

# ELIGIBILITY CRITERIA

Please read the following extract from the Trust's constitution carefully to ensure you are eligible to stand for election:

## From Annex 5: Additional Provisions – Council of Governors:

### 1. Eligibility to be a governor

1.1. Governors must be at least 16 years of age at the date they are nominated for election or appointment.

1.2. A person may not become or continue as a governor of the trust if:

1.2.1. in the case of an individual who is a member of the Public Constituency, they cease to live in the area of the Public Constituency of which they are a member;

1.2.2. in the case of a member of a staff class of the Staff Constituency, they no longer meet the eligibility requirements of paragraph 8 of the constitution and of Annex 2;

1.2.3. in the case of an appointed governor, the local authority, university or other organisation withdraws their sponsorship of them;

1.2.4. they have within the preceding two years been dismissed, otherwise than by reason of redundancy or ill health, from any paid employment with a Health Service Body (which shall have the meaning ascribed to it in section 9(4) of the 2006 Act);

1.2.5. they are a person whose tenure of office as the chair or as a member or director of a Health Service Body has been terminated on the grounds that their appointment is not in the interest of the health service;

1.2.6. they are a person who has previously been removed as a governor of this trust or any other foundation trust;

1.2.7. they are a member of the trust board;

1.2.8. they are an executive director, non-executive director, chair, or chief executive officer of another Health Service Body, or a body corporate whose business involves the provision of health care services, unless they are appointed to represent that body as one of the trust's partner organisations; in such instances regard shall be given to any circumstances which may give rise to potential conflicts of interest to such a degree as to interfere with the person's proper exercise of their duties as a governor of this trust. Any doubt or question as to what constitutes a material conflict of interest for the purposes of this paragraph should be referred to the Chair of the trust whose decision on the matter will be final. In coming to their decision on the matter, it is expected that the Chair will confer with governors as appropriate;

1.2.9. they are an elected governor of another Health Service Body;

1.2.10. they are an appointed governor of another Health Service Body unless

1.2.10.1 that other Health Service Body is one of the Trust's partner organisations, they are appointed to represent that partner organisation and, having regard to any circumstances which may give rise to potential conflicts of interest to such a degree as to interfere with the person's proper exercise of their duties as a governor of this trust, there is not found to be a material conflict of interest. Any doubt or question as to what constitutes a material conflict of interest for the purposes of this paragraph should be referred to the Chair of the trust whose decision on the matter will be final. In coming to their decision on the matter, it is expected that the Chair will confer with governors as appropriate; or

1.2.10.2 they wish to stand for election as a governor of the trust by a public constituency and, having regard to any circumstances which may give rise to potential conflicts of interest to such a degree as to interfere with the person's proper exercise of their duties as a governor of this trust, there is not found to be a material conflict of interest. Any doubt or question as to what constitutes a material conflict of interest for the purposes of this paragraph should be referred to the Chair of the trust whose decision on the matter will be final. In coming to their decision on the matter, it is expected that the Chair will confer with governors as appropriate;

1.2.11. they have had their name removed from a list maintained under regulations pursuant to sections 91, 106, 123, or 146 of the 2006 Act, or the equivalent lists maintained by Local Health Boards in Wales under the National Health Service (Wales) Act 2006, and they have not subsequently had their name included in such a list;

1.2.12. they are incapable by reason of mental disorder, illness or injury of managing and administering their property and affairs;

1.2.13. they have refused without reasonable cause to undertake any training which the trust and/or Council of Governors requires all governors to undertake;

1.2.14. they are a member of a local authority Health Overview and Scrutiny Committee;

1.2.15. they are the subject of a Sex Offenders Order and/or their name is included in the Sex Offenders Register;

1.2.16. they are an occupant of the same household and/or they are an immediate family member of a governor or of a member of the trust board;

1.2.17. they have failed to repay (without good cause) any amount of monies properly owed to the trust; or

1.2.18. they have failed to sign and deliver to the Head of Corporate Governance a statement in the form required by the trust confirming acceptance of the Council of Governors' Code of Conduct.

1.3. Where a person has been elected or appointed to be a governor and they become disqualified from office under paragraph 14 of the constitution or paragraph 1.2 of this Annex, they shall notify the Trust Secretary in writing of such disqualification. If it comes to the notice of the Head of Corporate Governance at the time of taking office or later that the governor is so disqualified, the Head of Corporate Governance shall immediately declare that the person in question is disqualified and notify them in writing to that effect. Upon dispatch of any such notification, that person's tenure of office, if any, shall be terminated and they shall cease to act as a governor.

## From the main body of the constitution:

### 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 in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986).

14.2. Governors must be at least 16 years of age at the date they are nominated for election or appointment.

14.3. Further provisions as to the circumstances in which an individual may not become or continue as a member of the Council of Governors are set out in Annex 5: Additional Provisions – Council of Governors, where details are also provided of how membership of the Council of Governors may be terminated.

### 8. Staff Constituency

8.1. An individual who is employed by the trust under a contract of employment with the trust may become or continue as a member of the trust provided that:

8.1.1. is employed by the trust under a contract of employment which has no fixed term or has a fixed term of at least 12 months; or

8.1.2. has been continuously employed by the trust under a contract of employment for at least 12 months.

8.2. Individuals who exercise functions for the purposes of the trust, otherwise than under a contract of employment with the trust who:

8.2.1. have a contract of employment with the University of Oxford within its Medical Sciences Division; or

8.2.2. are employed by a Private Finance Initiative provider to provide services at any of the trust's premises

may become or continue as members of the staff constituency provided such individuals have exercised these functions continuously for a period of at least 12 months.

## Annex 2: The Staff Constituency:

1. There will be two classes of staff members within the Staff Constituency as follows:

1.1. groups of staff:

1.1.1. categorised in the trust's Electronic Staff Record as administrative and clerical, estates and ancillary staff;

1.1.2. employed by, or seconded to (under a retention of employment model) a Private Finance Initiative provider to provide services at any of the trust's premises; and

1.1.3. employed by the University of Oxford in its Medical Sciences Division in a non-clinical role

will be assigned to the 'non-clinical' staff class; and

1.2. allied health professionals, additional clinical services, healthcare scientists, medical and dental, nurses and midwives and professional scientific and technical staff will be assigned to the 'clinical' staff class.