

Council of Governors Meeting

To be held in public on Thursday, 18 January 2024, 5:00pm – 7:00pm

Venue: Online, please contact elft.membership@nhs.net for details

Agenda

	Title		Action	Time (all pm)
1	Welcome Eileen Taylor, Chair	Verbal	Assurance	5:00
2	Apologies for Absence Eileen Taylor, Chair	Verbal	Assurance	
3	Declarations of Interest Eileen Taylor, Chair	Verbal	Assurance	
4	Minutes Council Meeting held in public and in private on 9 Nov 2023 Eileen Taylor, Chair	Attached	Approval	5:03
5	Action Log and Matters Arising from the Minutes Eileen Taylor, Chair	Attached	Assurance	5:04
Operational Update				
6	Winter Pressures Edwin Ndlovu, Chief Operating Officer and Deputy CEO	Verbal	Assurance	5:05
Strategic Items				
8	Strategic Priority: Collaborating with others Richard Fradgley Director of Integrated Care and Deputy CEO Dr Mohit Venkataram Executive Director of Business Development & Primary Care Sarah Wilson Director of Children and Specialist Services	Presentation	Assurance	5:25
Business Items				
9	Trust's Annual Plan 2024/2025 Priorities Norbert Lieckfeldt, Corporate Governance Manager	Attached	Approval	6:10
10	Governors Strategic Priorities 2024/25 Norbert Lieckfeldt, Corporate Governance Manager	Presentation	Approval	6:20
11	Report, Nominations & Conduct Committee Eileen Taylor, Chair	Attached	Assurance	6:30

12	Report, Significant Business & Strategy Committee John Bennett, Chair	Attached	Assurance	6:40
13	Report, Communications & Engagement Committee Felicity Stocker, Chair	Attached	Assurance	6:45
14	Update, Membership Engagement Plan Tina Bixby, Membership Officer	Verbal	Assurance	6:50
16	Any Other Urgent Business and Questions from the Public (to be advised in advance by Tuesday, 16 January . Questions submitted on the day will be responded to following the meeting)	Attached		6:55
17	Council Forward Plan	Attached	Assurance	
18	Date and Time of Next Meeting: <ul style="list-style-type: none"> • AMM: 8 February 2024 (5-6pm, online) • 14 March 2024 • 9 May 2024 • 11 July 2024 • 12 September 2024 • 14 November 2024 <p>All meetings will be held from 5:00 – 7:00pm unless stated otherwise</p>			

For more information on the meeting, including how to access the meeting, please visit [the ELFT website](#).

Please contact elft.membership@nhs.net for any specific enquiries.

Eileen Taylor
Chair, East London NHS Foundation Trust

Draft Minutes of Council of Governors Meetings Held in Public at The Bishopsgate Institute, 230 Bishopsgate, London EC2M

Thursday 9 November 2023 from 5.00pm – 7.00pm

Present:

Chair: Eileen Taylor Chair of the Trust

Governors:

Patrick Adamolekun	Staff Governor
Fatima Begum	Public Governor, Luton
Yesmin Begum	Public Governor, Tower Hamlets
John Bennett	Public Governor, Tower Hamlets
Liz Birch	Public Governor, Central Bedfordshire
Shirley Biro	Public Governor, Newham
Dafni Boula	Public Governor, Luton
Bob Cazley	Public Governor, Central Bedfordshire
Caroline Diehl	Public Governor, Hackney
Mark Dunne	Staff Governor
Love-Jane Egbe	Staff Governor
Cass Howes	Public Governor, Bedford Borough
Beverley Morris	Public Governor, Hackney
Reno Marcello	Public Governor, City of London
Khtija Malik	Appointed Governor, Luton
Caroline Ogunsola	Staff Governor; Lead Governor
Sarifa Patel	Public Governor, Newham
Jamu Patel	Public Governor, Luton, Deputy Lead Governor
John Peers	Staff Governor
Betsy Scott	Staff Governor
Sharmeen Sheikh	Staff Governor
Larry Smith	Public Governor, Central Bedfordshire
Felicity Stocker	Public Governor, Bedford Borough

In attendance:

Tina Bixby	Membership Officer
Dr David Bridle	Chief Medical Officer
Richard Carr	Non-Executive Director
Anit Chandarana	Non-Executive Director
Peter Cornforth	Non-Executive Director
Kevin Curnow	Chief Finance Officer
Richard Fradgley	Executive Director of Integrated Care & Deputy CEO
Sarah Khan	Chief of Staff ELFT and NELFT
Prof Dame Donna Kinnair	Non-Executive Director
Norbert Lieckfeldt	Corporate Governance Manager
Cathy Lilley	Director of Corporate Governance
Claire McKenna	Interim Chief Nurse
Linda McRoberts	Minute Taker
Edwin Ndlovu	Chief Operating Officer
Lorraine Sunduza	Interim Chief Executive
Dr Mohit Venkataram	Executive Director of Commercial Development
Deborah Wheeler	Non-Executive Director and Trust Vice-Chair

**In attendance:
joining online:**

Roshan Ansari	Public Governor, Tower Hamlets
Gren Bingham	Public Governor, Tower Hamlets

Apologies:

Viv Ahmun	Appointed Governor, Third Sector
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Susan Fajana-Thomas	Appointed Governor, Hackney
Peter Landman	Public Governor, Newham
Gareth Mackey	Public Governor, Central Bedfordshire
Lizzie Maushe	Staff Governor
Stella Oloyede	Public Governor, Newham (due to transport problem)
Suzana Stefanic	Public Governor, Central Bedfordshire
Hazel Thomas	Public Governor, Newham

Absent:	Julie Aduwa	Public Governor, Rest of England
	Gulam Choudhury	Appointed Governor, Tower Hamlets
	Rofikul Islam	Public Governor, Tower Hamlets
	Mumtaz Khan	Appointed Governor, Newham
	Kate Smith	Staff Governor
	Martin Towler	Appointed Governor, Bedford Borough
	Patricia Wheeler	Public Governor, Hackney

The minutes are produced in the order of the agenda

1. Welcome

1.1 Eileen Taylor welcomed everyone to the meeting.

1.2 Eileen reminded governors of the Trust values: we care, we respect, we are inclusive and noted that they are perhaps more important than they have ever been in light of current events.

1.3 In her introduction, Eileen:

- Welcomed new governors and thanked them for putting themselves forward, these are: Dafni Boula (Luton), Sarifa Patel (Newham) and staff governors John Peers, Lizzie Maushe (who had to send apologies today) and Sharmeen Sheikh Sultana
- Acknowledged recent difficulties travelling to meetings and thanked all the governors for the efforts they have made
- Recognised November is men's health awareness month and noted some of the areas that are of salience such as prostate cancer and young black men being disproportionately likely to be diagnosed with psychosis. Eileen announced that ELFT has for the first time just launched its Men's staff network
- Informed governors that today is social media kindness awareness day and reminded everyone of the importance of thinking about the impact of their social media comments on other people
- Stressed in light of current events the importance of diversity for shaping the Trust into what it is; yet acknowledged it is not always easy to live our values. Reminded everyone that at the moment it is so important to remember that people express things in different ways, to be patient with each other and to support each other through difficult times.

2. Apologies for Absence

2.1 Apologies were noted as above.

3. Declarations of Interest

3.1 No further declarations of interest have been received in regard to today's meeting or which are not already included in the published registers.

The non-executive directors declare an interest under the final item on the agenda which is why that part of the meeting will be held in private.

