

EXECUTIVE SUMMARY**REPORT TO THE COUNCIL OF GOVERNORS'****22 MAY 2018**

Subject	Public Membership Constituency Boundaries
Supporting TEG Member	Sandi Carman, Assistant Chief Executive
Author	Jane Pellegrina, Membership Manager
Status	For Approval

PURPOSE OF THE REPORT

To seek the Council of Governors' approval to correct Annex 1 of the Trust Constitution.

KEY POINTS

- Between 2012 and 2013 a significant review of the Trust Constitution was undertaken by a joint task-and-finish committee of the Board and the Council of Governors.
- Following the review an undetected administrative error in Appendix 1 of the Constitution came to light during the elections to the Council of Governors in June 2017.
- During a change of membership database provider, from Capita to MES, in April/May 2017, it was identified that some Trust members were recorded in the wrong Constituency.
- Immediate corrective action was taken to ensure that no members or election candidates were disadvantaged.
- The Trust has worked with the governor, who as a public member in West Sheffield and candidate in the 2017 election, initially highlighted the matter.
- Out of a total Trust membership of 28,409, 983 members were affected between May and June 2017.
- Those members who were affected have been notified.

IMPLICATIONS

AIM OF THE STHFT CORPORATE STRATEGY 2012-2017		TICK AS APPROPRIATE
1	Deliver the Best Clinical Outcomes	X
2	Provide Patient Centred Services	X
3	Employ Caring and Cared for Staff	X
4	Spend Public Money Wisely	X
5	Deliver Excellent Research, Education & Innovation	X

RECOMMENDATIONS

The Council of Governors is asked to **APPROVE** the revised Annex 1 of the Trust Constitution.



COUNCIL OF GOVERNORS'
22 MAY 2018

CORRECTION TO APPENDIX 1 OF TRUST CONSTITUTION – THE PUBLIC CONSTITUENCIES

1. Context

Sheffield Teaching Hospitals has three Membership Constituencies; Public, Patient and Staff. The Public Constituency is sub-divided into five Constituencies.

- Sheffield North
- Sheffield South East
- Sheffield South West
- Sheffield West
- Outside Sheffield

On Authorisation as a foundation trust in 2004 the Public Constituencies were sub-divided geographically into four by the postcodes covering the then four Sheffield Primary Care Trusts. An Outside Sheffield Constituency was added later.

2. Background

The passage of the Health and Social Care Act in 2012 necessitated significant changes to the constitution of all foundation trusts. The Board of Directors approved a proposal to undertake a review of the Constitution to ensure ongoing compliance with provisions of the 2012 Act. It was also agreed that the review should address any other constitutional issues.

A joint task-and-finish committee of the Board and Council of Governors, the Trust Constitution Review Steering Group (TCRSG), was established to provide oversight of the review process and to approve all re-drafts of the Constitution and relevant complementary documents prior to approval by the Board, the Council of Governors and Monitor.

TCRSG membership included two Non-Executive Directors and three Governors; the group was chaired by the Trust Secretary and was serviced by the Assurance Manager and the Membership Manager. The first meeting was held in September 2012.

The review was undertaken in three phases:

Phase 1 reviewed and re-drafted the original Constitution to ensure compliance with provisions of the Health and Social Care Act that came into force from 1 October 2012.

Phase 2 aligned the Constitution to Monitor's updated Model Core Constitution which entailed amendment to some key supporting documents to ensure internal coherence to the Trust's governance arrangements.

Phase 3 amendments to ensure compliance with the remaining constitutional-related provisions of the subsequent Health and Social Care Act that came in to force from April 2013.

During Phase 2 it was agreed to update the existing boundary definitions of the Public Constituencies to fit with Boundary Commission definitions of Sheffield City Council wards which also necessitated updating the names of some electoral wards. It was also agreed to introduce a "Public Outside Sheffield" constituency. The Public Constituencies are recorded in Annex 1 of the Constitution.

