



**Council of Governors Meeting: Tuesday 22 January 2019**  
**CoG2019.05**

<b>Title</b>	<b>Clinical Staff Governor Vacancy</b>
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<b>Purpose</b>	For decision.
<b>History</b>	None.

## Executive Summary

1. A governor vacancy is to arise in the Clinical Staff constituency.
2. The Council of Governors has three options under these circumstances: to call a by-election, to offer the seat to the next highest polling candidate in the most recent elections or to leave it vacant until the next election. The third option is not permitted in this case as the un-expired period of office is not less than twelve months.
3. Given that elections for this seat were held relatively recently and that the costs of a by-election would be considerable, it is proposed that the seat be offered to the next highest polling candidate.

## Recommendation

4. The Council of Governors is asked to **approve** the recommendation that the vacant seat be offered to the third-placed candidate for the remainder of the current term of office.
5. The Council of Governors is asked to **consider** what approach it might wish to take should this offer not be accepted.

## Clinical Staff Governor Vacancy

### 1. Purpose

- 1.1. A governor vacancy is to arise in the Clinical Staff constituency.
- 1.2. This paper outlines the possible approaches to managing this vacancy for consideration by the Council of Governors.

### 2. Governor Vacancy

- 2.1. One of the Trust's current Clinical Staff Governors has contacted the Chairman to indicate that they will be leaving the Trust's employment during March and will therefore need to step down from their staff governor role.

### 3. Options for Managing Governor Vacancies

- 3.1. Under Annex 5 para 4 of the Constitution (p72 and below for info) the Council of Governors has three options in this case: to call a by-election, offer the seat to the next highest polling candidate or leave it vacant until the scheduled elections. The third possibility is not an option in this case as the un-expired period of office is not less than twelve months.

### 4. Management of Governor Vacancy

- 4.1. The Clinical Staff constituency was contested by six candidates for two seats in the 2018 elections. The third-placed candidate had 205 votes compared with 390 and 313 votes respectively for the two elected candidates. Full results are shown below:

Name of Candidates	Number of Votes	
Cristian Fotescu	76	
Shad Khan	313	Elected
Johnson Kyeswa	14	
Shing Law	176	
Rebecca Lownds	390	Elected
Funke Pegba-Otemolu	205	

- 4.2. Costs of a by-election are likely to be very significant as this is a large constituency, but these would depend on the particular options that are chosen for advertising and running the election. It is suggested that, especially given these costs, there would be little merit in holding a further by-election so soon after an election in the constituency.
- 4.3. The third-placed candidate in the election has been contacted to establish whether she would, in principle, be interested in taking on the role for the remainder of the term but it had not been possible to confirm this at the time that this paper was prepared.
- 4.4. It is recommended that the Council offer the vacant seat to the third-placed candidate for the remainder of the current term of office which runs until October 2021. The Council may wish to consider whether, should the third-placed candidate decline the offer, they would wish to extend the offer to other unsuccessful candidates.

**5. Recommendation**

- 5.1. The Council of Governors is asked to **approve** the recommendation that the vacant seat be offered to the third-placed candidate for the remainder of the current term of office.
- 5.2. The Council of Governors is asked to **consider** what approach it might wish to take should this offer not be accepted.

Neil Scotchmer  
Deputy Head of Corporate Governance  
January 2019

**Annex 5**

## 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