4. Minutes of the Council of Governors meeting held on 14 September 2023

4.1 The minutes were **APPROVED** as a correct record, subject to the amendment of the values, which had stated *diverse* rather than *inclusive*.

5. Action Log and Matters Arising

5.1 Action Log

- Action 191 – Council priorities are on the agenda
- Action 193 – Keeping governors aware of serious incidents is scheduled to come to the January meeting.

5.2 Matters Arising

There were no matters arising.

6. Welcome to New Governors & Celebration for Outgoing Governors

6.1 Outgoing Governors

Eileen presented and:

- Advised there are four governors stepping down – Darlene Dyke, Tony Isles, Victoria Aidoo-Annan and Adam Forman and summarised the unique contribution and skills each had brought to the role. She confirmed that a small token of gratitude was on its way to each of them.
- Thanked the outgoing governors for their individual and collective contributions they had brought to ELFT and for which the Trust is hugely grateful.

6.2 In his absence, a message was read from Adam Forman thanking the executives and all his fellow governors for their support over the last three years. He challenged the Trust, whilst being “respectful of governors’ belligerence” to make it easier to raise concerns with the Trust Board.

6.3 New Governors

Eileen welcomed the new governors highlighting:

- **Dafni Boula** from Luton brings lots of experience in both higher education and communications
- **Lizzie Maushe**, a staff governor from Bedfordshire has previous experience as a staff governor in Milton Keynes and a valuable background in learning disability services
- **John Peers**, a staff governor, has served previously as a governor in the Trust’s early days as a foundation trust; he is the third staff side member serving on the Council
- **Sarifa Patel** has experience as a carer and is embedded in the community in Newham
- **Sharmeen Sheikh Sultana**, a staff governor who is an experienced nurse now working in CAMHS in Tower Hamlets.

Eileen congratulated all those governors who had been re-elected as well as Caroline Ogunsola and Jamu Patel on their re-elections as lead and deputy lead governors respectively.

7 Financial Update on the Integrated Care Systems

7.1 Eileen introduced Kevin Curnow, Chief Finance Officer, to provide the financial update. She stressed that ELFT’s success as a Trust rises and falls with the success of the ICSs we are working in and that governors now also hold the NEDs to account for the contribution ELFT’s Board is making to the success of our two ICSs.

7.2 Kevin presented, highlighting:

- There is now a requirement for the ICSs to balance their finances across the system
- The figures presented today are for North East London (NEL) half-way through the financial year. Taken together, the ICS and acute, mental health and community providers are now at a significant deficit across the NEL system. The challenge is to ensure that the deficit is reduced over the next six months

- Although there has been an announcement about funding for the NHS this week, this is not new money. This funding is to support existing services and additional costs incurred by responding to industrial action which would help in reducing the deficit but not eliminate it
- The financial recovery plans will largely focus on the acute trusts where the deficit largely sits but the responsibility to support each other to achieve saving targets rests with everyone in the system
- Three key messages:
there is a significant but expected deficit;
there are some anticipated small mitigations;
the ICB and the system partners will respond jointly to this challenge
- To maintain autonomy for ELFT it is important to have a well governed organisation and that includes the Trust's finances to minimise any risk of losing some freedom and flexibility which would impact negatively on our ability to respond flexibly to service user need.

7.3 In discussion, the Council noted:

- The figures presented relate only to NEL ICS, not Bedfordshire, Luton & Milton Keynes (BLMK)
- That ELFT itself is aiming for a break-even position with an across-the-board savings target of 3% in the current financial year
- That while most of the deficit for systemic reasons sits with the acute providers, it is important that the system as a whole contributes – recovery is not the sole responsibility of acute partners
- If the ICS were in a prolonged deficit, it is possible it would lose some autonomy with closer oversight by NHS England (NHSE)
- Being part of an ICS, ELFT has a stronger voice nationally which may be useful if there is a need to push back about funding mechanisms/ finance systems
- The ICS has until the end of March 2024 to achieve plans to break even
- Failing to reach a break even position by March 2024 would not reduce funding for the year ahead, although the amount of that funding is not yet known.

7.3 The Council **RECEIVED and DISCUSSED** the presentation.

8. **Governors' Strategic priorities for 2023/2024**

8.1 Norbert Lieckfeldt presented, highlighting:

- This Trust is unique in the way that governors are setting their own priorities for the year ahead
- The previous priorities covered at previous Council meetings are:
 - Supporting families and carers
 - Getting the basics right
 - Staff wellbeing, and
 - Getting digital right for our service users with the final session, Working in collaboration with others, planned for the January 2024 meeting.
- Other topics identified at last year's discussions that did not make the Top 5 were addressed in governor briefing/development sessions including:
 - Accountability in the ICS
 - ELFT Charity and Compass
 - Patient Safety
 - Developing the Learning Disability Service, and
 - Psychological services' contribution to population health
- The list of twelve areas which had been identified as possible priority suggestions for 2024/25; governors were asked to identify their top five from this list or add any further topics they wished to look at more closely.

8.2 In breakout groups governors, joined by Board directors, discussed which areas should be prioritised and shared their highlights with the meeting. The feedback will be collated, themed and revert to Council with a proposed list of priority themes at the January meeting.

ACTION: Norbert Lieckfeldt

8.3 The Council **RECEIVED and DISCUSSED** the presentation.

9. Report, Communications & Engagement Committee

9.1 Felicity Stoker highlighted that the report showed it had been a busy time for the committee; it also gives a selection of the events that have happened in and around the Trust.

Eileen thanked Felicity and all involved for the excellent work and was pleased to note that those governors who were previous guest attendees had now applied to join the committee as core members which was a vote of confidence in Felicity's leadership and the effectiveness of the committee.

There were no questions.

9.2 The Council **RECEIVED and NOTED** the report.

10. Update, Membership Engagement Plan

10.1 Tina Bixby introduced a project about to be undertaken to review 'Trusttalk' – the ELFT magazine produced quarterly and highlighted:

- 5,500 hard copies are distributed quarterly as well as being sent/made available electronically
- As one of the membership engagement plan agreed priorities, a review of the magazine's purpose has commenced and will include collecting views on who the magazine is aimed at, what its purpose is and how best to achieve it. An initial survey to its readers will be sent with the coming edition. The process will be co-produced with governors, service users, Trust members and the communications team.

10.2 Governors broke into discussion groups joined by Board directors to share their views on the magazine.

An update on the progress with the review together with a summary report of governors' discussions will be shared at the next Council meeting.

ACTION: Tina Bixby

10.3 The Council **RECEIVED and DISCUSSED** the presentation.

11 Committee Membership

11.1 Eileen Taylor presented the report and advised the changes, thanking everyone who stood and everyone who voted.

11.2 For the committee elections for Nominations & Conduct Committee (NomCo) there were three candidate for two vacancies: Julie Aduwa, Bob Cazley and Jamu Patel; the results were very close and Jamu and Julie have been elected.

For the two final vacancies on the Significant Business & Strategy Committee (SBSC) there were nominations from Dafni Boula and Sarifa Patel who were therefore elected unopposed.

