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23 January 2008

Scottish Government Consultation on
Independent Scrutiny
Healthcare Policy and Strategy Directorate
St Andrews House
Edinburgh
EH1 0RD

Dear Sir/ Madam

Argyll and Bute Council welcomes the opportunity to respond to the Scottish Government's consultation on options for independent, external scrutiny of proposals for major NHS service change. The Council has considered the wide range of issues and set out our position from a Local Authority perspective.

The Council has a productive working relationship with partners in NHS Highland and NHS Greater Glasgow and Clyde and offers its own contribution to the consultation document.

The Council is optimistic regarding the potential benefits independent scrutiny Panels have to offer in improving transparency and accountability in relation to major service delivery change within NHS Boards. The issue of Public confidence in option appraisal and development is crucial and the Public demand increasing reassurance that their voices are heard and listened to in relation to service change in Public services.

Argyll and Bute Council recognise that planning for change within NHS services is a complex task. Securing consensus within this arena is demanding and a huge challenge. The proposed use of independent scrutiny Panels will present many challenges to partners within the NHS but the potential benefits of such a move make it a very desirable direction of travel. The use of laypersons including an independent Chair will add rigor and robust scrutiny to the process of option development and appraisal and should increase public confidence in difficult decision-making relating to significant service change.

I hope these comments are helpful in taking forward this consultation process.

Yours faithfully

Director of Community Services

Independent scrutiny of NHS board proposals for major changes in the local NHS services.

Question 1

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

Response

Yes. This option should offer the most robust method of option development and appraisal. It would not be overly bureaucratic but offer clear lines of accountability for scrutiny and decision-making.

The real strength in this particular approach is the ability of the panel to deliver independent scrutiny by a range of individuals with relevant knowledge and skills from a mainly non-clinical background who have no direct interest or involvement in local NHS services. This should ensure the public have increasing confidence in the decision making process. It is extremely important that the Public feel they are being listened to and understood when major changes in the delivery of services are being considered. One of the major strengths of Scottish Local Authorities is the levels of accountability and transparency within the organization. There is a strong and clearly defined link to individuals and communities through its elected members. Decisions are scrutinized on a number of levels before decisions are made.

The proposed scrutiny Panel will have the opportunity to consider the clinical, financial and patient evidence for service change and the options developed by the NHS board. The ability of the panel to engage with the wider community is an interesting aspect of this proposal and how they encourage the submission of alternative evidence-based perspectives should be explored and developed further.

It is also important to acknowledge that the NHS has used this approach successfully in the past, most recently in NHS Greater Glasgow and Clyde led by Professor Calder in relation to maternity services which appears to have been well received by the wider public.

The other two options have strengths but lack the robust link to ensure transparency and increase public confidence in major decision-making.

Option 1 (decision conference) would likely have difficulty with the complex nature of the task involved with limited public involvement.

Option 2 (Scrutiny body) may add strong local emphasis to scrutiny process but with increasing joint working relationships developing with Local Authorities it may be viewed by the Public as less independent.

Argyll and Bute Council would therefore recommend option 3 as the preferred choice.

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 NHS Boards proposals for major changes to local services?

Response

Yes. The Public has an expectation that all NHS services are fit for purpose-safe, sustainable, clinically and cost effective. It would therefore be reasonable that the Panel concentrate on these specific areas.

It is vital that clear guidelines are developed for use by the expert panel. Equally important is the need for clear communication and information regarding the purpose of the scrutiny panel for the wider Public and other interested stakeholders. It appears central to the Panels role that a rigorous examination of facts are explored thus ensuring decisions are based on the best available clinical and financial evidence.

The weighting and importance of safety, sustainability, evidence base and value for money will almost certainly be different for different stakeholders for example clinicians may place evidence based practice more highly than value for money. The public may hold safety above sustainability of service. The expert Panel would be best placed to examine the evidence and give a totally independent view of the decision making process.

It would be crucial to have clear guidelines on what constitutes significant service change and defining "major impact on a patient or carer group or geographical community" further.

Question 3

Do you agree that the chair should be a layperson appointed by Scottish Ministers?

Response

Yes. If one of the central aims of the scrutiny panel is to increase Public confidence it appears reasonable to have a non-clinical Chair. Presumably the Scottish Government has the experience to appoint suitable qualified and experienced layperson to fulfill this complex and demanding role. Recent examples of appointments of independent Chairs have been received positively and there has been no evidence to support the view that outcomes have been unsatisfactory.

The use of independent chairs and scrutiny panels is relatively new and it would be expected that groups of professionals or public service organizations might have reservations initially. Over time these reservations may well diminish, as Panels become more established.

Question 4

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

Response

Yes. As stated in the previous response if one of the aims of independent scrutiny is to increase Public confidence having a majority of laypersons will meet this requirement. The Panels role is to provide a commentary on the evidence presented in support of the proposed change and the options considered. This would add independent rigor and robust scrutiny to the entire process of option development and appraisal.

Argyll and Bute Council do not have a fixed view in relation to numbers involved in a scrutiny Panel but would envisage a broad range of relevant, skills, knowledge and experience being more important to maximize improved public confidence. It would also be important that Panel members within NHS Highland have an understanding of rural and remote communities.

Argyll and Bute Council believe scrutiny Panels would be more likely to have increased credibility within its communities if the need to have a majority of laypersons is enshrined in guidance.

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?

Response

Yes. If this process is undertaken at this time prior to formal public consultation, the people most affected by the potential changes will be more confident that there is a sound case for change. It may also offer a degree of comfort which could positively influence the debate in relation to moving forward rather than continual questions relating back to original background issues.

Question 6

Do you have any further 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?

Argyll and Bute Council support the use of expert independent scrutiny panels as the preferred option. There will be a need to recruit highly skilled individuals to undertake the role of independent chair. The Council is optimistic that there are a range of individuals well equipped to undertake this role and offer a degree of independence which has not been widely available to date.

It is vitally important individuals, carers and the wider Public receives clear information in relation to the role of the scrutiny Panel which is to primarily review and assess the evidence presented by NHS Boards in relation to significant service change. This will secure greater levels of transparency and accountability in relation to decision-making concerning option development and appraisal.

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