, (mandatory or otherwise) for becoming governors, or if, through changing circumstances, they fall into the category of those who are excluded from becoming governors. Failure to meet the mandatory requirements under paragraph 14.1 will result in automatic termination. In circumstances where disqualification is under

consideration for the non mandatory reasons set out in Annex 6, three weeks notice of the resolution must be given to the Council of Governors, and termination as a governor will require the approval of three quarters of those members of the Council of Governors present and voting at the meeting.

ANNEX 1 – THE PUBLIC CONSTITUENCY

(Paragraphs 7.1 and 7.3)

The areas specified as areas for public constituencies are the six local authority areas described in the table below. In addition there is a rest of England and Wales constituency. The table sets out the minimum numbers of members required in each area

Constituency	Minimum number of members
Ashford Borough	100
Canterbury City	100
Dover District	100
Shepway District	100
Swale Borough	100
Thanet District	100
Rest of England and Wales	25

ANNEX 2 – THE STAFF CONSTITUENCY

(Paragraphs 8.4 and 8.5)

There are no classes within the Staff Constituency. The minimum number of members required in the Staff Constituency is 500.

ANNEX 4 – COMPOSITION OF COUNCIL OF GOVERNORS

(Paragraphs 11.2 and 11.3)

The Council of Governors will consist of a Chairman and 28 governors as follows:

Type of Governor	Number of Governors
Elected Governors	
Public constituency – residents of the following constituency areas	
Ashford Borough Council	3
Canterbury City Council	3
Dover District Council	3
Shepway District Council	3
Swale Borough Council	2
Thanet District Council	3
Rest of England and Wales	1
Staff Constituency	4
Appointed Governors	
Statutory	
NHS Eastern and Coastal Kent Community Services (commissioning)	1
Appointed jointly by Ashford Borough Council Canterbury City Council Dover District Council Shepway District Council Swale Borough Council Thanet District Council	1
From partnership organisations	
Canterbury Christ Church University and University of Kent	1
South East Coast Ambulance Service	1
Kent and Medway NHS and Social Care Partnership Trust	1
Nominated as a representative of volunteers working with the Trust by the following Leagues of Friends :- <ul style="list-style-type: none"> ▪ The League of Friends of the Kent & Canterbury Hospital ▪ The League of Friends of the William Harvey Hospital ▪ League of Friends, Queen Elizabeth the Queen Mother Hospital ▪ League of Friends, Royal Victoria Hospital, Folkestone ▪ The League of Friends of Dover Hospitals 	1

ANNEX 6 – ADDITIONAL PROVISIONS – COUNCIL OF GOVERNORS
(Paragraph 14.3 and Note 21)

1.0 Disqualification.

With reference to Section 14 and paragraphs 14.3 and 14.4 the following additional provisions are made as to the circumstances in which an individual may not become or continue as a member of the Council of Governors :-

- 1.1 In respect of elected governors, he or she is disqualified from being a public, or staff member of the relevant constituency
- 1.2 He or she is an executive or non-executive director of the Trust or, in respect of elected governors, a governor, non-executive director, chairman, or chief executive of another NHS Foundation Trust
- 1.3 He or she is incapable by reason of mental disorder, illness or injury of managing and administering his property and affairs
- 1.4 In respect of elected governors, he or she ceases to be a member of the trust
- 1.5 He or she has had their name placed on registers of Schedule 1 offenders pursuant to the Sex Offenders Act 1977 and/or the Children and Young Person Act 1933
- 1.6 He or she has failed to attend at least half of the meetings of the Council of Governors in any financial year without a reason acceptable to the Council
- 1.7 He or she has failed to attend three consecutive meetings without a reason acceptable to the Council
- 1.8 He or she has failed to declare a significant conflict of interest
- 1.9 He or she has a conflict of interest making membership of the Council untenable
- 1.10 He or she is guilty of conduct or actions prejudicial to the Council or the Trust

In all cases where disqualification is being considered for the above reasons, three weeks notice of the resolution must be given to the Council, and termination as a governor will require the approval of three quarters of those members of the Council of Governors present and voting at the meeting in accordance with paragraph 14.4

For the avoidance of doubt, an individual may not at the same time be both an elected and an appointed governor.

2.0 Terms of office of Council members.

2.1 In order to avoid the periods of office of members of the Council of Governors all ending at the same time, arrangements to stagger the initial terms of office on the establishment of the Council will be made.

2.2 As with elected governors, appointed governors may hold office for a period of up to three years and may serve for no more than three successive terms, making a total of nine years.

3.0 Performance evaluation

3.1 Led by the Chairman, the Council of Governors should periodically assess their collective performance. The Council of Governors should use this process to review its roles, structure, composition and procedures, taking into account emerging best practice.