11.3 The Council

- **RECEIVED and NOTED** the report

- **RATIFIED** the outcome of the nominations and balloting process as outlined in the paper and as summarised here .
- **RATIFIED** the following appointments:

Communications & Engagement Committee	Nominations & Conduct Committee	Significant Business & Strategy Committee
<ul style="list-style-type: none"> • Julie Aduwa • Gren Bingham • Bob Cazley • Peter Landman • Jamu Patel • Kate Smith 	<ul style="list-style-type: none"> • Julie Aduwa • Mark Dunne • Caroline Ogunsola • Jamu Patel 	<ul style="list-style-type: none"> • Rehana Ameer • Dafni Boula • Reno Marcello • Caroline Ogunsola • Sarifa Patel

12. Elections for the Lead Governor and Deputy Lead Governor

12.1 Eileen:

- Confirmed the re-election of Caroline Ogunsola as lead governor and Jamu Patel as deputy lead governor for a further term of office until 31 October 2026
- Thanked Betsy Scott for standing as candidate to be deputy lead governor, offering governors a real choice.

12.2 The Council

- **RECEIVED** and **NOTED** the report
- **RATIFIED** the appointment of Caroline Ogunsola as lead governor and Jamu Patel as deputy lead governor for a further term of office.

13. Any Other Urgent Business and Questions from the Public

13.1 There was no further urgent business or questions from the public. Questions submitted online will be responded to outside of the meeting and will be recorded in the minutes.

13.2 Eileen Taylor noted that Claire McKenna was attending the meeting for the first time as Interim Chief Nurse and congratulated Claire on her appointment.

14. Council Forward Plan

14.1 Noted.

15. Date and Time of Next Meetings:

19 January 2024 (virtual)
14 March 2024

All meetings will be held from 5:00 – 7:00pm.

The meeting held in public closed at 6.45pm

Council of Governors - Action Log following Council Meeting 9 November 2023							
Ref	Meeting Date	Agenda item	Action Point	Owner	Due Date	Status	Comments
198	09/11/2023	Governors Strategic Priorities priorities	Collate & theme and revert to Council with a proposed list of priority themes	Norbert Lieckfeldt	18/01/2024	In progress	On Agenda January 2024
199	09/11/2023	Update, Membership Engagement Plan	Update on progress including summary of governor feedback	Tina Bixby	18/01/2024	In progress	On Agenda, January 2024
200	09/11/2023	ND Performance Review	Specify NED objectives in future reports	Cathy Lilley	01/11/2024	Forward plan	For future report
193	13/07/2023	Learning from serious incidents	Share CQC recommendations, serious incident reports, Coroners reports and prevention of future deaths reports	Norbert Lieckfeldt	09/11/2023	Forward plan	Reviewing how best to ensure governors are kept updated - Trust currently reviewing

In progress
Closed
Forward plan

From: Norbert Lieckfeldt
Corporate Governance Manager

To: Council of Governors

Date: 18 January 2024

Subject: Annual Plan Meetings Summary

1.0 Purpose of the Report

1.1 To update the Council on the outcome of the consultation process with members for the Annual Plan 2024/25.

2.0 Background

2.1 Annual plans are more specific than longer term plans and include clearly defined objectives for the year ahead.

2.2 The Board has a statutory duty to consult their Council of Governors on the content of the annual plan. This is a key opportunity for governors on behalf of the members and the public to make an input into strategy and to reflect the views of members and the public to the Board.

2.3 Two trust-wide Annual Plan Meetings were held virtually (via Zoom) on 4 December 2023 (Bedfordshire & Luton) and 20 December 2023 (London). Attendees included Trust members, governors, Trust staff as well as wider stakeholders.

2.4 Following introductory presentations by Director of Integrated Care and Deputy CEO Richard Fradgley and Chief Quality Officer Dr Amar Shah participants were asked to consider the following questions:

- (a) What are we doing well?
- (b) What should we do more of?
- (c) What should we stop doing?
- (d) Where do we need to improve?

2.5 This has resulted in valuable feedback which has been themed for the against the Trust's strategic priorities and is attached at appendix 1.

2.6 Governors are asked to note the themed feedback and agree these reflected as the Governor priorities in the Annual Plan 2024/25.

3.0 Action Being Requested

3.1 The Council of Governors is asked to **RECEIVE** and **APPROVE** the summary.

Appendix 1

Summary, Annual Plan Consultation Meetings 2024

Trust Strategy Objectives	Priorities
Improved population health	<p>Easily accessible communication on services available – not just ELFT, but those of other Trusts, voluntary and community organisations, local authorities and others: “Bridge the gap between services available and those who may not know they exist or how to access them”</p> <p>Organise showcasing events locally offering signposting, support, information, advice</p> <p>Greater focus on drug and alcohol services (run by ELFT or others) –help improve our/others’ services? How can we improve access?</p> <p>Campaign around risks of alcohol consumption (see recent WHO advice)</p> <p>(Re?)-Establish an Older People’s champion</p> <p>Tackle social isolation and loneliness</p>
Improved experience of care	<p>Improved offer of courses for the Bedfordshire & Luton Recovery College held in Luton</p> <p>Improve offer for carer – review progress on carer strategy; improve respect for carers in line with Trust values</p> <p>Secure long-term future of the Lighthouse in Leighton Buzzard</p> <p>More use of Zoom technology to bring patients, MDT, GPs and carers together for case review discussions</p> <p>Advice for service users on the benefits of setting up Powers of Attorney for when they are acutely unwell</p> <p>Increase the offer of meaningful activities for patients on mental health wards</p> <p>Review service for older adults – are we doing well? How do we know?</p>
Improved staff experience	<p>Staff support to dovetail with staff needs, retention and local recruitment</p>
Improved value	<p>Regular communication about progress of and challenges around Bedfordshire new build</p>

January 2024

- **Access to services**
- **Communication**
- **Staff Wellbeing**
- **Diversity**
- **Prevention**



We care
We respect
We are inclusive

Access to services

1. Workforce and workforce development (staff competency)
2. Population Health – data-informed prevention
3. **Access to Mental health services – improve access, reduce waiting times, esp but not solely in A&E**
4. Freedom to Speak Up
5. Diversity: Zero tolerance to all ~isms
6. Workforce: Staff Satisfaction
7. Getting the basics right (define ‘basics’)
8. **Improve communications with service users**
9. Diversity: Racism; misogyny; sexism, ableism
10. **Continuity of care**
11. Prevention
12. Patient safety
13. **Accessible services**
14. **Supporting families**
15. Diversity: all forms of racism
16. Communication with others
17. Collaborating with partners
18. **Strengthening the digital offer**
19. **Supporting families, carers, service users**
20. Collaboration: pressure on VCSEs
21. FTSU: safeguarding
22. Population health: impact of homelessness
23. Support for those who don’t accept MH issues
24. **Families of children excluded from school**
25. **Domestic violence services**
26. **Supporting families**
27. **Waiting times in MH – link to whole person health agenda**
28. Prevention links to many priorities but esp working in schools
29. Domestic violence – also looking at perpetrators
30. Staff wellbeing: innovation, accommodation offer, pay flexibility, being competitive
31. Safer staffing ; recruitment and retention, development pathways
32. Staff: Older people in the Trust – intergenerational network
33. **Services for older people – what’s the strategy? Champions for older people, tackling frailty; assisted dying and end of life care**
34. **What is the Post Covid World??**
35. **Impact of agile working on services**
36. How will these discussions make a difference?
37. Tackling climate change
38. People participation and their duty of care
39. Dealing with population growth
40. **Accessibility of services in neighbourhood**



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How do they fit in?

