

13. COUNCIL OF GOVERNORS - Tenure

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

13.2. An elected governor shall cease to hold office if they cease to be a member of the constituency or class by which they were elected.

13.3. An elected governor shall be eligible for re-election at the end of their three-year term.

13.4. An elected governor may not hold office for more than nine consecutive years.

13.5. An appointed governor may hold office for a period of up to three years.

13.6. An appointed governor shall cease to hold office if they cease to be employed by the organisation which they are representing.

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

13.8. An appointed governor shall be eligible for re-election at the end of their three-year term.

13.9. An appointed governor may not hold office for more than nine consecutive years.

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, their 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 them.

14.1.4. A person who is under sixteen years of age at the date they are nominated for election or appointment.

14.1.5. A person who is a Director of a Foundation Trust, or a Governor or Director of a national health service trust (unless they are appointed by an appointing organisation that is the health service trust);

14.1.6. A person who is the spouse, partner, parent or child of a member of the Board of Directors of the trust;

14.1.7. A person who is a member of a local authority's scrutiny committee covering health matters;

14.1.8. A person who is a member of a local Healthwatch group;

14.1.9. A person who is subject to a sex offender order or has received a caution or a conviction for a sexual offence;

14.1.10. A person who has been disqualified from being a member of a relevant authority under the provisions of the Local Government Act 2000

14.1.11. A person who has at any time, been dismissed or removed, other than by reasons of redundancy or incapacity, from any paid employment or office with a health service body; or

14.1.12. A person whose tenure of office as a Chair or member or director of a health service body has been terminated on the grounds that their appointment is not in the interests of the health service, for non-attendance at meetings, or for the non-disclosure of a pecuniary interest.

14.1.13. A person who refuses to sign a declaration in the form specified by the Trust of their qualification to vote as a member of the Trust and of their eligibility to be a member of the Council of Governors. This does not apply to Appointed Governors.

14.1.14. A person who failed to disclose to the Trust any spent or unspent criminal convictions

14.1.15. Where a person has declared a spent or unspent criminal conviction and the spent or unspent conviction does not fall within any of the disqualification provisions contained in this constitution the person must be assessed by the trust as to their fitness to hold office as a governor as a fit and proper person

14.2. A person holding office as a governor shall immediately cease to do so if:

14.2.1. They resign by notice in writing to the Secretary;

14.2.2. They fail to attend three consecutive meetings, unless the other governors are satisfied that:

14.2.2.1. The absences were due to reasonable causes; and

14.2.2.2. They will be able to start attending meetings of the Council of Governors again within such a period as the other governors consider reasonable.

14.2.3. In the case of an elected governor, they cease to be a member of the constituency or class of constituency by which they were elected;

14.2.4. In the case of an appointed governor, where the appointing organisation terminates the appointment;

14.2.5. They have refused without reasonable cause to undertake any training which the Council of Governors requires all members to undertake;

14.2.6. They have failed to sign and deliver to the Secretary a statement in the form required by the Secretary confirming the acceptance of the Code of Conduct for Governors;

14.2.7. A governor may be removed from the Council of Governors by a resolution approved by not less than three quarters of the remaining governors present and on the grounds that:

14.2.7.1. They have committed a serious breach of the code of conduct;

14.2.7.2. They have acted in a manner detrimental to the interests of the Foundation Trust; and

14.2.7.3. The Council of Governors considers that it is not in the best interests of the Foundation Trust for them to continue as a governor.