

Council of Governors Item 7

Subject: Process and Timeframe for Evaluating the Performance of the Chair and NEDs 2020/21
Date of meeting: Tuesday 2nd March 2021
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Presented by: Lucy Lavan, Director of Corporate Affairs

1. Executive Summary

The process for the annual appraisal of the Chair was reviewed last year, following publication of the guidance document 'Framework for Conducting Annual Appraisals of NHS Provider Chairs' (NHSE/I November 2019):

<https://improvement.nhs.uk/resources/framework-conducting-annual-appraisals-nhs-provider-chairs/>

For 2019/20, the new process as approved by the Council of Governors in March 2020 was followed, with the exception of securing feedback from the full range of external stakeholders, due to the ensuing pandemic crisis.

It is recommended that the same process continues for 2020/21, with the proviso that full stakeholder engagement may again be limited, due to the continuation of the pandemic, structural change within the NHS and the need to release capacity to focus on recovery.

The process for NED appraisals will remain unchanged for 2020/21 and as for last year, will include use of the new documentation introduced in 2019/20 to support evidence of review, self-evaluation and personal development planning. It was agreed last year that the Chair would consider use of wider stakeholder feedback to inform NED appraisals from 2020/21 onwards, but this is unlikely to be practicable or reasonable given the operating environment.

It is acknowledged that for the entirety of 2020/21 the Chair and NEDs have been required to work remotely, due to the pandemic and therefore their opportunities for engagement with patients, staff and external stakeholders have been significantly curtailed. The Board Development Plan was also adapted and reprioritised in light of the prevailing circumstances.

The Council of Governors is asked to review and confirm the process and supporting documentation for Chair and NED appraisals 2020/21.

2. Background

The Council of Governors has a well-established and comprehensive process for annual appraisal of the Chair and NEDs which is reviewed in March each year ahead of each appraisal round.

NHSE/I published new guidance in September 2019, with the aim of establishing a standard framework within which annual appraisals for provider chairs should be applied and managed. The framework is not intended to be prescriptive but Trusts were encouraged to follow the broad principles and ensure an adequate multi-source assessment against the components of the provider chair competency framework, <https://improvement.nhs.uk/resources/nhs-provider-chair-competency-framework/>:

In March 2020, the Council of Governors approved the new local process formulated by a nominated task group and this followed the national model whilst also retaining some features of the Trust's established processes, including:

- Review of continued compliance with Fit and Proper Persons requirements;
- Checking that all mandatory training is up to date;
- Review of values and behaviours aligned to LHCH values (IMPACT).

3. Chair's Appraisal Process 2020/21

i) Appraisal Preparation (by 31st March 2021)

- Chair and SID to meet to agree any refinements (and constraints in light of the prevailing circumstances) to the multisource assessment template, based on the specifics of the Chair's 2020/21 objectives and personal development plan, the Board development plan and previous appraisal outcomes
- Chair and SID in consultation with the Senior Governor to agree which stakeholders will be invited to contribute to the appraisal (refer ii) below)
- SID to speak with NHSE/I Regional Director to ascertain whether they consider any areas of competency should receive a particular focus (subject to this continuing to be a requirement of NHSE/I in the prevailing circumstances).

ii) Multisource assessment (issue by 1st April for return by 16th April 2021)

Assessment of the Chair's effectiveness will be sought from a range of stakeholders to be agreed at preparatory stage (i) above but must include;

- Senior Governor (on behalf of the Governors*)
- NEDs
- CEO

Other stakeholders might include:

- Executive Directors
- Integrated Care System Chair
- Commissioners
- Other System Partners
- Patient and Public Representatives

Careful consideration should be given to ensuring there is an appropriate number and span of representative participants.

*As in previous years, it is recommended that all Governors are invited to contribute but that an aggregated report is compiled by the Senior Governor for discussion with the SID. It should be noted that the Council of Governors as a whole is representative of patients, public, staff and some external stakeholders.

iii) Chair's Self-assessment (by 16th April 2021)

The Chair should complete the self-assessment using the multisource assessment template and include with this a commentary on any identified personal development or support needs.

iv) Evaluation (by 30th April 2021)

The SID will evaluate the Chair's self –assessment and all collated stakeholder assessments, seeking further information to gain greater insight and / or clarify certain areas as required. He will meet with the Senior

Governor and Chief Executive (individually) to finalise the assessment findings.

v) Appraisal Discussion (to be scheduled between 3rd May and 21st May 2021)

The collective evaluation, together with the Chair's self-assessment will form the basis of and guide an appraisal discussion between the Chair and the SID. Consideration will be given to in-year performance, identification of development needs and objectives for the current year ahead. The Appraisal Template will be completed and signed off with a copy sent to the NHSI Chair and Chief Operating Officer. The outcome of the appraisal and the Chair's forward objectives will be reported to the Council of Governors (1st June 2021), for approval.

4. Chair's Objectives 2021/22

As for last year, these should be set out in accordance with Part 4 of the template with objectives aligned to the five key competency areas set out in 'The Role of the NHS Provider Chair: A Framework for Development' (November 2019) <https://improvement.nhs.uk/resources/the-role-of-the-nhs-provider-chair-a-framework-for-development> and as summarised in Part 1 of the assessment Template.

5. NED Appraisals 2020/21

NEDs will undertake a self-assessment of their performance against the agreed objectives for the year. Individual appraisal discussions will take place with the Chair and an abridged version of the Appraisal Chair's appraisal template (to exclude Parts 1a and 6) will be used to document the appraisal. The Chair may wish to consider use of multisource stakeholder feedback, although it is recognised that 2020/21 has been an exceptional year with all NEDs being required to work remotely due to the pandemic. The NED appraisals and documentation will be completed by 21st May 2021 in order that a summary report can be prepared for the Council of Governors meeting on 1st June 2021.

6. Recommendation

The Council of Governors is asked to:

- i) Confirm support for the process outlined and for the SID to progress with the 2020/21 Chair's appraisal, providing a summary report to the Council of Governors in June 2021.
- ii) Support use of the recommended documentation:
 - Multisource assessment template from which selected sections will be used for external stakeholders:
 - Board Directors – all sections (Appendix 1)
 - Partner Organisations – section related to partnerships competencies (Appendix 2)
 - Tailored assessment template for Governors (Appendix 3)
 - Chair Appraisal Report template (includes confirmation of mandatory training compliance and FPPT status) (Appendix 4)
 - Adaptation of Chair appraisal report template for NED appraisals (Appendix 5)