

CONSTITUTION OF THE HEREFORDSHIRE LOCAL MEDICAL COMMITTEE

1. PREAMBLE

- 1.1** This document sets out the Constitution of Herefordshire Local Medical Committee (the 'Committee') for the Area of the county of Herefordshire.
- 1.2** For as long as the Committee is recognised by NHSE as being representative of general practitioners in the Area and/or for as long as the Committee is recognised, and independently authorised to act, by general practitioners within the Area, this Constitution shall not be rendered invalid by changes to either the structure, boundaries, or any other changes to NHSE, or by changes to legislation affecting NHSE recognition.

2. RECOGNITION

- 2.1** 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), the NHSE formally recognises the Committee formed for its Area as representing the general medical practitioners in its Area.
- 2.2** For the avoidance of doubt, the Committee is also independently recognised and has the relevant authority to act on behalf of Represented Members as set out in this Constitution by way of an independent authority.

3. FUNCTIONS

- 3.1** 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 by way of levy payments.
- 3.2** For the avoidance of doubt, the Committee shall represent all General Practitioners ('GPs') in any given relevant capacity in the Area, which for the avoidance of doubt shall include without limitation as follows:
- GPs as providers and/or performers of primary care services;
 - GPs in their capacity as members of a CCG or members of a governing body of a CCG or successor organisation;
 - GPs as shareholders and/or members of any provider arm organisation created for the purposes of bidding and/or tendering for primary care or secondary care services by any NHS commissioner or other organisation within the Area or otherwise;
 - GPs in their capacity as service providers under any arrangement via a provider arm organisation or otherwise;

- GPs in any provider or commissioning roles;
- GPs performing general ophthalmic services;

collectively known as ‘Represented Members’.

4. INTERPRETATION

4.1 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 the female gender and vice versa;
- the singular number shall include the plural number and vice versa; and
- references to statutes or parts or sections of statutes shall include any statutory modifications or re-enactments thereof or any regulations orders or directions made thereunder for the time being in force.
- References to NHSE shall include references to individual Area Teams in the area for which the Local Medical Committee is formed.

5. DEFINITIONS

Act	The National Health Service Act 2006.
Administrative Expenses	For the purpose of this Constitution only, shall include all expenses, including travelling, subsistence, and management allowances payable to Committee Members.
Appointed Secretary	A person employed by the Committee to act as its Secretary and where the context so requires the words "appointed" and ‘appointment’ shall be construed accordingly.
Area	The county of Herefordshire and surrounds.
BMA	The British Medical Association.
Chairman	A person elected or appointed to act as its chairman.
Chief Executive	A person engaged by the Committee to act as its Chief Executive or where applicable its Secretary and where the

context so requires the words 'appointed' and 'appointment' shall be construed accordingly.

Clinical Commissioning Group (CCG)	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.
Committee	The Herefordshire Local Medical Committee recognised by the NHSE as per clause 1 herein.
Committee Member	A person elected or co-opted onto Committee in accordance with the provisions of this Constitution.
GPC	The General Practitioners Committee of the BMA.
Medical Director	A person elected or appointed to act as its medical director.
Medical Register	The list of registered medical practitioners compiled and held by the General Medical Council.
Member	A person elected or co-opted onto the Committee in accordance with the provisions of this Constitution.
NHSE	Means National Health Service England, as created and recognised by the National Health Service Commissioning Board.
Ophthalmic Medical Practitioner	A medical practitioner on the ophthalmic list of NHSE
Performers Lists	The list maintained by NHSE of medical practitioners providing general medical services, Primary Medical Services or ophthalmic services in the Area.
Primary Medical Services	Those medical services provided within the Area which can only be provided by doctors holding a PMETB certificate or its equivalent or those undertaking a formal program of training for such a certificate.
Register of Members	The combined register of Represented Members and Committee Members which shall be maintained in several parts as necessary for administrative purposes.

Represented Members	The definition given to it in Clause 3.2 herein, who in each case currently contributes to such statutory levy and/or voluntary levy as the Committee from time to time collect and/or impose pursuant to the provisions of Clauses 10.2 and 10.3.
Returning Officer	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 for Committee Members.
Secretary	A person elected or appointed to act as its secretary.
Strategic Health Authority	The current Strategic Health Authority or any other subsequent organisation or successor.

