

## Appendix 1 - Proposed amendments to the BTHFT Constitution

Constitution page ref.	Proposed amendments	Explanatory notes
Page 3	Removal of the following: References to legislation include all regulations, statutory guidance or directions. Headings are for ease of reference only and are not to affect interpretation. Words importing the masculine gender only shall include the feminine gender; words importing the singular shall include the plural and vice-versa.	Duplication of information and, references throughout the document have been rendered gender neutral by utilising the word 'their' instead of 'he' or 'she'.
Page 3	Hyperlinks have been added to the NHS Act 2006 and the HSC Act 2012	
Page 4	Reference to Monitor deleted - references throughout the document updated to NHS England/Improvement (NHSE/I).	
Page 5	New text added under section 4. Powers (as below) 4.1 The powers of the trust are set out in the 2006 Act. 4.2 All the powers of the trust shall be exercised by the Board of Directors on behalf of the trust. 4.3 Any of these powers may be delegated to a committee of directors or to an executive director.	Previous narrative insufficient. New text mirrors that within the Model Core Constitution.
Page 6	Removal of the following: 5 FRAMEWORK The activities of the Foundation Trust are to be conducted by the Board of Directors, Council of Governors and members of the Foundation Trust. In particular:- <ul style="list-style-type: none"> <li>The Board of Directors is to direct the day to day affairs of the Foundation Trust;</li> <li>The Board of Directors, in co-operation with the Council of Governors, is to set the strategic direction of the Foundation Trust and targets for the Foundation Trust's performance;</li> <li>The Council of Governors is to monitor the activities of the Foundation Trust with a view to securing that they are being conducted in a manner consistent with the Foundation Trust's statutory purposes;</li> <li>The Council of Governors is to monitor the performance of the Foundation Trust against the strategic direction and the targets with a view to satisfying itself that the Board of Directors is fulfilling its responsibilities in this regard; and</li> <li>The members of the Foundation Trust are to elect from their respective Constituencies the elected Governors, and may take part in consultation and opinion testing exercises conducted by the Foundation Trust, and attend open meetings of the Foundation Trust.</li> </ul>	This section superfluous as the duties of the Council and the Board of Directors are included within sections covering the Council of Governors and the Board of Directors.  The Model Core Constitution makes no reference to this as a required Chapter heading within its template.

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Page 8	<p>5.3.6 Members of the Foundation Trust who are members of the Staff Constituency are to be individuals who:</p> <p>e) on appointment shall become a member of the appropriate class within the Staff Constituency without an application being made, unless they inform the Foundation Trust that they do not wish to become a member.</p>	This section of 5.3.6 has been streamlined to provide clarity.
	<p>5.4 Patients Constituency</p> <p>5.4.1 The members of the Foundation Trust who are members of the Patient Constituency are individuals:</p> <p>c) is not eligible to become a member of the Staff Constituency and are not members of any other Constituency and are not otherwise disqualified from membership, and has a postcode outside of the BMDC area.</p> <p>d) has been invited by the Foundation Trust to become a member of the Patients Constituency without an application being made, unless they inform the Foundation Trust that they do not wish to accept the invitation.</p>	<p>Section c) has been updated to provide clarity with regard to postcode.</p> <p>Section d) has been deleted as it is not GDPR compliant.</p>
Page 12	<p>6.5 Role of Partnership Governors</p> <p>6.5.1 Subject to the overriding principle that the Governors' first responsibility is to the Council of Governors and the Trust; .....</p>	Statement added to the initial part of 6.5.1 to make clear the Partner Governor's responsibility to BTHFT.
Page 18	<p>6.1.3 Declarations of Interests</p> <p>The Secretary shall amend the Register of Interests upon receipt of notification within 3 working days.</p>	Sentence deleted as no longer relevant. Registers are updated through the Declare online system.
Page 20	<p>6.14 Expenses</p> <ul style="list-style-type: none"> <li>The Secretary will set out general guidance on the payment of expenses to Governors and remuneration and allowances for non- executive Directors for approval by the Council of Governors.</li> <li>The remuneration and allowances for Non-Executive Directors set by the Governors are also to be published in the Annual Report.</li> </ul>	Statements have been deleted as not required. Payment of expenses to Governors and the publication of expenses in the annual report is already set out. NEDs are covered under the Board of Directors.
Page 21	<p>Section 6.16 Meetings</p> <p>6.16.4 The Council of Governors will meet at least 5 times per year inclusive of the Annual General Meeting.</p>	Clarity provided with regard to governor attendance at meetings per year and that they are required to attend the annual general meeting.