

# CHC NEWS

Voice of the Association of Community Health Councils for England and Wales

## NHS Complaints Procedure fails patients

**Research published by the Public Law Project in September has found that failings in NHS care are not being properly addressed due to inadequate procedures for dealing with patients' complaints.**

The report's author, Henrietta Wallace said, "the procedures for monitoring complaints and ensuring that improvements in services are implemented are woefully inadequate. Far from improving the accountability of the NHS, many feel that the new procedure is letting the NHS evade taking responsibility for their mistakes."

The report proposes:

- ▶ a fast-track procedure for dealing with complaints that raise questions of patient safety
- ▶ the establishment of independent, regional complaints centres
- ▶ measures for improving the accountability of the NHS

ACHCEW's director, Donna Covey said: "The report backs up what CHCs have been saying about the problems with the complaints system. CHCs assist over 30,000 complainants a year nationwide, even though this is not part of their statutory function. The report highlights the need for patients to have support through the system, which is why we have argued for CHCs to be funded for this work."

ACHCEW policy officer Gary Fereday was one of a group of experts who discussed ideas for reform of the complaints

procedure prior to publication.

*Cause for Complaint? Public Law Project, September 1999*

*The report has been sent to CHC chief officers. Additional copies are available by sending an A4 s.a.e. for £1.05 to Henrietta Wallace, Public Law Project, Room E608, Birkbeck College, University of London, Malet Street, London WC1E 7HX.*

## Tony Blair supports CHCs

The Prime Minister expressed his support for CHCs in the following letter from his agent, John Burton, dated 10 September, to Valerie Bryden chief officer of South Durham and Weardale CHC:

*"I am replying on behalf of Tony to your letter of the 15 July concerning the Early Day Motion congratulating CHCs on their 25th Anniversary.*

*Unfortunately the Prime Minister is unable to sign EDMs, as they are a vehicle for back bench MPs to voice their feelings on an issue. However in this case of course Tony agrees with every word of the motion. Tony would certainly like to add his congratulations to the work the CHCs have done over the last 25 years and wishes them every success in the future."*

To date 115 MPs have signed the EDM tabled by Bob Russell MP, vice chair of the All Party Group on CHCs. If your CHC has not yet written to your MP asking them to sign the EDM there is still time to do so. A full list of signatories is available from Gary Fereday at ACHCEW.

## Government to tackle access to NHS dentistry

In his speech to the Labour Party conference, the Prime Minister announced measures to tackle the problem of access to NHS dental care, an issue that CHCs have been calling to be put high on the NHS agenda.

Tony Blair announced that 30 walk-in dental surgeries will be set up in areas of greatest need and that in two years time NHS Direct will be in a position to be able to find anyone a dentist.

ACHCEW is delighted that the Government has recognised that there is an issue around access to NHS dentistry. However, we will be waiting to see the fine print before endorsing the proposals.

- ▶ The Prime Minister's announcement that £26 million will be put into introducing booked appointments and improvements to cancer and cataract services has also been welcomed by ACHCEW.

## New look CHC News

**Many thanks to Nicola-Bennett-Jones for her work on CHC News over the last eight years.**

As you will see, we have changed the format of CHC News and will be looking at it again as part of a wider review of ACHCEW publications. This format will give us more space to let you know what ACHCEW is doing on behalf of you, our member CHCs.

We also want to expand our coverage of CHC activities. To do this we need you to continue sending in your news releases and letting us know about your key activities.

To contribute ideas or items please send them, preferably by email, to [helen.eldridge@achcew.org.uk](mailto:helen.eldridge@achcew.org.uk) or write to Helen Eldridge, CHC News, ACHCEW, Earlsmead House, 30 Drayton Park, London N5 1PB.

**Helen Eldridge**  
*Editor, CHC News*

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## Tell your story

**ACHCEW's press office is regularly contacted by journalists looking for case studies to illustrate particular stories. By providing these ACHCEW can highlight issues that are of concern to CHCs in the media.**

We are currently looking for people who may be prepared to talk to newspaper, magazine, radio or television journalists in a personal capacity about their experiences.

This may be for you if:

- ▶ you have personal experience of the complaints system
- ▶ you were removed from your GP list
- ▶ you have had difficulty in accessing NHS dental care
- ▶ you feel the confidentiality of your medical details was breached
- ▶ or, you have experience of another area that is of concern to your CHC

Your details will be kept confidential and will not be given out to anyone without your prior consent. We would always contact you beforehand to see if you are interested and to discuss the interview with you. There will be no pressure to do the interview if you are not interested.

*Please contact ACHCEW's press officer Helen Eldridge in confidence on 0171 609 8405 or write to her at ACHCEW with your telephone number and brief details and she will contact you to discuss this further.*

## NHS Equality Awards

The second annual NHS Equality Awards will recognise innovative schemes and projects, which tackle discrimination and harassment, help develop lifelong learning for staff and promote fairness at work.

The awards are open to all health service employers in England and to any individual or team working in public, voluntary or NHS funded health organisations.

This year the judges will be looking out for entries which help improve quality in the NHS through joint working with health improvement programmes, health action zones, clinical governance or national service frameworks.