- **The eight Marmot principles are:**
- Giving every child the best start in life
- Enable all children, young people and adults to maximise their capabilities and have control over their lives (education and training)
- Create fair employment and good work for all
- Ensure healthy standard of living for all (pay, income and financial support)
- Create and develop healthy and sustainable places and communities (environmental sustainability; healthy places; social isolation and community development and engagement)
- Strengthening the role and impact of ill health prevention
- Address structural racism
- Tackle climate change.

Mission

What is our role in society

Strategic Outcomes

What are the biggest factors that will help us achieve our mission?

To improve the quality of life for all we serve

Improved population health

Improved experience of care

Improved staff experience

Improved value



We care
We respect
We are inclusive

Ask about the #ELFTPromise

Proposed Theme	Trust Strategic Objective	Marmot Principle
Access to services	Improved experience of care Improved population health	Enable all children, young people and adults to maximise their capabilities and have control over their lives Ensure healthy standard of living for all Create and develop healthy and sustainable places and communities Strengthening the role and impact of ill health prevention
Communication	Improved experience of care Improved population health Improved value	Enable all children, young people and adults to maximise their capabilities and have control over their lives (education and training) Create and develop healthy and sustainable places and communities Strengthening the role and impact of ill health prevention
Diversity	Improved experience of care Improved value	Giving every child the best start in life Enable all children, young people and adults to maximise their capabilities and have control over their lives (education and training) Create fair employment and good work for all Create and develop healthy and sustainable places and communities (environmental sustainability; healthy places; social isolation and community development and engagement) Address structural racism
Prevention	Improved experience of care Improved staff experience Improved value	Giving every child the best start in life Enable all children, young people and adults to maximise their capabilities and have control over their lives (education and training) Create and develop healthy and sustainable places and communities (environmental sustainability; healthy places; social isolation and community development and engagement)
Staff Wellbeing	Improved staff experience Improved experience of care Improved value	Create fair employment and good work for all Ensure healthy standard of living for all (pay, income and financial support) Create and develop healthy and sustainable places and communities Address structural racism

- Freedom to Speak Up – raising concerns/whistleblowing; culture of safety and openness
- Older People Services
- Supporting older staff
- ELFT in a post-Covid world
- Our Net Zero ambition (tackling climate change)
- Adjusting to population growth



We care
We respect
We are inclusive

From: Eileen Taylor, Chair
To: Council of Governors
Date: 18 January 2024
Subject: Nominations & Conduct Committee Report:
Non-Executive Director Recruitment Process

1. Purpose of the Report

1.1 To present an update on the recruitment process for a non-executive director (NED) at ELFT.

2. Background

2.1 The Nominations and Conduct Committee (NomCo) is an established committee of the Council of Governors. It has the delegated responsibility to carry out the NED recruitment process, on behalf of the Council, for the identification and nomination of suitable candidates that fit the criteria agreed by the chair and Board of Directors. The committee's duties include identifying a suitable candidate and recommending the appointment of the preferred candidate as trust chair or NED to the Council.

2.2 At the previous NomCo meeting on 26 October 2023, governors agreed to recommend to Council the recruitment of a new NED to fill the vacancy left by Ken Batty on his leaving the Trust on 31 October 2023, subject to further discussion at Board about the required skills and experience for the position, bearing in mind the required skills mix at Board, succession planning and system working requirements. The Council agreed these recommendations at its meeting on 9 November 2023.

2.3 NomCo met on 21 December 2023 and agreed:

- the skills, knowledge and experience required of the new NED as recommended by the Chair and CEO
- the appointment of GatenbySanderson as the recruitment agency
- the recruitment process (including the interview panel) and timetable.

2.4 The Council was subsequently advised on progress including an outline of the process by email on 3 January 2024 and invited to submit any comments or queries.

3. Recruitment Process

3.1 Following the end of Ken Batty's term of office, the Board have reviewed their current skills mix, succession planning and system-working requirements and are seeking to recruit a NED with substantial strategic finance experience.

3.2 Given the agreement in principle by NomCo and the Council, the aim was to commence the recruitment process as soon as possible before the Christmas and New Year break as experience has shown that this is an optimum time to advertise as many possible candidates are looking for new opportunities.

3.2 Under its terms of reference, NomCo may use the services of an external recruitment agency to facilitate the search of suitable candidates and in order to progress the

recruitment process GatenbySanderson (GS) have been retained based on their support for governors through successful recruitments over the past four years on five separate occasions (including the recruitment of Eileen Taylor, Anit Chandarana, Dame Donna Kinnair, Richard Carr, Deborah Wheeler, Sue Lees and Peter Cornforth). They also have a good understanding of and affinity with ELFT culture and our values.

- 3.4 The detailed recruitment timetable is attached at Appendix 1. This has been developed based on previous successful recruitment processes. Core dates are set out below:

Activity	Dates
Virtual Open Event	23 January 2024
Closing date for applications	29 January 2024
Longlisting meeting	6 February 2024
Preliminary interviews	w/c 12 February 2024
Shortlisting meeting	28 February 2024
Final panel interviews	6 March 2024

- 3.5 A detailed *Guide for governors on the recruitment of the Chair and the NEDs* is attached as Appendix 2 which aims to support governors in understanding the NED recruitment process including the purpose for the various stages, those who are involved and the rationale for their roles, etc.

4. Recommendations and Action

- 4.1 The Council of Governors is recommended to:

- **RECEIVE** and **DISCUSS** the report
- **RATIFY the Committee’s decisions on:**
 - The skills, knowledge and experience required of the new NED
 - The recruitment approach
 - The retention of GatenbySanderson as the recruitment agency for the NED post
 - The timeframe

Appendix 1

Recruitment Timetable

	Action	Action/Requirement	Lead	Deadline
1	CoG NomCo: <ul style="list-style-type: none"> Advised of current status of recruitment and plans to start recruitment once Board have signed of expertise required Planned NomCo meeting 21 December 2023 	NomCo Oct 2023: "Chair is having conversations with LS about skills mix needed. As soon as JD for new NED ready it will be shared with the Committee" Council (Sep 2023): "In line with good practice, the Board will review the competencies, skills and experience required on the Board and these recommendations will be shared with the Council so that a recruitment process can commence"	NL	9 Nov 2023
2	Meeting with recruitment agency		CL/Agency	5 Dec 2023
3	Text of advertisement	Draft/Agree text sign off by ET	Agency	15 Dec 2023
4	CoG NomCo: <ul style="list-style-type: none"> Retrospectively agree role description and person specification Approve advertising routes Approve Interview Panel and Stakeholder Group – members and format 	Draft Role description/Person specification and update Candidate Info Pack	NomCo	21 Dec 2023
5	NED vacancy advertised/ search commences	Including search of GS candidate database	Agency	18 Dec 2023
6	Communications: <ul style="list-style-type: none"> Email advertisement details to NomCo and Board Publicise on website Publicise on social media 		NL/CL Coms Team NL/Coms Team	18 Dec 2023 21 Dec 2023
7	Determine interview panel	NomCo to determine interview panel <ul style="list-style-type: none"> John Bennett, Caroline Ogunsola, Jamu Patel; Panel chaired by Eileen Taylor; external assessor: Marie Gabriel, Chair of North East London ICB) 	NomCo Session	21 Dec 2023
8	Send out stakeholder session invitations to stakeholders	Send invite/ calendar placeholder for 6 March 2024	NL	w/c 2 Jan 2024
9	Virtual Information Session	Identify Board members and governors available	NL	23 Jan 2024, 6:00pm

