

# **Supporting and assuring patient and public involvement in Scotland**

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# The legal duty to ‘encourage public involvement’

- The National Health Service in Scotland has to ensure that those receiving services are involved in, and consulted on the planning and development of services and decisions significantly affecting the operation of those services.
- In addition to the legal duty, there is a strong public and political expectation that the NHS will involve and consult patients and the public when making major changes.



# The Gunning Principles are the founding legal principles applicable to public consultation in the UK

1. A final decision has not yet been made, or predetermined, by the decision makers
2. The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
3. There must be sufficient opportunity for consultees to participate in the consultation
4. Decision-makers should be able to provide evidence that they took consultation responses into account



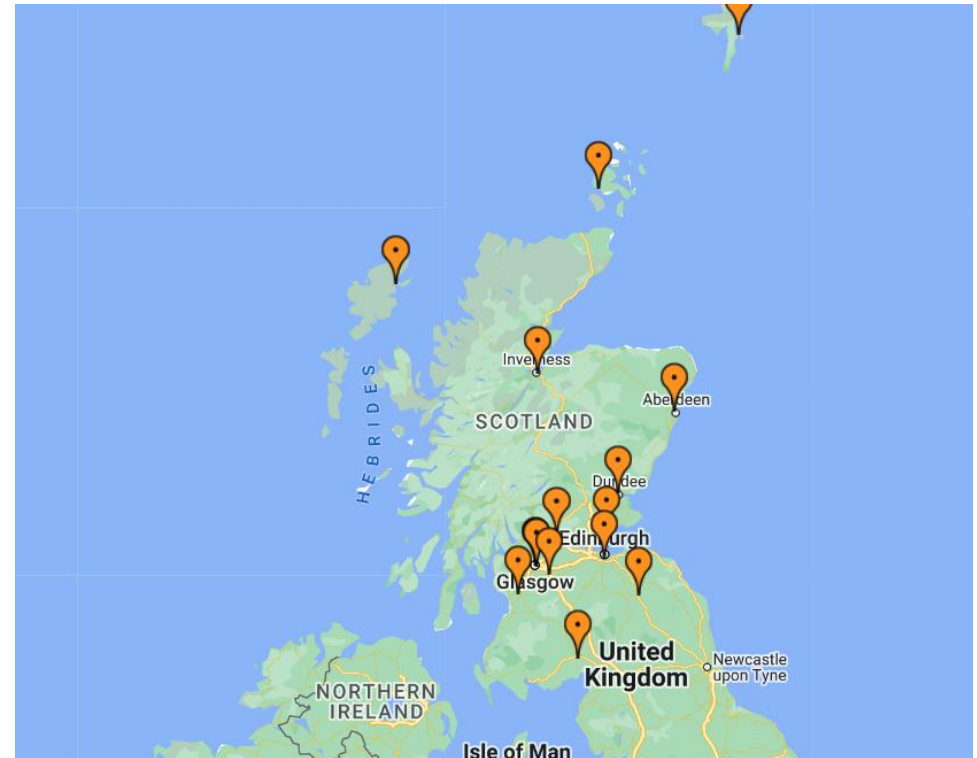
## The Scottish Health Council

Established in 2005 with a national office in Glasgow and 14 local offices across Scotland.

The organisation is now part of Healthcare Improvement Scotland (Community Engagement Directorate)

It's role is to 'support, ensure and monitor' patient focus and public involvement activities by NHS Scotland.

We use the term 'Patients and the public'. Alongside patient organisations the public also have a legitimate interest, particularly where everyone is either a patient or a potential patient, e.g. accident and emergency services.



# Scottish Health Council Functions

- The organisation does not speak on behalf of patients and the public, but exists to support patients and the public in having their say, and to support the NHS to hear those voices
- Provides local support for patient and community organisations, including working with Patient Organisations to provide training for patients to engage
- A National Citizens' Panel consisting of over 1000 people, which gives views on various issues
- Small local discussion groups of patients and public across Scotland
- Specialist guidance, on a range of topics
- Participation Toolkit and Evaluation Toolkit
- A Participation Research Network, bringing together patients, professionals and academics

# Background

- Controversy over service changes, particularly hospital closures. Consultations by NHS Scotland were seen by the public as tokenistic and insincere.
- New guidance on health care service change was issued
- Scottish Health Council to “look to the organisation to provide evidence that the views of potentially affected people and communities have been sought, listened to and acted on, and treated with the same priority (unless in exceptional circumstances) as clinical standards and financial performance.”

## Some examples of comments/reactions from NHS service planners (mainly in the early years...)

- “According to our own evaluation our consultation was gold standard, so will just have to agree to disagree...”
- “There is research that shows that people further away from hospitals have better outcomes.”
- “We will consult patients and public because we have to, but we will learn nothing.”
- “This person objecting to our proposal only speaks for himself, nobody else agrees with him, he is a lone voice.”
- “The public are emotional/irrational.”

# The quality assurance role

- Has been in operation now for 17 years
- Important to get commitment from NHS leadership and political support
- No successful legal challenges to NHS Scotland on the basis of inadequate consultation
- Gaps in guidance e.g. options appraisal, identified
- Engagement and consultation does not necessarily lead to consensus or mean that there aren't difficult decisions, but it can help produce 'legitimate' decisions.
- Scottish Health Council also comments every year on how healthcare organisations have engaged in their routine activities