

# PAPER

BOD 12/2014

(Agenda Item: 14)

# Report to the Meeting of the

# Oxford Health NHS Foundation Trust

# Board of Directors

**29 January 2014**

**Trust Constitution**

**For: Approval**

Attached is a copy of the Trust’s Constitution with proposed changes tracked.  Broadly, the proposed changes are in the following areas:-

* Updates required to duties / terminology as a consequence of the 2012 Act.
* Removal of redundant provisions relating to the transition from NHS trust to NHS foundation trust.
* Some amendments taking account of the best practice from other NHS foundation trusts and bodies.
* Amending the Governor representation as follows:-
  + Retain the Public Constituency as currently constituted.
  + Retain the Patients’ Constituency but amend the Governor breakdown as follows (total number of Governors to remain the same):-
    - Carers – 3
    - Remove the vacant ‘Patient: Community Services Class’ (which has been vacant for 2 years) and the ‘Service Users: Mental Health’ class, and replace with:-
      * Service Users: Buckinghamshire & other counties – 2
      * Service Users: Oxfordshire – 2
  + Retain the overall current number of Staff Governors, but amend the Staff Constituency to have classes based on the proposed new service directorates.  The number of Governors for each directorate is broadly commensurate with the number of staff (so that representation is broadly equal).
  + Retain both Oxfordshire and Buckinghamshire County Council Appointed Governors.
  + Remove the University of Oxford Appointed Governor (as this institution already has representation on the Board of Directors) and replace with Oxford Brookes University.
  + Have 2 Appointed Governors representing Clinical Commissioning Groups – 1 from Oxfordshire CCG and 1 from either of the CCGs in Buckinghamshire.  The Chiltern CCG is proposed at is has the lead for mental health commissioning.

The Council of Governors membership sub-group was involved in reviewing the Constitution and, in particular, the Governor representation.

The Trust’s solicitors were instructed to reviewed the Constitution and propose amendments.

Following Board approval, the Constitution will be presented to the next meeting of the Council of Governors for final approval.

**Recommendation**

The Board is asked to approve the proposed amendments to the Constitution before presentation to the Council of Governors for final approval.

**Author and Title:** Justinian Habner, Trust Secretary

**Lead Executive Director: Stuart Bell, Chief Executive**

1. *A risk assessment has been undertaken around the legal issues that this paper presents and Trust solicitors were instructed.*
2. *This paper (including all appendices) has been assessed against the Freedom of Information Act and the following applies: [delete as appropriate]*

* *THIS PAPER MAY BE PUBLISHED UNDER FOI*