Questions and Answers - Governor Elections

1. Why is the Trust having an election?
   The Trust holds Governor Elections each year to fill any vacant seats on our Council of Governors or for those Governors whose term of office is ending.

2. Who runs the election?
   The election is run by an independent, external company e.g. Electoral Reform Services.

3. What is the Council of Governors?
   The Council of Governors is made up of 35 Governors namely:
   - 18 Public Governors (elected from and by our Public Members)
   - 7 Staff Governors (elected from and by our Staff Members)
   - 10 Nominated Governor (nominated from and by our partner organisations)

4. Why are some people nominated rather than elected?
   In order to ensure local accountability, there are both elected and nominated Governors. Elected Governors represent members in our public and staff constituencies. Nominated Governors represent the partner organisations that we work with such as councils, academic institutes (Universities), commissioner groups in addition to the Trust’s Youth Forum and Volunteer Services. However, the majority of our Council of Governors (25 out of 35) is elected by members.

5. What is the difference between a Member and a Governor?
   Our membership community is made up of patients, carers, local residents, staff and the public with members voting to elect representatives (Governors) onto our Council of Governors. Governors are responsible for representing members and the public and engaging with them so to forward their views and opinions to the Trust’s Board of Directors.

6. Am I eligible to vote in the elections?
   You are eligible to vote if you are registered as a Member of our Trust in the member constituency for which the election is being held (where Governor seats are open for election). However, in keeping with our Constitution, only individuals that become a member on or before the closing date of the “receipt of nominations” (election candidates) can vote during that election therefore new member applications are temporarily put on hold following closure of this date (until the election process concludes and results are declared). The “receipt of nominations” date is incorporated in the Election Timetable (published on our website “Governor Elections” webpage at the start of the election process):
   http://www.cmft.nhs.uk/foundation-trust/governor-elections
7. How will I know the election process has started and when do I vote?

At the start of the Governor Election process (usually around June/July each year), an independent, external election company will issue a ‘Notice of Election’ which includes an Election Timetable (specifies the key dates including voting deadlines).

All election documents are published on our website “Governor Elections” webpage (http://www.cmft.nhs.uk/foundation-trust/governor-elections) at the start of the election process.

Election notification and papers are sent via post directly from the election company to all relevant members (constituencies where Governor seats are open for election). Voting packs are also sent directly to members (via post) as part of this process which includes the deadline date that votes are to be completed by and returned to the election company (via post).

8. I don’t know if I am a member, how can find out?

If you provide your name and contact details to the FT Membership Office (contact details on page 3) they will be able to let you know if you are registered as a member and, if you are, which membership constituency you are in.

Membership is completely free with public membership being open to anyone aged 11 years or over who lives in England and Wales. The Public Member constituency is subdivided into the following areas:

- Manchester residents
- Trafford residents
- Greater Manchester residents
- Rest of England & Wales residents.

Staff are automatically invited to become staff members however are able to opt out. The Staff Member constituency is subdivided into the following staff groups:

- Medical & Dental
- Other Clinical
- Nursing & Midwifery
- Non-Clinical & Support.

If you are not currently a member and are interested in becoming one, contact the FT Membership Office for a paper form (contact details below) or alternatively, complete an on-line form available via our website www.cmft.nhs.uk and click the blue ‘Become a Member’ button.
FT Membership Office – Contact Details:

By Post: Freepost RRBR-AXBU-XTZT
CMFT NHS Trust
Oxford Road
Manchester
M13 9WL

By Phone: 0161 276 8661
(office hours 9.00 am to 5.00 pm, Monday to Friday; answering machine outside these hours)

E-mail: ft.enquiries@cmft.nhs.uk

9. Can I switch from the public to staff constituency and vice-versa?
No, in order to be eligible as a staff member you must be employed by the Trust with all our qualifying members of staff being automatically invited to become members upon their appointment (do have the opportunity to opt out). If a member of staff is eligible to become a staff member they cannot become a member of any other constituency even if they opt out. Staff that do not wish to be a member are not eligible to vote.

10. Is the Council of Governors the same as the Board?
No, the Board of Directors is made up of Executive and Non-Executive board members who are collectively responsible for the performance of the Trust and which exercises power on behalf of the Trust.

11. What is the difference between the Board of Directors and Council of Governors?
The overriding duty of the Board of Directors is to be collectively and individually responsible for promoting the success of the NHS Foundation Trust so as to maximise the benefits for the members of the NHS Foundation Trust as a whole and for the public. This means the Board is focused on providing high-quality health care to the NHS Foundation Trust’s members and the communities it serves.

