

**1. PREAMBLE**

This document sets out the Constitution of the Norfolk & Waveney Local Medical Committee (the 'Committee') for the areas of Norfolk & Waveney

For as long as the Committee is recognised by NHS England as being representative of the practitioners in an area, this Constitution shall not be rendered invalid by any changes to the structures and boundaries of the NHS.

**2. RECOGNITION**

In accordance with paragraph 97 of the Act (as amended by paragraph 41, Part 4 of Schedule 4 of the Health and Social Care Act 2012 and any subsequent amendments), NHS England formally recognises the Committee formed for its area as representing the general medical practitioners (GPs) in its area.

**3. FUNCTIONS**

The functions of the Committee shall be stated in Appendix 1 and are subject to variation.

Save where the Committee shall otherwise determine, the services provided by the Committee shall not be provided to practitioners who do not make a full contribution in accordance with this Constitution.

For the avoidance of doubt, the Committee shall represent all general practitioners (GPs) working within general practice in the area.

**4. INTERPRETATION**

The paragraph headings shall be taken into account in the interpretation of this Constitution and where the context so requires:

- The male gender shall be deemed to include female gender and vice versa:
- The singular number shall include the plural number and vice versa
- Reference to statutes or parts or sections of statutes shall include any statutory modifications or re-enactments thereof or any regulations orders or directions made there under for the time being in force.

## 5. DEFINITIONS

<b>Act</b>	The National Health Service Act 2006.
<b>Advisors</b>	Persons with specialist knowledge.
<b>Area</b>	The county of Norfolk, and Waveney.
<b>BMA</b>	The British Medical Association.
<b>Chief Executive</b>	A person engaged by the Committee to act as its Chief Executive.
<b>Clinical Commissioning Group</b>	The body corporate known as a Clinical Commissioning Group established in accordance with chapter 142 of Part 2 of the Health and Social Care Act 2012.
<b>Committee</b>	The Norfolk & Waveney Local Medical Committee recognised by NHS England (or any successor organisation) as formed within the Area and representative of all GPs, as defined in section 91 of the Act, performing primary medical services in the area for which the Committee was formed.
<b>Committee year</b>	1 <sup>st</sup> April to 31 <sup>st</sup> March.
<b>GPC</b>	The General Practitioners Committee of the BMA.
<b>GPC voting register</b>	A list of represented GPs (including medically qualified LMC officers) who are eligible to stand, vote or nominate another Represented GP or another qualifying practitioner as a GPC regional representative.
<b>List of Registered Medical Practitioners</b>	The list of registered medical practitioners compiled and held by the General Medical Council.
<b>Member</b>	A person elected or co-opted onto the Committee in accordance with the provisions of this Constitution.
<b>NHS England</b>	The commissioning organisation, recognised by the Health and Social Care Act 2012 on behalf of the NHS, and responsible for commissioning primary care services from, and holding contracts with, GP practices or organisations providing primary medical services (including single handed GPs) or any successor organisation.
<b>Officers of the Committee</b>	Chairman, Vice Chairman, Treasurer or others as appointed from the Committee
<b>Performers list</b>	The list maintained by NHS England of medical practitioners providing primary medical services (as defined in section 91 (3) of the Act).
<b>Register</b>	The combined register of represented GPs and committee members which shall be necessary for administrative purposes.
<b>Represented GPs</b>	All GPs as defined in section 91 of the Act, performing primary medical services in the area for which the Committee was formed and who contribute to the running expenses of the Committee. Locums must conduct the majority of their GP work in practices within the area.
<b>Returning officer</b>	A person whose name is not included on any part of the register of members invited by the Committee to act, in person or through a deputy, at elections.
<b>Secretary</b>	A person appointed by and from the Committee at the beginning of each term, or be employed by the Committee to act as Secretary to the Committee. In lieu of a Chief Executive the appointee will act as figure head of the Committee. The Secretary may assume a different title to Secretary i.e. Medical Director.

## **6. THE COMMITTEE**

### **6.1 Persons eligible for membership**

- (a) All members of the Committee shall be included on the list of registered medical practitioners.
- (b) All members of the Committee shall be working as either a partner, salaried or locum General Practitioner in the area.
- (c) Any member of the Committee shall, notwithstanding any other clause of this Constitution, be eligible for re-election.

### **6.2 The committee shall consist of:**

#### Elected members

- (a) For the purposes of electing members of the Committee the area served by the Committee may be divided into a number of constituencies and are subject to variation. See Appendix 2.
- (b) The method of election is laid out in Appendix 3 and is subject to variation.

