



SAMH Response to Consultation on Independent Scrutiny

SAMH

SAMH is the leading voluntary sector organisation in its field in Scotland and is dedicated to mental health and wellbeing for all. SAMH provides both direct services and an independent voice on all matters of relevance to people with mental health and related problems.

SAMH has over 80 services throughout Scotland which address a range of individual needs including supported housing, home support, crisis support, training, employment and structured day services. Our services support people who have experience of mental health problems and other forms of social exclusion including homelessness and addictions.

The SAMH Centre for Research, Influence and Change promotes the development of legislation, policy and practice that is based on the real life experiences of people with mental health and related problems and respects their human rights. The Centre also provides an information service, offering general mental health information and specialist legal and benefits advice. Both the Centre and the wider organisation are committed to challenging the stigma and discrimination experienced by people who live with mental health problems.

GENERAL COMMENTS

SAMH welcomes the opportunity to comment on this consultation. We support the Scottish Government's intention of introducing independent, external scrutiny of proposals for major changes in NHS services. To be successful we believe that the quality of an NHS Board's public involvement must be central to the process.

Question 1: Do you agree that an expert panel is the most effective way to provide independent scrutiny? If not, what would be your preferred choice?

SAMH supports the establishment of expert panels as a way of introducing independent, external scrutiny of proposals for major change in NHS services. To be effective we believe consideration must be given to the comments detailed below.

Question 2: Do you agree that the role of the panel should be to assess the safety, sustainability, evidence-base and value for money of proposals for major changes to local NHS services?

We agree that the panel must ensure that rigorous examination of the information and evidence has been undertaken and that this would include an assessment of the safety, sustainability, evidence-base and value for money of proposals for major changes.

The panel must also take a long term, sustainable, strategic view of the potential changes to the NHS services. The decisions about major changes to local NHS services are frequently difficult and it is therefore important that a robust process is followed that includes a full appraisal of all the options.

At SAMH, we know from recent experience, that the views and opinions of those who use services are not always sought when decisions are made that affect service provision.

We believe that a key role of the expert panel should be to ensure that full account has been taken of the local circumstances in appraising the options and reaching decisions relating to major changes of local NHS services. The views of local people and organisations must be sought, listened to and acted upon and full consideration given to the impact of the proposed changes on different groups and communities.

NHS Boards cannot deliver high quality services without providing the opportunities for those who use the services to make meaningful contribution to the decision making process. Expert panels have the potential to improve the process and practice of public engagement and this opportunity must be capitalised.

Question 3: Do you agree that the chair should be a lay person appointed by Scottish Ministers?

SAMH supports the selection of panel chairs through the public appointments process. This process must ensure the independence of the chair, as this is critical to the effectiveness and ultimately success of the expert panel.

Question 4: Do you agree that the panel should have a lay majority among its members?

SAMH agrees that the majority of the panel should be lay members. To create an independent panel the members recruited must have no direct interest or involvement in local NHS services. In addition and equally important to being independent, panel members must possess the necessary expertise to carry out the functions of the post. We therefore support a rigorous selection process.

Question 5: Do you agree that the panel should assess the evidence and options during the process of public engagement prior to consultation, and provide a commentary on these that would be available to the Board and to Ministers in reaching decisions?

The expert panel would clearly have a role to play in reporting to the Board and Ministers the findings from the scrutiny process. It is not apparent from the consultation document whether any report collated by the expert panel would be made publicly available. To ensure the process is clear and transparent and to improve public engagement SAMH would strongly recommend that any report published is made available as a public document. We believe this should be done prior to the commencement of a public consultation.

Question 6: Do you have any other comments on how independent scrutiny should be carried out, or on the guidance on "Informing, engaging and consulting the public in developing health and community care services" at Annex 3?

SAMH is keen that NHS boards apply the learning from expert panels to all changes that impact on the needs of those who use the services and not just ones that are classified as 'major'. We would urge that special attention and scrutiny to the Boards process of involvement/engagement is paid when changes in service impact on groups who are disadvantaged, vulnerable and experience exclusion in their lives. The consultation notes that the Scottish Health Council is developing a set of criteria to help judge whether a proposed service change is major and we look forward to having the opportunity to comment on these.

The role of the Scottish Health Council and expert scrutiny panels in considering proposals for changes to NHS services will be closely linked. We believe that it is vital that there is clarity of their roles to ensure that there is no scope for things to fall outwith the remit of both groups.

On page 11 of the consultation document there is reference to the fact that the panel would "encourage the submission of alternative evidence-based perspectives from the community and patient groups." While this is something SAMH would welcome there is no detail on how this would be achieved. We are keen to ensure that this aim is not seen as an optional extra but as a fundamental part of the expert panels function.

The "Informing, engaging and consulting the public on developing health and community care services" guidance is easy to understand and covers the basic steps an NHS Board could be expected to undertake. It is not clear however whom the guidance is written for and this makes it difficult to comment on whether it is fit for purpose.

Question 7: Do you have any other comments on either the consultation process or your preferred choice?

Public involvement of those people in the most disadvantaged communities is often overlooked. We believe that expert panels have a role to play in ensuring that NHS Boards develop greater engagement with hard to reach / disadvantaged communities when proposing major change in services. People from these groups must have an opportunity to become involved in a range of ways and have their views heard.