

ANNEX 2

THE STAFF CONSTITUENCY

1	2	3	4
Classes within the Staff Constituency	Individuals Eligible for Membership of that Staff Class	Minimum Number of Members in each Staff Class	Number of Governors to be Elected for each Staff Class
Medical and Dental Staff Class	Those individuals defined in paragraph 1 below.	50	1
Nursing and Midwifery Staff Class	Those individuals defined in paragraph 2 below.	50	1
Ancillary, Administration and Clerical and Manager Staff Class	Those individuals defined in paragraph 3 below.	50	1
Health Care Assistant, Allied Health Professional and Healthcare Scientist Staff Class	Those individuals defined in paragraph 4 below.	50	1
Trust Volunteer Staff Class	Those individuals defined in paragraph 5 below.	50	1

1. Medical and Dental Staff Class

1.1 The Members of the Medical and Dental Staff Class are individuals who are Members of the Staff Constituency who:

- 1.1.1 are fully registered persons within the meaning of the consolidated Medical Act 1983 and the Dentists Act 1984 (as the case may be) and who are otherwise fully authorised and licensed to practise in England and Wales or who are otherwise designated by the Trust from time to time as eligible to be Members of this Staff Class for the purposes of this paragraph having regard to the usual definitions applicable at that time for persons carrying on the professions of medical practitioner or dentist; and
- 1.1.2 who are employed by the Trust in that capacity as at the date of their invitation or application under paragraph 8 of the Constitution and at all times thereafter remain employed by the Trust in that capacity.
- 1.1.3 For the avoidance of doubt, the Medical and Dental staff class shall include junior doctors who have been registered provisionally in the register of medical practitioners.

2. Nursing and Midwifery Staff Class

2.1 The Members of the Nurses and Midwifery Staff Class are individuals who:

2.1.1 are registered under the Nurses and Midwifery Council and who are otherwise fully authorised and licensed to practise in England and Wales or are otherwise designated by the Trust from time to time as eligible to be Members of this Staff Class for the purposes of this paragraph, having regard to the usual definitions applicable at that time for persons carrying on the profession of registered nurse or registered midwife; and

2.1.2 who are employed by the Trust in that capacity at the date of their invitation or application under paragraph 8 of the Constitution and at all times thereafter remain employed by the Trust in that capacity.

3. Ancillary, Administration and Clerical and Manager Staff Class

3.1 The Members of the Ancillary, Administration and Clerical and Manager Staff Class are individuals who are Members of the Staff Constituency, who do not come within paragraphs 1, 2, 4 or 5 of this Annex 2 and are designated by the Trust from time to time as eligible to be a Member of this Staff Class and who are not eligible to be Members of another Staff Class for the purpose of this paragraph having regard to the usual definition applicable at that time; and

3.2 who are employed or designated by the Trust at the date of their invitation or application pursuant to paragraph 8 of the Constitution and at all times thereafter remain employed by the Trust in that capacity.

4. Health Care Assistant, Allied Health Professional and Healthcare Scientist Staff Class

4.1 The Members of the Health Care Assistant, Allied Health Professional and Healthcare Scientist Staff Class are individuals who are Members of the Staff Constituency:

4.1.1 who do not come within paragraph 1, 2, 3 or 5 of this Annex 2 and whose regulatory body falls within the remit of the Council for the Regulation of Healthcare Professions established by Section 25 of the NHS Reform Healthcare Professions Act 2002, or who are otherwise designated by the Trust from time to time as eligible Members of this Staff Class for the purposes of this paragraph, having regard to the usual definitions applicable at that time for persons carrying on such professions; and

4.1.2 who are employed by the Trust in that capacity at the date of their invitation or application pursuant to paragraph 8 of the Constitution and at all times thereafter remain employed by the Trust in that capacity.

5. Trust Volunteer Staff Class

5.1 The Members of the Trust Volunteer Staff Class are individuals who are Members of the Staff Constituency:

5.1.1 who do not come within paragraph 1, 2, 3 or 4 of this Annex 2 and who carry out functions for the Trust on a voluntary basis;

5.1.2 who are enrolled by the Trust in that capacity at the date of their invitation or application and at all times thereafter remain enrolled by the Trust in that capacity.

5.1.3 where staff who falling within paragraph 1,2,3 or 4 also fulfil voluntary activity consistent with this paragraph, those staff will fall into the Class within which they spend the majority of their time at the Trust.

6. Minimum Numbers and Numbers of Governors

6.1 The minimum number of Members in each Staff Class shall be as set out in the third column of Table 1 to this Annex and the number of Governors to be elected by each such Staff Class is given in the corresponding entry in the fourth column of that Table.

7. Continuous Employment

7.1 For the purposes of paragraph 8.1.2 and 8.2 of the Constitution, Chapter 1 of Part 14 of the Employment Rights Act 1996 shall apply for the purposes of determining whether an individual has been continuously employed by the Trust or has continuously exercised functions for the purposes of the Trust.

8. Exercise of Functions

8.1 For the purposes of paragraph 8.2 of the Constitution it shall be for the Trust in its absolute discretion to determine whether an individual exercises functions for the purposes of the Trust and whether that individual has done so continuously for a period of at least twelve months.