By way of contrast, the overriding role of the Council of Governors is to hold the Non-Executive Directors, individually and collectively, to account for the performance of the Board of Directors and to represent the interests of Foundation Trust members and of the public.

The Board is therefore responsible for the direction and performance of the Trust, while the Council of Governors is responsible primarily for assuring the performance of the Board.
12. What are the duties of Governors?

Under the Health & Social Care Act (2012), the statutory duties of Governors are clearly defined:

- To hold the Non-Executive Directors individually and collectively to account for the performance of the Board of Directors, and
- To represent the interests of the members of the Foundation Trust as a whole and the interests of the public.

Monitor is the Independent Regulator of Foundation Trust and as outlined in their publication for Governors (Your statutory duties: A reference guide for NHS foundation trust governors - August 2013) and in keeping with the Trust’s Constitution, Governors also have the following statutory duties and responsibilities:

- Appointing/removing the Chair and Non-Executive Directors.
- Determining the pay and terms of office of the Chair and Non-Executive Directors.
- Approving the appointment of the Chief Executive.
- Appointing a Deputy Chairman from the Non-Executive Directors.
- Receiving the Trust’s annual accounts and any report of the auditor on them and the annual report (including Quality Accounts with Governors being encouraged to help to identify and prioritise quality indicators and quality priorities for the Trust) at a Council of Governors’ Meeting.
- To provide views to the Board of Directors (BoD) when the BoD is preparing the document containing information about the Trust’s forward plans.

With Governors being required to:

- Canvass the opinion of the Trust’s members and the public, and for appointed (nominated) governors the body they represent, on the NHS Foundation Trust’s forward plan, including its objectives, priorities and strategy, and their views should be communicated to the BoDs.

- Appointing/removing our Auditor.
- May request one or more of the Directors to attend a meeting to obtain information about the Trust’s performance of its functions or the Directors’ performance of their duties and help the Council of Governors decide whether to propose a vote on the Trust’s or Directors’ performance.
- To receive a copy of the agenda of the Board of Directors’ Meeting prior to the meeting being held and as soon as practicable after holding a meeting, to receive a copy of the minutes.
- Approving significant transactions.
- Approving applications by the Trust to enter into merger, acquisition or dissolution.
- Deciding whether the Trust’s non-NHS work would significantly interfere with its principal purpose, which is to provide goods and services for the health service in England, or performing its other functions and approving any increase (more than 5%) in the carrying on of activities that are other
than the provision of goods and services for the purpose of the Health Service in England in any financial year.

- To prepare and from time to time review the Trust’s membership strategy and its policy for the composition of the Council of Governors and of the Non-Executive Directors and when appropriate to make recommendations for the revision our Constitution.
- Approving amendments to the Trust’s Constitution.
- Monitor has appointed a Panel for Advising Governors and Governors may refer a question to the Panel if more than half of the members of the Council of Governors voting approve the referral (question whether the Trust has failed or is failing).
- To undertake such functions as the BoD shall from time to time request.

13. I am a member and interested in standing for election as a Governor, what is the process?

All qualifying members that are aged 16 years or over are able to nominate themselves to stand for election as a Governor. Elections are held every year for those Governor posts whose term of office is ending or have resigned with the election process starting around June/July each year. At the start of the Governor election process an invitation letter, from our Chairman, is sent out to the relevant member constituencies (where Governor seats are open for election), informing members that the election process is starting and includes the contact details of the external company who facilitates our election process (to request a nomination form if interested in standing for election). Ballot papers are then sent to members who in turn vote for the candidate(s) that they wish to be elected to our Council of Governors (first past the post method of voting).

14. I am NOT a member and interested in standing for election as a Governor, what do I need to do?

In order to stand for election as a Governor, you do need to be registered as a member and aged 16 years or over. Membership application forms are available via the FT Membership Office (contact details on page 3) or alternatively, an online form is available via our website www.cmft.nhs.uk and click the blue ‘Become a Member’ button. Once that your membership application form has been received and processed, you will receive a Membership Welcome Pack which provides more information about being a Member and the role of Governor.

15. Does someone have to nominate me to stand for election as a Governor?

No, you can nominate yourself however you will need a member within your constituency to support your nomination. In order for your supporter information to be valid the following criteria is set:

- **For public members**, a supporter can be a family member or friend who lives in the area (constituency) that you live in who is already a public member or, if not a member, must agree to become a public member as part of your nomination process.
- **For staff members**, a supporter can be a fellow colleague within your staff group (constituency) who is already a staff member. If not a member
(opted out) must agree to become a staff member as part of your nomination process.