#### Co-opted members

- (a) One General Practitioner trainee nominated by each General Practitioner Speciality Trainee school location covering the area.
- (b) The Committee may co-opt Advisors to the Committee, in addition to members of the Committee.

#### Observers

The Committee may in its absolute discretion invite such persons as it thinks fit to attend the whole or part of any Committee meeting; observers will not have voting rights.

### **6.3 Term of office**

The elected members of the Committee shall hold office for 3 years.

### **6.4 Vacancies**

Where the number of persons elected under paragraph 6.2(a) is less than the number of persons mentioned in Appendix 2, by reason that no or insufficient qualified candidates have been nominated, the Committee, may at any time after the election, co-opt persons who are not disqualified to fill the vacancies.

A casual vacancy will occur on:

- The resignation, suspension from or removal from the performers lists or disqualification or death of an elected member of the Committee, or
- temporary absence (60 consecutive days or more) due to sickness or other similar circumstance (including maternity, adoption or paternity leave), or
- on the appointment of an elected member to the office of secretary.

On such a vacancy occurring, the Committee shall fill the same by the co-option of a practitioner who as far as possible represents the same class of practitioner, and where appropriate from the same Constituency, as the person in post prior to the vacancy arising. A person co-opted to a vacancy shall hold office for the remainder of the period for which the person in whose place he is co-opted is absent.

Pending the filling of any vacancy, the proceedings of any Committee shall not be invalid by reason of such vacancy.

## **6.5 Retirement**

A member of the Committee whether elected or co-opted may retire on giving written notice delivered to the Secretary. The retirement shall take effect on the date specified in the notice if a date is given or if not, on the date when the notice is received.

## **6.6 Disqualification**

A member of the Committee shall be disqualified if:

- 6.6.1 He ceases to be a registered medical practitioner or is removed from the List of Registered Practitioners.
- 6.6.2 He ceases to be a practitioner entitled to vote in the constituency from which he was elected. In the case of a member representing salaried or freelance GPs who becomes a partner that member may, if Committee wishes and he agrees, continue to represent the former constituency until such time a successor is co-opted.
- 6.6.3 He ceases to perform general medical services under any primary medical services contract under the Act, or being a performer of such services whose name appears in the Register advises NHS England that he no longer wishes to be represented by the Committee.
- 6.6.4 He has had his name removed from a performers list and has not subsequently had his name included in such a list.
- 6.6.5 If within one month of receiving a due call he fails to pay to the Committee any current statutory levy due to the Committee together with any arrears that may be outstanding.
- 6.6.6 He fails to disclose a pecuniary or other significant interest in a matter which is the subject of consideration at a meeting of the Committee and takes part in the consideration or discussion of that matter or votes on any question with respect to that matter or acts in any way contrary to the Conflicts of Interest Policy.
- 6.6.7 He fails to attend a meeting of the Committee for a period of three meetings in a rolling 12 month period unless the officers of the Committee excluding the absent member are satisfied that the absence was due to a reasonable cause and that the absent member will be able to resume attending meetings of the Committee within such period as it considers reasonable.
- 6.6.8 A co-opted member of the Committee shall be disqualified if he ceases to hold the office or qualification which entitled him to be a member of the class of co-opted members.
- 6.6.9 If he fails to abide by the Roles and Responsibilities and Policies pertaining to the Committee including the Code of Conduct.

## **7. INFORMATION TO BE SENT TO THE COMMISSIONING ORGANISATION**

The Secretary of the Committee shall inform NHS England of the names and addresses of all newly elected, appointed and/or co-opted members of the Committee, and, when casual vacancies arise in the membership of the Committee, of the names and addresses of the persons, if any, appointed to fill those vacancies.

## **8. ROLE OF THE COMMITTEE IN RELATION TO CCGS**

Details are included in Appendix 4.

**9. MEETINGS**

The Committee will meet from time to time as the need dictates but no less frequently than 1 in any 12 month period.

The Returning Officer of the Committee shall give not less than 7 clear days' notice to the Members of the Committee of the time and place of the first meeting of the new Committee term.

The Secretary of the Committee shall give not less than 7 clear days' notice to the Members of the Committee of the time and place of the each meeting.

**9.1 Chairman and Vice Chairman**

The Chairman of the Committee shall chair meetings of the Committee. In the absence of the Chairman, the Vice Chairman of the Committee, if appointed, shall act as Chairman. In the absence of the Chairman and Vice Chairman the Committee shall appoint a Chairman from the Committee for the duration of the meeting.

