

**East Kent Hospitals University NHS Foundation Trust**

**Election to the Council of Governors**

**2012/13**



Putting patients first



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*Photographs within this guide, unless otherwise specified, are of members of the council of governors.*

## Introduction

This guide has been compiled to help members of East Kent Hospitals University NHS Foundation Trust decide if they would like to stand for election to the council of governors.

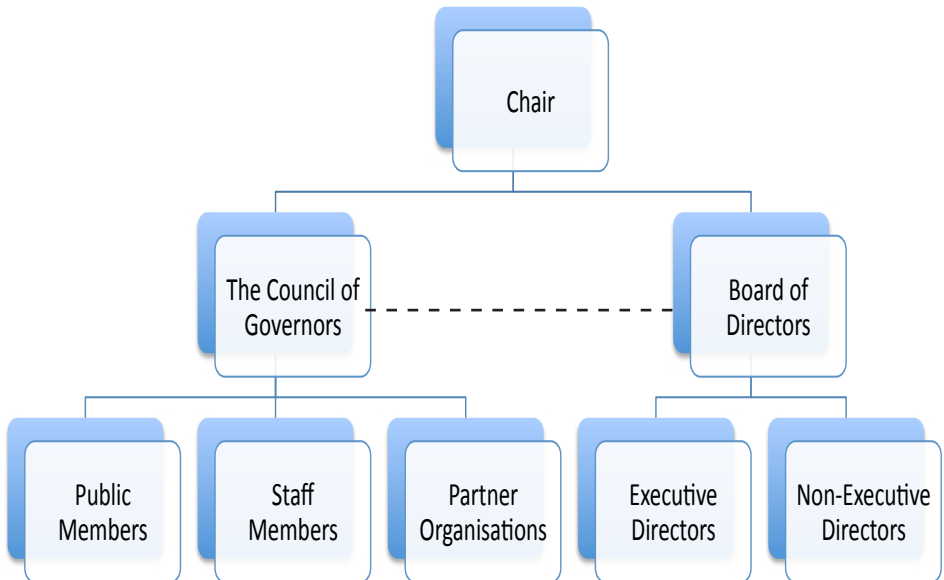
It provides a brief overview of the governance structure of the Trust and the role of the council of governors.

It also contains information on the election process and provides contact details for the Trust Membership Office; the Independent Regulator, Monitor and the Department of Health, where further information on foundation trust status can be obtained. This guide is based on two publications issued by the foundation trust regulator Monitor and the Trust's constitution approved by Monitor. Where direct quotations are made these are indicated. Full details of these publications are given on page 17.

The companion A4 booklet to this guide gives details of the nomination process and provides a timetable of the current election and extracts of the Trust's constitution on the election process and should be read in conjunction with this guide.



## Governance structure of East Kent Hospitals University NHS Foundation Trust



The chair is responsible for leadership of both the council of governors and the board of directors. The chair is responsible for ensuring the two bodies work together effectively and for ensuring that both receive accurate, timely and clear information that is appropriate for their respective duties.

## Representation

Governors must act in the best interests of the Trust and provide information on the Trust to the Members

Governors are expected to ensure that the interests of their own constituency and also the wider communities served by the Trust are appropriately represented.

Therefore,

governors are not there to represent the interests of single pressure groups or to raise complaints on behalf of individuals.

## Boundaries of responsibility

The council of governors has no statutory authority over the operational management of the foundation trust. They:

- are not involved in the day to day running of the Trust, with setting budgets or staff pay;
- cannot veto or over-rule decisions made by the board of directors;
- do not inspect the Trust's services.

'Governors should acknowledge the overall responsibility of the board of directors for running the NHS foundation trust and should not try to use the powers of the council of governors to veto the decisions of the board'.  
*Monitor (2009) p.17*

## **The role of the governor**

Governors must act in the best interests of the NHS foundation trust and should adhere to its values and code of conduct. The council of governors should hold the board of directors collectively to account for the performance of the NHS foundation trust, including;

- ensuring the board of directors acts so that the NHS foundation trust does not breach the terms of its authorisation.
- Governors are responsible for regularly feeding back information about the NHS foundation trust, its vision and its performance to the constituencies and the stakeholder organisations that either elected them or appointed them.

Governors' statutory roles include:

- appointing, removing and deciding the terms of office of the chair and other non-executive directors, and approving the appointment of the chief executive;
- reviewing the annual accounts, auditors report and annual report at a general meeting;
- appointing and removing the auditor;
- and expressing a view on the board's forward plans for the NHS foundation trust.