*The closing date for applications is 10 November. For full details and an application form phone 0541 555 455.*

## Sign up for training

You should, by now, have received details of ACHCEW's autumn/winter training programme for CHC members and staff. We are offering 21 courses on a wide range of topics throughout England and Wales.

*There are still places on many of the training courses. If you would like to book a place please contact Liz Rickarby or Alli Anthony in the ACHCEW Training Department as soon possible on 0171 609 8405.*

## Around the CHCs

### Public participation in health services

The report of **The Greater London Association of Community Health Councils (GLACHC)** June conference, *Primary care in London - an update. Developing genuine partnerships* has now been published. While acknowledging that Primary Care Groups (PCGs) had only been in existence for three months the conference made a range of recommendations about good practice including:

- ▶ Using the local media to inform the public about PCGs
- ▶ Making a commitment to public involvement and clarifying the objectives of that involvement
- ▶ Providing training to PCG board members
- ▶ Using CHCs and CVSs networks
- ▶ Developing closer working relationships between CHCs and the voluntary sector
- ▶ Acknowledging that lay representatives on PCGs cannot represent the whole of the community they service but see their role as ensuring that public involvement takes place
- ▶ Funding public involvement
- ▶ Establishing an ethos of openness and mechanisms for accountability for PCGs

Contact GLACHC on 0171 700 0100.

**Lancaster and Morecambe Community Health Council** has produced a discussion paper on *Public Involvement and Primary Care Groups*. The paper looks at examples of best practice throughout England. It includes 17 recommendations or suggested actions for a public involvement strategy for a PCG. *The paper is available to other CHCs by contacting Judith Deft, joint chief officer on 01524 32252/847887.*

**Salford Community Health Council's** report, *The Involvement of Salford People in Health and Health Care* found that Salford People are involved in a huge number and variety of things to improve health and health care in the city. But there is still a long way for organisations to go to make involvement and participation an everyday reality.

Chief officer, Chris Dabbs said, "We have made ten recommendations to the main agencies but our priorities are for a more co-ordinated approach between them, greater effort to reach people who are most often excluded, and more active approaches on policy, finance, communication and training."

Contact Salford CHC on 0161 789 0474.

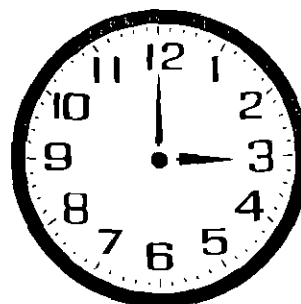
### Waiting times

Vale of Glamorgan CHC has expressed concern at the size of the waiting list for paediatric surgery at University Hospital of Wales, which has resulted in many children having to wait more than two years.

The CHC found that already, not halfway through the financial year, many more children have been admitted under the paediatric surgical service than local health authorities have contracted for.

Waiting list figures for the end of July released by the Department of Health in September showed that lists had fallen. However, ACHCEW has been keen to highlight the real issue to patients, which is how long they have to wait for treatment.

In a letter published in *The Times* (14 August) ACHCEW's director Donna



Covey wrote, "too many people are still waiting for their first appointment with a hospital consultant before they even get on an admissions waiting list and too many operations are cancelled, often at the last minute, leaving people in limbo."

At the end of August the Health Minister John Denham announced that £30 million will be put into a new Outpatient Performance Fund which will be part of an initiative to cut out-patient waiting lists and times.

### On the web

[www.achcew.org.uk](http://www.achcew.org.uk)

ACHCEW's website was launched at our AGM in July. It can be found at [www.achcew.org.uk](http://www.achcew.org.uk). We will be developing the site over the next three months in terms of updates, content and design.

#### Make a link

If your CHC has a website and you would like to set up a link to and have a link from the ACHCEW site please

email [helen.eldridge@achcew.org](mailto:helen.eldridge@achcew.org) and reference it CHC link.

#### Your top sites

If you know of a site which you think may be of interest to other CHC members or staff please email the details to [helen.eldridge@achcew.org.uk](mailto:helen.eldridge@achcew.org.uk) and reference it *On the web*.

### Appeal Court rules on HIV test for baby

*A recent court case about parents' objections to their daughter being tested for HIV highlighted issues around how the Children's Act 1989 is being applied in practice. ACHCEW's legal officer, Marion Chester explains.*

The Family Division of the High Court heard an application by London Borough of Camden social services for an order permitting them to carry out an HIV test on a baby against the parents' wishes.

The apparently healthy five month old girl came to the attention of local social services when the family's GP expressed concern that her HIV positive mother was breast-feeding her. The GP and social services were concerned that if the baby does not have HIV she might become infected. The parents resisted testing because they believe that medical views on the connection between HIV and Aids are not proven and that HIV tests are inaccurate. They also fear further intervention by medical professionals.

The Court expressed sympathy for the parents' views but ordered an HIV test. It did not make any further order regarding treatment or the continuing practice of breast-feeding the child.

This case illustrates how the Children Act 1989 is being applied in practice. If there is a conflict between parents and medical professionals, the Court won't look at the case in terms of the rights of parents to decide versus the rights of doctors to treat as they wish, but instead will consider what course of action would be in the child's best interest.

