

THE
INDEPENDENT PANEL

FOR ADVISING GOVERNORS

MAKING AN APPLICATION FOR THE PANEL TO CONSIDER A QUESTION

The Health and Social Care Act 2012 provides governors of foundation trusts with the ability to refer questions to the Panel for Advising Governors (“the Panel”) for advice, providing the issues fall within specific areas. To ask the Panel to consider your question, you will need to fill in an application form (form AP1). These notes will help you to complete your application.

Before you begin

Questions can only be accepted where the matter has been subject to discussion by the Council of Governors, and where more than half of the governors voting agree that the matter should be referred to the Panel. Questions will not be considered by the Panel unless this can be demonstrated.

Also, the Panel will be looking for you to demonstrate how you have attempted to resolve the issue(s) internally before seeking the advice of the Panel. The foundation trust model of governance depends on mutual trust and cooperation between directors and governors and it is hoped that most matters would be capable of being addressed without external influence. Please consider whether there is anything further you could do internally prior to making your application.

Making the application

You will need to complete form AP1 which is available to download from the Monitor website. This can be completed by any governor on behalf of the Council of Governors, with support from the Company Secretary if appropriate, although this is not required. It is good practice for this completed form to be presented to the Council for approval, but this is not mandatory. What is mandatory, however, is for the majority of the governors voting to agree to the application being made.

The application form

In section 1 (contact information), please provide as much contact information as possible in case the panel has any queries.

Section 2 (jurisdiction) has been provided to allow the panel to make sure that it has the authority to deal with your query.

The first box must be checked to indicate that the necessary approvals have been received from your Council of Governors. Forms submitted without this box checked will be returned.

You should then check the box that indicates why the panel has the authority to consider your question(s). If your issue relates to the foundation trust not following its constitution, check the box

next to this wording. If it relates to the trust not following the relevant parts of the NHS Act 2006 (as amended), check this box. If both of these situations apply, check both boxes.

If you have checked the constitution box, you are then asked to give the Panel details of which part of the constitution has not been followed. Please provide paragraph numbers, page numbers and any other helpful references. Although the Panel will read the whole of your constitution, it is helpful if you outline specifically where you believe the constitution has not been followed.

If you have checked the NHS Act box, you are then asked to give the panel details of which part of the Act has not been followed. Remember that the Panel can only deal with matters within Chapter 5 of the NHS Act 2006 as amended by the Health and Social Care Act 2012. – Provide as much detail as you can to support your application. Although the Panel will consider the National Health Service Act 2006 as a whole, it is helpful if you outline specifically where you believe the Act has not been followed.

On page 2 of the form, you are asked to provide details of the issues you wish the Panel to consider. Remember to provide enough detail for the Panel to understand, and try to avoid jargon or other language that the Panel may not understand.

On page three, please check the boxes next to any of the documents you have attached. The Panel would expect to see the constitution provided with all questions referred to it.

Submitting the form

The form can be submitted by post or by email; if submitting electronically, a scanned copy of the completed and signed form may be provided or alternatively an electronic signature can be pasted into the document.

Postal copies of the form should be sent in a sealed envelope marked “addressee only” and posted to:

The Chair
Independent Panel for Advising Governors
Wellington House
133-155 Wellington Road
London
SE1 8UG

Electronic copies should be sent to lindanash.nhspanel@gmail.com

You will receive an acknowledgement of your form within 24 hours of receipt and confirmation of the panel’s decision on whether it will consider your referral within 10 working days.