10	Application deadline		Agency	29 Jan 2024
11	Sift of applications		Agency	
12	Longlisting report sent to Interview Panel		Agency	31 Jan 2024
13	Interview Panel – Longlisting and Stakeholder sessions	Send Longlisting Summary to Panel Agree stakeholder panellists	Interview Panel	6 Feb 2024
14	Opportunity for informal discussions with chair/vice-chairs/senior independent director/lead & deputy lead governor	Identify availability	ET/AA/DW/ CO/JP Candidates	Feb 2024
15	Preliminary interviews		Agency	w/c 12 Feb 2024
16	Interview reports to Interview Panel		Agency	23 Feb 2024
17	Interview Panel NED recruitment refresher training if required		Agency	28 Feb 2024
18	Interview panel – Shortlisting and Stakeholder sessions	Agree shortlist Agree interview questions/ scoring/format Draft interview stakeholder questions (GS)	Interview Panel Interview/P anel/Agenc y	28 Feb 2024
19	Advise unsuccessful applicants following longlisting and shortlisting		Agency	29 February 2024
20	Invite candidates to interview		Agency	TBC
21	References/due diligence		Agency	TBC
22	Stakeholder session	Held virtually	Agency/EL FT	6 March 2024
23	NED candidate formal interviews	Face to face meetings	Interview Panel	6 March 2024
24	Interview panel decision making		Interview Panel/ NomCo observing	6 March 2024
25	Receive recommendation for NED appointment		NomCo	6 March 2024
26	Advise successful candidate of outcome of interviews (subject to approval by CoG)		Agency/EL FT	
27	CoG: Approve NED appointment recommendation		CoG	14 March 2024
28	Letter to successful candidate confirming appointment		Agency/ET	15 March 2024

29	Meeting with Chair to commence induction		ET	ASAP
30	New NED start date		NED	ASAP

Guide to the Appointment of the Trust Chair and Non-Executive Directors of the Board (for Governors)

January 2024

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9 Background/Reference

1 Introduction

The aim of this document is to

- Support Governors in understanding the process for the appointments of the Trust Chair and Non-Executive Directors (NEDs) including their role and the role of the Trust Board
- Ensure that appointments are made as smoothly and effectively as possible in a robust, fair, open and transparent way
- Ensure that the successful candidate has the skills and experience to lead the Trust over the coming years.

Any appointment must be open and transparent and in line with the Nolan principles and other good practice guidance. Within ELFT, the Council of Governors delegates responsibility for the recruitment process to its Nominations & Conduct Committee (NomCo).

As part of this process, NomCo must assure the Council that it has followed due process and must highlight the appointee's significant attributes. It is recognised that the Council of Governors (the Council) ultimately makes both the Chair and NED appointments. To that end, it is imperative that the Council remains informed and engaged throughout the process through reports, email bulletins, drop-in sessions or other means as appropriate.

For further information, advice and guidance on the appointment process, contact Cathy Lilley, Director of Corporate Governance by email cathy.lilley@nhs.net

2 Responsibilities

2.1 Role of Governors

Under the terms of the constitution and NHS Act 2006, Governors have specific and statutory responsibility for the appointment (and removal) of the Chair and NEDs, and decides their remuneration, allowances and other terms and conditions of office. The Council delegates the responsibility for the recruitment process to its NomCo who oversees the recruitment phase, conducts the selection process and recommends a suitable applicant(s) for appointment to the Board of Directors (Board) to the Council for approval.

2.2 Role of the Board

Governors must seek the views of the Board and the Chief Executive (CEO) in particular with regards to the skills and experience required for either the Chair or NED role particularly in respect of Board balance, succession planning and systems working as well as both the local and national NHS context in respect of the Chair.

It is also prudent to provide an opportunity for Board members to meet shortlisted candidates prior to interview and assess their 'fit' with the Trust and the systems within which the Trust operates in respect of the Chair; their views will be shared with the interview panel.

By arranging candidates to meet the Board, it also provides them with the opportunity to assess whether they could work for the Trust.

2.3 Role of the NomCo

NomCo comprises of elected and appointed Governors and is normally chaired by the Chair of the Trust. When the Committee is considering the Chair's appointment, the Committee will be chaired by the Senior Independent Director (SID); when the Trust Chair is not available or

has a conflict of interest, the Trust Vice Chair will chair the meeting. The CEO and SID are non-voting members of the Committee.

As detailed in its terms of reference, NomCo has delegated responsibility to select candidates to fill Chair and NED vacancies and recommending a candidate to the Council for appointment. This includes:

- Establishing an open and transparent process in line with the Nolan Principles and other good practice guidance
- Carrying out the recruitment process on behalf of the Council for the identification and nomination of a suitable candidate that fits the criteria for the appointment of the Chair/NED
- Appointing an external recruitment agency to facilitate the search and support the overall recruitment process
- Preparing a description of the role, capabilities, skills, knowledge and experience and expected time commitment required taking account of the recommendations of the Boards including the balance and diversity on the Board. In respect of the Chair role, the views of the regulator and systems will also be sought and account should be taken of the Trust's focus on improving population health, changing external landscape and the Trust's role as an integrated care system leader
- Recommending to the Council the Chair/NED's remuneration and terms and conditions of office including time commitment
- Ensuring compliance with any mandatory guidance and relevant statutory requirements
- Agreeing the members of the interview panel. The recruitment process and in particular the interview process demands a certain level of experience and understanding by Committee members and this will be borne in mind when agreeing the members of the interview panel. Other areas of consideration are a diverse panel, and good representation across the Trust's localities. All Governors involved on the interview panel will be required to attend recruitment refresher training which also covers the relevant equality and diversity requirements
- Providing assurance to the Council that it has followed due process and highlight the proposed candidate's significant attributes.

2.4 Role of the Recruitment Agency

A recruitment agency will be appointed by NomCo to lead the search.

Working in partnership with NomCo, the agency will use their expertise to help identify the best candidates for the vacancy. The agency will support with the preparation, generate the candidate pool, and support with the selection process:

- Preparation: this will include understanding the demands of the role, criteria, the timetable and advertising opportunities
- Generating the candidate pool: this will include developing a pool of candidates for the role using their relevant networks and contacts, and ensuring diversity through a fair, balanced and inclusive process, as well as undertaking relevant Fit and Proper Persons checks
- Selection: this will cover support throughout the recruitment process including with sifting, longlisting, shortlisting, stakeholder panels and interviews.

3 Role Description and Person Specification

As mentioned above, the development of the role description and person specification will be undertaken by the NomCo but informed by the Board, and the views of the regulator will also be sought and reflected.

The role description and person specification will be included within the Candidate Information Pack. This will include specific responsibilities and the essential and desirable skills, knowledge, experience and attributes required to undertake the Chair/NED duties. It will also ensure the Board can function efficiently and effectively given the existing composition of the Board, the Trust's vision and strategic priorities, as well as the external NHS environment.

It is recommended that the person specification be high-level so as to enable the interview panel to explore candidates' views of how they see the role and would fill the vacancy.

4 Terms and Conditions

The terms and conditions, including appropriate remuneration and required working days, are also considered by NomCo. Remuneration will be considered using benchmarking information and ensuring that it reflects the time commitment and responsibilities of the role. In addition, consideration should be taken of the NHSE guidance on Chair and NEDs remuneration, as well as other benchmarking information.

NomCo will provide recommendations to the Council for approval.