6. THE COMMITTEE

6.1 The Committee shall consist of one Member, who shall be a GP, elected from each practice in the Area. The Committee may also include Members, who shall be GPs, from other levy paying primary care providers and a non-principle GP locum representative.

The Committee shall furthermore consist of a maximum of 2 observers, who shall consist of representatives from the CCG. Such observers shall have no right to vote.

The Committee may in its absolute discretion invite such individuals, as it sees fit, to attend the whole or part of any Committee meeting. Such observers shall have no right to vote. Invitations will normally be extended to the following:

- i. Herefordshire Council members
- ii. Secondary care representatives
- iii. Area team representatives
- iv. Public health representatives
- v. GPC representatives

6.2 OFFICERS

i. The committee will elect the following officers:

Secretary
Treasurer

ii. Further, where the committee determines it is necessary to do so, it will elect the following additional officer:

Medical Director.

iii. Further, where the committee determines it desirable to do so, it may, but is not obliged to, appoint a Chairman.

Officers of the committee appointed under this clause 6.2 shall hold office for 4 years.

6.3 VACANCIES

Where the number of persons elected under paragraph 6.2 is less than the number of persons mentioned in such paragraph by reason that no or insufficient qualified candidates have been nominated, the Committee, may within 3 months after the election, co-opt duly qualified persons to fill the vacancies.

A casual vacancy will occur on:

- The resignation, suspension from or removal from the Performers Lists or death of an elected officer of the Committee, or death or disqualification of an elected officer of the Committee, suspension or removal from the Performers List or death of the elected officer or;
- temporary absence (30 consecutive days or more) due to sickness or other similar circumstance (including maternity, adoption or paternity leave)

Within 3 months of 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 practitioners in post prior to the vacancy arising.

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

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 would have been entitled to hold office.

6.4 RETIREMENT

An officer of the Committee whether elected or co-opted may retire on giving written notice delivered to the Chairman (if so elected) or Secretary and 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 by the Chairman (if so elected) or Secretary.

6.5 DISQUALIFICATION

A Committee Member shall be disqualified if:

- a. He ceases to be a registered medical practitioner or a registered general ophthalmic practitioner or is removed or suspended from the Medical Register.
- b. He ceases to perform general medical services, Primary Medical Services, personal medical services or general ophthalmic services in the Area, either advises the NHSE that he no longer wishes to be represented by the Committee or ceases in accordance with Regulation 7 of the General Medical Services Regulations 1992 as amended to act as such a practitioner for a period in excess of 6 months.
- c. He has had his name removed from the Performers List.
- d. He is suspended in respect of the provision of general medical services, personal medical services, Primary Medical Services or general ophthalmic services under the Act or by a direction under the Act.
- e. If within one month of receiving a due call he fails to pay to the Committee any current statutory or voluntary levy due to the Committee together with any arrears that may be outstanding.
- f. 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 or of the Company, 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 roles and responsibilities described in an ~~the~~ anti-conflict policy adopted from time to time by the Committee.
- g. He fails to attend a meeting of the Committee for a period of three meetings 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.
- h. 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.
- i. If any Committee Member's registration with the General Medical Council is suspended he shall not be entitled to resume his membership of the

Committee for the remainder of the period for which he was originally appointed but he shall be permitted to stand afresh in the next following election if the suspension has ended prior to the date when the Returning Officer sends a written notice of election to each elector.

- j. The Committee Member is disqualified from the Company under the Company by-laws or by general company law.
- k. If any Committee Member is also a governing board member of the CCG.

7. MEETINGS

7.1 The Committee will meet every 4-8 weeks in accordance with a pre-determined schedule of meetings.

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

7.3 It shall be the duty of the Committee to inform the Represented Members of the identity of its Committee 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.

7.4 CHAIRMAN

If a Chairman is not appointed under clause 6.2 above, at each meeting of the Committee, either the Treasurer, Secretary, or, if appointed, Medical Director, shall chair the meeting on a rotational basis.