**9.2 Quorum**

The quorum will be a number equal to half of the number of the current elected Committee. If half is not a whole number, the next whole number above a half shall form a quorum of the Committee.

Should attendance at a meeting fall below quorate the meeting may continue inquorate. If a vote is required an electronic vote of the Committee must take place within 14 working days after the meeting was held.

**9.3 Voting**

Only elected members of the Committee may vote at Committee meetings.

**9.4 Observers**

The Committee may in its absolute discretion invite such persons as it thinks fit to attend the whole or any part of any Committee meeting.

**9.5 In camera**

The Committee may require all or any of the invited observers to withdraw from any meeting if it wishes to consider any business in camera.

**9.6 Secretary**

In the absence of there being a permanent Secretary, the Committee shall for such period and upon such terms as they may determine, elect from amongst their member a person to act as Secretary.

**9.7 Minutes**

The Secretary on behalf of the Committee shall ensure minutes of each meeting are drawn up and submitted for agreement at the next meeting of the Committee where, if agreed, they shall be signed by the person presiding over it.

**10. REPORTING TO ELECTORS**

It shall be the duty of the Committee to inform the represented GPs of the identity of its members and the Committee shall at its first meeting decide by what means this shall be done and shall give the appropriate instruction for the decision to be implemented.

**11. ANNUAL REPORT**

The Committee shall prepare a report of their proceedings since the publication of the preceding report together with a statement of accounts and such report and statement shall be circulated to those whose names are listed in the Register not later than three months after the Committee shall have approved the same.

## **12. THE SECRETARY, OFFICERS AND APPOINTED REPRESENTATIVES**

### **12.1 Appointment**

The Committee may appoint a Secretary to the Committee. In the event of death, resignation or removal from office of the Secretary so appointed, the Committee shall appoint a person to act as Secretary in his place. Any person appointed as Secretary shall forthwith notify his appointment to constituents and to any prescribed NHS bodies.

If the person appointed Secretary is not a registered medical practitioner, the Committee shall nominate at least one of its members who is a local GP, and who is willing so to act, to be available to offer help and clinical advice to the Secretary, and/or advice to any constituent who may wish for the guidance of a professional colleague.

The Committee may appoint other officers, for example a Chairman, Vice Chairman and/or a Treasurer and appoint representatives on other bodies as it deems necessary and on whatever terms it sees fit. At the time of their appointment, and throughout the term served, each officer and representative must report possible conflicts of interest to the Secretary. Officers and representatives shall be appointed for either the remainder of the committee term or for a fixed term period. Officers and representatives may serve a maximum of two consecutive terms in the same office.

## **13. NOTICES**

Where a document is required to be sent to a represented GP it shall be deemed to have been duly sent if it was emailed, posted or hand delivered to the address of the represented GP shown in the register.

## **14. DISCLOSURE OF INTEREST**

- 14.1 If an officer of the Committee or committee member sits on or works for any stakeholder or relevant organisation or has a pecuniary or other significant interest, direct or indirect, in any contract, proposed contract, stakeholder or relevant organisation or other matter and is present at a meeting of the Committee, or a subcommittee, when the contract, proposed contract, or other matter is the subject for consideration he shall at the meeting and as soon as practicable after its commencement disclose that fact.
- 14.2 If any officer of the Committee or a committee member has any doubts about whether or not he has such an interest he shall report the matter to the Chairman who shall advise as to whether or not the matter should be declared.
- 14.3 The Committee shall publish and maintain conflicts of interest's policy, a document which shall be available for inspection to members and represented GPs.
- 14.4 Further the Committee shall maintain a register of members' interests available for inspection on the Committee website.

## **15. AMENDMENTS TO CONSTITUTION**

This Constitution may be amended in the following manner, but not otherwise:

- 15.1 Proposals for such amendment shall be sent to the Secretary of the Committee who shall place them at the earliest opportunity before the Committee, along with the Executives recommendations. Committee will not consider the same until one weeks' notice of such proposals have been received by them.
- 15.2 A vote on the proposed amendments must take place to ratify the amendments.
- 15.3 Any amendment duly carried above of which NHS England shall signify their approval shall be notified by the Secretary to the Committee at the next meeting of the Committee and thereupon such amendment shall forthwith take effect.
- 15.4 The Secretary shall notify the proposer(s) of any amendment duly carried of the decision of NHS England thereon forthwith upon the communication of such decision to the LMC.
- 15.5 The Constitution as amended will be circulated to members and displayed on the LMC website.

**Dated: January 2018**