



# Non-Executive Director of NHS Resolution

## Information pack for applicants

**Closing date: Midday on Tuesday, 06 June 2023**

**Reference no: VAC-1793**



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# Section 1 – The Role

## 1.1 Introduction from Sally Cheshire, Chair of NHS Resolution



Dear Applicant,

NHS Resolution works at the cusp of the health and justice sectors in England, advising the NHS on resolving concerns and disputes fairly, and sharing our learning from claims to improve patient safety.

We manage the second largest financial liability across government and are in the process of implementing an ambitious new strategy to 2025, which has at its heart an increased focus on improving safety, especially in maternity services, and preserving taxpayers' money for patient care.

Having now taken on GP and Covid indemnity schemes as well as our clinical negligence scheme for trusts, it is a very exciting time in NHS Resolution's development. The Board plays a crucial role in guiding our organisation and we are seeking new non-executives with the skills and ambition to ensure NHR's continued success.

If you have the skills we require, want to work with a talented and dedicated team and wish to make a valuable contribution to the health sector and patient safety in England, I do hope you will apply.

Yours sincerely,

**Sally Cheshire CBE**  
**Chair of NHS Resolution**

### **Comments from NHR board members**

#### **Charlotte Moar, Board Member and Chair of the Audit and Risk Committee:**

As I near the end of my term as Chair of the Audit & Risk Committee at NHR I look back with pride and pleasure. I wish that patient harm in the NHS didn't happen but when it does, it's important that patients and staff are supported through resolving claims fairly and that learning is shared with NHS colleagues to improve future care. This is a fascinating organisation with a unique role.

#### **Nigel Trout, Board member and Chair of the People Committee:**

Joining an arms' length body in health after a long career in the commercial private sector, it has been so invigorating to work alongside NHS colleagues who are truly and uncompromisingly focused on patient care. Whilst cost efficiency is a major challenge within today's NHS no agenda item is ever viewed as having greater importance than patient

safety. I have thrived on the opportunity to bring my own skills to bear on this unique challenge and have thoroughly enjoyed my time as a non-Executive Board member.

**Professor Sir Sam Everington, Associate Board member:**

It is great to be part of an organisation that, when things goes wrong in the NHS, focuses on minimising suffering and ensuring learning to reduce mistakes in the future. It is a pleasure and privilege to use my experience as a clinician to improve patient safety.

**Dr Mike Durkin, Associate Board Member:**

It is often the system around us that creates the environment where mistakes happen more frequently and it is essential that we create proper systems and protocols so that clinicians can focus solely on the safety of their patients. One of NHS Resolution's great achievements and a lasting legacy is bringing together experts, developing appropriate methodologies, and putting in place solutions to reduce harm. Our responsibility will always be to create an environment that absolutely cuts harm to zero and I have been proud to contribute to that as an NHSR Board member.

## **1.2 Role description and person specification**

### **Role Description**

Ministers are seeking to appoint two new Non-Executive Director (NEDs) to the board of NHS Resolution, one of which will be responsible for Chairing NHS Resolution's Audit and Risk Committee.

NHS Resolution operates across the boundaries of the health and justice systems. It has many of the characteristics of a financial institution coupled with a strong focus on learning to improve patient care.

As a Non-Executive Director of NHS Resolution, you will be responsible for the good governance of the organisation, including the expenditure of considerable sums of public money. You will ensure that NHS Resolution promotes the values of the NHS and places a high priority upon helping the NHS improve the safety of patients.

You will play a key role in ensuring that the organisation meets the needs of both primary and secondary care providers in England (NHS Trusts, commissioners, General Practitioners and other service providers) and is focused upon providing excellent services and good value for money including cost effective resolution services. You will provide appropriate challenge, scrutiny and support at Board level ensuring that the organisation learns from things which go wrong in the NHS and shares that learning, to improve the safety and standard of care.

The NED who Chairs NHS Resolution's Audit and Risk Committee, will ensure the effective functioning of that committee which, as an important sub-committee of the Board, is responsible for providing assurance that NHS Resolution manages its financial resources effectively and efficiently; has appropriate financial controls in place; oversees management's procedures for the identification and management of risk; and achieves a high quality of financial reporting.

## **Key responsibilities**

As a Non-Executive Director, you will:

- Develop and promote the strategic focus of NHS Resolution through constructive debate and challenge at Board level.
- Support the maintenance and development of effective relationships with external stakeholders, including scheme member organisations and partner bodies in the health and social care system. Where appropriate, to act as a good ambassador for the organisation.
- Help to strengthen the reputation of NHS Resolution through ensuring that it provides timely and relevant expertise to the NHS.
- Ensure the Board acts in the best interests of the public and other stakeholders and is fully accountable for the services provided and the expenditure of public funds.
- Contribute to setting ambitious targets for all aspects of NHS Resolution's work to ensure that it delivers high quality services, decision making and advice to its customers and other key stakeholders.
- Scrutinise the performance of senior NHS Resolution staff and Executive members of the Board to ensure that financial and other performance targets are met and the organisation delivers on its strategic priorities and business plan objectives.
- Contribute to the governance of NHS Resolution by ensuring that independent oversight is maintained on the organisation's operational effectiveness, risk management, financial efficiency and working relationships with key stakeholders.

## **Person specification**

Ministers are seeking to make two appointments to the board of NHS Resolution.

The Department of Health and Social Care values and promotes diversity and encourages applications from all sections of the community. The boards of public bodies should reflect the population they are there to serve. Boards also benefit from fresh perspectives, and we are always keen to encourage candidates new to public appointments and with private sector experience to consider applying for our roles.

To be considered, you must be able to demonstrate that you have the qualities, skills and experience to meet all the essential criteria for appointment.

### **Essential Criteria**

- A career track record of achievement, including at a significant senior level in either the private or public sector.
- Ability to analyse complex and sometimes conflicting data and to draw balanced conclusions from information presented to you.
- Excellent communication skills, sound judgement, and the ability to gain the confidence of senior stakeholders
- Ability to work as part of a team and operate effectively on the board of a national public body.

In addition, candidates should meet at least one of the following

- operational expertise in relation to NHS Resolution's business, with senior experience in financial services, insurance or a related discipline. Whilst a broad background is essential, we would be particularly interested in candidates with experience of claims management.
- senior finance experience, most likely with a professional background in accountancy or a related discipline, with experience of governance, risk management, assurance, and the work of audit and risk committees.

## **Remuneration and status of appointment**

- NHSR NEDs are remunerated at the standard rate of £7,883 (with the Audit Chair receiving £13,137 per annum).
- Remuneration for this role is treated as employment income and will be subject to tax and National Insurance contributions, both of which will be deducted at source under PAYE before you are paid.
- You can claim reimbursement for reasonable travel and subsistence costs which are properly and necessarily incurred on official business, in line with the travel and subsistence policy and rates of NHSR. However, these payments are taxable as earnings and will be subject to tax and national insurance, both of which will be deducted at source under PAYE before you are paid. A copy of the policy and rates can be obtained from NHSR.
- This is an office holder appointment and does not attract any benefits under any Civil Service Pension Scheme. You will not be eligible for redundancy pay as you are not an employee. No other arrangements have been made for compensation upon the end of your term of appointment because an office holder who is appointed for a limited duration would have no expectation of serving beyond that period.
- As this is an office holder appointment, you will not become a member of the Civil Service. You will not be subject to the provisions of employment law.

## **Time commitment**

Two to three days per month.

## **Location**

Board meetings take place every two months plus an annual meeting in August to present the Annual Report and Accounts.

Board meetings are usually held at 10 South Colonnade, Canary Wharf, London, E14 4PU, although there are office bases in London and Leeds with extensive use of hybrid working.

## Tenure of office

Ministers will determine the length of the appointment, which will be up to 3 years.

The possibility of re-appointment for a further term is at the discretion of Ministers. Any re-appointment is subject to satisfactory annual appraisals of performance during the first term in the post. There is no automatic presumption of re-appointment; each case should be considered on its own merits, taking into account a number of factors including, but not restricted to, the diversity of the current board and its balance of skills and experience. In most cases, the total time served in post will not exceed more than two terms or serve in any one post for more than ten years.

## Accountability

Non-Executive Directors are appointed by the Secretary of State for Health and Social Care and is accountable to the Secretary of State via the Chair for carrying out their duties and for their performance.

## For a discussion about the role

For further information regarding the role of NHSR and the role of a NED please contact:

Cheryl Lynch

Tel: 020 7210 5143

Email: [cheryl.lynch@dhsc.gov.uk](mailto:cheryl.lynch@dhsc.gov.uk)

## 1.3 NHSR role and responsibilities

NHS Resolution is an Arm's Length Body of the Department of Health and Social Care (DHSC), responsible for:

- Providing indemnity to the NHS for the risks involved in delivering healthcare services and handling compensation claims, keeping patients and healthcare staff out of court wherever possible
- Delivering expert advice and support on the management of concerns about the performance of doctors, dentists and pharmacists
- Resolving contracting disputes between primary care contractors and commissioners of primary care
- Using its unique perspective to provide insights back to the NHS to help to improve safety and manage risk.

NHS Resolution, known in legislation as the NHS Litigation Authority, was re-launched in April 2017 with a five-year strategy, [Delivering fair resolution and learning from harm](#) which gave it a greater emphasis on prevention, learning and early intervention. Five years on,

NHS Resolution has made significant progress on its strategic direction and embarked on a programme of transformation which impacts across the whole organisation. Key successes since 2017 include:

- Embedding its Early Notification scheme for brain injuries at birth which is transforming the experience for affected families.
- Working with system partners to implement a successful incentive scheme to improve maternity safety.
- Reducing the number of claims moving into formal litigation through the increased use of mediation and other forms of alternative dispute resolution.
- Supporting the development of a just and learning culture in the NHS, including through the publication of its [Being fair](#) guidance.
- Implementing the new indemnity schemes for general practice and Covid-19, neither of which were envisaged at the time of its 2017 strategy.
- Contributing data, analysis and expertise to the Department's policy work on addressing the rising cost of clinical negligence following reports from the National Audit Office and Public Accounts Committee in 2017.

In April 2022, NHS Resolution published a new three-year strategy [Advise, resolve and learn](#), which builds on its achievements over the last five years. The current strategy provides an increased focus on maternity claims and includes plans to implement two major transformation projects which will deliver a step change in how NHS Resolution operates, the Claims Evolution Programme and Core Systems Programme.

Key priorities for the current year include consolidating its new indemnity schemes (for general practice and Covid-19), delivering the next phase of work to move claims and concerns into a neutral and less adversarial space, sharing the learning from claims and concerns, in particular those that cross general practice and secondary care, and reviewing the indemnity schemes to ensure they continue to meet the needs of an evolving healthcare system while also providing a unique lever to drive improvements and deliver change.

## **Key functions**

NHS Resolution's four areas of business are:

- **Claims Management** – delivers expertise in handling clinical and non-clinical negligence claims against the NHS in England. The main scheme is the Clinical Negligence Scheme for Trusts (CNST); members include all NHS trusts, Integrated Care Boards and some independent sector providers of NHS-funded care.
- From April 2019, NHS Resolution has operated the state schemes for general practice, the Clinical Negligence Scheme for General Practice (CNSGP) and the Existing Liabilities Scheme for General Practice (ELSGP).
- NHS Resolution also operates two indemnity schemes set up to manage Covid-19 specific indemnities, the Clinical Negligence Scheme for Coronavirus (CNSC) and the Coronavirus Temporary Indemnity Scheme (CTIS).
- **Practitioner Performance Advice** – provides advice, support and interventions in relation to concerns about the individual performance of doctors, dentists and pharmacists.
- **Primary Care Appeals** – offers an impartial tribunal service for the fair handling of appeals and disputes between commissioners and primary care contractors (GPs, dentists, opticians and pharmacists).

- **Safety and Learning** – draws learning from claims to drive safety improvement, from working with individual trusts (allowing members to target safety activity to specific clinical areas) to collaborating with others to share learning across the system at a national level. Following the implementation of the CNSGP, this now includes learning from across primary and secondary care.

### **Key Facts**

- **Number of staff:** Budgeted FTE in 2022/23 of 666.7.
- **Spend:** Total expenditure budget for 2022/23 of £2.613bn, the majority of this, £2.569bn, is spent on resolving claims. Administrative costs are £43.9m.
- NHS Resolution manages the second-highest liability in Government. As at 31 March 2022, the provision for future claims liabilities stood at £128.6bn. NHS Resolution spent £2.4bn on clinical negligence claims in 2021/22.
- **Legislative basis:** NHS Resolution is a Special Health Authority. It was established as the NHS Litigation Authority in 1995 and re-launched as NHS Resolution in 2017. Its legal name remains NHS Litigation Authority.
- Office bases in London and Leeds with extensive use of hybrid working.

### **Links to relevant documents**

Strategy to 2025: [Advise, resolve and learn - Our strategy to 2025 - NHS Resolution](#)

[NHS Resolution Business Plan 2022/23](#)

[NHS Resolution - Annual report and accounts 2021/22](#)

# Section 2: The recruitment

## 2.1 Making an application

Thank you for your interest in the appointment of the NHSR NED.

The Department of Health and Social Care's Honours and ALB Public Appointments Unit is managing this recruitment campaign.

In order to apply, you will need to [create an account](#) or [sign in](#) on the "Apply for a public appointment" website.

Once you are logged into your account, click on 'apply for this role' and follow the on-screen instructions. To apply, all candidates are required to provide:

- a Curriculum Vitae (CV)
- a Supporting Statement
- equality information
- information relating to any outside interests or reputational issues

Guidance on what to include in your CV/Supporting Statement and tips for applying can be found in the corresponding sections below and on the public appointment website: [Public appointments - GOV.UK](#).

We will ask you to check and confirm your personal details to ensure your application is accurate.

You will also have the opportunity to make a reasonable adjustment request or apply under the disability confident scheme before you submit your application.

You will also be required to make any declarations related to standards in public life and ensuring public confidence in your Supporting Statement. Further information on this can be found in the relevant section below.

If you are unable to create an account and apply online, or if you have any problems submitting your application online, please contact Daniel Clemence on 0113 2545335

Applications must be received by **midday on Tuesday, 06 June 2023**.

The Advisory Assessment Panel reserves the right to only consider applications that contain all of the elements listed above, and that arrive before the published deadline for applications.

In completing an application, please firstly note the following in relation to:

- Disqualification from appointment
- Outside interests and reputational issues: Conflicts of interest
- Outside interests and reputational issues: Political Activity and social media
- Standards in public life and ensuring public confidence.

## Disqualification from appointment

The Cabinet Office sets out the following regarding all public appointments:

In general, you should have the right to work in the UK to be eligible to apply for a public appointment. There are a small number of specialist roles that are not open to non-British citizens. Any nationality requirements will be specified in the vacancy details.

The Government expects all holders of public office to work to the highest personal and professional standards. You cannot be considered for a public appointment if:

- you are disqualified from acting as a company director (under the Company Directors Disqualification Act 1986)
- have an unspent conviction on your criminal record
- your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors.

In addition, legislation related to NHSR sets out how individuals are disqualified from appointment as an NHSR NED, if they are:

- Are the Chair, Chief Executive or a Member of Health Education England, the Health Research Authority, or the National Institute for Health and Care Excellence
- Are the Chair, member or executive director of NHS England
- Have within the last 5 years, been convicted in the UK, Channel Islands or Isle of Man of an offence that has resulted in a sentence of imprisonment of at least 3 months
- Have been the subject of a bankruptcy restriction order or a debt relief restrictions order whether interim or not
- Have been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body
- Have had your appointment terminated as a Chair, Member, Director or governor of a health service body on the basis of non-attendance of meetings; non-disclosure of a pecuniary interest; misbehaviour, misconduct or failure to carry out duties; and/or that it was not in the interests of the health service body that you should continue to hold office
- Have been removed from office as the Chair or a member of the governing body of clinical commissioning group
- Have had your name removed from a practitioners list.
- A Member of the House of Commons
- A chair or non-officer member of the NHS Counter Fraud Authority

- A chair or non-officer member of the NHS Business Services Authority
- You cannot hold office as the chair of an NHS Trust if you are the chair, member, director or employee of NHS Resolution. However, you can hold office as an NED of an NHS Trust if you are a chair or non-officer member of NHS Resolution.

The above is only intended to act as a summary and you should consider the full legislation, which is attached for your ease at **Annex A** to this document.

When sending your application online, you will be asked to confirm that the information you have provided is true and correct and that you are eligible to apply for a public appointment. As part of this, you will also confirm that you have read any disqualification criteria for the role, and that you are willing to stand down from any other role/s in order to take up appointment. If you are currently disqualified from appointment, please provide further details in your supporting letter.

For further advice please contact Daniel Clemence on [Daniel.Clemence@dhsc.gov.uk](mailto:Daniel.Clemence@dhsc.gov.uk)

## **Outside interests and reputational interests: Conflicts of interest**

Before you apply you should carefully consider if you or a party related to you have any interests which could lead to a real or perceived conflict of interest if you were to be appointed.

When you apply you will be asked to complete four sections on the following:

- Financial interests
- Employment, appointments and other outside roles
- Personal interests
- Any other relevant interests or activity.

You should declare anything relevant that you think may call into question your ability to properly discharge the responsibilities of the role you are applying for, or may be perceived as having scope to do so by a reasonable member of the public.

Interests may include, (without limitation), any outside personal or business interests, any direct and indirect financial interests (such as shareholdings or share options in individual companies), or any positions of employment, other appointments or other positions of authority, that you or any party related to you have and which may influence your judgement in performing your public appointment or may be perceived by a reasonable member of the public as having scope to do so. A 'party related to you' could include for example (but without limitation) a spouse/partner, a business partner, a close family member or a person living in the same household as you, or a close family member.

Further help and examples of the types of things which you may need to disclose will be given to you on the relevant pages when you create your account and application on the public appointments application system (gov.uk website).

Many conflicts of interest can be satisfactorily resolved and declaring a potential conflict does not prevent you from being interviewed.

If you are shortlisted, the panel will discuss any potential conflicts with you during your interview, including any proposals you may have to mitigate them, and can record that in their advice to Ministers. If Ministers wish to appoint you, an offer of appointment may be subject to you giving up any unmanageable conflicts of interest. Any interests that are deemed manageable will need to be formally declared and may be published in line with NHSR's organisational policy regarding Declarations of Interest.

Failure to declare a potential conflict of interest may become grounds for withdrawing an offer of appointment. If offered the role, you will also be required to make a Declaration of Interests and to keep the Declaration up to date throughout the tenure of your appointment. The requirement to declare interests will also be included in your Terms and Conditions of appointment. Failure to disclose an interest, subject to the interest and the circumstances, may become grounds during the tenure of your appointment, for suspension or termination of your appointment.

## **Outside interests and reputational issues: Political Activity and social media**

In the same section of your online application, you will also be asked to declare if you have undertaken any political activity for a political party within the last five years and for details of any social media accounts that can be viewed by the public.

### **Political Activity**

Political activity information is primarily for monitoring purposes only, however if you are shortlisted for interview, this information will be shared with the Advisory Assessment Panel. The reason for this, is that it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision-making, resolving conflict and public speaking. If you have had such experience and you consider it relevant to your application for this post, you should also take the opportunity to include it separately in your Supporting Statement. If possible, you should not, however, identify the relevant political party in your statement.

If you are appointed to this role, please note that any political activity you declare will be published in accordance with the Governance Code on Public Appointments. Political activity is not a bar to appointment, but it must be declared.

### **Social Media**

You can provide up to five public social media accounts and will be asked for the full URL of each. If you apply for a public appointment and are shortlisted for interview, DHSC will conduct appropriate checks, as part of which we will consider anything in the public domain related to your conduct or professional capacity. This may include searches of previous public statements and social media, blogs or any other publicly available information. We ask for information about your social media accounts to make sure these checks are carried out accurately.

## Standards in public life and ensuring public confidence

If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment to Ministers or the ALB or cause public confidence in the appointment to be jeopardised, **it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue/s in your Supporting statement.**

This should include declaring in your Supporting Statement if:

- you are, or have been, bankrupt or you have made an arrangement with a creditor at any point, including the dates of this
- you are subject to a current police investigation
- there are any previous or pending personal conduct issues where:
  - i) a complaint/ personal conduct issue has either been upheld or partly upheld
  - ii) an investigation that relates at least in part to your personal conduct, is to take place but it is yet to start, or a similar such investigation is underway, but it is yet to conclude
  - iii) a complaint/personal conduct issue is current, but at the time of your application it is yet to be confirmed whether or how it will be investigated further.
- there are any possible reputational issues arising from your past actions or public statements that you have made (including through social media and blogs)
- there are any other matters which may mean you may not be able to meet the requirements of the Code of Conduct for Board Members of Public Bodies. You can access this document at: [Code of conduct for board members of public bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Alongside your own declaration, we will conduct appropriate checks, as part of which we will consider anything in the public domain related to your conduct or professional capacity. This may include searches of previous public statements and social media, blogs or any other publicly available information. This will be shared with the Panel.

The Panel may explore any issues you have raised or have been identified in Due Diligence checks with you as part of assessing your application.

Failure to disclose relevant information requested could result in an appointment offer being withdrawn or the appointment being terminated, as the person appointed to this role will be expected to demonstrate the highest standards of corporate and personal conduct and in line with standards set out in the Code of Conduct for Board Members of Public Bodies, which includes the Seven Principles of Public Life. As part of agreeing to the terms and conditions of appointment you will be expected to agree to meeting the standards set out in this Code.

## CV

Please ensure your CV includes:

- Your full name, title, home address, personal contact telephone numbers (land line and mobile) and personal email address.
- Details of your education and qualifications, employment history, directorships, membership of professional bodies and any relevant publications or awards.
- Contact details for at least two referees. One referee should be the person to whom you are/were accountable in your current/most recent appointment or position of employment. Please indicate the relationship of each referee to you. References will be requested for short-listed candidates prior to interview
- Brief details of your current or most recent post and the dates you occupied this role, and any past or present Ministerial appointments.

## Supporting Statement

The Supporting Statement is your opportunity to demonstrate how you meet each of the criteria set out in the person specification. You may want to add the essential and/or desirable criteria set out in the role description as subheadings and in your statement and provide evidence underneath these. This will help the Advisory Assessment Panel to see how your skills and expertise relate to the role.

Please also set out details regarding any reputational issues (see above guidance on Standards in Public life).

Please ensure your full name, the role to which you are applying and the corresponding reference number for the post are clearly noted at the top of your Statement.

Please write all acronyms in full first, limit your statement to two pages and type or write clearly in black ink.

We will commission a pre-assessment of candidate applications which will then be provided to the Panel for consideration and to inform the shortlisting process. By applying, you are agreeing to your application being shared with another party for pre-assessment. It is the responsibility of the panel to determine who it believes best meet the criteria for the role, and who should be invited to interview.

**You must inform the Department if, *during the application and assessment process*, your circumstances change in respect to any information that has been or should have been provided by you in your application.**

## Equality Information

You will be asked to complete questions on equality information when completing your application online. If you have previously created an account, the responses from that

previous application will be saved. You will have the opportunity to review and edit your responses before you submit an application.

We encourage applications from talented individuals from all backgrounds and across the whole of the United Kingdom. Boards of public bodies are most effective when they reflect the diversity of views of the public they serve and this is an important part of the Government's levelling up agenda.

We collect equality information, including information about applicants' characteristics and educational and professional backgrounds so that we can make sure we are attracting a broad range of people to these roles and that our recruitment processes are fair for everyone. Without this information, it makes it difficult to see if our outreach is working, if the application process is having an unfair impact on certain groups and whether changes are making a positive difference.

The data you provide is used to produce anonymised management information about the diversity of applicants. You can select "prefer not to say" to any question you do not wish to answer. **The information you provide will not be seen by the Advisory Assessment Panel.**

## Reasonable Adjustments

We are committed to making reasonable adjustments to make sure applicants with disabilities, physical or mental health conditions, or other needs are not substantially disadvantaged when applying for public appointments. This can include changing the recruitment process to enable people who wish to apply to do so.

Some examples of adjustments are:

- ensuring that application forms are available in different or accessible formats
- making adaptations to interview locations
- allowing candidates to present their skills and experience in a different way
- giving additional detailed information on the assessment process to allow candidates time to prepare themselves
- allowing support workers, for example sign language interpreters
- making provision for support animals to attend.

When you complete your application online, you will be given the opportunity to tick a box to request reasonable adjustment(s) to the application process at the "check your answers before sending your application" stage.

## Disability Confident Scheme

The Department of Health and Social Care values and promotes diversity and is committed to equality of opportunity for all and to the appointment of disabled people. We are a member of the Government's Disability Confident Scheme. We use the Disability Confident Scheme symbol, along with other like-minded employers, to show our commitment to good practice in appointing people with a disability. The Scheme helps recruit and retain disabled people.

As part of implementing the Scheme, we guarantee an interview to anyone with a disability whose application meets all the essential criteria in the person specification for the role and who has asked that their application is considered under the Scheme. Indicating that you wish your application to be considered under the Scheme will in no way prejudice your application.

### **What do we mean by a disability?**

To be eligible for the Disability Confident Scheme you must have a disability or long-term health condition, which could be physical, sensory or mental and must be expected to last for at least 12 months. You do not have to be registered as a disabled person to apply under this Scheme.

If you wish to apply under the Scheme, please tick the relevant box at the “check your answers before sending your application” stage of your online application.

## **2.2 The Assessment Process**

We will deal with your application as quickly as possible and will advise you of the likely timetable at each stage.

### **Planned timetable**

- Closing date: Midday on 06 June 2023
- Shortlisting: July TBC
- Interviews: September/October (TBC)

### **Advisory Assessment Panel**

Advisory Assessment Panels (AAP) are chosen by Ministers to assist them in their decision-making. These include a departmental official and an independent member. For competitions recruiting non-executive members of a board (apart from the Chair), the panel will usually include a representative from the public body concerned.

AAP's perform a number of functions, including agreeing an assessment strategy with ministers, undertaking sifting, carrying out interviews in line with the advertised criteria and deciding objectively who meets the published selection criteria for the role before recommending to ministers which candidates they find appointable. It is then for the minister to decide who to appoint to the role.

The panel will include:

- William Vineall, DHSC senior sponsor for NHSR (panel chair)
- Sally Cheshire, Chair of NHSR (panel member)

- Kathryn Gillatt, Non-Executive Director at NHS Business Services Authority as an Independent Panel Member

## Assessment

- Ministers are responsible and accountable to Parliament for the public appointments made within their department. As a result, they must be consulted at every stage of the appointments process.
- An Advisory Assessment Panel (AAP) is appointed by Ministers to assist them in their decision making. The role of the Panel is to decide, objectively, which candidates meet the eligibility criteria for the role.
- At the shortlisting meeting the AAP will assess applications against the essential criteria and decide which candidates have best met the criteria, who should be recommended for interview. Ministers will then be consulted on the AAP's recommended shortlist. If you have applied under the Disability Confident Scheme and you meet all the essential criteria, then you will also be invited for an interview.
- If you apply under the Disability Confident Scheme and you are not shortlisted for interview, we can provide a summary of the assessment of your written application, if you choose to request feedback. However, we regret that due to the volume of applications received, we are only able to offer feedback to candidates who have been unsuccessful at the interview stage.
- Once the shortlist has been agreed by Ministers, you will be advised (by e-mail) whether you have been shortlisted. Those shortlisted will be invited to an interview. Interviews will be conducted either face-to-face, in central London or by video/ teleconference. We will confirm arrangements to shortlisted candidates in due course.
- If you are invited to interview and are unable to attend on the set date, then an alternative date can only be offered at the discretion of the AAP.
- The AAP will meet again to interview candidates and determine who meets the essential criteria and is therefore appointable to the role. The AAP may invite you to make a brief presentation at the start of the interview and will go on to question you about your skills and experience, including asking specific questions to assess whether you meet the criteria set out for the post. The AAP will also explore with you any potential conflicts of interest or any other issues arising from your personal and professional history which may impact on an appointment decision (see section 2.1 for further details).
- Details of the panel's assessment of interviewed candidates are provided to Ministers, including whether they have judged a candidate to be appointable to the role. It is then for Ministers to decide who should be appointed. In some circumstances, Ministers may choose not to appoint any candidates and re-run the competition.
- Ministers may choose to meet with candidates before making a decision. Candidates should therefore be prepared for a short time gap between interview and a final appointment decision being made. Candidates who have been interviewed will be kept informed of progress.

- Once the decision on the appointment has been made, interviewed candidates will be advised of the outcome of their application, including whom they may approach for feedback, if they wish. We appreciate it takes a lot of time and effort to apply for roles, and prepare for and attend an interview, and that feedback is a valuable part of the process.

## Offer of appointment

If you are successful, you will be contacted by Officials to inform you of the offer and to confirm if you would be willing to accept. If you would, then the next steps will be to ask you to complete a Declaration of Interests form, which will be required to be signed-off by you and a senior official and for DHSC to conduct baseline security checks.

Baseline Personnel Security Standard (BPSS) checks are conducted on candidates prior to appointment and your role will be offered subject to these checks being completed. The BPSS is a recognised standard within government for the screening of individuals. The checks will require you to initially provide three forms of documentation to the Honours and ALB Public Appointments Unit to verify your identity, and then provide further personal data, by completing an online form. The link to complete this form will be sent separately to you.

## Appointment

On completion of your Declaration of Interests and baseline security checks, you will receive a letter from Ministers appointing you as a NED of NHSR, which will confirm the terms and conditions on which the appointment is offered.

## Announcement

All public appointments are announced on GOV.UK. The announcement is required to include the length of your appointment, the remuneration for the role and whether you have declared any political activity. We will share the draft announcement with you before it is made.

## Queries

For any queries about your application status or the selection process, please contact Daniel Clemence in DHSC's Honours and ALB Public Appointments Unit:

Email: [Daniel.Clemence@dhsc.gov.uk](mailto:Daniel.Clemence@dhsc.gov.uk)

If you choose to apply, we would like to thank you in advance for your time and effort in making an application.

**You will receive an automated email to confirm your application has been submitted successfully. Following the closing date, you will receive a further email from DHSC's Honours and ALB Public Appointments Unit which will confirm next steps in the selection process. If you have not received your application ID reference number within 3 working days of the advertised closing date, please contact us quoting reference VAC-1793.**

## **Governance Code on Public Appointments and the Commissioner for Public Appointments**

The Governance Code on Public Appointments, published by the Cabinet Office, sets out the principles that should underpin all public appointments. The Governance Code can be found at: [Governance Code for Public Appointments - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/governance-code)

The regulation of public appointments against the requirements of the Governance Code is carried out by the Commissioner for Public Appointments.

The Commissioner provides independent assurance that public appointments are made in accordance with the principles set out in the Code. The Commissioner is appointed by the Queen and is independent of the Government and the Civil Service. Further information about the role of the Commissioner is available from: [Commissioner for Public Appointments \(independent.gov.uk\)](http://independent.gov.uk)

### **If you are not completely satisfied**

The Department of Health and Social Care will aim to process all applications as quickly as possible and to treat all applicants with courtesy. If you have any complaints about the way your application has been handled, please contact Zubeda Seedat by emailing [zubeda.seedat@dhsc.gov.uk](mailto:zubeda.seedat@dhsc.gov.uk)

If after receiving a comprehensive response from the Department you are still concerned, you can write to the Commissioner for Public Appointments. Please contact:

The Commissioner for Public Appointments  
1 Horse Guards Road  
London SW1A 2HQ  
Tel: 0207 271 8938  
Email: [publicappointments@csc.gov.uk](mailto:publicappointments@csc.gov.uk)

## **2.3 How we will manage your personal information**

Your personal information will be held in accordance with the General Data Protection Regulation. You will not receive unsolicited paper or electronic mail because of sending the Department of Health and Social Care any personal information. No personal information will be passed on to third parties for commercial purposes.

When we ask you for personal information, we promise we will:

- Only ask for what we need, and not collect too much or irrelevant information
- Ensure you know why we need it
- Protect it and insofar as is possible, make sure nobody has access to it who shouldn't
- Ensure you know what choice you have about giving us information
- Make sure we don't keep it longer than necessary

- Only use your information for the purposes you have authorised

We ask that you:

- Provide us with accurate information
- Inform us as soon as possible of any changes or if you notice mistakes in the information we hold about you

The Department of Health and Social Care will process personal data relating to you in accordance with: the Department of Health and Social Care data protection policy at [DHSC privacy notice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614242/dhsc-privacy-notice-2019.pdf) and the Cabinet Office's data protection policy for public appointments at [Privacy – Apply for a public appointment – GOV.UK \(apply-for-public-appointment.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614242/privacy-apply-for-a-public-appointment-2019.pdf)

If you apply for a post, we will share some of the information you provide with the members of the selection panel for the post to which you are applying, so that your CV and supporting letter can be assessed.

The diversity information you provide will not be used in the selection process and will therefore not be shared with the Advisory Assessment Panel assessing your application at any stage. However, panels may review the political activity response at the interview stage. This in no way acts as a bar to appointment.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. The Department of Health and Social Care is required by the Commissioner for Public Appointments to retain information about the people who apply for public appointments within his remit and make this information available to him for audit purposes, if requested to do so. Information you provide in your application may therefore be made available to the Commissioner for Public Appointments and the Commissioner's auditors on a confidential basis to help fulfil either the Commissioner's formal complaints investigation role or for audit purposes.

# Annex A

## NHS Resolution (NHS Litigation Authority) Legislation Further Information

### Disqualification

1. A person is disqualified from appointment as NHS Resolution chair or non-officer member if they are a:
  - (a) Chair, chief executive or a member of Health Education England
  - (b) Chair, chief executive or a member of the Health Research Authority
  - (c) Chair, chief executive or a member of the National Institute for Health and Care Excellence,
  - (d) Chair, member or executive director of NHS England
  
2. A person will also be disqualified from appointment if they have:
  - (e) within the last 5 years, been convicted in the UK, Channel Islands or Isle of Man of an offence that has resulted in a sentence of imprisonment of at least 3 months without the option of a fine
  - (f) or are the subject of a bankruptcy restriction order, an interim bankruptcy restriction order, a debt relief restrictions order, or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986
  - (g) been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body
  - (h) had their appointment terminated as a chair, member, director or governor of a health service body on the basis of non-attendance of meetings; non-disclosure of a pecuniary interest; misbehaviour, misconduct or failure to carry out duties; and/or that it was not in the interests of the health service body that they should continue to hold office
  - (i) been removed from office as the chair or a member of the governing body of a clinical commissioning group
  - (j) had their name removed from a practitioners list.
  
3. In addition, a person may not hold the following positions at the same time as being the NHR Chair:
  - (a) You cannot hold office as the chair of an NHS Trust if you are the chair, member, director or employee of NHS Resolution. You can hold office as an NED of an NHS Trust if you are a chair or non-officer member of NHS Resolution.
  - (b) A Member of the House of Commons
  - (c) You cannot hold office as a chair or non-officer member of the NHS Counter Fraud Authority if you are chairperson, member, officer, governor or director with, or is employed by, or contracted in any capacity to provide services to NHS Resolution.

- (d) You cannot hold office on the board of the NHS Business Services Authority if you are the chair, chief executive or non-officer member of NHS Resolution.

### **Notice and Termination**

4. The chairman or a non-officer member may resign their office at any time during their term of office, by giving notice in writing to the Secretary of State.
5. Where during their term of office a non-officer member is appointed to be the chairman, their tenure of office as a non-officer member shall terminate when their appointment as chairman takes effect.
6. Where the Secretary of State is of the opinion that it is not in the interests of the Authority or of the health service that the chairman or a non-officer member should continue to hold that office, they may forthwith terminate his tenure of office by giving them notice in writing to that effect.
7. If a chairman or a non-officer member fails to attend any meeting of the Authority for a period of three months the Secretary of State shall forthwith terminate that person's tenure of office unless they are satisfied that the absence was due to a reasonable cause; and the person in question will be able to attend meetings of the Authority within such a period as the Secretary of State considers reasonable.
8. Where a person has been appointed to be the chairman or a non-officer member, and they become disqualified for appointment under paragraphs 1 to 3 above, the Secretary of State shall forthwith notify them in writing of such disqualification; or it comes to the notice of the Secretary of State that at the time of their appointment they were so disqualified, they shall forthwith declare that the person in question was not duly appointed and shall so notify them in writing. Upon receipt of any such notification, their tenure of office, if any, shall be terminated and they shall cease to act as such chairman or member.
9. If the chairman or a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at any meeting of the Authority at which the contract, proposed contract or other matter is the subject of consideration, they shall at the meeting and as soon as practicable after its commencement, disclose their interest and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it. If it appears to the Secretary of State that the chairman or a non-officer member has failed to comply with this, they may forthwith terminate that person's tenure of office by giving them notice in writing to that effect.

### **Suspension**

10. The Secretary of State may suspend an appointee from office while the Secretary of State considers whether:
  - (a) to remove the person from office under paragraphs 6 and 9 above; or

- (b) the person has become disqualified for appointment under paragraphs 1 to 3 above, or was so disqualified at the time of appointment.
11. The Secretary of State must give notice in writing to the appointee of the decision to suspend and the suspension takes effect on receipt of such notification.
  12. A notice under paragraph 11 may be delivered in person, in which case the appointee is treated as receiving it when it is delivered; or sent by first class post to the appointee's last known address, in which case the appointee is treated as receiving it on the third day after the day on which it was posted.
  13. The initial period of suspension must not exceed 6 months.
  14. The Secretary of State may review the appointee's suspension at any time.
  15. The Secretary of State must review the appointee's suspension if requested in writing by the appointee to do so, but need not carry out a review less than 3 months after the beginning of the initial period of suspension.
  16. Following a review, the Secretary of State may revoke the suspension or suspend the appointee for another period of not more than six months from the expiry of the current period.
  17. The Secretary of State must revoke the suspension if at any time the Secretary of State decides that:
    - (a) there are no grounds to remove the chairman or non-executive member from office under paragraphs 6 and 9 above
    - (b) there are such grounds but does not remove that person from office as chairman or non-executive member under these provisions; or
    - (c) the person is not disqualified for appointment under paragraphs 1 to 3 above.

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