

Constitution & Terms of Reference – Medical Staff Panel

Issue Date	Review Date	Version
September 2015	Extended to November 2021	5.5

Purpose

To provide details of the constitution and terms of reference of the Medical Staff Panel.

Who should read this document?

All Medical and Dental Staff, All Directorate Managers

Key messages

To ensure all medical and dental staff are aware of the forum for raising generic issues and how it operates.

Accountabilities

Production	Medical Workforce Office
Review and approval	Medical Staff Panel
Ratification	Medical Director or Director of Finance
Dissemination	Medical Workforce Office
Compliance	Medical Workforce Office

Links to other policies and procedures

Trade union time off and facilities policies.

Version History

1	July 2006	LNC amendment to membership. EIA update
2	August 2009	Reformatted, EIA, Dissemination Plan & checklist added
2.1	March 2012	Review by MSP – minor changes made
3	May 2012	Reviewed by MSP
4	July 2012	Approval by MSP
5	September 2015	Approval by MSP
5.1	November 2018	Extended to April 2019 by HR SMT
5.2	August 2019	Extended to April 2020 by Louise Tate
5.3	August 2020	Extended to April 2021 by Medical Staff Panel
5.4	June 2021	Extended to August 2021
5.5	September 2021	Extended to November 2021

PHNT is committed to creating a fully inclusive and accessible service.

Making equality and diversity an integral part of the business will enable us to enhance the services we deliver and better meet the needs of patients and staff.

We will treat people with dignity and respect, actively promote equality and diversity, and eliminate all forms of discrimination regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/ maternity.

An electronic version of this document is available on the Trust Documents Network Share Folder. Larger text, Braille and Audio versions can be made available upon request.

Section	Description	Page
1	Introduction	3
2	Purpose, including legal or regulatory background	3
3	Duties	3
4	Overall Responsibility for the Document	5
5	Consultation and ratification	5
6	Dissemination and Implementation	5
7	Monitoring Compliance and Effectiveness	5
8	References and associated documentation	5
Appendix 1	Dissemination Plan	6
Appendix 2	Review and Approval Checklist	7
Appendix 3	Equality Impact Assessment	8
Appendix 4	Approval	9

1 Introduction

The Panel will complement the role of the Trust's Joint Negotiating Staff Committee in respect of Trust wide policies and procedures applicable to all staff. However, the Panel will be the sole forum for the negotiation of terms and conditions of service, exclusive to medical and dental staff and any changes thereto.

The Panel will not deal with individual grievances, disciplinary or other individual matters that will be subject to the Trust's agreed procedures

2 Purpose, including legal or regulatory background

The purpose of the Panel is to provide a regular and effective forum for joint discussion on matters that may apply to medical and dental staff.

The Panel will not discuss matters which are too narrow in scope, affecting only one or two individuals, which may be better dealt with more immediately by direct liaison between Union representatives and local management.

3 Duties

The Panel will provide a forum for:

- a. Consultation and discussion of issues of relevance and concern to Medical and Dental staff including: -
 - i. General matters affecting the employment of medical staff; for this purpose the definition of medical staff is 'all medical and dental practitioners employed by the Trust'.
 - ii. Questions of interpretation about the detailed application of Terms and Conditions of Employment of medical staff.
 - iii. Local rules and procedures, exclusive to medical staff
 - iv. Issues affecting the employment of Junior Doctors, having regard to the Trust's obligation to employ junior medical staff in accordance with the National Terms and Conditions of Employment.
- b. Negotiation on terms and conditions of service relating to Medical and Dental staff employed by the Trust. Doctors' and Dentists' salaries are subject to the recommendations of the Doctors and Dentists Review Body and will therefore not form part of these negotiations.

It is recognised that, on occasions, agreements reached within the Panel will be subject to endorsement by the Trust Board or the HMSC, as appropriate.

The Trust will continue to appoint all new medical staff subject to nationally agreed terms and conditions (including nationally agreed appointments procedures) and any variation thereto shall be specifically agreed within the Medical Staff Panel, the Medical Staff Panel being the sole forum for the negotiation of terms and conditions of service of Medical and Dental staff and of any changes thereto.

Membership

The Trust will be represented by up to eight senior representatives, who have the delegated authority to negotiate and consult on behalf of the Trust. Representatives or their nominated deputies of the Trust may typically include the following:

- Medical Director
- Associate Medical Directors
- Director of Finance
- Head of Medical Workforce
- Director of HR & Organisational Development
- Chief Operating Officer
- Care Group Directors

Medical staff may be represented at meetings by up to 8 employees being the members of the Local Negotiating Committee for Medical and Dental Staff (LNC). If a representative ceases to be an employee of the Trust they will cease to be a member of the Panel.

Additional members may be co-opted by agreement, to attend for specific agenda items where their expertise is of benefit to the process of deliberation.

BMA full-time officials have the right to attend and fully participate at meetings, but have no voting rights at such meetings.

Chairs

Unless it is otherwise agreed, Panel meetings will be chaired alternately by the Trust's Director of HR & Organisational Development and the LNC Chair.

Secretaries

The Medical HR Manager will be responsible for the preparation of the Agenda in conjunction with the LNC Chair and the Medical Director.

The Agenda will be distributed by the MWBP to all members (including the BMA full time official) at least five days before the date of each meeting. Meetings will be held on at least a quarterly basis, or at more frequent intervals if so desired by either party.

