

Meeting Title	Council of Governors		
Date	21 July 2022	Agenda item	CGo.7.22.19

Annual Review of the BTHFT Constitution

Presented by	Laura Parsons, Associate Director of Corporate Governance / Board Secretary		
Author	Jacqui Maurice, Head of Corporate Governance		
Governance responsibility	Board of Directors and Council of Governors		
Purpose of the paper	To present proposed amendments to the Constitution for approval		
Action required	To approve		
Previously discussed at/ informed by	N/A		
Previously approved at:	Committee/Group	Date	
	Board of Directors	12 May 2022	

Situation
<p>The Trust's Constitution was last reviewed and approved by the Board of Directors in May 2021, and by the Council of Governors in July 2021.</p> <p>Section 37 (1) of the NHS Act 2006 (as amended by the Health and Social Care Act 2012) stipulates that "a Foundation Trust may make amendments to its Constitution only if:</p> <ul style="list-style-type: none"> • More than half of the members of the Council of Governors of the Foundation Trust voting approve the amendments, and • More than half of the members of the Board of Directors of the Foundation Trust voting approve the amendments." <p>The Trust must also ensure that any amendments comply with Schedule 7 of the NHS Act 2006 (as amended).</p> <p>The Constitution is attached for review at Appendix 1.</p> <p>There is one proposed amendment in relation to section 7.1.2 (Composition of the Board of Directors), to include up to two Deputy Chief Executives on the Board rather than a single Deputy Chief Executive.</p> <p>The Council is asked to review and approve the proposed amendment which has been agreed by the Board.</p> <p>All references to 'NHSE/I' will also be amended to 'NHSE' as a consequence of the formal merger of NHS England and NHS Improvement from 1 July 2022.</p> <p>Subsequent to the Council's approval the review date will be updated and the Constitution will be submitted to NHS England and published on the Trust website.</p>
Recommendation/s
<p>The Council of Governors is asked to approve the proposed amendment to the BTHFT Constitution.</p>