

Please note this constitution has been updated to incorporate the NHS Act 2006. The General Practitioners Committee (GPC) LMC template has been used for guidance.

CONSTITUTION OF THE WOLVERHAMPTON LOCAL MEDICAL COMMITTEE 2014

1. PREAMBLE

This document sets out the Constitution of the Wolverhampton Local Medical Committee (the 'Committee') for the area of Wolverhampton.

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. DEFINITION OF THE LMC

The Committee shall represent all general practitioners (GPs) in any given relevant capacity in the area. This shall include GPs in their capacity as members of a clinical commissioning group (CCG) or members of a governing body of a clinical commissioning group.

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.

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 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 there under for the time being in force.

5. DEFINITIONS

Act	The National Health Service Act 2006 and its amendments under the Health and Social Care Act 2012
Area	Wolverhampton.
AGM	Annual General Meeting. Held annually at the end of the committee year. It is recommended that all members of the committee attend this meeting.
BMA	The British Medical Association.
Chairman	The elected presiding officer of the committee
Clinical commissioning group	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 Wolverhampton 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.
Committee year	Shall conclude on 31 st March in each year and where an officer of the committee or a member of the committee is elected or co-opted for a term of office, the said term shall conclude on the relevant 31 st March.
GPC	The General Practitioners Committee of the BMA.
GPC voting register	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.
Lay Secretary	An appointed, employed person, who is not on the register and who performs administration duties on behalf of the committee.
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.

NHS England	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.
Officers of the Committee	The Chairman, The Vice Chairman, Treasurer and Secretary.
Performers lists	The lists maintained by NHS England of medical practitioners providing primary medical services (as defined in section 91(3) of the Act)
Register	The combined register of represented GPs and committee members which shall be maintained in several parts as necessary for administrative purposes.
Represented GPs	All GPs, including those GPs sitting on a governing body of a clinical commissioning group or a GP sitting in his capacity as a clinical commissioning group member, as defined in section 91 of the Act, performing primary medical services in the area for which the Committee was formed.
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.
Secretary	A person elected by the Committee to act as its secretary and where the context so requires the words 'appointed' and 'appointment' shall be construed accordingly.

6. THE COMMITTEE

6.1 The committee shall consist of:

- (a) *Elected members*
16 Represented members who subject to the next paragraph and to the disqualification provision clauses in 6.5.1-6.5.8 are elected in accordance with the provisions of this constitution, and the persons so elected shall be called the "Elected Members". Where the context so requires the expression "Elected Members" shall include those persons co-opted to fill a vacancy in accordance with clause 6.3.

An Elected Members eligibility to stand for election shall in addition to the disqualification provisions in clauses 6.5.1-6.5.8 dependent on his having paid at the time of his nomination the Levy due to the committee together with any areas that may be outstanding and the returning officer shall verify the fact of such payment before circulating electors who are not disqualified with election nomination papers. The requirement to have paid the levy together with any arrears shall not apply to the first two classes of co-opted members.

(b) Co-opted members

Up to 4 practitioners representing a particular class of experience not otherwise represented on the committee

Provided always that the number of co-opted members does not exceed one quarter of the number of elected members

(c) 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.

6.2 Term of office

A period during which an officer of the committee or a committee member holds office concluding at the end of the committee's year.

The elected members of the Committee shall hold membership for 4 years.

An Elected Officer shall hold office for the duration of their membership

Both of which are subject to their on-going willingness to serve.

6.3 Vacancies

Where the number of persons elected under paragraph 6.1(a) 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 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 death of an elected member of the Committee, or
- temporary absence (90 consecutive days or more) due to sickness or other similar circumstance (including maternity, adoption or paternity leave), unless special circumstances apply upon which the committee can make a determination

If such a vacancy occurs, the Committee shall fill the same by the co-option of a practitioner who as far as possible represents the same class of practitioners as the person 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

A member of the Committee whether elected or co-opted may retire on giving written notice delivered to the chairman 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 chief executive or secretary.

6.5 Disqualification

A member of the Committee can be disqualified if:

6.5.1 He ceases to be a registered medical practitioner [or a registered general ophthalmic practitioner] or is removed from the Medical Register.