5 Recruitment Campaign

The vacancy will be advertised as agreed with the recruitment agency and will include both local and national advertising as well as through social media and the Trust's own internal communications function. NomCo will pay special attention to advertising, in particular to reach a diverse audience.

An advert is usually included in the Candidate Information Pack.

During the advertising phase, potential candidates will have the opportunity of having information conversations with the CEO and/or Chair/SID or other colleagues including other Board members and Governors if requested.

NomCo will be kept updated in summary reports about progress around applications submitted and interest expressed.

The Trust will organise a *Meet ELFT* information event for prospective candidates prior to the application deadline, with participants/contributors usually including the CEO, the Director of Integrated Care and the Director of People Participation, chaired by a NED (other than the Chair), supported by the Director of Corporate Governance, the Corporate Governance Manager and the recruitment agency.

Candidates will be asked to address three specific questions in their application usually around

1. Meeting the specific person requirements
2. Motivation for applying for the role
3. Demonstrating commitment to equality, diversity and inclusion

6 Selection Process

This section covers arrangements from closing date to completion of interviews.

6.1 Sifting

The sifting process will be undertaken to reduce the number of applications to a manageable list for review – this would usually take the form of grading each applicant for consideration for the next stage, e.g. recommended, marginal, not recommended. This process will be undertaken by the recruitment agency to ensure that candidates to be considered for longlisting have met the requirements and agreed competencies of the post as included in the person specification.

6.2 Longlisting

Information on all candidates will be circulated to the interview panel for consideration prior to the longlisting meeting. This will include a 'sift' summary, the application letters and CVs and also an equal opportunities monitoring report.

The aim of the longlisting meeting is to identify those candidates who meet the requirements and person specification and invite them to a preliminary interview with the recruitment agency. Those not longlisted will be advised accordingly by the recruitment agency.

It is anticipated that the interview panel Governor representatives and either the Chair/SID will attend the longlisting meeting whilst the external stakeholder interview panellists will have the opportunity to feedback comments and views via the recruitment agency. At this stage there is no requirement for the service user to attend the meeting.

6.3 Preliminary Interviews

The recruitment agency will undertake preliminary competency and values-based interviews with those candidates confirmed as longlisted. The interviews will explore the candidate's background and achievements, their style and overall suitability for the role. The interview will also cover other considerations such as time commitment, conflicts of interest and remuneration.

A report on the preliminary interviews will be produced by the recruitment agency. This will highlight the strengths and areas of concern/development for each interviewee, and include recommendations for shortlisting, suggestions for issues to explore at final interview if shortlisted, the grading of each applicant based on the preliminary interview, and an equal opportunities monitoring report.

6.4 Shortlisting

The shortlisting process is conducted by interview panel with the aim of identifying suitable candidates for interview, supported by the recruitment agency. The external stakeholder interview panellists may join this meeting or as with longlisting will have the opportunity to feedback comments and views via the recruitment agency. There is no requirement for the service user to attend this meeting.

The recruitment agency will provide a report following the preliminary interviews (6.7 above) which details the suitability, eligibility and credibility of candidates; the recommendations are based on the person specification.

Only those applicants who have been shortlisted will then be invited to interview; those applicants who were not shortlisted will be advised by the recruitment agency.

6.5 Interview Panel – Chair Post

NomCo agrees the composition of the interview panel which should comprise:

- **Governors:** The majority of Governor representation, usually three to five Governors (voting)
- **Chair of the panel** will be the SID
- **NHSE/ICS representative(s)**
- **External assessor**, e.g. an experienced Chair of another mental health/community services Trust or similar organisation
- **Service user.**

In line with Trust practice, the interview panel will include a diverse representation.

The Director of Corporate Governance, Corporate Governance Manager and/or representative from recruitment agency will be in attendance to provide support and guidance on governance and HR queries.

6.6 Interview Panel – NED Posts

NomCo agrees the composition of the interview panel which should comprise:

- **Governors:** The majority of Governor representation, usually three to five Governors (voting)
- **Chair of the panel** will be the Chair of the Trust
- **NHSE/ICS representative(s)**
- **Service user**

In line with Trust practice, the interview panel will include a diverse representation.

The Director of Corporate Governance/Corporate Governance Manager/representative from recruitment agency will be in attendance to provide support and guidance on governance and HR queries.

6.7 Role of the Interview Panel

The role of the panel is to make objective and reasoned decisions concerning the relative merit of competing candidates against the criteria included in the person specification, and thereby identify the appointable candidates for recommendation to NomCo and subsequently to the Council.

The key elements of the panel's role are to:

- Determine which applicants should be longlisted on the basis of the available information about them, ensuring equal consideration of all candidates
- Determine which applicants should be shortlisted on the basis of the feedback from the preliminary discussions led by the recruitment agency
- Interview each shortlisted candidate against the established selection criteria
- Assess which candidates are appointable in the light of all the relevant available evidence including the interview and taking account of feedback from stakeholder panels, etc
- Identify appointable candidates, describing how and the extent to which they met the key criteria
- Preserve the confidentiality of candidates throughout the selection process
- Ensure any personal or family relationships with particular candidates are declared within the panel and dealt with appropriately and consistent with the principles of fairness and merit.

6.8 Role of the Governors on the Interview Panel

In addition to the roles described in 6.7 above and following due consideration, the Governor representatives on the interview panel will vote on a suitable candidate for appointment to the Chair/NED role for recommendation to NomCo and subsequently to the Council.

6.9 Role of the NHSE/ICS representatives and Independent Assessors

They

- Ensure that appointments are made on merit after a robust, fair, open and transparent process
- Are independent of the appointing organisation

- Provide guidance to the interview panel on the calibre, ability and attributes of the candidates at interview
- Contribute to the discussion among panel members when discussing the candidates' performance in the post interview discussions
- Play a full part in the interview process, i.e. will ask questions
- Do not vote.

6.10 Psychometric Testing

In some circumstances, interview panel may agree that psychometric testing might be of value to the selection process. Such testing would be managed by the recruitment agency and would be for shortlisted candidates only. The results of the tests could be used to inform additional probing questions of shortlisted candidates at formal interview.

6.11 Recruitment Refresher Training

Governors and the service user on the interview panel will be required to attend relevant refresher recruitment training to ensure there is a common understanding and consistent approach and which also covers the relevant equality and diversity requirements. This may be provided by the recruitment agency reflecting the Trust's recruitment policies.

In the case of the Chair recruitment, a briefing session with the Trust's CEO will be held for all Governors focusing on the importance of the relationship between the Chair and the CEO.

6.12 Informal Meetings/Discussions

Candidates will be provided with the opportunity of having an informal conversation with the Chair/SID/CEO (and others as requested, such as Governors) during the application period.

6.13 Stakeholder Survey (Chair Recruitment)

NomCo may decide to hold a stakeholder survey particularly for the Chair post. The aim is to provide staff, Governors, service users and carers, and external stakeholders with the opportunity of sharing their views as to the key qualities they would like to see in the new chair. Key themes identified can be used to help inform the questions asked or presentations at the stakeholder sessions.

6.14 Checks and References

The recruitment agency will:

- Take up references for the candidates shortlisted for interview in advance of the interview, using the standardised Board Member Reference template in line with the updated FPPT framework issued in August 2023
- Carry out relevant checks including Fit and Proper Persons (FPPT) checks, disqualification checks with Companies House and other government agencies, and due diligence checks including various media searches.

6.15 Stakeholder Sessions

In addition to the formal interviews, there will be an opportunity for key stakeholders to meet with the candidates on an informal structured basis.

