

EAST AYRSHIRE COUNCIL

CABINET – 20 FEBRUARY 2008

THE INDEPENDENT EXAMINATION OF PROPOSALS FOR MAJOR CHANGES IN NHS SERVICES – A PUBLIC CONSULTATION

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of the public consultation with respect to the Independent Examination of Proposals for Major Changes in NHS Services.
- 1.2 To seek Cabinet approval of a response to the Consultation from East Ayrshire Council (appendix 1)

2. BACKGROUND

- 2.1 The Scottish Government began a public consultation with respect to introducing independent, external scrutiny of proposals for major changes in NHS Services in October 2007.
- 2.2 A key message of the Kerr Report – entitled “Building a Health Service Fit for the Future” stated that the NHS needed to adapt in order to meet the changing health requirements of the population. Such adaptation should recognise that major changes to health services can be difficult and must address a complex range of factors including clinical needs, patient safety, workforce issues, finance and the views of patients and the public.
- 2.3 A local example of major NHS changes was the decision to close Accident and Emergency facilities at Ayr Hospital. The resultant public and political response required NHS Ayrshire and Arran to review their decision for which the Government announced specific arrangements for independent scrutiny. The Consultation proposals build on these arrangements for independent scrutiny and seek views with respect to other ideas and approaches to ensuring increased public and political accountability with respect to major NHS changes.
- 2.4 The Consultation asks six specific questions with respect to how independent scrutiny may best be achieved, outlining three options and identifying a preferred option.

3. THE PROPOSALS

- 3.1 The Scottish Government believes that both the public and politicians require stronger and more comprehensive reassurance and advice than is available at present with respect to major changes in NHS services. They anticipate independent scrutiny will provide more rigorous examination of the information and evidence and provide an independent assessment for the public and ministers before major decisions are taken.

- 3.2 The Scottish Government states that any proposals for service change should be robust; all alternatives for service redesign must have been considered and the NHS Board should be able to demonstrate that due weight has been given to public opinion.
- 3.3 Major service changes may impact on a number of services across the NHS Board area and independent scrutiny should consider the overall plan for change and alternative options.
- 3.4 Independent scrutiny should take place before full public consultation and will aim to ensure service changes deliver safe, sustainable evidence based and value for money services.
- 3.5 The Scottish Government believes independent scrutiny has the potential to improve the quality of evidence, debate and decision making with regards to major decisions.
- 3.6 The three options for independent scrutiny contained in the Consultation are:
- (i) Decision Conference
An independent moderator would chair a conference where stakeholders would debate the clinical, financial and patient evidence relating to the change.
 - (ii) Scrutiny Body
An independent body such as a local authority could be asked to scrutinise the evidence and merits of proposals. Local authorities would be given a statutory right to be informed when an NHS Board was planning a major service change then provided with the necessary information and support to enable them to decide if the proposed change was in the best interests of the local population. This would enable health service change to be considered in the wider context of the delivery of public services at a local level.
 - (iii) An Expert Panel
A panel led by non clinical members who have the expertise to consider the clinical, financial and patient evidence for service change. The panel would encourage the submission of alternative evidence based perspective from community and patient groups.
- 3.7 It is the final option of an Expert Panel which is recommended by the Scottish Government within this consultation exercise as it is considered the best way of ensuring that there is rigorous and robust assessment of the evidence and that all options are fully considered and taken into account.
- 3.8 CoSLA have since considered this Consultation at the Health and Wellbeing Executive Group (7 February 2008). An agreement was reached to suggest to the Scottish Government that a final decision on external scrutiny arrangements be deferred until the outcome of the Local Health Care (Scotland) Bill consultation is known. The Local Health Care (Scotland) Bill consultation concerns consideration of direct elections on to NHS Boards.

4. IMPLICATION OF PROPOSALS

- 4.1 Independent Scrutiny of Major Changes in NHS Services should enable improved public service provision informed by the community it serves.
- 4.2 All the options for scrutiny discussed within the consultation paper have their merits; however, there would be organisational challenges with respect to the first two models described.
- 4.3 To ensure representatives at a Decision Conference or on a Scrutiny Body were appropriately advised of the financial, clinical and patient care implications of decisions there would be a requirement additional administrative support to facilitate this increasing cost and time commitments to the process.

5. FINANCIAL IMPLICATION

- 5.1 There are no financial implications for East Ayrshire Council should the option of an Expert Panel (3.5 (iii)) be adopted.

6. LEGAL IMPLICATIONS

- 6.1 There are no legal implications.

7. POLICY IMPLICATIONS

- 7.1 There are no immediate policy implications.

8. COMMUNITY PLANNING IMPLICATIONS

- 8.1 The introduction of independent scrutiny of major NHS changes will enhance the Improving Health and Improving Opportunities Themes contained in the Community Plan.