6.5.2 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, either advises NHS England that he no longer wishes to be represented by the Committee.

6.5.3 He has had his name removed from a performers list and has not subsequently had his name included in such a list.

6.5.4 If within three months of receiving a due call he fails to pay to the Committee any levy due to the Committee together with any arrears that may be outstanding.

6.5.5 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 anti-conflict policy adopted from time to time by the Committee.

6.5.6 He fails to attend three committee meetings in the preceding 12 months 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.

6.5.7 A co-opted member of the Committee may be disqualified, subject to clause 6.6.6, if he ceases to hold the office or qualification which entitled him to be a member of the class of co-opted members.

6.5.8 An officer of the LMC may not become a member of the CCG, if he becomes a member of the CCG he must stand down as officer of the LMC but may remain a member.

7. ELECTIONS

7.1 Constituencies

The committee may if it wishes divide the area into a number of constituencies for administrative and electoral purposes. If it does so it shall use its best endeavours to ensure, across each constituency, the fair and equitable representation of each class of represented member

7.2 Term of Office

Elected members shall hold membership for a term of four years

7.3 Frequency

The election of one half of the committee shall take place in the same month in every second year and elected members shall commence their term of office on the next following 1st April

7.4 Method

Voting shall be by postal ballot or any other accepted method that has widespread acceptance of those qualified represented members who appear in the register at the time of the election and subject to the next paragraph these persons are referred to as "The Electors"

A represented member shall not be eligible to vote in or stand in an election if he is disqualified under the provisions of paragraphs 6.5.1-6.5.8

The returning officer shall send written notice (any accepted method that has widespread acceptance) of the election to each elector and such notice shall be sent as to be delivered not less than 20 working days before the date of the election

Each notice shall

- State the date of the election
- State the number of vacancies
- State the date by which nominations must be submitted to the returning officer
- Set out the nomination provisions, as set out below
- Enclose a nomination form

Each candidate shall be nominated by at least two electors and each nomination form must be accompanied by a statement in writing that his is prepared to accept membership of the committee and that the candidate has accepted the current code of conduct or similar guidance from LMC for members.

If the number of nominated candidates qualifies for election where there are vacancies does not exceed the number of vacancies the returning officer shall declare those candidates to be elected. In other cases a vote shall be taken.

The returning officer shall prepare voting papers which shall contain a list of the candidates for whom the elector may vote together with a total number of votes which may be cast by each elector. The voting paper shall also specify the date of the election by which the voting paper must be returned to him. A voting paper shall be invalid if it is not signed and/or if the elector has cast more votes than allowed.

The returning officer may also disallow a voting paper if it does not comply with this constitution or if it causes uncertainty as to the candidates for whom the elector desires to record his vote, save that the returning officer may in his absolute discretion treat a voting paper so marked as valid for the purpose of any vote other than that in connection with which the uncertainty arises.

Voting papers received by the returning officer after the election date are invalid

The returning officer, after examining the voting papers and determining the validity of the votes, shall count the votes properly recorded and shall prepare a return for the candidates according to the number of votes which each has received, the person receiving the greatest number being placed highest in the return

If the votes received by any two or more candidates are equal and the addition of one vote to any one such candidate would enable that candidate to be declared elected the returning officer shall decide by lot which of the said candidates shall take the highest place

Any question as to the validity of nomination or voting paper or otherwise in connection with an election shall be determined by the returning officer in his absolute discretion

At the conclusion of the election the returning officer shall give notice in writing of the result to all candidates as soon as is reasonably practical

8. INFORMATION TO BE SENT TO THE COMMISSIONING ORGANISATION

The chairman 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.

9. MEETINGS

- 9.1** The Committee will meet from time to time as the need dictates but no less frequently than 8 in any 12 month period.

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.

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.

9.2 Officers of the committee

The committee shall elect a chairman, vice chairman, treasurer and secretary from amongst its members on the first meeting of the committee or as soon as is practicable thereafter

The Chairman of the Committee shall chair meetings of the Committee. In the absence of the Chairman, the Vice Chairman of the Committee shall act as Chairman.

9.3 Quorum

A quorum shall be one third of the committee members but if one third is not a whole number the next whole number above one third.

9.4 Voting

Elected and co-opted members of the Committee may vote at Committee meetings.