The three stakeholder groups for the chair recruitment usually include:

- Board Directors
- Governors, service users and carers
- System (eg ICS representatives) and external stakeholders for the Chair post (e.g. representatives from local authorities, voluntary and partner organisations, other Trusts within the ICS, etc)

- 1:1 meeting with the CEO.

The stakeholder group for the NED recruitment will usually include:

- Board members
- Governors, service users and carers
- System and external stakeholders

Although the focus and questions and/or presentations will differ for the different stakeholder groups, the sessions will be structured so that the same format and the same questions/requirements are asked of each candidate and will be supported by an independent representative, usually someone from the recruitment agency.

The questions and focus at these sessions may be based on the feedback from the stakeholder survey in respect of the Chair post.

The stakeholder groups' views will be shared with both the interview panel and NomCo either by the recruitment agency or a member of the stakeholder group, generally just before the post-interview discussion to aid deliberations.

6.16 The Interview

The aim of the interview is to identify the most suitable candidate for the role.

(a) Interview Preparation

Prior to the interviews, the interview panel will decide on a set of questions to ask each candidate taking account of the essential criteria in the person specification and the Trust's values. Some of these may be shared with the candidates prior to the interview (eg when asked to do a short presentation)

The interview panel will nominate a chair for the panel (usually either the Trust Chair or the SID) who will manage the welcome and closing remarks at the interview, as well as post interview discussions.

All interview panellists should ensure that they have reviewed the applications in preparation for the interview and remind themselves of the key requirements and role description for the post.

(b) Interview

Interview packs will be provided consisting of the interview programme and questions sheet as well as the role description, person specification and CV and application forms.

There will be a short briefing session for the panel just prior to the interviews.

All interview panellists will have the opportunity of asking a question(s) and, where appropriate, asking follow up or probing question(s).

The following best practice principles should be noted and applied throughout the interview process:

- The same questions should be posed to each applicant: these should be investigative and open ended with probing questions asked where needed
- The interview should start by easing the candidate into the interview – asking them to talk through their application form – ensuring any gaps in their employment history are explored
- Questions should be based on the criteria detailed in the person specification and the Trust's values
- Feedback from the stakeholder sessions may be reflected in probing or supplementary questions

- Yes or no questions or multiple questions in one should be avoided
- Personal questions/leading questions/discriminatory questions must not be asked; the chair of the panel may intervene to ask a candidate to disregard any such question
- Notes should be taken during the interview to support with identifying whether the candidate is appointable or not and to allow the ranking of those identified as appointable. Candidates should be aware that their notes will be retained in line with record retention policy requirements and may form part of the audit trail to confirm that the process has been fair. These notes will be complemented by notes taken by the recruitment agency representative
- Each candidate should be scored; the interview panel will agree the final scores for each applicant
- All candidates should be asked as part of the interview process whether there are any reasons known to them that would create a conflict of interest or, in the event of their appointment, bring the Trust into disrepute (alternatively this will be taken up by the recruitment agency)
- Any gaps in employment, questions relating to referees or convictions disclosed should be addressed and a note kept on the applicant's interview notes of the discussion (alternatively this will be taken up by the recruitment agency)
- Candidates will be advised of the next steps including when a decision will be made, how they will be communicated with and how they can access feedback which will usually be provided by the recruitment agency.

The interview timetable will provide sufficient time for the interviews plus time to finish writing notes.

For interviews that are held in person, copies of the interview panel interview notes will be collected by the recruitment agency and sent to the Trusts for filing in line with Trust's records retention policy.

For interviews that are held virtually, interview panellists will be asked to either scan their interview notes and email to the recruitment agency or asked to post the hard copies to the recruitment agency.

6.17 Recommendation to Appoint

Following completion of all interviews, the interview panel will review the evidence collected as part of the recruitment process including the responses and scores to interview questions to support with identifying the preferred candidate.

At this meeting, which will include other members of NomCo as observers, the interview panel will:

- Hear the advice and opinion of the NHSE/ICS representation and/or independent assessor(s) and other non-voting interview panel members
- Hear from all interview panel members regarding their opinion of each candidate
- Hear from the CEO her opinion of each candidate (if applicable)
- Hear the views from the stakeholder sessions.

Once agreement has been reached, references for the preferred candidate which will have been obtained in advance, will be provided to the interview panel for review or the recruitment agency will confirm that the relevant references and checks have been undertaken and are satisfactory.

With these being considered satisfactory and the interview panel in agreement, NomCo will formally receive the outcomes of the interviews and appointment recommendation, and will have the opportunity to ask questions for clarification and assurance.

Subject to agreement/support by NomCo a verbal offer can be made to the preferred candidate – usually by the Chair of the interview panel or through the recruitment agency. Any offer of appointment should be made subject to:

- Satisfactory health clearance
- Final Fit & Proper Persons checks
- Right to work and remain in the UK checks
- Formal approval by the full Council.

It should be noted that a verbal offer of appointment may be legally binding and therefore care should be taken to ensure the relevant information is discussed with the successful candidate.

Unsuccessful candidates should be offered feedback which will usually be provided by the recruitment agency.

6.18 Decision to Appoint: Council of Governors

A report from NomCo will be presented to the Council at a meeting in private with the appointment recommendation. This report should focus on providing assurance of the robustness and fairness of the process by offering a detailed overview of the various stages of the recruitment process and the appointment recommendation including the reasoning behind the selection proposal, and the attributes of the preferred candidate.

7 Post Selection Actions

Following approval by the Council of the appointment to the Chair/NED vacancies, the Director of Corporate Governance will formally inform the successful candidate of their appointment. The appointment letter will include the terms and conditions and the individual will be required to sign and return both documents.

8 New Starter Requirements and Induction

8.1 New Starter Requirements

The following will also need to be actioned (but not limited to):

- Relevant HR processes including DBS checks and OH referral
- Completion of FPPR checks
- Obtain biographical details
- Prepare Press/Media Release and communications to staff
- Update Trust website
- Complete New Staff Starter Form (including bank details)
- Arrange access to IT systems
- Order ID badge(s) and security fob
- Order IT requirements (e.g. laptop, iPad)
- Arrange for photograph to be taken.

8.2 Induction

The successful candidate will be required to undertake the Trust's induction programme, complete mandatory online training, and attend NHS Providers relevant development programmes.

9 Background/Reference

9.1 Relevant Statutory Requirements (NHS Act 2006)

The Council of Governors are responsible at a general meeting for the appointment, reappointment and removal of the Chair and other NEDs.

9.2 NHS England Code of Governance (February 2023)

Appointments to the Board of Directors:

- C.2.1 The nominations committee or committees of foundation trusts, with external advice as appropriate, are responsible for the identification and nomination of executive and non-executive directors. The nominations committee should give full consideration to succession planning, taking into account the future challenges, risks and opportunities facing the trust, and the skills and expertise required within the board of directors to meet them. Best practice is that the selection panel for a post should include at least one external assessor from NHS England and/or a representative from a relevant ICB, and the foundation trust should engage with NHS England to agree the approach.
- C.2.3 The chair or an independent non-executive director should chair the nominations committee(s). At the discretion of the committee, a governor can chair the committee in the case of appointments of non-executive directors or the chair.
- C.2.4 The governors should agree with the nominations committee a clear process for the nomination of a new chair and non-executive directors. Once suitable candidates have been identified, the nominations committee should make recommendations to the council of governors.
- C.2.6 Where [...] one nominations committee exists, when nominations for non-executives, including the appointment of a chair or a deputy chair, are being discussed, governors and/or independent members should be in the majority on the committee and also on the interview panel.
- C.2.7 When considering the appointment of non-executive directors, the council of governors should take into account the views of the board of directors and the nominations committee on the qualifications, skills and experience required for each position.

