

Scottish Government Consultation Document

Local Healthcare Bill

Response from the Highland Council

Section 1

Making things better- this section seeks your views on how the role of patients and communities in deciding how NHS services in Scotland are planned and provided could be strengthened through augmenting existing policies, within the current framework of appointed NHS Boards

Nos	Question	Answer
1	Do you think the current proposals for independent scrutiny of service change proposals help achieve the aim of better engaging and involving local communities?	The Council is supportive of the objectives of the consultation document in seeking to encourage greater public involvement in the planning and delivery of NHS Services and believes that the proposals for independent scrutiny of service change proposals will enable better engagement and involvement of local communities.
2	How could additional guidance to NHS Boards on making public consultation as effective as possible help achieve this aim?	If the proposed actions to improve public engagement as outlined in the consultation document are implemented and delivered, this will result in a significant improvement in the way the public are involved.
3	Would the appointment of more lay members to NHS Boards - perhaps to directly represent patients or other groups - help achieve the aim? How might this be achieved?	The Council would be supportive of additional lay members being appointed through direct elections to the board.
4	In particular, would adding more local authority councillors (one councillor from each local authority whose area a Board serves is currently appointed to that Board) help achieve the aim? Could local authorities have a role in scrutinising public and community engagement?	Additional local authority elected representatives could assist the Board in representing the views of local communities on the proposals for service planning and delivery issues.

		<p>Local Authorities already provide a community leadership role and have a wide experience in the scrutiny of public services and in engaging with local communities. They could therefore perform the role of scrutinising how effective the NHS Board's public and community engagement activities are.</p>
5	<p>Should we develop further the role of the Scottish Health Council to bring about more effective engagement and involvement? If so, what additional responsibilities could the Council take on and what would the benefits be?</p>	<p>While the Scottish Health Council has a role in ensuring the NHS Boards have effective public engagement and involvement processes in place, such engagement needs to be undertaken at a local level.</p>
6	<p>How could the Public Partnership Forums associated with Community Health Partnerships encourage greater public engagement?</p>	<p>Often the public may engage in a particular issue that is of interest to them or their community, it may therefore be useful to use the Public Partnership Forums as a vehicle to facilitate such consultations to secure greater public engagement.</p>
7	<p>How could local Community Planning Partnerships best ensure improved public engagement with NHS planning?</p>	<p>Closer co-operation and public engagement could be included as outcomes contained in the Single Outcome Agreements being developed by Community Planning Partners.</p> <p>It would be helpful if there were coterminous boundaries between Community Health Partnerships and Community Planning Partnerships which would help facilitate closer co-operation and public engagement.</p>
8	<p>What other measures could be introduced to increase effective engagement and involvement of the public with the NHS in Scotland?</p>	<p>If the proposed actions to improve public engagement as outlined in the consultation document are implemented and delivered, this will result in a significant improvement in the way the public are involved.</p>

15	How often should elections be held, and when? Local authority elections are held every 4 years. Should elections to NHS Boards follow the same pattern?	Direct elections should be for four year terms. Consideration should be given to restricting the number of terms a directly elected member can stand to reflect board governance issues.
16	Should directly elected members form a majority of the members on a Board?	Yes - for the process of directly elected representation to be effective a majority would be required.
17	Should the existing categories of appointed Board members (lay members, stakeholder members and executive members) remain in place?	The existing categories of membership should stay the same.
18	Among the appointed "stakeholder" members on NHS Boards are local authority Councillors. What should their role be if directly elected members sit on Boards?	There would be benefit in Local Authority representatives remaining on the Board as in addition to representing the local communities' interests, they would also be able to provide a wider strategic focus on the health needs of the community, linking in with other Health related Services such as Social Work and the voluntary sector.
19	Should NHS Board areas be divided up into electoral wards?	For the size of the Highland NHS Board area, this would be difficult and it may be more appropriate to use the Scottish Parliamentary boundaries.
20	Would the emergence of groups or individuals with particular views be a difficulty or a potential threat to good governance and direction of the NHS in Scotland?	It may be problematic and could lead to a focus on the short term with less focus on the wider governance of the NHS in a Board Area.
21	Should safeguards be introduced to prevent unrepresentative / disproportionate representation of a political party or special interest group on a Board, and if so what form might such safeguards take?	If there are direct elections, it is difficult to then start introducing measures to prevent unrepresentative/disproportionate representation of a political party or special interest group.
22	Would you favour a simple "first past the post" voting system, a proportional representation approach or another type of system?	The response is dependent on how Board areas are to be divided. If geographical representation is a desired outcome then first past the post would be effective.
23	How should voters be allowed to cast their votes? By postal ballot or at a polling station? Or either, depending on the voter's choice?	The elections should be carried out by postal ballot if it were a stand alone election. An election solely by postal ballot may encourage participation and increase turnout.

