

**SUBMISSION TO THE HEALTH AND SPORT
COMMITTEE ON THE PUBLIC SERVICES
REFORM (SCOTLAND) BILL**



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INTRODUCTION

The Scottish Health Council was established in April 2005 to promote improvement in the quality and extent of patient focus and public involvement in the NHS in Scotland. It supports and monitors work carried out by NHS Boards to involve patients and the public in the planning and development of NHS services, and in decisions that affect the operation of those services.

The Scottish Health Council was set up with its own distinct identity and governing body, with a Chairman appointed by, and directly accountable to, Scottish Ministers. It is a committee of NHS Quality Improvement Scotland, which has responsibility for the provision of support services, and employment of staff. The Scottish Health Council also has its own National Council, whose members are appointed under the public appointments process and ratified by the Board of NHS Quality Improvement.

We welcome the opportunity to respond to the Health and Sport Committee on the Public Services Reform (Scotland) Bill. As part of NHS Quality Improvement Scotland, we are directly affected by the Bill, as it repeals the existing provisions establishing NHS Quality Improvement Scotland and establishes in its place Healthcare Improvement Scotland as the new national body for healthcare improvement and scrutiny, including the functions that the Scottish Health Council currently carries out.

It should be noted that in addition to our statutory functions we also provide secretariat and support services to the Independent Scrutiny Panels appointed by the Scottish Government to report on proposals for major service change in health services. There have been three panels to date. This function is funded separately by the Scottish Government and does not form part of our normal annual budget allocation.

In accordance with good practice, it was agreed when the Scottish Health Council was established that the organisation would be reviewed after three

years. An independent review of the organisation has been concluded and has resulted in an Action Plan¹ which was approved in July 2009 by the Cabinet Secretary for Health and Wellbeing. Our new structure will enable us to put a stronger focus on developing and supporting the participation agenda, and ensure that we continue to play a key role in achieving the Scottish Government's vision of a mutual NHS i.e. "...an NHS where ownership and accountability is shared with the Scottish people and with the staff of the NHS"².

GENERAL COMMENTS ON THE BILL

The Scottish Health Council supports the overarching purpose of the Bill i.e. to help simplify and improve the landscape of Scottish public bodies, to deliver more effective co-ordinated government that can better achieve its core functions for the benefit of the people of Scotland. We also support the Scottish Government's stated approach, as set out in paragraph 3 of the Bill's Policy Memorandum.

COMMENTS ON PART 5 OF THE BILL

Section 90, clause 10Z10 concerns the establishment of the Scottish Health Council within Healthcare Improvement Scotland. It enables Healthcare Improvement Scotland to establish the Scottish Health Council as a committee and requires that, where the Scottish Health Council is established, it will carry out the functions that the Scottish Health Council is currently responsible for and will have a Chair who is appointed by Scottish Ministers. In essence, it enables Healthcare Improvement Scotland to establish the Scottish Health Council on a similar footing to that which currently exists. This is important as the Scottish Health Council is the only organisation in Scotland with a dedicated role and responsibility for championing patient and public involvement.

The Scottish Health Council is satisfied that the current arrangements, which have worked well since its inception, could transfer very readily to Healthcare Improvement Scotland. Its separate identity and direct line of accountability to Scottish Ministers gives it prominence in the NHS and underscores the priority given to the participation agenda.

¹ Action Plan: A Form Fit to Function, Scottish Health Council (May 2009), available on the Scottish Health Council's website www.scottishhealthcouncil.org

² *Better Health, Better Care Action Plan*, The Scottish Government (2007) section 1.1., page 5

COMMENT ON PART 6 OF THE BILL

The provision in Part 6 of the Bill regarding 'the duty of user focus' is particularly welcome. We believe that this duty has the potential to significantly improve the way that scrutiny bodies operate and should lead to greater public credibility. We note that guidance will be produced in relation to this duty and we look forward to taking part in the consultation on that guidance. The work that we have been leading to develop a Participation Standard, which will be incorporated in the 2010-2011 NHS Board Performance Assessment system, may be relevant when developing the means for scrutiny authorities to demonstrate continuous improvement.

In the four years of our existence, we have made radical changes to the traditional approach to assessment of NHS Boards' Patient Focus and Public Involvement activities. Boards are now required to agree their self assessments with local patient and community groups, with the Scottish Health Council verifying that a meaningful dialogue has taken place. This approach is in line with the recommendations of the Crerar Review.

We also welcome the duty on scrutiny authorities to co-operate and co-ordinate activity with each other and, where appropriate, with Scottish Ministers. This is particularly important in relation to health and social care, given the potential overlap in consultation and public involvement activities between NHS Boards and Community Planning Partnerships.

Richard Norris, Director
14th August 2009