



Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Information Governance Department

Suite 9

Buckingham Row

Brick Kiln Lane

Wigan

WN1 1XX

Email: foi@wwl.nhs.uk

Web: www.wwl.nhs.uk

Ref: FOI/2023/9086

Date Received: 26th July 2023

Response Due: 24th August 2023

Date: 17th August 2023

Dear Sir/Madam

You asked:

Section 8.1 and 8.2 of the Trust Constitution sets out a Disputes Resolution Procedure common to a number of Foundation Trusts' constitutions but not in the NHS model constitution. Could you please provide me with the information which explains the antecedents or origins of this addition to your Constitution and any changes to it since it was adopted. Nothing is showing in the version control table. Assuming such a record of it being added or included, and possibly amended exists, I wish to understand its history and its legal basis and be provided with any information the Trust holds in it 'constitution files' which explains or comments on the provisions or application of this section of the Constitution. In particular, was it 'borrowed' or 'copied' from another Trust or NHS body; was it reviewed by lawyers at any time, is there any analysis of its intent or meaning held by the Trust, has it been used by the Trust and if so, in what circumstances?

Both the 2008 and the 2012 Model Core Constitutions provide for additional provisions to be inserted, and dispute resolution is included in the list of potential additional provisions that may be included. The Trust were supported by a legal firm in the drafting of the initial constitution and a dispute resolution provision was included. The Trust do not hold any information on why this particular clause was included.

In 2018, the Trust undertook a detailed review of the constitution. The Trust were supported by lawyers in this, and the new dispute resolution procedure at section 21 of the constitution was included. This was based on examples of good practice found in other foundation trusts' constitutions. The Trust do not hold any information on the rationale for amending this section.

The Trust are in the process of amending the constitution and this section will be renumbered to paragraph 23. There are no changes to the content.

To date the dispute resolution procedure has not been used.

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Howard', with a long horizontal line underneath it.

Paul Howard
Director of Corporate Affairs

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Helpline number: 0303 123 111