

Executive Summary

Report to the Extraordinary Meeting of the Council of Governors

Held on 28 May 2020

Subject	Postponement of elections to the Council of Governors
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Status¹	A & D

PURPOSE OF THE REPORT

This paper outlines national guidance regarding holding Governor Elections during the NHS response to COVID-19 and asks the Council of Governors to consider a recommendation to temporarily postpone scheduled elections, with the situation reviewed on a month by month basis.

KEY POINTS

- There are a number of current Governors whose terms of office expire on 30 June 2020. Governor Elections had been scheduled to take place between May and June 2020, to allow elected / re-elected individuals to start a term of office from 1 July 2020.
- Guidance issued by NHSE/I states that foundation trusts are free to stop / delay governor elections where necessary due to the impact of the COVID-19 pandemic.
- It is considered that current prevailing circumstances will significantly reduce the level of engagement in the electoral process. This is likely to reduce both the number of candidates and the voting turnout, potentially compromising the process and the likelihood that the Trust secures as strong a calibre of Governor as achieved through elections run to date.
- Bringing new Governors into office at this time will require some considerable input of executive time in induction, at a time when the new Governors will be unable to have normal access to the Trust.
- Also, valuable experience and knowledge about how the Trust operates under 'normal' circumstances, may be lost if current Governors are unable to continue participating in the affairs of the Trust at this difficult time.
- The Trust does not have the authority to extend terms of office for Governors where these are due to expire as three years is set in statute. However, it is possible for outgoing Governors to be co-opted onto the Council of Governors, as non-voting members to ensure that these Governors remain engaged and can support the functioning of the Council of Governors until elections can be held.

IMPLICATIONS²

AIM OF THE STHFT CORPORATE STRATEGY 2017-2020		TICK AS APPROPRIATE
1	Deliver the Best Clinical Outcomes	x
2	Provide Patient Centred Services	x
3	Employ Caring and Cared for Staff	x
4	Spend Public Money Wisely	x
5	Deliver Excellent Research, Education & Innovation	x

RECOMMENDATIONS

The Council of Governors is asked to:

- AGREE the recommendation that Governor Elections due to take place to elect/re-elect Governors from 1 July 2020 are temporarily postponed, with the situation reviewed on a month by month basis.
- NOTE that interim arrangements will be developed to allow current Governors with terms of office due to expire on 30 June 2020 to remain engaged in Governor matters, including meetings of the Council of Governors, until elections can be held.

APPROVAL PROCESS

Meeting	Date	Approved Y/N
Council of Governors	28/05/20	

¹ Status: A = Approval
A* = Approval & Requiring Board Approval
D = Debate
N = Note

² Against the five aims of the STHFT Corporate Strategy 2017-20

Postponement of elections to the Council of Governors

1. Purpose of the Paper

This paper outlines national guidance regarding holding Governor Elections during the NHS response to COVID-19 and asks the Council of Governors to consider a recommendation to temporarily postpone scheduled elections, with the situation reviewed on a month by month basis.

2. Background

There are a number of current Governors whose terms of office expire on 30 June 2020 and an additional three vacant seats on the Council of Governors. A round of elections had been scheduled to take place between May and June 2020, to elect / re-elect individuals to these seats to start a term of office from 1 July 2020.

Governors are elected for terms of office of three years. Under the Trust's constitution they may serve a maximum of three such terms. The Trust does not have the authority to extend terms of office for Governors where these are due to expire as the three year maximum term of office for elected Governors is set out in primary legislation (National Health Service Act).

3. Impact of COVID-19 and national guidance

In light of the impact of the COVID-19 pandemic it has been necessary to review the planned schedule for elections to the Trust's Council of Governors. It is considered that holding elections in the current circumstances will significantly reduce the level of engagement in the electoral process by the public and staff.

The NHSE/I communication to trusts on 28 March 2020 (Reducing the burden and releasing capacity at NHS providers and commissioners to manage the COVID-19 pandemic¹) confirmed that foundations trusts are free to stop or delay Governor Elections where necessary.