Commitment

- The T&Cs of appointment of NEDs should be made available to the Council. The letter of appointment should set out the expected time commitment. NEDs should undertake that they will have sufficient time to meet what is expected of them. Their other significant commitments should be disclosed to the Council before appointment, with a broad indication of the time involved and the Council should be informed of subsequent changes.

9.3 Fit & Proper Persons Requirements

- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) introduced a “fit and proper person requirement” (Regulation 5) for all Board Directors of NHS bodies. Compliance with the Regulations will be monitored and enforced by the CQC as part of their inspection regime
- Under the regulations all provider organisations must ensure that Director-level appointments meet the FPPR and the regulations place a duty on NHS providers not to appoint a person or allow a person to continue to be an Executive Director (or equivalent) or a Non-Executive Director under given circumstances
- The Trust must demonstrate that it has appropriate systems and processes in place to ensure that all new appointees and current Directors are, and continue to be, fit and proper persons

- The purpose of the FPPR is not only to hold Board Directors to account in relation to their conduct and performance but also to instil confidence in the public that the individuals leading NHS organisations are suitable to hold their positions. There is an expectation of senior leaders to set the tone and culture of the organisation that leads to staff adopting a caring and compassionate attitude.

10 Recruitment Roadmap January 2024



To: Council of Governors
From: Felicity Stocker, Chair
Author: Norbert Lieckfeldt, Corporate Governance Manager
Date: 18 January 2024
Subject: Communications and Engagement Committee Report

1. Purpose of the Report

1.1 To update the Council on the work of the Communications and Engagement Committee (the committee).

1.2 The committee last met on 11 December 2023 and

- Received an update on recent communications and media developments
- Received an update on the membership engagement plan (with special focus on plans for a review of TrustTalk and the annual planning meetings)
- Received an update on the ELFT charity
- Received feedback from the People's Participation Committee.

2. Background

2.1 The committee has been established to carry out specific duties on behalf of the Council, including reviewing the Trust's membership engagement plan and communications with members and among governors.

2.2 The committee meetings are open to all governors. Those governors who are not core members but wish to attend should notify the Governors & Members Office in advance.

3. Meeting: 11 December 2023 Key Discussions

3.1 In discussion the Committee noted the planned Governor Exit Survey has been discussed with, amongst others, departing governor Adam Forman and we are ready to roll this out more widely in 2024. An update will be provided at the next meeting.

3.2 Communications Plan Update

- Janet Flaherty, ELFT's head of communications, provided an update about recent media activities; amongst others, she highlighted:

Positive stories

- Staff Awards – many of the awards won were shared with local media
- Member of staff (a recent international recruit in Bedfordshire) meets King Charles at a reception to celebrate the NHS
- NED Dame Donna Kinnair and Chief People Officer Tanya Carter were listed as two of the HSJ Top 50 BAME Influencers
- Final COVID memorial plaques remembering staff and service users lost to the pandemic were unveiled in Clapham and Dunstable, Beds
- *Right Person, Right Place* information about the new ways of working with the Metropolitan police was shared
- Trust staff have won a clutch of awards including Royal College of Nursing's Nurse of the Year Award
- 16 Days Against Gender Violence campaign

- Newham Recovery College in Newham Voices

Critical stories

- Health Service Journal (HSJ) published bullying allegations against a staff member; noticeable that HSJ experienced backlash from their readers for unprofessional conduct
- Reporting on the funeral of suicide victim – allaying fears of copycat action
- Response to and mitigation of the planned junior doctors strikes

Looking forward

- Interim CEO Lorraine Sunduza has been interviewed by the HSJ with a theme of leadership and change
- Festive messaging – continuity of and accessing services during the holidays, stocking up on repeat prescriptions and home remedies
- Winter weather messaging
- New Year Messaging

- The Committee **NOTED** the update

3.3 Charity Update

The Committee noted

- The ELFT charity has recently recruited a fundraiser
- The staff awards raffle raised £549
- Pennies from Heaven (salary deduction donation scheme): so far, 87 colleagues have signed up
- Christmas bids were opened to staff for up to £250 for service user activities in hospitals or the community, eg the Lighthouse in Leighton Buzzard put in a successful bid for a Christmas dinner
- Working on the charity's Annual Report to be used for marketing purposes
- The charity now has a swipe card reader to raise funds at events such as the staff awards and others

3.4 Membership Engagement Plan (MEP) Update

The Committee noted:

- Plans are under way for a comprehensive review of Trusttalk, our Trust magazine with a focus group made up of governors, service users/members, staff, etc
- A survey will go out with the next issue of Trusttalk to its readership both electronically and in print inside the magazine
- We held a successful annual planning meeting in Bedfordshire & Luton and plans are in hand for a meeting in London later this month. The results of both meetings will be collated and presented to Council for consideration as the Council's Annual Plan 2024/25 priorities.

3.5 People Participation Committee (PPC)

The Committee received an update on the discussion at the most recent meeting of the Board's People Participation Committee – as a reminder, two governors attend the meeting as members and feedback to the Council is managed through the CEC.

The Committee heard about updates to the Committee about work by the people participation teams in the forensic services, in the Children and Young

Adults Mental Health (CAMHS) service and the City & Hackney adult mental health service. Particularly impressive were the co-production work that had taken place in the CAMHS service.

The Committee also received an update (and powerful testimony) on the concerns raised at the meeting by the Bedfordshire Community Health working together group about the accessibility of some of the events run by people participation or the Trust more generally – a challenge that was accepted by people participation to address as soon as possible.

The Committee opted to continue with the current system of allocating governors with Gren Bingham being a permanent member to guarantee continuity and the second space offered to interested governors in rotation.

4.0 Recommendation

4.1 The Council of Governors is asked to **RECEIVE** and **NOTE** the report

COUNCIL OF GOVERNORS FORWARD PLAN 2024

Date of Meeting	Key Strategic Agenda Items
18 January 2024	<ul style="list-style-type: none"> • CoG strategic priority: collaborating with partners • Governor impact review • Annual Plan 2024/25
8 February 2024	<ul style="list-style-type: none"> • Annual Members Meeting inc • Annual Report and Accounts • CEO Report • Governos Impact • Membership Engagement Plan • Population Health Impact Update
14 March 2024	<ul style="list-style-type: none"> • CoG strategic priority: TBD • Membership Engagement Plan Annual Update
9 May 2024	<ul style="list-style-type: none"> • CoG strategic priority: TBD • Performance Reviews • Training and Development Self-Certification
11 July 2024	<ul style="list-style-type: none"> • CoG strategic priority: TBD • Governor Impact
12 September 2024	<ul style="list-style-type: none"> • CoG strategic priority: TBD •
14 November 2024	<ul style="list-style-type: none"> • CoG strategic priority: TBD • Performance Reviews (NEDs) • Council Improvement Plan

Standing / regular reports at every meeting:

- Minutes
- Action log and matters arising
- Trust performance update
- Reports of the Council committees after each meeting:
 - Communications and Engagement Committee
inc membership engagement plan
 - Nominations and Conduct Committee
 - Significant Business and Strategy Committee