

NHS Foundation Trusts information guide

Introduction

The creation of NHS Foundation Trusts is a key step in public sector reform – giving greater freedoms to NHS organisations. This is part of the wider programme of moving from an NHS controlled nationally towards an NHS where standards and inspection are national but delivery and accountability is local.

NHS Foundation Trusts will remain fully part of the NHS and will have a primary purpose of providing NHS services to NHS patients. They will be subject to NHS standards, NHS performance ratings and NHS systems of inspection. NHS Foundation Trusts will pioneer a new model of social ownership, giving local communities real opportunities to get involved in the stewardship of their local hospitals.

This information document is part of a first series of 8 short documents covering key aspects of NHS Foundation Trust policy and interrelated areas.

The Board of Governors

Every NHS Foundation Trust will have a Board of Governors.

Governors will work closely with the NHS Foundation Trust Board of Directors which will be responsible for day to day running of the Trust. Governors, through their involvement in appointing the Chairman and non-executive directors will be in a strong position to influence the direction of the NHS Foundation Trust.

Each Board of Governors will be made up of:

- People elected from the NHS Foundation Trust members – the ‘public constituency’;
- People elected to represent the NHS Foundation Trust’s staff members – the ‘staff constituency’; and
- People appointed to represent the interests of local partner organisations (NHS Primary Care Trusts, Local Authorities in the area, the local University if the Trust teaches doctors and dentists).



NHS Foundation Trusts will be allowed some local flexibility over the exact composition of their Board of Governors. However, every board must have:

- A majority of the members elected by the public constituency;
- At least one governor representing local NHS Primary Care Trusts;
- At least one governor representing Local Authorities in the area;
- At least one governor representing staff;
- A chair; and
- At least one governor representing the local university (if the Trust teaches doctors and dentists).

A person cannot be a Governor of an NHS Foundation Trust if they are bankrupt or have served a prison sentence of three months or more during the last five years.

Role of the Governors

The Board of Governors will be responsible for:

- Representing the interests of NHS Foundation Trust members and partner organisations in the local health economy in the governance of the NHS Foundation Trust;
- Regularly feeding back information about the Trust, its vision and its performance to the 'constituency' they represent;
- If necessary, chairing or attending relevant sub-committees;
- Appointing the non-executive directors, including the chair, of the Trust;
- Appointing the Trust's auditor;
- Working with the Board of Directors to produce plans for the future development of the Trust;
- Receiving, at a public meeting, copies of the Trust's annual accounts, auditor's reports and annual reports; and
- If concerns about the performance of the management board cannot be resolved at a local level, informing the Independent Regulator for NHS Foundation Trusts.



NHS Foundation Trust Scrutiny

The Board of Governors will be the voice of the community, ensuring that local people have a say in the running of their hospital.

Governors will work closely with the Board of Directors, and can expect to be consulted on:

- Development of forward plans for the Trust (the types and amounts of services to be provided); and
- Any significant changes to the delivery of the agreed Trust business plan.

Governors will be eligible to serve for a term of up to three years and to stand for re-election. They must be willing to attend meetings of the board and any sub-group meetings, if required. Their meetings will generally be open to the public.

NHS Foundation Trust Governance

NHS Foundation Trust applicants will have a duty to consult with the local community, staff members and stakeholder organisations as part of their application on their governance arrangements. The views people give will influence the shape of each Trust's constitution as it is drawn up.

The constitution will set out the way in which the governance arrangements will work. It will include:

- Who (in terms of geographic area) can become a member in the public constituency;
- If appropriate, provision for patients and their carers from outside the area to be members in the public constituency;
- Eligibility for membership in the staff constituency;
- Processes for recruiting, retaining and communicating with members;
- Process for the election of the Board of Governors; and
- Process for the appointment of the Board of Directors.



Further Information

This information document is part of a first series of 8 short documents covering key aspects of NHS Foundation Trust policy and interrelated areas.

Other titles in the same series are: System Reform in the NHS, Financial Reforms: Payment by Results , Financial Freedoms, Accountability and Regulation, Members, Human Resources and Contracting.

A Guide to NHS Foundation Trusts and A Short Guide to NHS Foundation Trusts, published by the Department of Health, are available at www.doh.gov.uk/nhsfoundationtrusts