7.5 QUORUM

A quorum shall be one third of Committee Members.

7.6 VOTING

Each Member shall have one vote including the Secretary, Chairman (if appointed under clause 6.2) Treasurer, and if elected the Medical Director if representing their practice/organisation.

7.7 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.

7.8 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.

7.9 INTENTIONALLY BLANK

7.10 MINUTES

The Secretary on behalf of the Committee shall keep minutes of each meeting which shall be 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.

8. ANNUAL REPORT

8.1 In each year 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.

9. GENERAL AND EXTRAORDINARY MEETINGS

9.1 FREQUENCY

As determined by the Committee.

9.2 ATTENDANCE

In addition to the Represented Members the following persons shall have the right to attend:

- any Committee Member; and,
- Such other persons as the Committee may in their absolute discretion may determine.

9.3 DISQUALIFICATION

A Represented Member who otherwise would be entitled to attend any general meeting of the Committee or any extraordinary meeting of the Committee shall be disqualified from doing so in the circumstances set out in Clause 6.5 herein.

9.4 BUSINESS AT GENERAL MEETINGS

The following business may be transacted at a general meeting:

- the receipt and consideration of the annual report;
- any such other business of which 14 days' notice has been given to the Committee and which the Committee in its absolute discretion accept as appropriate for discussion.

9.5 EXTRAORDINARY MEETINGS

Upon the written request of not less than a third of represented Members who are not disqualified, the Committee shall convene an extraordinary meeting on not less than 21 and not more than 28 days' notice. The only business that may be transacted at such a meeting is that specified in the written request to the Committee a copy of which shall be circulated to all those who receive notice of the meeting.

10. FUNDING

10.1 AMOUNT

The amounts of statutory levy and the voluntary levy shall respectively be determined by the Committee having regard to the requirements of openness, transparency and equity and upon an estimation of the proportion of administrative and other expenses attributable to each class of Represented Member.

10.2 THE STATUTORY LEVY

The Administrative Expenses of the Committee may be collected on a statutory basis from all Represented Members.

10.3 THE VOLUNTARY LEVY

The Committee may raise an additional voluntary levy from Represented Members.

10.4 COLLECTION

The method of collection of the voluntary contributions shall be determined by the Committee. The Committee shall have absolute discretion as to how those levies are applied having regard to the benefit and required support of Represented Members at any given time.

10.5 ACCOUNTING

The Committee shall maintain separate accounts for the statutory levy and the voluntary levy. The accounts for the statutory levy must clearly identify the statutory element paid by Represented Members respectively on the register.

11. NOTICES

- 11.1** Where a document is required to be sent to a Represented Member it shall be deemed to have been duly sent if it was delivered or posted to the address or email of the Represented Member shown in the register.

12. DISCLOSURE OF INTEREST

- 12.1** 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 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.
- 12.2** 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 (if so elected under clause 6.2 or appointed under clause 7.4) who shall advise as to whether or not the matter should be declared.
- 12.3** The Committee shall publish and maintain a conflicts of interest policy, a document which shall be available for inspection to Represented Members.
- 12.4** Further the Committee shall maintain a Register of Members' interests available for inspection on the Committee website.
- 12.5** If an officer of the Committee or a Committee Member has a pecuniary interest, direct or indirect, in any proposed contract or other matter and is present at a meeting of the Committee when the 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 and shall not take any part in the consideration of the proposed contract or other matter or vote on any question in respect to it. If any officer of the Committee or a Committee Member has any doubt about whether or not he has such an interest he shall report the matter to the Chairman (if so elected under clause 6.2 or appointed under clause 7.4) who shall advise as to whether or not the matter should be declared.

13. AMENDMENTS TO CONSTITUTION

13.1 This Constitution may be amended in the following manner, but not otherwise, by voting at the AGM or any other meeting if the situation demands it.

14. WINDING UP

14.1 If upon any amalgamation or reorganisation of the Committee there remain any residual funds or liabilities the same shall be distributed between such other Committees as may be involved in the amalgamation or reorganisation so as equitably to reflect the proportions in which Represented Members are transferred to other committees.

Dated May 2021