If there is an equality of votes, the presiding officer may have a second and casting vote.

9.5 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.

9.6 Confidential Matters

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

9.7 Secretary

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

9.8 Minutes

The secretary or its deputy 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.

10. SUB COMMITTEES

4.1 Executive

The committee may appoint an executive sub-committee which shall comprise the chairman, vice-chairman, secretary and treasurer.

The executive sub-committee shall have power to co-opt such other committee members as may be necessary to assist with the sub-committee's duties.

The executive sub-committee shall consider matters referred to it by the committee and by officers of the committee together with matters requiring consideration before the next scheduled meeting of the committee.

The sub-committee shall have power to act on and dispose of matters on behalf of the committee between committee meetings.

A quorum for the executive sub-committee shall be one half of its membership but if one half is not a whole number the whole number immediately above one half.

4.2 The Act

The committee may appoint a sub-committee to deal specifically with matters arising under the health and social care act 2012.

4.3 Other

The committee shall have power from time to time to delegate any of their functions , with or without restrictions or conditions, to other sub-committees composed of members of the committee who shall be indemnified by the committee provided that committee considers their action to be reasonable.

11. ANNUAL REPORT

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. A copy of the report and statement of accounts shall be sent to NHS England.

12. GENERAL AND EXTRAORDINARY MEETINGS

12.1. Frequency

Not less than once a year

12.2. Attendance

In addition to the represented GPs the following persons shall have the right to attend:

- any committee member;
- the lay secretary
- such other persons as the Committee may in their absolute discretion determine.]

12.3. Disqualification

A represented GP 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 the disqualification section, 6.6.1 – 6.6.7, as if those provisions applied to represented GPs as well as to members of the Committee.

12.4. Business at general meetings

The following business may be transacted at a general meeting:

- the receipt and consideration of the annual report
- Statement of accounts
- together with 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.

12.5. Extraordinary meetings

Upon the written request of not less than 10 represented GPs who are not disqualified, the Committee shall convene an extraordinary meeting to discuss any matter that is within the LMC's jurisdiction 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.

13. THE SECRETARY

13.1. Appointment

The committee shall elect a secretary from amongst its number at the first meeting. On assuming office, such secretary shall inform NHS England thereof

13.2 Function

The secretary shall maintain the register of members and GPC voting register and shall carry out such functions as the committee from time to time requests

14. FUNDING

14.1 Amount

The amounts of 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 represented GPs.

14.2 Method of collection

The method of collection shall be determined by the committee.

14.3 Accounting

The Committee shall maintain accounts for the levy.

14.4 Remuneration

The remuneration of officers, other committee members and the lay secretary will be at the discretion of the committee by a majority vote.

15. 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 delivered or posted to the address of the represented GP shown in the register.

16. DISCLOSURE OF INTEREST

- 16.1** 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 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.
- 16.2.** 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.
- 16.3.** The Committee shall publish and maintain a 'conflicts of interests' policy, a document which shall be available for inspection to members and represented GPs.
- 16.4.** Further the Committee shall maintain a register of members' interests available for inspection.

17. AMENDMENTS TO CONSTITUTION

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

- 17.1.** The committee may elect to amend the constitution to maintain compliance with legislative changes and where it is deemed fit for the purposes of modernisation
Or
A proposal for the amendment made by not less than 20% represented members shall be sent to the secretary who shall then place the same before the committee for consideration at the next scheduled meeting
- 17.2.** At the first scheduled meeting the committee shall consider the proposals and if appropriate agree on an amendment which shall then be circulated to all represented members inviting the same to submit to the secretary their comments within 14 days
- 17.3.** At the next scheduled meeting, the committee shall consider all replies that have been received and shall determine whether the proposed amendment(either as circulated or as varied as the result of consideration of such replies) shall be adopted

17.4. Any amendment duly carried above of which NHS England shall signify their approval shall be notified by the chairman to the Committee at the next meeting of the Committee and thereupon such amendment shall forthwith take effect.

17.5. The chairman shall notify the proposer of any amendment duly carried of the decision of NHS England thereon forthwith upon the communication of such decision to the LMC.

18. WINDING UP

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 GPs are transferred to other committees.

Dated 1 September 2014