

MAYOR & CABINET		
Report Title	South London & Maudsley NHS Foundation Trust - Appointment to Members Council.	
Key Decision	No	Item No. 12
Ward		
Contributors	Executive Director of Resources (Head of Business & Committee)	
Class	Part 1	Date: 8 November 2006

1. Purpose of Report.

- 1.1. To seek approval from Mayor and Cabinet for the Council to be represented on the South London & Maudsley NHS Foundation Trust Members Council.

2. Recommendation.

- 2.1 To agree to participate in the South London & Maudsley NHS Foundation Trust Members Council and to nominate one member to that body.

3. Background.

- 3.1 Monitor, the independent regulator of NHS Foundation Trusts is expected to issue a successful assessment establishing the South London & Maudsley NHS Trust as a Foundation Trust on November 1 2006.
- 3.2 The consultation process leading to the establishment of a Foundation Trust included circulation of a constitution establishing a Members Council which includes as one of its constituencies a local authorities allocation whereby the London Boroughs of Croydon, Lambeth, Lewisham and Southwark are all given one place each.
- 3.3 The members Council has a number of responsibilities laid out in the Health and Social Care Act 2003 (Community Health and Standards) and in the Trust's constitution.
- 3.4 The proposed Trust constitution sets out the following responsibilities for the Members Council:

- to support the Board of Directors in setting the longer-term vision for the Trust, to influence proposals to make changes to services and to act in a way that is consistent with NHS principles and values and the terms of the Trust's authorisation;
- to engage in dialogue with and provide advice to the Board of Directors with regard to the Trust's future vision and strategy and to act as a source of ideas about how the Trust can provide its services in ways that meet the needs of the community it serves;
- to review annually the extent to which the Trust is meeting its objective of delivering high quality services;
- to work with the Board of Directors on such other matters for the benefit of the Trust as may be agreed between them;
- to exercise other functions at the request of the Board of Directors;
- to be consulted by the Board of Directors of the Trust regarding the information to be given to Monitor as to the Trust's forward planning in respect of each Financial Year and to give their views to the Board of Directors for the purposes of the preparation by the Board of Directors of any document containing such information which is to be given to Monitor;
- to respond as appropriate when consulted by the Board of Directors;
- to exercise such other powers and to discharge such other duties as may be conferred on the members' Council under the Constitution.

3.5 Legislation lists a number of further responsibilities for the Members Council as follows:

- the Member's Council is to appoint the chairman and other non-executive directors of the NHS foundation trust at a general meeting;
- the Members' Council may remove the chair or non-executive directors of the NHS foundation trust. Such removal must occur at a general meeting of the members' Council and it requires the approval of three quarters of the members of the Council;
- appointment of the chief executive by the non-executive directors requires the approval of a majority of the members of the council;
- it is for the Members' Council to appoint or remove the auditor at a general meeting of the council;

- the Members' Council is to be consulted on forward planning by the board of directors and the board of directors must have regard to their views;
- the annual report and accounts, and the report of the auditor must be presented to the Members' Council at a general meeting;
- the Act provides that all the powers of the NHS foundation trust are to be exercised by its directors. The Members' Council cannot therefore veto decisions made by the board of directors.

3.6 Council Members will attend three formal meetings and a general meeting each year but will also be expected to take part in a number of sub-groups and working parties. Council members are not allowed to receive payment for their duties but expenses will be granted for travel, childcare or other carer expenses. Council members will be expected to attend induction sessions.

4. Legal implications.

4.1 The appointment/nomination of persons to outside bodies is a local choice function under the Constitution, Part III. This provides for some appointments to be the responsibility of the Executive and some to be the responsibility of the Council. Those which are the responsibility of the Executive are listed at Part III. This includes a provision that those which are in the opinion of the Monitoring Officer are of a similar nature shall also be an Executive appointment. In the opinion of the Monitoring Officer, this company is of a similar nature to those listed in Part III (which already includes for example the Lewisham Health Partnership)

4.2 The member appointed will need to be mindful of the Member Code of Conduct in particular as it relates to members sitting on outside bodies and consider on a case by case basis whether a conflict arises when issues relating to SLAM arise for decision, or whether it would be appropriate to rely on any exemption in relation to the requirement to withdraw because of a prejudicial interest. A member appointed to SLAM will also need to abide by their Code of Conduct when on SLAM business.

5. Financial Implications

The Trust will reimburse the expenses incurred by council members.

6. Equalities Implications

There are no direct equalities implications.

7. Environmental Implications

There are no direct environmental implications.

8. Crime and Disorder Implications

There are no direct crime and disorder implications.

Background papers.

Title	Date	File Location	Contact Officer
Correspondence from Chief Executive of SLAM	11/10/06	Filed with Mayor and Cabinet papers of 8/11/06	Kevin Flaherty 02083149327
SLAM publication 'Thinking about becoming a council member'		http://www.members.slam.nhs.uk	Kevin Flaherty 02083149327