

POLICY BRIEFING –

HEALTH BOARDS (MEMBERSHIP AND ELECTIONS) SCOTLAND BILL



scottish
health
council

making sure
your voice counts

INTRODUCTION

The Scottish Government introduced the *Health Boards (Membership and Elections) (Scotland) Bill* to the Scottish Parliament on 25th June 2008. The Bill's stated aim is to improve public engagement and public involvement with Health Boards, by allowing for the election of Health Board members, on a pilot basis. It is therefore of significant interest to the Scottish Health Council, given our role and our relationship with Health Boards.

This paper has been written: to raise awareness of the Scottish Government's proposals; to explain the process which will follow and; to provide some initial commentary.

BACKGROUND TO THE BILL

In its *Better Health, Better Care - Action Plan*, the Scottish Government set out its commitment to consult on the content of a Local Healthcare Bill, which would include consideration of direct elections to Health Boards. The consultation was launched on 8th January 08 and a total of 142 responses were received. The Scottish Government has taken account of the views and concerns expressed in the consultation responses when deciding on how the necessary legislation should be framed and implemented.

This is not the first time that this issue has been considered by the Scottish Parliament. In March 2006, a Member's Bill was introduced by Bill Butler MSP, with the same broad aims. The Health Committee was the lead committee responsible for considering the Bill, and whilst the majority of the committee were either in favour of, or neutral on, the general principles of the Bill, it was felt that there were aspects of the proposals which would require further consideration before matters could be taken forward. The Bill fell at stage 1 on a vote of 55 for and 64 against.

OVERVIEW OF THE BILL'S MAIN PROVISIONS

The Bill sets out the key principles relating to the introduction of elections, by way of pilots, to Health Boards. More detail on how the provisions will be implemented, and elections conducted, in the pilot areas will be set out in subordinate legislation.

Membership of Health Boards

The Bill sets out two types of members which will make up the membership structure of a Health Board:

1. Members appointed by Ministers – These are: the chairman of each Board, who is appointed through the public appointments process; senior employees of the Health Board; a representative of the Area Clinical Forum; a University member, where the Health Board area includes a teaching hospital; and a local authority councillor nominated by each local authority within the Board area.
2. Members elected in a Health Board election.

Elected members and nominated councillors, added together, will form a majority of elected representatives on each Health Board.

Accountability

Some concerns were expressed in the consultation responses that altering the structure of Health Boards might raise issues about the implementation of national policy, and the “danger of losing the “national” from the National Health Service”. In response to these concerns, the Government will continue the appointment of Health Board chairmen by Scottish Ministers, and will retain the powers that Ministers currently have to enable them to exercise a degree of control over Health Boards. These powers include the ability to give directions to Health Boards, and being able to terminate the membership of a Health Board member, where this is justified in the interests of the NHS.

Elections

The approach is based on four broad principles:

1. Elections will be held at fixed 4 year intervals, with no limit on the number of terms that a member can serve if re-elected.
2. Each Health Board area will constitute a single ward.
3. The voting method will be Single Transferable Vote. This enables voters to express preferences between candidates, and is the system used in Scottish local government elections.
4. 16 and 17 years olds will have the opportunity to vote.

Pilots and Evaluation

The introduction of elections to Health Boards will be by way of pilots. It has not yet been decided which Health Boards will participate in the pilots. The pilots will remain in force for up to seven years. The pilots will be fully evaluated, and after five years, the Government will have to lay a report on the pilots before the Scottish Parliament.

Special Health Boards

Special Health Boards will not be covered by the provisions in the Bill. Given that they have a national remit, it would not be appropriate to hold elections to these Boards.

PARLIAMENTARY PROCESS

As with all Executive Bills, consideration of the Bill by the Scottish Parliament will be in three stages:

Stage 1 - The Health and Sport Committee is the lead Committee. It will take evidence on the Bill and produce a report on the general principles. The Parliament will then meet to consider the report and debate whether to agree the general principles. If agreement is reached, the Bill will pass to stage 2. If agreement is not reached, the Bill will fall.

The Health and Sport Committee has issued an invitation for individuals and organisations to submit written evidence on the Bill. The deadline for submission is 1st September 08.

Stage 2 – The Health and Sport Committee will consider the Bill in detail and decide on any amendments.

Stage 3 – The Bill will be considered by the full Parliament. It will decide on any further amendments, and on whether the Bill should be passed in its final form.

Once the Bill has been passed, and has been given royal assent, it will become an Act, and the Scottish Government will require to fix a date when it will come into force.

SCOTTISH HEALTH COUNCIL VIEW

This Bill is intended to strengthen the requirement for the public voice to be heard in the decision making processes of Health Boards. The Scottish Health Council fully supports that broad aim and welcomes all efforts to expand opportunities for public involvement. As we indicated in our response to the consultation on the

Local Health Care Bill, much depends on how the proposals are implemented in practice. We therefore welcome the intention to introduce the proposals by way of pilots, and the commitment to full and thorough evaluation.

FURTHER INFORMATION

Further information on the Bill is available on the Scottish Parliament's website:
<http://www.scottish.parliament.uk/s3/bills/13-HealthBoards/index.htm>

Free internet access to the Scottish Parliament's website is available at Scottish Parliament partner libraries. For information about the partner libraries, or about the progress of the Bill, contact:

Public Information Service
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5000

Textphone users can contact the service on 0131 558 7676