16. How can I get a Nomination Form?

Requests for nomination forms are to be made directly with the election company by contacting their Customer Services Team. Contact details will be outlined in the election materials that are published and mailed out to qualifying members in addition to being published on our website “Governor Elections” webpage (http://www.cmft.nhs.uk/foundation-trust/governor-elections) at the start of the election process.

17. What’s the deadline for Nominations?

At the start of the Governor Election process (usually around June/July each year), the election company will issue a ‘Notice of Election’ which includes an Election Timetable (specifies the key dates including the nomination deadline). All election documents are published on our website “Governor Elections” webpage (http://www.cmft.nhs.uk/foundation-trust/governor-elections) at the start of the election process.

Election notification and papers are sent via post directly from the election company to all relevant members (constituencies where Governor seats are open for election). The nomination process is outlined as part of the election process with forms being requested from and upon completion are to be sent directly back to the election company.

Once received, please make sure that you follow the checklist on the nomination form and provide all of the details requested and sign the form so that your nomination is valid.

18. Do I need any qualifications to be a Governor?

No, you do not need specific qualifications to be a Governor, other than an interest in healthcare and a commitment to representing members and the public to the best of your ability.

19. How will I know who I am running against?

The election company will issue a “Notice of Poll” which outlines the candidates that are standing for election and is published on our website “Governor Elections” webpage (http://www.cmft.nhs.uk/foundation-trust/governor-elections). In addition, candidates’ election statements are sent to relevant members via post (where Governor seats are open for election) and are also be made available on our Governor Election webpage (candidates’ election statements listed per membership constituency).
20. What information do I need to provide as part of the nomination process?

Candidates are asked to provide:
- Home address details
- Supporter endorsement details
- Any membership of political parties
- Any financial interest in the Trust
- A photograph
- A personal statement of no more than 250 words.

21. Do I need to agree and sign any declarations as part of the nomination process?

Yes, candidates are required to sign a declaration that:
- They are not a person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged.
- They are not 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.
- They are not a person who within the preceding 5 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 3 months (without the option of a fine) was imposed on them.
- They are not a person who is under sixteen (16) years of age.
- They are not a person who does not meet the Fit and Proper Person Test (details available in our Governor Criteria – please see webpage link on page 8).
- They are not a person who is subject to a sex offender order and their name is not on the sex offenders register.
- They are not a person who has not within the preceding two (2) years been dismissed, by any other reason than redundancy or incapacity, from any paid employment with a health service body.
- They are not a person who has had a term of office as a Chairman or as a member or Director of a health service body terminated because their appointment is not in the interests of the health service, for non-attendance at meetings, or for nondisclosure of a financial interest.
- They accept and abide by the Foundation’s Trust values (Code of Conduct)
- They are not a Director (Executive or Non-Executive) of our Foundation Trust, or a Governor, Chairman, Chief Executive or Director of another NHS Trust or a Foundation Trust.
- They are not the spouse, partner, parent or child of a Director of our Foundation Trust.
- They are not a member of a local authority’s Scrutiny Committee covering health matters.
- They are not a person who has previously been removed as a Governor or Member due to committing a serious breach of the Governors’ Code of Conduct or acted in a manner detrimental to the interests of a Foundation Trust or that the Council of Governors considered that it was in the best interests of a Foundation Trust for them not to continue as a Governor or Member.
- They are aware and required to consent to and clear a Disclosure and Barring Service (D&BS) check and will be disqualified if on the basis of disclosure(s)
(convictions/cautions) obtained through a D&BS check, that he/she is not considered suitable by the Foundation Trust.

- They are aware will be required to disclose any declaration of interest on an annual basis or at anytime should their circumstances change.
- They are aware will be required to attend regular meetings and training sessions.

A copy of our Governor Criteria in addition to our Constitution is available via the FT Membership Office or via our “Council of Governors” webpage:

22. I’m not a very good writer, can the Trust help me to put together my statement or edit it?

Unfortunately, we are not permitted to edit your statement as we have to be fair to all the candidates. However, if you are having difficulties, the election company will be able to provide examples of previous candidate statements.

23. What happens if I change my mind?

You can change your mind and withdraw from the Governor Election process, but you must let the election company know with the date for final candidate withdrawal being incorporated in the Election Timetable (published on our website “Governor Elections” webpage -[http://www.cmft.nhs.uk/foundation-trust/governor-elections](http://www.cmft.nhs.uk/foundation-trust/governor-elections) at the start of the election process).

24. Does the Trust give me any publicity to promote my campaign?

The Trust gives objective, balance and fair coverage equivalent in size and contact to all candidates on its website by making available each candidate’s election statement only.

