

Council of Governors Meeting: Thursday 28 April 2016
CoG2016.08

Title	Governor Vacancies
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Purpose	For decision.
History	None.

Executive Summary

1. Governor vacancies have arisen in the Clinical Staff, Non-Clinical Staff and South Oxfordshire constituencies.
2. The Council of Governors has three options under these circumstances: to call a by-election, offer the seat to the next highest polling candidate or leave it vacant until the next election.
3. It is recommended that the vacant roles in the two staff constituencies be offered to the next highest polling candidates in the last election.
4. Governors are asked to decide whether to hold a by-election in the South Oxfordshire constituency or to offer the vacant role to the next highest polling candidate.

Recommendation

5. The Council of Governors is asked to **select** their preferred approach to filling these vacancies.

Governor Vacancies

1. Purpose

- 1.1. Governor vacancies have arisen in the Clinical Staff, Non-Clinical Staff and South Oxfordshire constituencies.
- 1.2. This paper outlines a proposed approach to filling these vacancies for approval by the Council of Governors.

2. New Governor Vacancies

- 2.1. Jeremy Dwight, one of the four clinical staff governors, retired from the Trust in February 2016. Under the Trust's constitution he cannot remain as a governor and he has therefore stood down from this role.
- 2.2. Raymond James, one of the two non-clinical staff governors, retired from the Trust in April 2016. He has likewise stood down from his role as a governor.
- 2.3. Susan Woollacott, one of the two public governors for the South Oxfordshire constituency informed the Trust on 30 March 2016 that she had moved house and was no longer resident in the constituency that she served. Under the Trust's constitution (Annex 5 para 1.2.1 on p71 – see below) she cannot remain as a governor and has therefore stood down from her role.

3. Options for Managing Governor Vacancies

- 3.1. Under Annex 5 para 4 of the Constitution (p72 and overleaf for info) the Council of Governors has three options in each case: to call a by-election, offer the seat to the next highest polling candidate or leave it vacant until the next election which is due prior to October 2017. The third option is probably not preferable this long before the next scheduled elections.

4. Staff Governor Vacancies

- 4.1. The clinical staff constituency was strongly contested in the 2015 elections with sixteen candidates standing for four seats. The fifth placed candidate had 349 votes compared with 372 votes for the fourth-placed candidate.
- 4.2. The non-clinical staff constituency was also well contested with nine candidates standing for two seats. The third placed candidate had 166 votes compared with 190 votes for the second-placed candidate.
- 4.3. A by-election is not recommended in these constituencies for three reasons:
 - Turnout is expected to be low for a by-election
 - The 2015 election was strongly contested and can therefore offer a lower-placed candidate with good support
 - Additional expense would be incurred
- 4.4. This view is supported by discussions with our electoral provider UK-Engage who have nonetheless provided a quote for the cost of the by-election for information.

- 4.5. Costs of a by-election are likely to be around £6600 for the clinical constituency and £4000 for the non-clinical constituency, although these will depend on the particular options that are chosen for advertising and running the election.
- 4.6. It is therefore recommended that the vacant staff governor roles be offered to the next highest polling candidates in the last election, for the remainder of the terms which applied to Jeremy Dwight and Raymond James, so ending on 1 October 2018 and 1 October 2017 respectively.

5. Public Governor Vacancy

- 5.1. The South Oxfordshire constituency was contested by six candidates for two seats in the 2015 elections. The third- and fourth-placed candidates had 66 and 59 votes respectively compared with 156 votes for the second-placed candidate.
- 5.2. The Trust is aware that the third-placed candidate is no longer a member of the Trust and would not now be eligible to be a governor.
- 5.3. Costs of a by-election are likely to be around £2300 for the constituency, although these will depend on the particular options that are chosen for advertising and running the election.
- 5.4. Governors are asked to decide whether to hold a by-election in the South Oxfordshire constituency or to offer the vacant role to the next highest polling eligible candidate.

6. Recommendation

- 6.1. The Council of Governors is asked to **select** its preferred approach to filling these three vacancies.

Neil Scotchmer
Programme Manager

March 2016

Annex 5

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, he ceases to live in the area of the Public Constituency of which he is a member;

4. Council of Governors: Vacancies

Where a vacancy arises on the Council of Governors for any reason other than expiry of term of office, the following provisions will apply. Where the vacancy arises amongst the elected Governors, the Council of Governors shall decide either to:

- (a) call an election within three months to fill the seat for the remainder of that term of office;
- (b) invite the next highest polling (runner-up) candidate for that seat at the most recent election, who is willing to take office, to fill the seat until the next election, for the unexpired period of the term of office; or
- (c) leave the seat vacant until the next scheduled elections are held if the un-expired period of office is less than twelve months