

**To:** Council of Governors Nominations and Conduct Committee

**From:** Mark Lam, Trust Chair

**From:** Cathy Lilley, Director of Corporate Governance

**Date:** 21 January 2021

**Subject:** Update: Chief Executive Recruitment

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## **1 Introduction**

Under the NHS Act 2006 and Trust constitution the appointment of the Chief Executive (CEO) shall require the approval of the Council of Governors (Council).

In order to support this requirement, a procedure has been developed that sets out the approach for involving Governors in approving the appointment; it is the responsibility of the Board of Directors Appointments and Remuneration Committee (RemCo) to establish and deliver the appointment process, and for the Non-Executive Directors to make the appointment.

The following procedure has been reviewed and is supported by both RemCo and the Council's Nominations and Conduct Committee; both recognise the importance of ensuring that the Council is sighted and involved in the appointment process and is kept up to date with progress.

## **2 Involvement of the Council of Governors in the Appointment of the Chief Executive for the Trust**

### **2.1 Selection Process**

- Under the NHS Act 2006 as well as the Trust Constitution (para 27.1) it is for the Non-Executive Directors (NEDs) to appoint (or remove) the Chief Executive (CEO)
- The process and timetable for appointing a new CEO will be developed and approved by RemCo
- RemCo will be responsible for the monitoring and implementation of the approved recruitment process
- The Council will be updated on the process for appointing a new CEO as part of its normal schedule of meetings taking place during the year including at the Council of Governor meetings and at the Council's Nominations and Conduct Committee meetings.

### **2.2 Interviews and Stakeholder Panels**

- The interview process will be similar to that used for the appointment of the Chair and Non-Executive Directors and will include a formal interview and stakeholder groups
- The interview panel will consist of Non-Executive Directors, the Lead Governor, a service user, and regulator representation (including a representative for NHS England/Improvement and the Chair of BLMK Integrated Care System)
- As with the appointment of the Chair, the Trust will distribute a survey to members, staff and others stakeholders to gain their views about the qualities, values and characteristics of a successful ELFT Chief Executive, and what they regard as the main challenges the successful candidate and the Trust will face. Key themes from this survey will feed into the format of the stakeholder panels

- The Lead Governor as an observer at the interview panel will be assigned a question to ask and will be asked to share views in post interview discussions to help inform decision but will not be involved in the final decision making
- This mirrors the process for the appointment of the Non-Executive Directors where invited colleagues take part in the interview and are involved in the post-interview discussions but the final decision with regards to recommending a candidate for appointment is undertaken by the Governors on the interview panel
- The stakeholder groups will include representatives from staff, service users, carers, and Governors as well as external stakeholders. These have been scheduled two days before the interviews to allow feedback to be collated
- The format and content of interview panel and stakeholder groups will be determined by RemCo
- Feedback from the stakeholder groups, individual meetings with the candidates and the Chair, etc will be shared with the interview panel to help inform their discussions and decisions following interview.

### 2.3 Appointment of the Successful Candidate

- The outcome of the interview (including feedback from stakeholder groups) will be discussed by RemCo and the appointment of the new CEO approved, subject to required HR due diligence and Fit and Proper Persons Test checks
- At a general meeting of the Council, an overview of the process and the name of the successful candidate appointed by RemCo will be presented and the Lead Governor and wider Nominations and Conduct Committee (who will hold an extraordinary meeting in advance of the Council meeting) will provide assurance that that the process followed has been rigorous and fair. Based on this overview and assurance, the Council will be asked to approve the appointment of the CEO at its meeting on 11 March 2021
- The appointment of the CEO must be approved by the majority of the Council at a meeting that is quorate

## 3 Timetable

3.1	30 December 2020	Position Advertised <a href="https://www.gatenbysanderson.com/job/GSe63966/chief-executive-110/">https://www.gatenbysanderson.com/job/GSe63966/chief-executive-110/</a> <a href="#">Guardian: Chief Executive job with East London NHS Foundation Trust</a>
	31 January 2021	Closing date
	2 March 2021	3 Stakeholder groups
	4 March 2021	Final interviews
	9 March 2021	Nominations and Conduct Committee Meeting
	11 March 2021	Council of Governor Meeting

## 4 Recommendation

- 4.1 The Council is asked to **DISCUSS** and **NOTE** the procedure for the involvement of the Council Governors in the appointment of the CEO.