During retyping of Annex 1 electoral wards of Crookes and Central were incorrectly assigned to Sheffield South West rather than Sheffield West and the electoral ward of West Ecclesfield was incorrectly assigned to Sheffield West rather than Sheffield North.

The TCRSG did not identify the error. The Constitution as amended was approved on 22 February 2013 and uploaded to the Trust's Website. No further action was taken

3. Issue

The approval to update the constituency boundary definitions did not require any changes to be notified to the Trust's membership database provider, Capita. The membership database remained unchanged until its management was transferred from Capita to MES in April 2017. In May 2017 the data held by Capita was mapped across to MES. In undertaking this MES referenced Annex 1 of the Trust Constitution on the Trust Website. This resulted in some trust members in the Public Constituencies of West Sheffield and North Sheffield being recorded in the wrong Constituency. The electoral wards affected were Crookes, Central and West Ecclesfield.

The administrative oversight came to light when it was brought to the attention of the Trust's Returning Officer, Electoral Reform Services (ERS), during the election process for Governors in June 2017, that some Trust members had received no ballot papers. ERS immediately informed the Trust. Investigation identified that 983 members were affected. 442 members in the Central ward and 290 members in the Crookes ward had not received ballot papers for the election in the Public Constituency of Sheffield West due to their being incorrectly registered in the Sheffield South West Constituency. With no election taking place in 2017 in the Sheffield South West Constituency no ballot papers were issued. 251 members in the West Ecclesfield ward were incorrectly registered in the Sheffield West Constituency rather than Sheffield North and had therefore incorrectly received ballot papers for the election in Sheffield West.

The Trust immediately identified corrective action with ERS. ERS issued the appropriate ballot papers to affected members together with a letter of explanation and the closing date of the ballot was extended by two weeks. ERS confirmed that in their opinion as Returning Officer no candidates or members had been disadvantaged.

4. Actions

The Trust has worked to resolve the matter with the Governor who, as a Public Member in West Sheffield and candidate in the elections in 2017, first highlighted the matter.

The following actions have been taken:

- The Trust has written to all affected members explaining the administrative oversight and the corrective action taken.
- The membership database has been realigned.
- A link to information about Constituency boundaries has been included on the Trust Website.

The following action is required:

- The administrative oversight resulting in an error in Appendix 1 of the Trust Constitution requires correcting. Attachment A shows the current Appendix 1 and the recommended correction to Appendix 1. Attachment B shows the Trust Constituencies before and after the correction.

5. Recommendation

The Council of Governors is asked to **APPROVE** the revision to Appendix 1 of the Trust Constitution.

ANNEX 1 – current, requiring correction

THE PUBLIC CONSTITUENCIES

(See Paragraph 7 of the Constitution)

- 1 The Public Constituency of the Trust is sub-divided into five constituencies, the area for which shall be determined by local government electoral ward boundaries:
 - 1.1 **North Sheffield** which covers the electoral wards of Burngreave; East Ecclesfield; Firth Park; Shiregreen and Brightside; and Southey.
 - 1.2 **Sheffield South East** which covers the electoral wards of Arbourthorne; Beighton; Birley; Darnall; Gleadless Valley; Manor Castle; Mosborough; Richmond; and Woodhouse.
 - 1.3 **Sheffield South West** which covers the electoral wards of Beauchief and Greenhill; Central; Crookes; Dore and Totley; Ecclesall; Fulwood; Graves Park; and Nether Edge.
 - 1.4 **West Sheffield** which covers the electoral wards of Broomhill; Hillsborough; Stannington; Stocksbridge and Upper Don; Walkley; and West Ecclesfield.
 - 1.5 **Public outside Sheffield** which covers all other electoral wards in England and Wales, (i.e. excluding the electoral wards identified in Paragraphs 1.1 to 1.4 above).
- 2 The minimum number of members for each of the above constituencies is 100.

