

Trust Board Meeting in Public: Wednesday 13 May 2020

TB2020.48

Title	Deferral of Governor Elections
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Status	For approval
History	

Board Lead	Professor Sir Jonathan Montgomery			
Key purpose	Strategy	Assurance	Policy	Performance

Executive Summary

1. A set of elections to the Council of Governors is scheduled to take place in 2020 for those governors with terms of office that expire at the end of September this year.
2. NHSI/E have indicated that foundation trusts are free to stop or delay governor elections where necessary in the context of the Covid-19 pandemic.
3. It is felt that the deferral of the Trust's elections is appropriate, primarily as the circumstances prevailing during the pandemic will significantly reduce the level of engagement in the electoral process by both staff and the public.
4. Should governor elections not have taken place prior to the end of September then the Trust does not have the authority to extend terms of office for governors where these are due to expire. However, it is possible for outgoing governors to be co-opted onto the Council of Governors as non-voting members to ensure that the Council can continue to function until such time as elections could take place.

Recommendation:

5. The Trust Board is asked to:
 - **Approve** the recommendation that the governor elections due to take place during the summer of 2020 should be deferred; and
 - **Note** that interim arrangements will be developed to allow the Council of Governors to continue to function until elections can be held.

Deferral of Governor Elections

1. Background

- 1.1. The Trust operates a three yearly cycle for elections to its Council of Governors with half of the seats elected in year one, half in year two and no elections in the third year.
- 1.2. A set of elections is scheduled to take place in 2020 for those governors with terms of office that expire at the end of September this year.
- 1.3. Governors are elected for terms of office of three years. Under the Trust's Constitution, they may usually serve only a maximum of two such terms. However, an amendment was approved by the Board in May 2018 to allow a governor to stand for election to office (or be re-appointed), provided that the total duration of the terms of office served will not exceed six years in aggregate.

2. Scheduled Governor Elections in 2020

- 2.1. The table below lists all current elected governors on the Trust's Council.
- 2.2. Those governors whose term of office expires this year are shown in blue shading. The governor is listed in green where they would be eligible to stand again for election under the Constitution and in red where they would not be eligible to do so.

Governor	Type	Constituency	End of Term of Office
Sally-Jane Davidge	Public	Buckinghamshire, Berkshire, Gloucestershire & Wiltshire	30 Sept 20 (2 nd term)
Sue Woollacott	Public	Buckinghamshire, Berkshire, Gloucestershire & Wiltshire	30 Sept 21 (2 nd term ¹)
Ruth Barrow	Public	Cherwell	30 Sept 20 (2 nd term ²)
Anita Higham	Public	Cherwell	30 Sept 21 (2 nd term)
Anthony Bagot-Webb	Public	Northamptonshire & Warwickshire	30 Sept 20 (1 st term)
Rosemary Herring	Public	Northamptonshire & Warwickshire	30 Sept 21 (2 nd term)
Cecilia Gould	Public	Oxford City	30 Sept 21 (2 nd term)
John Harrison	Public	Oxford City	30 Sept 20 (1 st term)
Jonathan Wyatt	Public	Rest of England and Wales	30 Sept 21 (1 st term)
Arthur Boylston	Public	South Oxfordshire	30 Sept 20 (1 st term)

¹ Sue served only part of her initial term of office due to a change of residential address.

² As the Constitution stands with a recent amendment Ruth is eligible to stand for a full third term.

Governor	Type	Constituency	End of Term of Office
Janet Knowles	Public	South Oxfordshire	30 Sept 21 (1 st term)
Jill Haynes	Public	Vale of White Horse	30 Sept 20 (2 nd term)
Martin Havelock	Public	Vale of White Horse	30 Sept 21 (2 nd term)
Graham Shelton	Public	West Oxfordshire	30 Sept 20 (1 st term)
David Heyes	Public	West Oxfordshire	30 Sept 21 (1 st term)
Simon Brewster	Staff	Clinical	30 Sept 20 (1 st term)
Jules Stockbridge	Staff	Clinical	30 Sept 20 (2 nd term)
Shad Khan	Staff	Clinical	30 Sept 21 (1 st term)
Shing Law	Staff	Clinical	30 Sept 21 (1 st term)
Thomas Snipe	Staff	Non-Clinical	30 Sept 20 (1 st term)
Rebecca Cullen	Staff	Non-Clinical	30 Sept 21 (1 st term)

2.3. Based on the timetable in previous years, in order to ensure that results are declared during September the electoral process would need to be commenced by publishing a notice of election during June.

3. Proposed Deferral of Elections due to Covid-19

- 3.1. The NHSI/E communication to Trusts on 28 March (“Reducing burden and releasing capacity at NHS providers and commissioners to manage the COVID-19 pandemic”) indicated that foundation trusts were free to stop or delay governor elections where necessary.
- 3.2. For a number of reasons it is felt that the deferral of the Trust’s elections would be appropriate.
- 3.3. Primarily it is felt that the circumstances prevailing during the Covid-19 pandemic will significantly reduce the level of engagement in the electoral process by both staff and the public. This is likely to reduce both the number of candidates and the voting turnout, weakening the process and potentially preventing the Trust from securing the strongest individuals as governors.
- 3.4. Running governor elections will currently also divert Trust management capacity at a time when this is particularly stretched by priorities related to Covid-19 response and recovery. In particular it will not be possible to promote and publicise elections in the usual way.

- 3.5. The Trust's intention to consider deferring the 2020 governor elections has already been communicated to the Council of Governors.
- 3.6. The Trust has been in communication with NHS Providers to seek advice on the approach to be taken should elections be deferred.
- 3.7. Should governor elections not have taken place prior to the end of September then those terms of office that are due to expire will do so and those individuals will cease to be governors.
- 3.8. It is noted that the three year maximum term of office is set in statute and therefore the Trust does not have the authority to extend terms of office for governors where these are due to expire.
- 3.9. However, it is possible for outgoing governors to be co-opted onto the Council of Governors as non-voting members and it is likely that this approach would be taken to ensure that the Council could continue to function until such time as elections could take place.

4. Recommendation

- 4.1. The Trust Board is asked to:
 - 4.1.1. **Approve** the recommendation that the governor elections due to take place during the summer of 2020 should be deferred; and
 - 4.1.2. **Note** that interim arrangements will be developed to allow the Council of Governors to continue to function until elections can be held.

Professor Sir Jonathan Montgomery
Trust Chair
May 2020

Report prepared by:

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