Minutes of the meetings will be produced by the PA to the Director of HR & Organisational Development and agreed with the Director of HR & Organisational Development and the LNC chair for their accuracy. Minutes will be ratified at each meeting.

Quorum

For a meeting to be quorate, there must be a minimum of 4 representatives of the medical staff and 4 Trust representatives.

Disputes

Either party may seek the involvement of ACAS with a view to conciliation, in the event of a failure to agree on any matter, which has been subject to negotiation in the Medical Staff Panel. Any reference to ACAS for arbitration can only be made on a joint basis. These particular provisions will be superseded by any agreement relating to disputes within the Joint Staff Committee.

4 Overall Responsibility for the document

The Director of HR and Organisational Development has overall responsibility. The Medical Workforce Team has responsibility for the dissemination, implementation and review of this document.

5 Consultation and ratification

The Medical Staff Panel will be consulted on this policy, and it will be ratified by the Medical Director or Director of Finance.

6 Dissemination and Implementation

Following approval and ratification this policy will be publicised across the Trust.

Publication of this policy will be publicised on the Information Governance StaffNet page, the Trust's weekly staff news briefing and the policy is available on Trusts Documents.

7 Monitoring compliance and effectiveness

All generic issues to be discussed at this forum

8 References and associated documentation

Acknowledgement to Cambridgeshire and Peterborough Mental Health Partnership NHS Trust

Core Information				
Document Title	Constitution & Terms of Reference – Medical Staff Panel			
Date Finalised	17 th July, 2012			
Dissemination Lead	Medical Workforce			
Previous Documents				
Previous document in use?	Yes			
Action to retrieve old copies.	Ask Document Controller to remove existing version and replace with this amended version			
Dissemination Plan				
Recipient(s)	When	How	Responsibility	Progress update
Medical Staff		Electronically	Medical Workforce	
Directorate Manager		IG StaffNet Page	Document Controller	

Review		
Title	Is the title clear and unambiguous?	Y
	Is it clear whether the document is a policy, procedure, protocol, framework, APN or SOP?	Y
	Does the style & format comply?	Y
Rationale	Are reasons for development of the document stated?	Y
Development Process	Is the method described in brief?	Y
	Are people involved in the development identified?	Y
	Has a reasonable attempt has been made to ensure relevant expertise has been used?	Y
	Is there evidence of consultation with stakeholders and users?	Y
Content	Is the objective of the document clear?	Y
	Is the target population clear and unambiguous?	Y
	Are the intended outcomes described?	Y
	Are the statements clear and unambiguous?	Y
Evidence Base	Is the type of evidence to support the document identified explicitly?	Y
	Are key references cited and in full?	Y
	Are supporting documents referenced?	Y
Approval	Does the document identify which committee/group will review it?	Y
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	Y
	Does the document identify which Executive Director will ratify it?	Y
Dissemination & Implementation	Is there an outline/plan to identify how this will be done?	Y
	Does the plan include the necessary training/support to ensure compliance?	Y
Document Control	Does the document identify where it will be held?	Y
	Have archiving arrangements for superseded documents been addressed?	Y
Monitoring Compliance & Effectiveness	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Y
	Is there a plan to review or audit compliance with the document?	Y
Review Date	Is the review date identified?	Y
	Is the frequency of review identified? If so is it acceptable?	Y
Overall Responsibility	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Y

Core Information	
Manager	Yvonne Linley-Shaw, Medical Workforce Business Partner
Directorate	Directorate of HR and Organisational Development
Date	24 th January, 2012
Title	Constitution & Terms of Reference – Medical Staff Panel
What are the aims, objectives & projected outcomes?	The purpose of the document is to clarify the duties and membership of the Medical Staff Panel.
Scope of the assessment	
The document has been circulated with the accompanying Equality Impact Assessment to all members of the Medical Staff Panel.	
Collecting data	
Race	This is mitigated as the policy can be made available in alternative languages
Religion	The document has no impact in this area
Disability	This is mitigated as the policy can be made available in alternative formats
Sex	The document has no impact in this area
Gender Identity	The document has no impact in this area
Sexual Orientation	The document has no impact in this area
Age	The document has no impact in this area
Socio-Economic	The document has no impact in this area
Human Rights	The document has no impact in this area
What are the overall trends/patterns in the above data?	There are no trends/patterns in this data. External consideration has been given to 2011/12 NHS Litigation Authority Risk Management Standards for NHS Trusts
Specific issues and data gaps that may need to be addressed through consultation or further research	Trust wide documents can be made available in a number of different formats and languages if requested. No further research is required as there are no further equality issues.
Involving and consulting stakeholders	
Internal involvement and consultation	The policy has been compiled by the Medical Workforce Business Partner. The policy has been circulated for consultation to the members of the Medical Staff Panel
External involvement and consultation	n/a
Impact Assessment	

Overall assessment and analysis of the evidence

This assessment has shown that there could be an impact on race or disability groups. However, this document can be made available in other formats and languages if requested.

The document does not have the potential to cause unlawful discrimination.
The document does not have any negative impact.

Action Plan

Action	Owner	Risks	Completion Date	Progress update

Approval of policy for Constitution and Terms of Reference – Medical Staff Panel

Committee Approval: Medical Staff Panel

Director of Workforce or Deputy

Name: Martin Bamber

Date: 24.09.15

Signature:

Chair of LNC

Name: Paul Youngs

Date: 24.09.15

Signature:

Executive Approval:

Medical Director or Director of Finance:

Name: Phil Hughes

Date: 24.09.15

Signature: