

Health & Social Services Committee HSS-11-01(p.6)

Date: 4 July 2001
Venue: Committee Room 3, National Assembly for Wales
Title: NHS Public Appointments Policy

1 Purpose

That the Health & Social Services Committee note the procedures contained within the attached NHS Public Appointments Policy.

2 Background

This Policy is the first of its kind in the UK. It details the sort of service candidates may expect when making an application for a NHS Public Appointment. The Policy has been developed in conjunction with the following, which have all expressed views, which have been taken into account.

- The Minister, Health & Social Services
- The Equal Opportunities Committee
- Assembly Members,
- The Commissioner for Public Appointments, Dame Rennie Fritchie
- Colleagues within the National Assembly for Wales, including PAU/PEP
- The NHS in Wales, including Chairs and CEO's of Health Authorities and NHS Trusts
- Representative bodies including the Equal Opportunities Committee, Council for Racial Equality and the Disability Rights Commission
- Party Spokespersons, and the two nominees of this committee
- The Director of the NHS in Wales

In May of 2000 the Equal Opportunities Committee scrutinised the Policy in its initial draft form. They raised a number of queries and suggested we embark on a wide consultation of all interested parties/bodies and gain their support before returning to that committee. We returned and got approval in principle on 13 June 2001.

3 Next Steps

We intend to trial the Policy for a 12-month period. I will then report back with our findings.

JANE HUTT

THE NATIONAL ASSEMBLY FOR WALES

POLICY FOR THE APPOINTMENT OF CHAIRS AND NON-EXECUTIVE DIRECTORS TO THE BOARDS OF HEALTH AUTHORITIES AND

NHS TRUSTS

JUNE 2001

THE NATIONAL ASSEMBLY FOR WALES POLICY FOR THE APPOINTMENT OF CHAIRS AND NON-EXECUTIVE DIRECTORS TO THE BOARDS OF HEALTH AUTHORITIES AND NHS TRUSTS

INTRODUCTION

1. Following the Nolan Committee report entitled "Standards in Public Life", the Commissioner for Public Appointments, whose remit covers all of Great Britain and whose powers remain as laid down in the Order in Council 1998, issued a Code of Practice which applies to all Ministerial appointments to the relevant public bodies irrespective of location. The Commissioner's Code introduces seven principles (see Annex 1). This document describes how these principles have been adopted by the National Assembly to make Chair and Non-Executive Director appointments to the Boards of Health Authorities and Trusts in Wales. The policy encapsulates the role the NHS plays in the lives of ordinary people in the community and Welsh society generally, and how that should be expressed in the membership of health boards. It also seeks to provide a framework whereby all suitable members of society in Wales, especially hitherto under-represented sectors, feel able and encouraged to apply. This policy draws upon established principles and guidance to reflect the National Assembly's agenda and priorities for the NHS

in Wales. It establishes the basic, but nevertheless essential overriding principle of equality of opportunity and fairness to all in making NHS Wales public appointments irrespective of age, gender, ethnicity, religion or social background.

OBJECTIVE

2. The Minister for Health and Social Services has delegated responsibility for making public appointments to NHS bodies in Wales. The objective is to enable the Minister to appoint on merit the person best suited to the role in a way that is open, transparent, equitable and fair and which draws on applications from all sectors of society in Wales.

KEY PRINCIPLES

3. Uniformity and Consistency in the Appointment Process

This will be the single procedure used in attracting, sifting and selecting candidates for appointment. It will be administered by the National Assembly for Wales through the Minister for Health and Social Services, members of the Health and Social Services Committee appointed for this purpose and supported by the NHS Appointments Branch. It is based on the National Assembly for Wales' Code of Practice on Public Appointments which incorporates the Commissioner's established principles. Health Authority and NHS Trust Chairs have an important role to play in the sifting of candidates for non executive director posts who respond to public advertisements and in the subsequent interviews by appointments panels. An independent member drawn from a register drawn up by the National Assembly plays a full role in all stages of the appointments.

4. NHS public appointments are available for all except certain groups of people who are not eligible to apply to NHS bodies. These are:

- a. Assembly Members (AMs), Members of Parliament (MPs) and Members of the European Parliament (MEPs);
- b. Employees of the National Assembly for Wales;
- c. Employees of any Health Service body as defined at Part 1, paragraph 4(2) of the NHS and Community Care Act 1990;
- d. Former senior NHS managers, senior members of staff, medical staff and executive members of NHS boards for a period of 1 year after leaving the NHS.
- e. Either categories as defined in the 'disqualification for appointment' attached at Annex 2.

