

ASSOCIATION OF COMMUNITY HEALTH COUNCILS FOR ENGLAND AND WALES

THE ABOLITION OF CHCs – CONSULTATION OR IMPOSITION?

INTRODUCTION

A number of CHCs have expressed concerns about the growing impression being given that the abolition of CHCs is subject to a consultation process, and that ACHCEW has been involved in this. The purpose of this briefing note for CHCs is to clarify the process that has gone on and to re-affirm our view that the abolition of CHCs has not been subject to consultation.

PRIME MINISTER'S QUESTIONS

Mr. Stephen O'Brien (Eddisbury): Is the Prime Minister aware that his proposals to scrap community health councils--independent watchdogs for NHS patients, such as Cheshire Central and Chester and Ellesmere Port--is bitterly opposed by my constituents, patients and staff? Will he drop those plans?

The Prime Minister: I am aware that there is bitter opposition, which is why the proposals are being consulted on. If he goes round the country, however, the hon. Gentleman will find that people in certain areas do not believe that community health councils have been as effective as they might be. It is precisely because we want to consult that we have issued the health plan. We will report back to the House in due course on the consultation.

Prime Minister's Questions- 15 November 2000

COMMENT

If the Prime Minister is indicating that any legislation that appears before the House would take account of the strong feeling expressed against the abolition of CHCs, then this would be welcome. However, we wish to be clear that those Department of Health activities that ACHCEW has been involved in do not constitute consultation on the abolition of CHCs. The rest of this briefing note sets out the timetable of activities to date, and the issues that they have covered.

CONSULTATION OR IMPOSITION? – AN OVERVIEW.

- There was no consultation on the decision to abolish CHCs prior to the publication of the National Plan.
- There has been no national Department of Health seminar regarding the abolition of CHCs
- There is no consultation document for members of the public or interested organisations regarding the abolition of CHCs
- A variety of letters from ministers make it clear that there is to be no debate on the abolition of CHCs.

THE FACTS

FACT: There has never been any consultation around the statement in the National Plan that “Community Health Councils will be abolished”¹

The National Plan statement came completely out of the blue. The process that took place prior to the publication of the national plan did not touch on the possibility of abolishing CHCs. Indeed, a month before the publication of the National Plan, the responsible minister advised that:

“CHCs...will be essential in ensuring the representation of patients during the implementation of the National Plan and in the new NHS. They will also be involved in the work on patient empowerment which will be taken forward as part of the National Plan”²

It is, therefore, clear that no consultation took place on the abolition of CHCs prior to the publication of the National Plan. Richard Gordon QC advised ACHCEW that “In my opinion, the consultation process over the new NHS Plan was...legally flawed.”³

FACT: There has been no consultation on the decision since the announcement of the abolition of CHCs.

Following the announcement, ACHCEW wrote to the Secretary of State, expressing particular concern about the failure to consult. The response from the Parliamentary Under Secretary of State advised:

“There are a number of questions we still need to resolve as regards the transitional arrangements for CHCs and ACHCEW. We shall ensure that you and all CHC staff and members *are kept up to date with decisions as they are made*” (our emphasis)⁴

Some time later, the minister contacted the Association, and advised:

¹ The NHS Plan : para 10.35

² Letter to Donna Covey, ACHCEW, from Gisela Stuart, 26 June 2000

³ Opinion, Richard Gordon QC, 18 September 2000

⁴ Letter to Donna Covey, ACHCEW, from Gisela Stuart, 23 August 2000

“ On the understanding that the Secretary of State will not be reviewing the decision put before Parliament to abolish CHCs, I nevertheless agree with your earlier suggestion that a meeting would be very useful”⁵

This is the only meeting that has taken place between ACHCEW and the minister.

The response of ministers to the opinion of Richard Gordon QC that “In my opinion, the consultation process over the new NHS plan was...legally flawed”⁶ was:

“We do not accept that ACHCEW or Community Health Councils had any legitimate expectation to be consulted in relation to the proposal that CHCs should be abolished in primary legislation to be introduced in parliament in due course. ...the Secretary of State will not be reviewing his decision to put legislation before parliament to abolish CHCs”⁷

FACT: The dialogue on patient empowerment that has taken place since the announcement of the National Plan has not dealt with the decision to abolish CHCs.

Following the announcement of the national plan, five national seminars have taken place. One of these was a repeat of the first seminar, because it was held at such short notice. These have been to “enable participants to have a say on the key issues that need to be addressed *as we develop the new mechanisms for patient empowerment*”⁸ (our emphasis). They have covered the following four topics:

- PALS and the Patients Forum
- Independent Local Advisory Forum
- Representing the views of patients
- Bringing it all together

There has been minimal paperwork for these seminars, in some cases nothing more than an agenda. There has been no space on any of the days to reopen the debate around the abolition of CHCs. Attendance at these seminars has not been open, with participants being individually invited by the Department of Health.

ACHCEW is holding a seminar on 4th December 2000 to discuss the National Plan. Whilst the minister responsible for CHCs, Gisela Stuart, has agreed to speak at the meeting, she has made it quite clear that:

“I will be unable to answer questions relating to the Government’s proposal to abolish CHCs”⁹

Ref:nationalplan.consult.17.11.00/DC

⁵ Letter to Donna Covey, ACHCEW, from Gisela Stuart, 6th October 2000

⁶ Opinion, Richard Gordon QC, 18 September 2000

⁷ Letter to Donna Covey, ACHCEW, from Gisela Stuart, 17th October 2000

⁸ Letter to Donna Covey, ACHCEW, from Gisela Stuart, 4 October 2000

⁹ Letter to Donna Covey, ACHCEW, from Gisela Stuart 8 November 2000