

## Report to the Governors' Annual Members' Meeting / Annual General Meeting

### Governor Election process for 2020

#### 1. Introduction

At the June and August meetings of the Governors' Steering Group, members queried the impact of COVID-19 on the forthcoming Governor Election process scheduled to take place from October with the terms of office for some members of the Council coming to an end on 30<sup>th</sup> November 2020. This paper outlines the proposed options discussed for taking forward the election process in light of the current COVID-19 pandemic and issues of continuity for the Council of Governors.

#### 2. Elections 2020 – impact of COVID-19

In line with Model Election Rules for NHS Foundation Trusts, the Trust's Governor Election process for 2020 is due to commence on 24<sup>th</sup> September, the timetable is detailed below:

Election stage	Date	Election rules timeline
Publication of the notice of election/ nomination open	Thursday 24 <sup>th</sup> September 2020	Not later than the 40 <sup>th</sup> day before the day of the close of the poll
Nominations deadline	Monday 12 <sup>th</sup> October 2020	Not later than the 28 <sup>th</sup> day before the day of the close of the poll
Summary of validated nominated candidates published	Tuesday 13 <sup>th</sup> October 2020	Not later than the 27 <sup>th</sup> day before the day of the close of the poll
Final date for candidate withdrawal	Thursday 15 <sup>th</sup> October 2020	Not later than the 25 <sup>th</sup> day before the day of the close of the poll
Notice of poll published	Thursday 29 <sup>th</sup> October 2020	Not later than the 15 <sup>th</sup> day before the day of the close of the poll
Voting packs despatched	Friday 30 <sup>th</sup> October 2020	N/A
Close of the poll	Thursday 19 <sup>th</sup> November 2020	By 5.00pm on the final day of the election
Declaration of results	Friday 20 <sup>th</sup> November 2020	

A summary of the members of the Council of Governors whose term of office will come to an end on 30<sup>th</sup> November is detailed below along with the current vacancies within the Council.

Name	Constituency	Date commenced in role
Fiona Grant	Service User Governor – Adult Services	1 December 2014
Bill Scott	Public Governor – Northumberland	1 December 2014
Victoria Bullerwell	Staff Governor – non-clinical	1 December 2017
<i>Vacancy – currently occupied by Evelyn Bitcon in shadow role</i>	Public Governor – Cumbria	1 October 2019
<i>Vacancy – currently occupied by Janet Folland in shadow role</i>	Staff Governor – clinical (Cumbria locality)	1 October 2019
Vacancy	Service User Governor – Adult services	N/A
Vacancy	Carer Governor – Adult Services	N/A
Vacancy	Staff Governor – Clinical (previously occupied by Kevin Chapman)	N/A

There are only three Governors in the 2020 round of Governor Elections who would be impacted by the election process.

In the early stages of COVID-19, there was a view that the Council of Governors consider deferring the election process due to the national restrictions in place in response to the pandemic. Most notably, the requirement for people to ‘stay at home’.

It was acknowledged that moving forward with an election process during such restrictions would place unnecessary pressure on people to vote (given they were encouraged not to leave their homes) and to put themselves forward to become a Governor. Undoubtedly it was felt that the priorities for the local population were focused on dealing with the impact of COVID-19 and expressions of interest would likely be low.

### 3. Current position

Over the past few weeks there has been a sense that the COVID-19 pandemic is settling somewhat as a result of the Government’s approach to easing restrictions and re-opening of community venues and the ability to travel abroad. Having said that, COVID-19 is still firmly with us and although some restrictions such as ‘stay at home’ have eased, there are many still in place to ensure we do everything we can to minimise the spread of the virus.

Members of the Governors' Steering Group were asked to consider the following issues in the current climate, as a basis of considering the options as to whether to proceed with Governor Elections in 2020.

### **3.1 Ability to engage with the local population to promote elections and garner interest**

Despite the ease in Government restrictions in the response to the COVID-19 pandemic, there remain significant challenges in the ability to engage with the local population. This is as a result of:

- Social distancing rules in place and the ability to book venues outside of the Trust's estate
- The inability to hold public meetings on site due to the ongoing arrangements to ensure the Trust is doing everything it can be prevent the spread of the virus
- The likely apathy in the local community due to the focus on COVID-19 and the potential lack of interest in the Governor role
- The fact that people who are shielding are more limited in terms of their ability to engage and we may be putting those people at a disadvantage by running elections at the current time
- The potential to disadvantage our hard to reach groups due to our inability to proactively engage in existing forums as part of promoting the elections
- Inducting new Governors into the role would be much less effective without the ability to engage with existing Governors, and the Trust face to face

### **3.2 The likelihood of a second-wave and increasing locality lockdowns**

We are acutely aware that COVID-19 is far from over and there is a likelihood of a second-wave although there is no way to know if and when this may occur. However it should be acknowledged that this could occur during the scheduled election process or during a new Governor Induction period.

Despite the uncertainty of a second-wave, there is evidence of outbreaks of COVID-19 in many areas nationally and locally including: parts of Greater Manchester; East Lancashire; West Yorkshire; and Leicester. These areas have therefore been subject to lockdown requirements.

It is also worth noting that should local lockdown, or a second wave occur, the Trust would be required to step-up COVID-19 Emergency Response procedures again, and election processes would impact on the Teams ability to support COVID-19 Gold Command.

## **4. Options for Elections 2020**

On the basis of the information presented in this paper the Committee were asked to consider and discuss the following three options with regard to Governor elections for 2020.

## **OPTION 1 – Deferral of elections and extension of terms**

Option 1 – the deferral of elections for the posts outlined above, including all vacancies for 12 months until 2021.

The benefit of this option would be that there would be no costs incurred as a result of deferring the election process. This would ensure continuity on the Council of Governors during what is the most unprecedented time in the history of the NHS.

This option would also allow for an engagement plan to be put in place to engage with local communities, hopefully using face to face opportunities as well as IT platforms such as Microsoft Teams.

The risk associated with this option is that we will still carry the vacancies outlined above, including the public and staff Cumbria posts which are currently filled as ‘shadow’ members.

## **OPTION 2 – hold elections as planned**

Option 2 is to proceed with the election process as planned.

The benefit of this option is that we remain in line with good governance practice.

The risks to this option are referenced in section 3.1 and 3.2.

## **OPTION 3 – extend the terms of office / hold elections for vacant posts**

Option 3 would be to extend the terms of office of current post-holders due for election for 12 months, and hold elections for the vacant posts.

The benefit of this option is that we retain the expertise and experience of the current post-holders during what is an unprecedented time for the NHS and the Trust.

The key benefit is that we allow the Trust an opportunity to recruit into the vacant posts using the engagement tools available at the current time. It would also allow the Cumbria roles to become ‘substantive’ Governor roles on the Council.

## **5. Recommendation**

The Governors’ Steering Group would like to recommend option 3 as outlined in the report.

The Governors at the meeting of the Annual Members’/Annual General meeting are asked to approve the recommendation to proceed with Option 3.

Debbie Henderson  
**Director of Communications and Corporate Affairs/  
Company Secretary**