5. It should be noted that individuals will be eligible to accept only one public appointment to a Health Service body (Health Service body as defined at Part 1, paragraph 4(2) of the NHS and Community Care Act 1990). Applicants who have already been appointed to other bodies, including Local Health Groups, will be required to resign if they wish to accept another NHS appointment.

Attracting Candidates

6. Candidates can apply primarily from four sources, the aim being to elicit as wide a field as possible:

A Self-Nomination

Anybody can nominate any eligible person, including themselves, at any time. There will also be local and national advertising under the direction of the National Assembly for Wales and after consultation with other stakeholders, such as representative groups of those minorities hitherto under-represented on NHS Boards, and representatives of the body or whom the appointment is to be made.

B Nominations from Assembly Members, Members of Parliament,

Members of the European Parliament and other Bodies

Nominations will normally be sought by the Minister for Health and Social Services by letter from Assembly Members, Members of Parliament and Members of the European Parliament etc, although they are free to make nominations at any time. Nominations from these sources will not, however, qualify an individual for automatic interview or appointment. Throughout the process they will be treated exactly the same as all other candidates.

C Applicants Recorded on the Data Base

Candidates who fulfil criteria for appointment can have their details stored on the NHS Appointments Branch's database if they so wish. They will be required to re-state their interest when an appointment is advertised, and may in the event be required to submit an up-to-date application form in support of their application.

D Incumbents Standing for Re-Appointment

Existing members of NHS Boards seeking re-appointment must submit a fresh application form if their previous application is more than 2 years old.

E Advertisement

Vacancy advertisements will be tailored to suit the needs of the health board and the community it

serves as well as the skills, gender, ethnicity, geographical coverage and diversity of experience required in the NHS. The advertisements will be copied to representative bodies of sectors of the community hitherto under-represented on NHS Boards in Wales, for comments, for information and for them to assist in ensuring that all sectors of society in Wales are included and encouraged to apply.

7. All applications from whichever source must be subject to the selection process described in this document.

Encouraging Interest

8. Interest in applying for an appointment will be encouraged in a number of ways:

- **Open Days** – Health Authorities and NHS Trusts will organise open days where members of the public will be able to attend and obtain a feel for the role of a Non-Executive Director;
- **Shadowing Opportunities** – incumbent Non-Executive Directors will offer opportunities for members of the public to accompany them for a day to experience the role;
- **Mentoring – Induction Arrangements** - a newly appointed Non-Executive Director will be given the opportunity of a mentor who will be a source of advice when required;
- **Regular Review Process** – regular reviews including feedback on performance and development needs will be held with every Chair and Non-Executive Director;
- **Up-dating seminars** will be organised by the National Assembly for Wales for serving and potential Non-Executive Directors;
- **Development workshops** will be organised for serving Non-Executive Directors by the National Assembly for Wales.

9. Before any programmes are introduced in respect of mentoring, open days and shadowing, there will be a rigorous development programme to train the trainers. The National Assembly will look continually to develop people; for instance members of NHS bodies currently appointed in one capacity might have the potential to move on to another position, eg from CHC to NHS Trust board, or from Non-Executive Director to Chair, subject to proper process. The voluntary sector is also a route for public appointments.

Job Descriptions

10. The National Assembly for Wales has re-written and re-designed job descriptions for Health Authority and Trust Non-Executive roles. They are now purpose designed to take account of the different criteria which apply to membership of different boards. They also take account of the 'local' requirements in terms of skills, gender, ethnicity and geographical coverage of the NHS body.

Criteria for Selection

11. The skills, knowledge and experience required for each post will also be made clear in the advertisement and supporting documentation made available to candidates. This will be tailored to suit

the needs of the NHS board and the local community. However, of the criteria required for the roles, candidates will need to meet only three of the six (excluding time commitment and local links) in order to be considered for an interview. It is essential that applicants shortlisted are fit for purpose and selected on merit for the role.

Application Form

12. All candidates will complete a standard application form to ensure consistency and equality of application. The form will be based on the selection criteria. Incumbent candidates and those on databases will be asked by the NHS Appointments Branch to re-submit or update forms where it is considered that the information held may be out of date or inaccurate.

13. In order that every applicant is treated and considered equally the National Assembly 'Application Form' will be the only form of application accepted.