Section 2

A new approach- this section asks for your views on changing the current framework so that NHS Boards have directly elected members with the aim of bringing about greater patient and community involvement in planning and delivering local health services.

Electoral Process, Procedures and Systems

Nos	Question	Answer
9	What eligibility criteria should candidates meet (e.g., should they be resident in the Board area? Should there be any other qualifications?)	Eligibility criteria should be similar to that for Local Government Elections.
10	How could equality and diversity of candidates be promoted?	The promotion of equality and diversity is important in the run up to the election, but this should be endemic across all Government. Promotion of the elections should seek to ensure that all members of the community can participate in the election if they want to.
11	Should candidates have to submit profile statements and declare any interests and/or relevant qualifications / skills / experience, for example membership of a political party or a pressure group?	Yes – short pen pictures, or a statement outlining their hopes and aspirations limited to say 250 words, if the candidates wish to do so. There should be a requirement for candidates to declare membership of a political party in that statement.
12	Is there a case for excluding candidates standing as a representative of a political party?	No.
13	In what circumstances might someone be disqualified from seeking election?	It should be the same as for those at Local Government elections, i.e. those who have Criminal Convictions or who have been made Bankrupt (see S 31 of the Local Government (Scotland) Act 1973, as amended).
14	Who should be allowed to vote in the election? Should the same rules as apply to local authority elections be followed?	Elections should be held under the Local Government Franchise, to include all EC electors.

24	Should directly elected Board members be remunerated? If so, at what rate - the same as appointed members currently receive?	Yes, they should be remunerated and at the same rate as Board members currently receive.
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Piloting the idea of Elections to NHS Boards

Nos	Question	Answer
25	Are pilots a good idea?	No, it would be more likely to cause confusion if one board was subject to direct elections and others were not. If direct elections are to be adopted it would be better for all boards to subject to direct elections at the same time.
26	How many pilots should there be?	n/a
27	How should pilot areas be selected?	n/a
28	How long should pilots run for?	n/a
29	What criteria should be used to assess and evaluate the pilots?	n/a

Accountability of NHS Boards

Nos	Question	Answer
30	Should NHS Boards continue to provide generally consistent levels of performance across Scotland and follow national policies and priorities? Or should elected NHS Boards have the freedom to exercise local discretion and flexibility?	Each Board should have to provide consistent levels of performance across Scotland. However, there should be a balance between following national policies and priorities and enabling the Board to have the freedom to exercise some local discretion and flexibility.
31	should current guidance e.g. on governance, priorities and performance standards be set out in future in legally-binding form, to ensure that elected Boards comply with them? What would be the advantages and disadvantages of this?	Yes, if Members are directly elected, they should be subject to a similar code of conduct to Councillors, which is provided for in the Ethical Standards in Public Life etc (Scotland) Act 2000.
32	Ministers currently have powers to remove members. Should they be able to remove elected members? What sort of reasons might justify such a power being used?	Yes – using similar criteria as at present.

Cost of Direct Elections

Nos	Question	Answer
33	Should NHS resources be used to support direct elections? What do you think would be a reasonable amount to spend on elections?	<p>It is the Council's view that the £5m cost of direct elections will prove to be a significant underestimation of the overall costs, which are more likely to be in the region of £10m.</p> <p>If costs come from local NHS budget it could have associated implications for that budget and front line service provision and therefore additional funds should be provided.</p>