



**Unite – the Union Scotland Public Consultation
Response**

**Independent Scrutiny – The independent
examination of proposals for major change in
NHS services**

Executive Summary

It is the view of Unite – the Union that all public service organisations should be open, transparent and democratically accountable. We must encourage active participation from users, the community, staff and their trade unions.

It is apparent that many of these groupings feel disconnected from, and unable to influence, NHS Board decisions about the provision of health care in their area, and any potential reconfiguration of health services. Current public opinion indicates a lack of accountability and transparency and in our opinion it is clear that a democratic deficit exists in Scotland's health framework.

Therefore, Unite – the Union believes that the introduction of independent scrutiny panels could in principle build public confidence into decision-making processes while retaining the necessary component of medical expertise. We believe that this could also ensure a greater public appreciation of the issues involved in decision-making about health care service provision.

We in principle favour proposals that advocate decentralising power to local areas and ensuring that local partnerships can be established which combine professional expertise, democratic accountability and the delivery of quality services.

Unite – the Union believes the general thrust of this consultation in principle is a step in the right direction towards bridging the democratic deficit that exists in the NHS Scotland, and, across all our public services.

However, we have a number of expressed concerns and qualifications about a number of the proposals put forward in this consultation and this will be reflected in the wider body of our response. These include:

- The feasibility of implementing a specific independent panel model as preferred by the Scottish Government;

- Ensuring the right balance between lay and professional representation and the composition of independent panels; and
- The appropriateness for an independent scrutiny panel specifically focused on health to have a lay (non-health professional) Chair.

Consequently, Unite – Union will remain positive about the prospect of greater democracy, accountability and transparency in the decisions concerning major change in the NHS Scotland but, as outlined above, we remain cautious about the practicalities of a number of the proposals and await further clarification from the Scottish Government.

Introduction

Unite – the Union Scotland represents around 200,000 working people and their families throughout Scotland. Unite is the UK's largest trade union with 2 million members in a range of industries including transport, construction, financial services, manufacturing, print and media, the voluntary and non-profit sectors, local government and the NHS.

As a Union with a significant membership in health services from ancillary staff, health visitors and nursery nurses to ambulance drivers we welcome this opportunity to take part in the consultation, *Independent Scrutiny – the independent examination of proposals for major change in NHS services*, and trust our views will be given full consideration.

Finding an appropriate model for independent panels

1. Unite – the Union calls into question whether the Scottish Government's preferred *Expert Panel* approach to providing independent scrutiny is the most effective way forward.
2. We believe that the first-step to improving democracy in the NHS Scotland should be to re-examine the existing frameworks NHS boards are using to consult the public. A starting point would be to review the existing machinery for consultation to be strengthened and improved including a greater role for the Scottish Health Council (SCH) to consult with both communities and Government Minister's on contentious issues.
3. It would be negligible to dismiss some of positive aspects included in this section of the consultation – e.g. the opportunities that could be afforded to local groups to present alternative evidence-based perspectives. This facet of Option 1 could create a greater accessibility for a wide range of community stakeholders – from trade unions to the

individual – to put forward their specific points of view regarding significant change in their NHS Board.

4. Furthermore, as referred to in Option 2 (*Scrutiny Body*), there should be recognition of the valuable role that democratically elected local councillors play in contributing and facilitating decision-making on health boards. Unite – the Union wishes to acknowledge that Councillors across Scotland make a significant contribution to democracy on their local health boards.
5. The Scottish Government should consider the impact of disbanding existing structures that are already proven to be successful in creating and sustaining democracy and accountability in NHS health board decision-making processes.
6. Furthermore, without greater clarity from the Scottish Government on how independent scrutiny panels should actually function in terms of leadership, representation and conduits to participation; we are concerned that expert panels could merely create a further tier of bureaucracy that could prove costly, time-consuming and ultimately counter-productive in the delivery of quality services.
7. *Unite – the Union acknowledges that proposals for independent panels are at an embryonic stage and while the rhetoric of increased democracy is enticing, the reality is that greater detail is required if the concept of expert panels (or any other form of independent panels for that matter) is to prove beneficial in contributing to quality services across the NHS in Scotland.*

Panel Representation – the balance between lay and professional reps

8. Unite – the Union has long-supported the concept of greater public / lay representation on NHS health boards as a key principle to enhancing democracy. However, in the interests of vital issues such as health & safety, finance and service delivery, we seek clarification on the scale and composition of lay representation, and its impact on health service provision.
9. Therefore, in the absence of more detailed proposals from the Scottish Government, we remain cautious about the prospect of lay majority representation on independent scrutiny panels in this context.
10. The worst-case scenario is that panels become a ‘war of attrition’ between lay and professional representation that could ultimately negatively impact upon the quality of service in the health board. It is for the same reason that Unite – the Union reserves judgment on the role of the panel Chair and whether it is appropriate that the individual selected is from a lay background is suitable for this role without health service-related expertise (although we do acknowledge that a lay representative could conceivably come from a medical or clinical background).
11. *Unite – the Union believes that while it is crucial the public has a greater voice in the decision-making processes of their local health boards it should complement and not erode or replace the advice of health professionals given the potential impact on safety and the quality of service provision.*

Conclusion

12. Unite – the Union believes the overarching objective is to ensure the public is confident about the decisions and decision-making process in their local health board, with meaningful public participation being a key principle to achieving this.
13. We are clear in about increasing democracy across public services in Scotland in principle but we are equally clear about the responsibilities that come with this. We acknowledge that health boards have to make very difficult and emotive decisions that are not always popular but could be in the interests of improving the quality of health service provision for the public in a particular area.
14. In our belief what is clear is that there remain problems in the existing systems of consultation. We believe that by re-examining these frameworks with a view to bridging the democratic deficit on health boards it could go some way to addressing these concerns.
15. *Unite – the Union acknowledges this consultation represents the first steps in a wider debate surrounding democracy in the NHS in Scotland, which is a principle that we have long-supported. However, we remain cautious and reserve our support for the proposals put forward by the Scottish Government until greater clarity and information is provided on the processes, composition, and participation of independent scrutiny panels.*

Unite – the Union, if required, would be happy to substantiate or expand upon any comments in this document with the appropriate civil servants or Ministers.

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