9. CONCLUSIONS

- 9.1 The introduction of independent examination of proposals for major NHS changes will ensure rigorous and robust assessment of all the evidence is undertaken in advance of decisions being made.
- 9.2 Independent scrutiny may enhance consideration of local needs and overarching policies such as the Community Plan.
- 9.3 Whilst an expert panel may be the most appropriate option for independent scrutiny, it may be prudent for the Scottish Government to defer a final decision with respect to independent scrutiny until the Local Health Care (Scotland) Bill consultation is concluded.

10. RECOMMENDATIONS

10.1 Cabinet is asked to:

- (i) endorse the response to the public consultation which agrees with the need to introduce formal independent scrutiny of major changes in NHS Services;
- (ii) support the CoSLA position of seeking a deferment on the scrutiny model until the outcome of the Local Health Care (Scotland) Bill consultation is known; and
- (iii) otherwise note the contents of the report.

Graham Short
Executive Director of Educational and Social Services
12 February 2008

Enc (1)

LIST OF BACKGROUND PAPERS

- (i) Proposed Response to Consultation Questions.
- (ii) The Independent Examination of Proposals for Major Change in NHS Services.
- (iii) 'Building a Health Service Fit for the Future' – 2005 (The Kerr Report).

**IMPLEMENTATION OFFICER: GRAHAM SHORT, EXECUTIVE DIRECTOR OF
EDUCATIONAL AND SOCIAL SERVICES**

Anyone wishing further information please contact Jackie Donnelly, Executive Head of
Social Work on 01563 – 576920

Independent Scrutiny Consultation (Appendix 1)

East Ayrshire Council – Paper 2

Information about you

Please complete the details on the Respondent Information Form below. This will help ensure we handle your response appropriately.

Name:	<input type="text" value="JACKIE DONNELLY"/> * Required
Organisation: (if applicable)	<input type="text" value="EAST AYRSHIRE COUNCIL"/>
Postal Address:	<div style="border: 1px solid black; padding: 5px;"><p>CIVIC CENTRE SOUTH JOHN DICKIE STREET KILMARNOCK AYRSHIRE</p></div> * Required
Post Code:	<input type="text" value="KA1 1BY"/> * Required
E-mail:	<input type="text" value="jackie.donnely@east-ayrshire.gov.uk"/>
Telephone Number:	<input type="text" value="01563 576917"/>

1. Are you responding as: (please tick one box) * Required	<input checked="" type="checkbox"/> An individual (go to Q2a/b and then Q4) <input type="checkbox"/> on behalf of a group or organisation (go to Q3 and then Q4)
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2a. INDIVIDUALS	
Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?	<input checked="" type="checkbox"/> Yes (go to 2b below) <input type="checkbox"/> No, not at all (We will treat your response as confidential)
2b. Where	<input checked="" type="checkbox"/> Yes, make my response, name and address all available

<p>confidentiality is not requested, we will make your response available to the public on the following basis (please tick <u>one</u> of the following boxes)</p>	<p><input type="checkbox"/> Yes, make my response and name available, but not my address</p> <p><input type="checkbox"/> Yes, make my response available, but not my name or address</p>
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<p>3. ON BEHALF OF GROUPS OR ORGANISATIONS</p>	
<p>The name and address of your organisation will be made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your response to be made available?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (We will treat your response as confidential)</p>

<p>4. SHARING RESPONSES/FUTURE ENGAGEMENT</p>	
<p>We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

Questions

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

The introduction of a more robust scrutiny arrangement within NHS is to be welcomed. In East Ayrshire, we support any moves to enhance public scrutiny of decisions made by public bodies. That notwithstanding, it would be prudent to await details of the outcome of the Local Health Care (Scotland) Bill consultation prior to making a final decision with regard to the best scrutiny model.

In addition, it would be helpful for a definition of "major change" to be provided.

2. Do you agree that the role of the panel should be to assess the safety, sustainability, evidence-base and value for money of proposals for major changes to local NHS services?

The role of the any independent scrutiny model to assess safety, sustainability, evidence base and value for money seems appropriate.

In addition, cross referencing to Community Planning activity and local service developments outwith the NHS may be advantageous in terms of developing a more comprehensive approach to public service provision within a local authority or health board area.

3. Do you agree that the chair should be a lay person appointed by Scottish Ministers?

The Chair of any independent scrutiny model as a politically restricted lay person would appear to be appropriate.

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

Any independent scrutiny model should include lay people and have access to appropriate professional support to advise with professional and ethical decision making.

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?

Assessing the evidence and options in advance of public consultation is welcome.

6. Do you have any other 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?

East Ayrshire Council welcomes any proposals which will ensure the public are supported to comment on and help shape the development of all public services within the Community Planning Partnership area. Where opportunities exist to undertake such activities in partnership we would positively engage in that process.

7. Do you have any other comments on either the consultation process or your preferred choice?

While we welcome the introduction of independent scrutiny with respect to NHS decision making, we would anticipate that the Government will delay implementing any recommendations until the outcome of the Local Healthcare Bill consultation is known to facilitate a coordinated implementation of changes.