'governors are expected to focus less on compliance and more on ensuring NHS foundation trusts respond to the needs and preferences of stakeholders, especially local communities'  
*Monitor, (2010) p.5*

## **Other activities**

In addition to their statutory roles, governors have opportunities to become involved with the trust and members in a number of ways.

- Engage with the Trust's membership to gain information about services and potential improvements via meetings, surveys, etc.
- Develop the membership in terms of numbers and representativeness
- Sit on certain Trust committees
- Provide EKHUT Governors' response to formal consultations
- Join the directors on patient safety visits throughout the Trust
- Receive and comments on external reports on various aspect of the Trust's performance

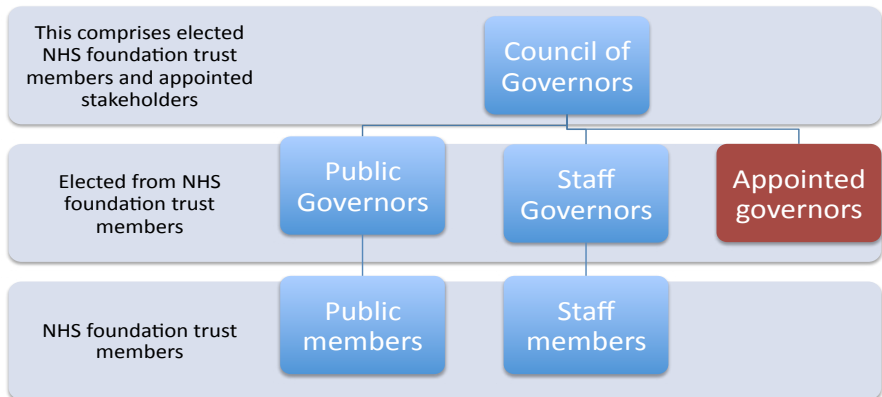
## The council of governors

There are 28 governors on the council for East Kent Hospitals.

- 18 Elected public governors
- 4 Elected staff governors
- 1 Volunteer working with the Trust
- 1 Primary Care Commissioner
- 4 Appointed governors:
  - (1) Local Authority
  - (1) University of Kent & Canterbury Christ Church University
  - (1) SE Coast Ambulance Service Foundation Trust
  - (1) Kent & Medway NHS and Social Care Partnership Trust

The staff and public governors are elected by postal vote if seats are contested. The appointed governors are each selected internally by the organisations listed above.

## The structure of the council of governors





## **Elected public governors**

The public governors are elected from public members from each area listed below. These local authorities cover the areas that represent the Trust's local communities.

In areas where more members stand as candidates than there are seats allocated, a secret postal ballot of members in that area will decide who is elected.

The Trust currently serves about half of the Swale Borough Council area, the inclusion of one governor for the constituency Rest of England & Wales is intended to allow the interests of out of area patients and their families to be represented on the council of governors.

## **Public constituencies and number of elected representatives**

<b>Public Constituency</b>	<b>Number of Governors</b>
Ashford District	3
Canterbury Area	3
Dover District	3
Shepway District	3
Thanet District	3
Swale Borough	2
Rest of England and Wales	1

## **Staff governor**

There are four staff governors.

Only members of the staff constituency are able to vote for the staff governors.

Staff membership is open to anyone who is:

- Employed by the Trust under a contract with no fixed term.
- Is employed by the Trust under a contract with a fixed term of at least 12 months.
- Has been continuously employed by the Trust under a contract of employment for at least 12 months.

All eligible staff members are automatically given membership unless they requested to opt out.

If you are unsure of your eligibility to stand for election as a staff or public governor please contact the membership office for advice.

## **Support**

The Trust will support the governors in their role through the following:

- Open access to the Chair
- Training and development opportunities
- Advice and guidance from Trust Secretary, Executive Team and Membership Office
- Governor 'buddy system'

## **Expenses**

The role of governor is a voluntary one but travel expenses are met by the Trust.

## Activities and time required

The council of governors have 6 meetings per annum. Agendas consist of performance reports, governor committee reports, 'topics of the moment' and 'training.'

These meetings are held on rotation across the area the Trust traditionally serves. The meetings are at present normally held from 10.00 am - 3.00 pm. The Trust's constitution states that governors are expected to attend at least three of these meetings per year unless there are good reasons for their absence.

A Lead Governor is appointed by the council of governors on a yearly basis. The Lead Governor attends part of the monthly board meetings and reports back to the council.



In addition, governors can attend training workshops which allow governors to gain a greater understanding of the business of the Trust through presentations and discussion with members of the Trust's senior management and board members.