This is an emotive area and to date judges have steered clear of ordering treatment against parental wishes. Parents with

religious or ethical objections to certain types of medical treatment could find themselves placed in the position of having to justify those beliefs in the face of prevailing medical practice.

The Court of Appeal has now upheld the High Court Judgement.

### Review of eligibility criteria for continuing NHS care ordered

CHCs should be consulted by health authorities on changes to eligibility criteria for continuing care to NHS patients after the Government ordered a national review in August.

This follows the Court of Appeal's Judgement in the case of Pamela Coughlan who appealed against North and East Devon Health Authority's decision to close the home where she received 24 hour nursing care. This would have meant paying for her care privately. The Appeal Court ruled that the decision was unlawful and criticised the health authority's eligibility criteria.

Health authorities have a duty to consult CHCs on substantial variations in health services under Regulation 18(1) of the Community Health Council Regulations 1996. Department of Health guidance also makes it clear that local authorities, GPs, providers and representatives of users and carers groups should be consulted when eligibility criteria are drawn up.

### New role for health authorities

Health Minister, John Denham set out a new role for health authorities in a NHS Executive Document, *Leadership for Health* published on 2 September. Mr Denham said, "Health authorities must provide strategic leadership for the health service. They must ensure that all those working in the local health service share a clear vision of how it should develop, and understand their role in it."

### Struck off doctors may face life ban

Doctors found guilty of serious professional misconduct could be struck off for life under new rules announced by Frank Dobson, Secretary of State for Health. The General Medical Council will discuss the need to impose life bans at a meeting in November. (*Independent*, 24 August, 1999)

### NICE to look at variations in treatment quality and cost

Secretary of State for Health, Frank Dobson announced the first proposed list of treatments to be referred to the National Institute for Clinical Excellence (NICE) on 6 August. These included Taxol, hip replacements, routine extraction of wisdom teeth, back pain, pressure sores and management of schizophrenia.

### Welsh Assembly to monitor prescribing

The Welsh Assembly's health committee has set up a task group to scrutinise GP prescribing in Wales. This could lead to

prescribing performance targets being set up in Wales. (*Doctor*, 2 August 1999).

### Private Finance Initiative hospital building programme passes £1,000 million mark

The announcement of a new £122 million hospital in South Tees in August took the PFI investment total through the £1,000 million mark.

The National Audit Office has published a guide to obtaining value for money from PFI deals called *Examining the Value for Money of Deals Under the Private Finance Initiative*, available from The Stationery Office, £12.10.

### Whistleblowers to be protected

NHS staff will be encouraged to speak out about malpractice and under new guidelines announced on 1 September.

Health Minister, John Denham said "Whistleblowers protect the patient's interest. I want all staff to feel they can speak out about NHS malpractice, whether it be poor clinical performance, safety at work. Financial malpractice, fraud, poor governance or risk to patients, without fear of being frozen out by colleagues."

Senior managers of health authorities and trusts will be appointed as 'protectors' to provide guidance and support to staff with concerns. The guidelines were issued after the Public Interest Disclosure Act, which became law in July, gave statutory protection to whistleblowers

## Resources from ACHCEW

### **Complementary and Alternative Medicine: New Age Therapies, Age Old Problems *Health Perspectives, ACHCEW,* September 1999**

There is growing support amongst health professionals for the use of complementary therapies alongside conventional medicine. However, there is no standardised regulation and patients have no redress when things go wrong.

It is essential that any future regulatory frameworks provide for strong lay representation. ACHCEW and the Foundation for Integrated Medicine are discussing how the particular skills of current and past CHC members can be used to assist in this process.

*This briefing paper highlights the use of complementary medicine, what could be done to protect patients in this area, and the involvement of CHCs in developing an appropriate model of regulation and patient protection. To order a copy see box to the right.*

### **Saving lives: The Government's White Paper on public health *Health Perspectives, ACHCEW,* August 1999**

The Government's White Paper Saving lives: Our Healthier Nation sets out the Department of Health's targets on four key areas: cancer, coronary heart disease and stroke, accidents and mental illness. The Government hopes that by meeting its targets 300,000 untimely and unnecessary deaths will be prevented.

*This Health Perspective examines the proposals in the White Paper and ACHCEW's response. To order a copy see box to the right.*

Health Perspectives are regular briefing papers examining emerging themes and issues within the health service and considering the implications for patients.

New Health Perspectives are sent free of charge to all member CHCs. Otherwise they are £1 each to member CHCs and £2 to others.

Send cheques made payable to ACHCEW at the address below.

For details of subscriptions contact Vera Beswick at ACHCEW on 0171 609 8405.

## CHC NEWS

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Editor: Helen Eldridge

Association of Community Health Councils  
for England and Wales  
Earlsmead House  
30 Drayton Park  
London N5 1PB  
tel: 0171 609 8405  
fax: 0171 700 1152

email: [mailbox@achcew.org.uk](mailto:mailbox@achcew.org.uk)  
website: [www.achcew.org.uk](http://www.achcew.org.uk)

