

**REPORT TO:** Community Planning Implementation Group

**MEETING DATE:** 4 September 2008

**BY:** Strategic Planning – NHS Lothian

**SUBJECT:** Health Boards (Membership and Elections) (Scotland) Bill

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## **1 PURPOSE**

- 1.1 The purpose of this report is to inform the Community Planning Implementation Group on the draft Bill laid before Parliament that provides the legislative framework for introducing elected Health Boards.

## **2 RECOMMENDATIONS**

- 2.1 To discuss and note the updated position on the Government's proposal for elected Health Boards.
- 2.2 To agree to receive a report at a future meeting based on the outcome of the consultation, outlining any legislative implications for NHS Lothian and Community Planning Partners.

## **3 BACKGROUND**

- 3.1 The Local Healthcare Bill consultation was launched by Scottish Government on 8 January 2008. The document looked at strengthening existing policies to ensure the needs of local communities are heard more effectively within the current framework of appointed Health Boards and also asked views on introducing new legislation to require elections to be held that would place locally elected members on Health Boards.
- 3.2 The consultation closed in April and Government summarised the responses to the consultation as follows:
- The responses acknowledged the need to improve the way in which Health Boards engaged and involved their local communities in the planning and decision making process around delivering health services. All acknowledged the progress that had been made over recent years but that further steps had to be taken.
  - Individual respondents especially felt that the views of communities were not given sufficient weight when the Health Board considered options. They also felt that many consultations did not fully reflect the range of options that might be available, instead they reflected a narrower Health Board view.

- Of the 14 Health Boards, 13 responded and all acknowledged the need to continue to improve their engagement with communities but were universally of the opinion that elections to Health Boards were not the way to achieve this.
  - Opinion on elections was split between “for” and “against” among local authorities, a split that was reflected in all other types of respondent.
  - In general, individuals or groups not currently directly involved with planning and delivery of health services tended to be for elections whilst those who were currently involved tended to be against the proposals.
- 3.3 NHS Lothian agree that Health Boards should be open, transparent and accountable to the communities they serve and we believe that NHS Lothian is achieving this in a number of ways - Patient Focus and Public Involvement work, Non Executive Directors who are elected representatives, Public Board Meetings and through the Public Annual Accountability Review held by the Minister for Health and Community Care.
- 3.4 NHS Lothian saw benefit in building on existing mechanisms and developing them further, rather than regarding democratic elections as being an alternative to an appointments process.
- 3.5 As a result of the consultation, the Scottish Government’s Health Boards (Memberships and Elections) (Scotland) Bill was laid before the Scottish Parliament on 25 June 2008.
- 3.6 The Bill’s central proposal is that a combined total of members directly elected by the public and councillors nominated by local authorities should form the majority membership of each NHS board.
- 3.7 Ministers will continue to appoint the Board chair, senior board employees (chief executive, finance director, chief medical officer etc), a representative of the Area Clinical Forum, and representatives of University hospitals (where applicable), as well as confirming the appointment of those elected members nominated by local authorities.
- 3.8 The draft Bill proposes that:
- retain appointed chair and appointed members
  - retain local authority councillors from each Council in the Board area
  - introduce directly elected members with a four year term
  - the total number of councillor members and elected members must amount to more than half of the total number of members
  - permit people over the age of 16 to vote
  - Government are seeking Boards to pilot proposals, in relation to the requirements for direct elections, i.e. returning officers, legitimate voters, election regulations, funding, wards, etc.
  - Ministers & Boards, via various regulations, would have other powers
  - Minister may by order require Boards to implement direct elections via a ‘roll out’ power

- 3.9 The Parliament Health and Sport Committee issued a call for written evidence on the Bill to gauge support or otherwise for the principle of electing NHS boards. They also wished to gather views on particular issues, such as:
- what the practical benefits of having elected members on health boards would be and whether those benefits would outweigh the costs arising from running such elections and supporting elected members
  - what the risks are of having elected members on health boards
  - whether elected members' scope for action will be affected by health boards' continuing accountability to ministers
  - whether alternatives to direct election exist as a means to increasing public involvement in the NHS
  - composition of health boards, arrangements for elections and arrangements for pilots
  - practical implications and cost of bringing the Bill's provisions into force
- 3.10 The responses are to be sent to [healthandsport@scottish.parliament.uk](mailto:healthandsport@scottish.parliament.uk) by Monday 1 September. The Committee will consider all submissions received and may request further oral or written evidence as required.

#### 4 POLICY IMPLICATIONS

- 4.1 This is a discussion document based on a Parliamentary Bill which has been subject to a range of impact assessments.

#### 5 RESOURCE IMPLICATIONS

- 5.1 Financial - The resource implications are set out in the financial memorandum accompanying the Bill and estimate each vote to cost around £2.60 with a total cost of £2.86 million from 2010/11 national budget.
- 5.2 Personnel - This is still unclear and will depend on which structure, if any, the Government decide to implement.

#### 6 BACKGROUND PAPERS

- 6.1 Links to the draft Bill itself and its supporting information can be found at: [www.scottish.parliament.uk/s3/committees/hs/HBelectionsbill/index.htm](http://www.scottish.parliament.uk/s3/committees/hs/HBelectionsbill/index.htm)

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