## Committees of the council

Governors are also invited to participate in a number of committees that make recommendations to the full council. Two of these committees help the Council fulfill their statutory duties, these are:

- The Audit Working Group
- The Nomination and Remuneration Committee

In addition the council has a number of committees that reflect the wider work of the council and the interests of present governors:

- Communication and Membership Committee
- Patient and Staff Experience Committee
- Strategic Committee

In general, the committees meet at intervals of four to six weeks for two hours.

Governors are provided with copies of the monthly board minutes and sent copies of strategic and consultation documents for information and comment. In order to fully prepare for council and committee meetings governors usually spend several hours reading documents and other papers.



## Engagement events

Governors are given opportunities to participate in members' engagement and recruitment events such as health road shows, health matters presentations, consultation events and surveys.

'governors are responsible for regularly feeding back information about the NHS foundation trust, its vision and its performance to the constituencies and the stakeholder organisations that either elected them or appointed them.'

*Monitor (2009) p.17*



Stephen Dobson of the Membership office at the Miners' Gala, Dover.

Improving communication event, Canterbury.



## **Requirements to be an effective governor**

Candidates are sometimes uncertain if the role of governor would be right for them or what particular skills or experience equips a governor to be effective. Drawing on his experience working with his governors the Chairman, with the help of the council, has compiled a list of attributes that help to make an effective governor for the trust.

- Time availability to attend council of governor and committee meetings and other duties.
- Willingness to spend time preparing for meetings, reading papers, reflecting on issues requiring further discussion.
- Willingness to engage in discussion/deates in full council of governor and committee meetings.
- Willingness to create opportunities to meet with members.
- Ability to see, and be comfortable with, the bigger picture in terms of the best outcomes for the Trust and all the communities it serves.
- Enthusiasm to acquire a good understanding of the governor's role and the operating environment of the Trust.
- Prepared to abide by the Trust's Code of Conduct for Governors.

## **The election process**

### **Eligibility**

To stand for election as a public governor you need to be:

- A member of the foundation trust at the time of nomination
- 16 years of age or over at the date of the election

There are some people who, by law, are excluded from becoming a governor of a foundation trust. This is detailed in our Constitution and in part II of the candidate' guide issued at the time of each election.

### **Candidate declaration**

Candidates are required to declare their eligibility to stand for election.

The returning officer will examine each nomination paper to ensure that each candidate has completed the form correctly and meets the qualifying criteria for governors.

- Candidates are required to disclose any political affiliation or other interests in the Trust on the form

## Candidate statement

Each candidate is asked to submit a statement of no more than 150 words. This is an opportunity to explain why he/she wishes to become a governor and what qualities or strengths he/she could bring to the role.

The statement is to be accompanied by a recent passport size photograph. The information supplied will be published as received and accompanies the ballot paper to votes. Any spelling mistakes or grammatical errors cannot be corrected and any words over the maximum word count will be omitted, even if this means the statement ends in mid-sentence.

### To stand as a governor you need to:

1. Register your intention to stand with the Membership Office or by requesting a nomination form from the Electoral Returning Officer within the time period shown on the Election Timeline
2. Complete and return forms to the Electoral Returning Officer by the deadline

This is the date that the completed forms must arrive back with the Returning Officer not with the Trust.

Please note that completed forms must be sent direct to the Returning Officer as directed on the form



## **Contact details and further information**

Membership Office  
East Kent Hospitals University Foundation NHS Trust  
Trust Offices,  
St Peter's Road, Margate, Kent CT9 4AN

email: [foundationtrust@ekht.nhs.uk](mailto:foundationtrust@ekht.nhs.uk)  
tel: 01843 235053

[www.ekhut.nhs.uk/members](http://www.ekhut.nhs.uk/members)

## **Department of Health**

NHS Foundation Trust Team, Department of Health  
Room 4N06, Quarry House  
Quarry Hill  
Leeds  
West Yorkshire LS2 7UE

[www.dh.gov.uk/en/Healthcare/Secondarycare/NHSfoundationtrust/index.htm](http://www.dh.gov.uk/en/Healthcare/Secondarycare/NHSfoundationtrust/index.htm)

## **Monitor**

<http://www.monitor-nhsft.gov.uk/>  
Monitor  
4 Matthew Parker Street  
London  
SW1H 9NP  
Tel: 020 7340 2400

Publications used in this guide: (available from Monitor website)  
Monitor (2009) *Your statutory duties: A reference guide for NHS foundation trust governors*.  
Monitor (2010) *Compliance Framework 2010-11*