Sifting

14. A sift of applications for Chair appointments will be undertaken by a panel which will comprise the Director of the NHS in Wales (in the chair), an independent assessor, a senior Assembly official (usually a personnel professional) and, where appropriate, an Assembly health professional adviser and a Chair of a Community Health Council who will represent the general public.

15. A sift of applications for Non-Executive Directors will be undertaken by a panel which will comprise the Chair of the body concerned, a senior Assembly personnel professional, (who will usually Chair the panel), a health professional adviser and an independent assessor.

16. In each case the Minister may add to the list of candidates not originally shortlisted by the panel if he/she so wishes.

Interviewing Candidates

17. The NHS Appointments Branch will convene interview panels. The composition of the panel will depend on the nature of the appointment:

18.1 For Non-Executive Director appointments, the panels will consist of at least four people of whom one will be an Assembly personnel professional who will Chair the panel, one a health professional adviser, one an independent assessor and one the Chair of the NHS Trust or Health Authority concerned. At least one member of the panel will normally be a woman, and one a member of a Community Health Council.

Action after Interview

19. Following interview of all candidates shortlisted by the Panel, an official of the NHS Appointments Branch will draw up written advice, agreed by the Panel. The advice will contain a list of all the candidates interviewed with a recommendation as to their appointability. The Minister for Health and Social Services may choose to appoint somebody from the list who has been assessed as appointable.

20. The Minister will seek and consider the views of the two nominees (AMs) of the Health and Social Services Committee on the advice submitted by the Appointments Panels.

Annual Review

21. No candidate may be re-appointed without documentary evidence to demonstrate their contribution to the Trust or Health Authority during their term of appointment. This will be completed by the Chair in the case of Non-Executives and provided for scrutiny to the National Assembly for Wales. The record will be discussed with the Non-Executive concerned and any areas for improvement fed back. For Non-Executive Directors the regular review will be undertaken by the Chair. If, after review performance is still considered to be unsatisfactory, the Chair will approach the Minister with a view to termination of appointment of the non-executive concerned. A review of Chairs' performance will be undertaken by the Minister for Health and Social Services.

Re-appointments

22. Incumbent Chairs and Non-Executive Directors who seek re-appointment for the first time may be re-appointed without interview, and without being compared to an external candidate only if they have been assessed by the Minister or the Chair, as appropriate, as performing satisfactorily in their posts and they were previously appointed through a full competitive process in accordance with the Commissioner's recommendations. However, the Minister for Health and Social Services will require alternative candidates where this is not the case, and the process to identify alternative candidates will follow the procedures set out in this document.

Remuneration

23. Chairs and Non-Executive Directors are able to claim a taxable remuneration. Non-Executive Directors receive £5,619 for 4½ days a month. Chairs receive up to £22,040 for 4 days a week. Both Chairs and Non-Executives are also able to claim reimbursement for relevant costs associated with travelling, childcare and carer's allowances.

Terms of Office

24. Between 3 and not more than 5 years will be the normal term for new appointments. The maximum length of time an individual may serve in the same post without having gone through an open and competitive process will be two full terms, but not longer than 10 years in total. In cases where a non-executive, through open competition is either reappointed, or promoted to Chair the length of time in

post reverts to zero.

Planning the Process

25. The NHS Appointments Branch will prepare an appointments plan, clear the plan with the Independent Assessor and then submit the plan to the Minister. The Minister will consult the Health and Social Services Committee's two Assembly Member nominees on the appointment plan, the shortlist and the Appointment Panels' recommendations. The NHS Appointments Branch will ensure that the process is carefully planned to avoid lengthy delays at any stage of the process.

Submissions to the Minister for Health and Social Services

26. The Minister for Health and Social Services will be consulted at each stage of any appointments process by the NHS Appointments staff.

Decision Making and Documentation

27. The whole process of NHS public appointments will be subject to audit by the Commissioner for Public Appointments and is open to challenge by judicial review. A record of all decisions made, together with reasons, will be kept by the NHS Appointments Branch, Human Resources Division, National Assembly for Wales.

Unsuccessful Candidates

28. Candidates who meet at least three of the criteria for appointment but are not selected after interview by the Minister may request to be put on the database for future application. They will be provided with appropriate feedback, upon request, by the personnel professional from the Interview Panel.