The Trust will provide a limited number of membership application forms for those candidates who wish to recruit members as part of their campaign promotion. Please note that, in keeping with our Constitution, only individuals that become members on or before the closing date of the receipt of nominations (election candidates) can vote during that election therefore new member applications are temporarily put on hold following closure of this date. The “receipt of nominations” date is incorporated in the Election Timetable (published on our website “Governor Elections” webpage at the start of the election process): [http://www.cmft.nhs.uk/foundation-trust/governor-elections](http://www.cmft.nhs.uk/foundation-trust/governor-elections)

25. What about funding to promote my campaign?

There is no funding provided to promote campaigns whether incurred by candidates or another person.
26. How/who decides who has won (elected as a Governor)?

Members decide who is successfully elected as a Governor with votes being counted by the Returning Officer at the external election company using the first past the post method of voting.

27. When will I know if I have won (been successfully elected as a Governor)?

Written confirmation of the results is sent to every candidate via the election company and are published on our website “Governor Elections” webpage –http://www.cmft.nhs.uk/foundation-trust/governor-elections in keeping with the election timetable (declaration of results date).

28. If I am elected as a Governor, how do I discharge my duties?

As a Governor, you discharge your duties by attending regular meetings of the Council of Governors, attending Trust Open Days/Events and Annual Members’ Meetings in addition to attending ongoing development and training sessions.

You will also be invited to join and attend a Governor Working Group and other Governor/Trust meetings and are expected to participate in member meetings/events and in order to make direct contact with members and the public.

Governors are issued with a Governor Meeting Commitment document which provides an overview of the meetings that Governors are expected and encouraged to attend and provides an outline of the future time commitments required. Governor Meetings are predominantly held during the day (anytime between 9.00 am – 5.00 pm).

Public Governors will also be asked to identify a local patient/public group with Staff Governors being asked to identify local staff groups that you intend to regularly engage with so to canvass both members’ and public views/opinions in addition to promoting the Trust, Membership and the role of Governor.

29. Will I need any training to take on this role?

The Trust arranges a New Governor Induction Programme which all newly elected/nominated Governors are invited to attend (includes an Introduction Meeting with our Chairman). The Trust also schedules ongoing Governor Development and Training Sessions for all Governors (new and existing) throughout the course of each year.

Additional Governor training needs (individual and as a Council of Governors) are also identified on a yearly basis as part of the Governor Questionnaire process.

30. Will I need to comply with a Code of Conduct?

All new Governors are sent a “Governors’ Code of Conduct” which you will be asked to review and agree compliance with whilst carrying out the role of Governor. In addition, new Governors are also required to meet the “Fit and Proper Persons” Test. Eligibility to be a Governor including mandatory requirements are outlined in our Governor Criteria and are applicable to all
Governors positions (Public, Staff and Nominated). In order for you to become or continue as a Governor is subject to the fulfilment of the aforementioned eligibility criteria with Governors ceasing to hold office should this criterion be/become unfulfilled.

Our Governor Criteria is available via our “Council of Governors” webpage:
Alternatively, please contact the FT Membership Office (contact details outlined on page 3).

31. Will I have to disclose information about my income, assets or finance?
   You are required to declare on an annual basis any material interests as prescribed in the Trust’s Constitution (copy available via the FT Membership Office or via our “Council of Governors” webpage - [http://www.cmft.nhs.uk/foundation-trust/council-of-governors](http://www.cmft.nhs.uk/foundation-trust/council-of-governors)). Declarations include any directorships, interests in firms likely to be considered as trading partners or providing services to the NHS, positions of authority in charities and voluntary organisations in the field of health and social care; and connections with firms entering into financial arrangements with the Trust.

32. Will I be paid for this role?
   No, Governors do not receive payment but the Trust does reimburse Governors for any authorised travelling costs and expenses incurred in carrying out their duties. However, if travelling by car, Governors are responsible for ensuring that they have appropriate car insurance cover i.e. for business purposes and must provide proof i.e. valid insurance certificate.

33. Will I have to meet any personal civil liability for my actions out of my personal resources?
   Only if you have acted recklessly. If you have acted honestly and in good faith, you will not meet any personal civil liability incurred in the execution of your functions out of your personal resources with any cost arising in this way being met by the Trust.

34. How long is the term of office of a Governor?
   The term of office is 3 years with Governors being eligible to stand for re-election up to a maximum of 9 consecutive years (not eligible to stand for re-election if they have held office for more than 6 consecutive years).

35. Can I have access to the public membership database?
   No, in keeping with the Data Protection Act membership data/details are not disclosed.

If you any other questions or queries about the Governor Election Process, Membership or the role of Governor, please contact the FT Membership Office (contact details on page 3).