ANNEX 1 - corrected

THE PUBLIC CONSTITUENCIES

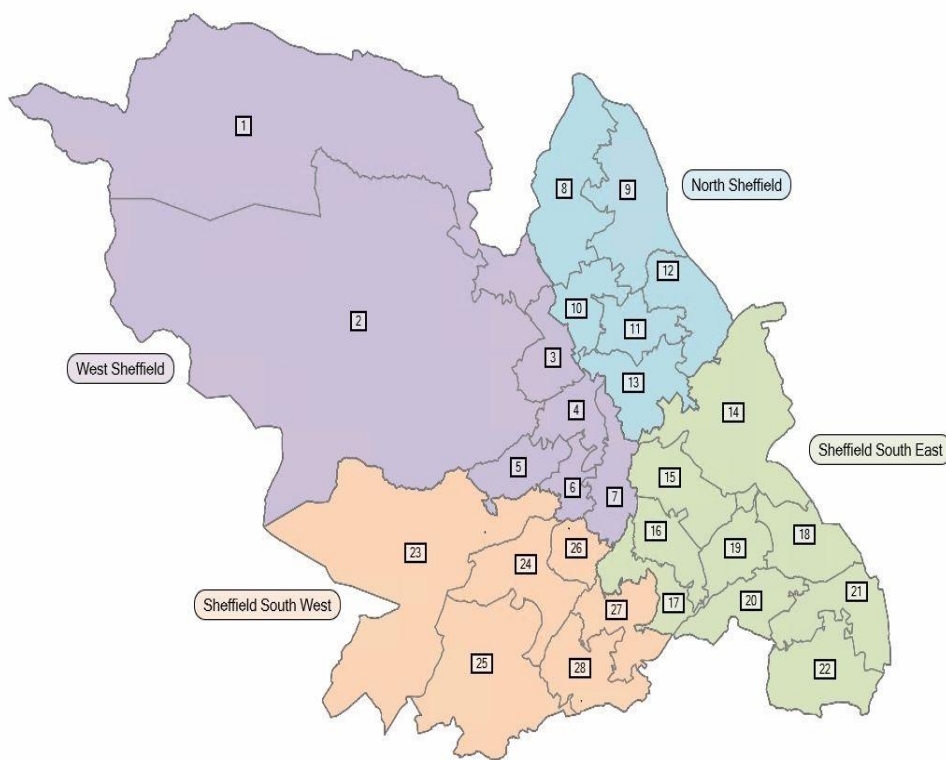
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 - 1.3 **Sheffield South West** which covers the electoral wards of Beauchief & Greenhill; Dore & Totley Ecclesall; Fulwood; Graves Park and Nether Edge
 - 1.4 **Sheffield West** which covers the electoral wards of Broomhill; Central; Crookes; Hillsborough; Stannington; Stocksbridge & Upper Don and Walkley
 - 1.5 **Public Outside Sheffield** which covers all other electoral wards in England and Wales (i.e. excluding the electoral wards identified in Paragraphs 1.1 to 1.4 above)
2. The minimum number of members for each of the above constituencies is 100

CURRENT CONSTITUENCY MAP – prior to correction of administrative oversight Crookes and Central electoral wards incorrectly appearing in the Sheffield South West Constituency (green) rather than Sheffield West Constituency (orange) and West Ecclesfield electoral ward incorrectly appearing in the Sheffield West Constituency (orange) rather than Sheffield North Constituency (purple)



CONSTITUENCY MAP following correction



West Sheffield
1 Stocksbridge and Upper Don
2 Stannington
3 Hillsborough
4 Walkley
5 Crookes
6 Broomhill
7 Central

North Sheffield
8 West Ecclesfield
9 East Ecclesfield
10 Southey
11 Firth Park
12 Shiregreen and Brightside
13 Burngreave

Sheffield South East
14 Darnall
15 Manor Castle
16 Arbourthorne
17 Gleadless Valley
18 Woodhouse
19 Richmond
20 Birley
21 Beighton
22 Mosborough

Sheffield South West
23 Fulwood
24 Ecclesall
25 Dore and Totley
26 Nether Edge
27 Graves Park
28 Beauchief and Greenhill