Equal Opportunities

Disabled Persons, Women and Candidates from the Ethnic Minority Community and other Minority Groups

29. The National Assembly for Wales is keen to establish a higher representation among Chairs and Non-Executive Directors than is currently the case of disabled persons, women, people from the ethnic minorities and other minority groups. The National Assembly for Wales recognises the importance of the Welsh language in every aspect of the appointment process. The National Assembly NHS Appointments Branch will be introducing some key indicators to monitor the levels of increase/decrease in respect of each category. It will monitor demographic and socio economic trends as well as the spread of appointments across Wales. Notwithstanding these aims, candidates will be appointed only if they meet the required minimum criteria and are deemed to be appointable by the Panel and/or the Health and Social Services Minister.

Age

30. There are no upper age limits on NHS Board membership. However, the National Assembly will encourage younger applicants to apply to balance the mature level of serving Non-Executive Directors.

Transparency of Process

31. The criteria required for each post will be made clear in the advertisement and the person specification provided in conjunction with the Chair of the NHS body concerned. Alongside this will be the published aims for disabled persons, women, ethnic minority and other minority groups' representation. It will be important for the integrity of the process that other criteria are not introduced covertly through personal preference or other means. The system will be monitored at all levels after each round to ensure its integrity by the independent assessor and by the professionally qualified personnel official.

32. Candidates may request sight of records and interview notes kept pertaining to their candidacy in accordance with the Commissioner's principles. They will not, however, be entitled to see submissions or advice to the Minister for Health and Social Services. These are exempt from disclosure in accordance with the National Assembly for Wales' policy on disclosure of information.

33. Information on individual candidates or the progress of their candidacy will not be disclosed to any third parties such as nominating bodies and National Assembly Members, MPs or MEPs unless thereafter it is a matter of public record or has the candidate's approval.

Role of Independent Assessor

34. The Public Appointments Unit of the National Assembly for Wales (PAU) are responsible for maintaining a list of Independent Assessors as panel members. These are people nominated by representative bodies, or who have indicated an interest in service on appointments panels. They are independent of the Civil Service, the National Assembly for Wales and the National Health Service. They work on panels in order to ensure that the Commissioner for Public Appointment's Code is not contravened in making the appointment. If they believe that to be the case they have recourse in the first instance to the Minister for Health and Social Services, through officials initially, and thereafter to the Commissioner for Public Appointments.

35. The Independent Assessors are normally already professionally trained in equal opportunities, recruitment and selection etc but where this is not the case, the Public Appointments Unit arrange appropriate training.

Informing Applicants and those who Cease to Serve

36. Candidates to be appointed to Chair Health Authorities or NHS Trusts will receive a letter of appointment from the Minister for Health and Social Services. Incumbent candidates who are not re-appointed or who stand down will receive valedictory letters from the Minister for Health and Social Services. All other unsuccessful candidates will receive a letter from the Director, NHS Wales. In the case of Non-Executive Director applicants, both successful and unsuccessful will be notified in writing by the Director, NHS Wales, on behalf of the Minister for Health and Social Services.

37. Candidates will be informed at the outset of the intended timetable for making the appointment. They will also be informed of any significant changes to that timetable. All candidates interviewed will be offered the opportunity of feedback on their performance by a member of the panel (usually the personnel professional).

Training

38. It will be the responsibility of the National Assembly for Wales, NHS Trusts and Health Authorities to ensure that Non-Executive Directors are assisted in carrying out their duties. Appropriate national and local induction and other training will be provided by the National Assembly, NHS Trusts and Health Authorities in partnership with the NHS Staff College Wales and the NHS Appointments Branch.

Press Notices and Information to AMs, MPs, MEPs and Local Authorities

39. All NHS Public Appointments made by the Minister for Health and Social Services will be announced in a Press Release. The release will include the information prescribed by the Commissioner for Public Appointments. The information will be drawn to the attention of the Health and Social Services Committee of the National Assembly for Wales, relevant AMs, MPs, MEPs, the Chair of the body concerned and any other associated bodies.

Timing

40. All candidates and incumbents will be given adequate notice of their appointment or cessation of service. Incumbents will usually be notified at least three months before the expiry of their term of office.

41. Given the length of time involved in making public appointments a plan including a timetable for making the appointment will be put in place at least 9 months in advance of appointments terminating.

Review

42. This Policy will be reviewed every 2 years by the NHS Appointments Branch, National Assembly for Wales through the Minister for Health and Social Services and the Health and Social Services Committee.

NHS Appointments Branch

Human Resources Division

June 2001