

2

The role of a governor

The National Health Service Act 2006 gives the board of governors various statutory roles and responsibilities. As these roles and responsibilities are legal, they are of course mandatory.

This chapter sets out what, in formal terms, it means to be a governor of an NHS foundation trust.

Issues that we will look at in this chapter include:

- the statutory powers and duties of governors; and
- other requirements of governors, particularly those set out in the *Code of Governance*.

What are the statutory powers and duties of the board of governors?

The specific statutory powers and duties of the board of governors are to:

- appoint and, if appropriate, remove the Chair;
- appoint and, if appropriate, remove the other non-executive directors;
- decide the remuneration and allowances, and the other terms and conditions of office, of the Chair and the other non-executive directors;
- approve the appointment of the Chief Executive;
- appoint and, if appropriate, remove the NHS foundation trust's auditor; and
- receive the NHS foundation trust's annual accounts, any report of the auditor on them and the annual report.

In addition, in preparing the NHS foundation trust's "forward plan", the board of directors must have regard to the views of the board of governors.

What does the Code of Governance say about governors?

In the *Code of Governance*, Monitor has provided best practice advice on what it means to be a governor. The key principles are as follows:

- every NHS foundation trust will have a board of governors which is 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;

- governors must act in the best interests of the NHS foundation trust and should adhere to its values and code of conduct;
- the board of governors should hold the board of directors collectively to account for the performance of the NHS foundation trust, including ensuring the board of directors acts so that the NHS foundation trust does not breach the terms of its Authorisation; and
- governors are responsible for regularly feeding back information about the NHS foundation trust, its vision and its performance to the constituencies and the stakeholder organisations that either elected them or appointed them.

Governors are encouraged to read the detailed terms of the *Code of Governance*, particularly in respect of their role within the NHS foundation trust.

Other duties

Governors are also heavily involved in many areas not covered by the legislation. Examples below illustrate some key areas where NHS foundation trusts have made great use of the skills and experience of their governors:

- holding constituency meetings to communicate with members;
- patient and service user liaison regarding patient experience;
- developing and reviewing the membership strategy, ensuring representation and engagement levels are maintained and increased as appropriate;
- working with hospital volunteers; and
- giving talks to interested stakeholders.

Organisations such as the Foundation Trust Network and the Foundation Trust Governors' Association may provide additional support and guidance in these areas.