

Thursday 4 June 2020

Report Title:	Interim Non-Executive Director Appointments Ratification
Executive/NED Lead:	Helen Taylor, Chair
Report author(s):	Tammy Hughes, Head of Corporate Governance
Previously considered by:	N/A

Approval

Discussion

Information

Assurance

Executive summary

Background

Due to the successful appointment of Ms Helen Taylor, as Trust Chair, on 1 January 2020, a vacancy arose for the position of Non-Executive Director for which a recruitment programme was discussed at the last Appointment and Performance Committee.

Subsequent to this you were informed at the Council of Governor meeting, held Thursday 5 March 2020, that Miss Julie Parker, had been successfully appointed to Mid and South Essex Hospital, as a Non-Executive Director, as such, resulting in two vacant Non-Executive Director positions at ESNEFT.

As a direct consequence of the Coronavirus pandemic the Trust has been unable to run a competitive appointment process for the two Non-Executive Director vacancies, and therefore have worked up an interim six month contract solution to ensure that the Trust has a fully constituted Board of Directors (as outlined in the ESNEFT Constitution) during this period of uncertainty.

For this purpose recruitment focused on a selection cohort restricted to past Non-Executive Directors who had not exhausted their tenure. The reason for this being that these candidates would be able to join ESNEFT at pace and would not require the usual training package. Mrs Elaine Noske and Mrs Diane Leacock were available and able to assist the Trust at this time.

With the support of Isaac Ferneyhough, Staff Governor and David Welbourn, Lead Governor, (both members of the Appointments and Performance Committee) the Chair formed a virtual recruitment panel and reviewed the candidates for suitability for these two interim six month positions. It was felt that Diane's financial background and Elaine's large scale transformation and people skills would provide the Board with the relevant qualifications and skills to provide strategic support through the complexities of Covid-19 and the subsequent recovery period.

Under normal circumstances, the appointment process would involve a wider trawl for candidates, a shortlisting stage in which governors would have the opportunity to become more involved, and an interview before the Appointments and Performance Committee. Under normal circumstances, the Trust would have looked to the governors to participate in the engagement process, but of course this was the first casualty under social distancing rules.

These two interim appointments are for a fixed period of 6 months, during which we hope that we will be operating under fewer constraints and will be able to run the full process, and the interim appointments will not be given any preferential advantage. Clearly much is unknown at this time about what social distancing measures will be in place at this time so we must keep this under active review.

All fit and proper persons tests have concluded successfully, all four references returned satisfactorily, and approval from the Council following an email sent to all governors dated 6 May 2020. 22 responses were received, of which, 21 were positive and in favour. These are broken down into 14 public governors, 2 staff governors and 6 stakeholder governors.

As Trust Chair, Helen Taylor is satisfied from previous knowledge of working with both candidates, which was also endorsed by those Governors who do have personal knowledge of Diane and/or Elaine, that this is the most appropriate way forward to strengthen the Board at this extraordinary time and requests that all governors ratify the two interim six month appointments.		
Action Required of the Board/Committee		
The Governors are asked to confirm their virtual approving of Diane Leacock and Elaine Noske, as Non-Executive Directors for an interim six month period.		
Link to Strategic Objectives (SO)		Please tick
SO1	Keep people in control of their health	<input checked="" type="checkbox"/>
SO2	Lead the integration of care	<input checked="" type="checkbox"/>
SO3	Develop our centres of excellence	<input checked="" type="checkbox"/>
SO4	Support and develop our staff	<input checked="" type="checkbox"/>
SO4	Drive technology enabled care	<input checked="" type="checkbox"/>
Risk Implications for the Trust <i>(including any clinical and financial consequences)</i>		If there is insufficient escalation of potential control weaknesses to the Board it may not be aware of significant control issues that may jeopardise the delivery of the Trust's objectives. If the Trust does not comply with the constitution of correct numbers of Non-Executive Directors it may not be constitutionally compliant.
Trust Risk Appetite		The Board has a cautious risk appetite when it comes to compliance and regulatory issues, especially in relation to delivery of safe, high quality care. It will only challenge them if there is strong evidence or argument to do so.
Legal and regulatory implications <i>(including links to CQC outcomes, Monitor, inspections, audits, etc)</i>		NHSI/CQC Well-led framework not being compliant with the Trust Constitution
Financial Implications		None noted in the report.
Equality and Diversity		None noted in the report.