Advice issued by NHS Providers (NHSP) encourages foundation trusts to consider how meaningful holding elections with potentially reduced levels of public participation / turnout would be and also whether there are sufficient resources in place to support the nomination and electoral co-ordination process. NHSP advice also covers matters relating to the impact of deferring elections on the functioning of the Council of Governors, in terms of quoracy.

The advice from NHS Providers can be accessed at: <https://nhsproviders.org/topics/covid-19/coronavirus-member-support/national-guidance/governance/faqs>

4. Scheduled Governor Elections in 2020

As noted above, a number of individual Governors' terms of office expire on 30 June 2020, with additional vacant seats on the Council of Governors carried forward from previous

¹ <https://www.england.nhs.uk/coronavirus/wp-content/uploads/sites/52/2020/03/C0113-reducing-burden-and-releasing-capacity-at-nhs-providers-and-commissioners.pdf>

elections / in-year resignations. Details of the seats subject to Governors Elections scheduled for 2020 are outlined in the table below.

Constituency	Seats	Governor	Reason
Public North	2	- Michelle Cook - Vacant	- End of 1 st term of office - No nominations received at last elections
Public South West	1	Sally Craig	End of 2 nd term of office
Public West	1	Wendy Bradley	End of 1 st term of office
Patients	2	- Barbara Bell - Steve Jones	- End of 1 st term of office - End of 1 st term of office
Medical & Dental	1	Vacant	No nominations received at last elections
AHPs, Scientists, Technicians	1	Karen Smith	End of 1 st term of office
Admin, Management, Clerical	1	Vacant	Elected Governor left STH
Ancillary, Works, Maintenance	1	Cressida Ridge	End of 1 st term of office

Elections would ordinarily be taking place between May and June 2020, with the elected individuals starting their term of office from 1 July 2020.

5. Proposed postponement of election due to COVID-19

A number of factors have been considered in making a recommendation to postpone the Trust's upcoming Governor Elections.

Primarily, it is considered that prevailing circumstances due to the COVID-19 pandemic will significantly reduce the level of engagement in the electoral process. This is likely to compromise the process by reducing both the number of candidates and the voting turnout. The impact being a reduction in the likelihood that the Trust is able to secure as strong a calibre of Governor as achieved through previous rounds of elections.

Also taken into account has been the fact that running a Governor Election process will divert Trust management capacity from focusing on the Trust's response to COVID-19. The ability to promote and publicise elections to both encourage candidate nominations and member voting would, in particular, be limited at this present time. Added to this is the fact that, with access to the Trust still very limited, any induction of new Governors would not be wholly satisfactory.

A further consideration is with regard to quoracy. The Trust is satisfied that the remaining balance of occupied seats on the Council of Governors would not raise quoracy issues and would allow the Council to continue to function properly until such time as elections could take place.

Finally, this is considered to be a particularly inopportune time for valuable experience and knowledge about how the Trust operates under “normal” circumstances to be lost should current Governors be unable to continue participating in the affairs of the Trust.

As noted above, it is not possible to extend the three year maximum term of office for elected Governors as this is set in statute and hence those terms of office that are due to expire at the end of June 2020 will do so. To retain the services of those individuals who wish to remain actively engaged, although they will cease to be ‘official’ STH Governors, interim arrangements will be developed, to allow those individuals to remain fully engaged in the affairs of the Trust until elections can be held. These arrangements would permit those that have expressed an intention to stand again for election, to be co-opted onto the Council of Governors (as non-voting members) and support fellow Governors in conducting their function, including the functioning of the Council of Governors. The scheduling of deferred elections will be reviewed on a month by month basis. The Trust will avoid where possible putting matter to the Council of Governors that require a formal decision.

6. Recommendations

The Council of Governors is asked to:

- AGREE the recommendation that Governor Elections due to take place to elect/re-elect Governors from 1 July 2020 are temporarily postponed, with the situation reviewed on a month by month basis.
- NOTE that interim arrangements will be developed to allow current Governors with terms of office due to expire on 30 June 2020 to remain engaged along with fellow Governors in the affairs of the Trust until it is appropriate for elections to be held, when hopefully those who wish to be re-elected will apply to do so.