

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

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| Act | The National Health Service Act 2006. |
| Acting Secretary | In the absence of a Chief Executive Officer, 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. |
| Advisors | Persons with specialist knowledge. |
| Area | The county of Norfolk, and Waveney. |
| BMA | The British Medical Association. |
| Chief Executive Officer | A person employed by the Committee as its Chief Executive and its Secretary and where the context so requires the words ‘appointed’ and ‘appointment’ shall be constructed accordingly. |
| Committee | 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. |
| Committee term | 4 years. April to 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. |
| Honorary Officers of the Committee | Chair, Vice Chair, and Treasurer or others as appointed from the Committee |
| Integrated Care Board (ICB) | Integrated Care Board established in accordance with Sections 14Z25(4) and (9) of the 2006 Act and the National Health Service Regulations 2022 (S.I. 2022/632) are NHS organisations responsible for planning health services for their local population. |
| 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. |
| Office within the area ICB, NHSE&I or a secondary care provider | A position of authority in an organisation e.g. Chair, Board Member, Clinical Advisor |
| Performers list | The list 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 as necessary for administrative purposes. |
| Representatives of the Committee | Selected from the Committee membership to represent the LMC at specific groups or meetings or to assist with specific workload. |
| Represented GPs | 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 general practices within the area. |

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| 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. |
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6. THE COMMITTEE

6.1 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) General Practitioner trainees nominated by each General Practitioner Speciality Trainee school location covering the area.
- (b) The Committee may in its absolute discretion subject to the conditions set out in section 6.5 co-opt any medical practitioner to the Committee.

6.2 Term of office

Elected and Co-opted members of the Committee shall hold office until the end of the Committee term unless otherwise stated on their appointment. The Committee term runs for 4 years.

6.3 Vacancies

Where the number of persons elected under paragraph 6.1 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).

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.

6.4 Retirement

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

6.5 Disqualification

A member of the Committee shall be disqualified if:

- 6.5.1 He ceases to be a registered medical practitioner or is removed from the Medical Register.
- 6.5.2 He ceases to perform general medical services in Norfolk and Waveney 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.
- 6.5.3 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 one month of receiving a due call he or his practice fails to pay to the Committee any current statutory or voluntary 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 Conflicts of Interest Policy.
- 6.5.6 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.
- 6.5.7 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.
- 6.5.8 If he fails to abide by the Roles and Responsibilities and Policies pertaining to the Committee including the Code of Conduct.
- 6.5.9 Elected and co-opted Committee members, as set out in sections 6.1 and 6.3, shall be disqualified if they are receipt of remuneration for office within Norfolk and Waveney ICB, NHSE&I or a secondary care provider. This provision does not apply to:

GP Appraisers, or members of an NHSE&I Performance Advisory Group or Performers List Decision Panel

7. INFORMATION TO BE SENT TO THE COMMISSIONING ORGANISATION

The Chief Executive Officer or acting Secretary shall inform NHS England of the names of all newly elected, appointed and/or co-opted members of the Committee at the beginning of each Term. Thereafter when casual vacancies arise in the membership of the Committee, the names of the persons, if any, appointed to fill those vacancies will be published on the Committee website.

8. ROLE OF THE COMMITTEE IN RELATION TO THE ICB

Details are included in Appendix 4.

9. MEETINGS

- 9.1 The Committee will meet from time to time as the need dictates but no less frequently than one meeting per quarter.

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 Chief Executive Officer or acting Secretary shall give not less than 7 clear days' notice to the Members of the Committee of the time and place of each meeting.

9.2 Chair and Vice Chair

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

9.3 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.

9.4 Voting

Elected and Co-opted Committee members, as set out in sections 6.1 and 6.3, are eligible to take part in votes of the Committee.

9.5 Observers, Advisors and Guest Attendees

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, advisors and guest attendees do not have any voting rights.

9.6 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.

9.7 Acting Secretary

In the absence of there being a Chief Executive Officer, 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.

9.8 Minutes

The Chief Executive Officer or acting 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.

10. REPORTING TO ELECTORS

It shall be the duty of the Chief Executive Officer or acting Secretary to inform the represented GPs of the identity 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 of the persons, if any, appointed to fill those vacancies.

11. ANNUAL REPORT

In each year the Chief Executive Officer shall prepare, on behalf of Committee, 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. GENERAL AND EXTRAORDINARY MEETINGS

12.1 Frequency

General meetings will be held no less frequently than one meeting per quarter.

12.2 Attendance

In addition to the represented GPs, who may attend a meeting as observers, with prior arrangement, the following persons shall have the right to attend:

- Committee members
- the Chief Executive Officer
- Executive Officers
- such other persons as the Committee may in their absolute discretion determine e.g. the Regional GPC representative

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 above 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.
- 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 30 represented GPs 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.

13. APPOINTMENT OF HONORARY OFFICERS AND REPRESENTATIVES

To function as a committee and support the employed staff, through effective delegation, the Committee elects Chair, Vice Chair and Treasurer Honorary Officers to form a Board.

Representatives may be selected from the Committee membership to represent the LMC at specific groups or meetings or to assist with specific projects.

13.1 Chair, Vice Chair and Treasurer

The Chair ensures that the Committee functions properly, that there is full participation during meetings, that all relevant matters are discussed and that effective decisions are made and carried out.

The role of Chair involves working closely with the Chief Executive Officer and other employed staff and entails external representation of the organisation. The Chairperson takes on direct management responsibility for the Chief Executive Officer.

The Vice-Chair acts for the Chairperson when she/he is not available and undertakes assignments at the request of the Chair or assumes the Chair responsibilities should the Chair be on leave, or a sudden absence occurs.

The role of the Treasurer is to maintain an overview of the organisation's financial status and to ensure that proper financial records and procedures are maintained. It is important to note that final responsibility for financial matters rests with the Committee as a whole.

13.2 Medical Lead Representative

Where the Chief Executive Officer is not a registered medical practitioner, the Committee shall nominate at least one of its members who is a qualified GP and who is willing to act as Medical Lead in accordance with the written job role. The Medical Lead role entails working with the employed staff in providing clinical expertise to the Executive officers and/or advice to any constituent who may wish for the guidance of a professional colleague.

13.3 Other Representatives

The Committee may appoint representatives as it deems necessary and on whatever terms it sees fit. At the time of their appointment, and throughout the term served, each representative must report possible conflicts of interest to the Chief Executive Officer or acting Secretary. Officers and representatives shall be appointed for either the remainder of the committee term or for a fixed term period.

14 FUNDING

14.1 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 GP.

14.2 Accounting

The Committee shall maintain separate accounts for the statutory levy and the voluntary levy.

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 emailed, posted or hand delivered to the address of the represented GP shown in the register.

16 DISCLOSURE OF INTEREST

16.1

If an honorary 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.

- 16.2** If any honorary 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 Chief Executive Officer or acting secretary who shall advise as to whether or not the matter should be declared.
- 16.3** The Committee shall publish and maintain conflicts of interest's policy, a document which shall be available for inspection to members and represented GPs.
- 16.4** Further the Committee shall maintain a register of members' interests available for inspection on the Committee website.

17 AMENDMENTS TO CONSTITUTION

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

Proposals for such amendment shall be sent to the Chief Executive Officer or acting Secretary who shall place them at the earliest opportunity before the Committee, along with the LMC Executive recommendations. Committee will not consider the same until one weeks' notice of such proposals have been received by them.

A vote on the proposed amendments must take place to ratify the amendments.

The Constitution as amended will be circulated to members and displayed on the LMC website.

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.