



ASSOCIATION · OF

COMMUNITY HEALTH COUNCILS

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PARLIAMENTARY BRIEFING

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NATIONAL HEALTH SERVICE AND COMMUNITY CARE BILL

REPORT STAGE

NEW CLAUSE 56: APPLICATION OF LOCAL GOVERNMENT ACT 1972 TO

HEALTH AUTHORITIES

This new clause would have the effect of applying the access to information provisions of the Local Government Act 1972 to health authorities. These provisions already apply to local authorities, to Joint consultative Committees (established between health and social services authorities), and to Community Health Councils.

It has been something of an anomaly that health authorities have not been included in the access to information provisions that apply to so many other statutory agencies in related fields. Last July, the Annual Conference of this Association attended by over 450 representatives of Community Health Councils from all over England and Wales passed overwhelmingly a motion calling for the promotion of a Health Authorities (Access of Information) Bill and for its provisions to apply to FPCs as well as DHAs and Special Health Authorities.

Community Health Councils are increasingly finding that health authorities are making important decisions affecting the local provision of health services behind closed doors in confidential sessions. Whilst a majority of CHCs are permitted to have observers at such discussions this is by no means universally the case and in any event such observers are put in a very difficult position by the confidentiality imposed on the discussions.

This clause would require that the press and public could only be excluded from discussion at a health authority or its committees or sub-committees in precisely defined circumstances. These circumstances are based on those applying to local government with the inclusion of specific exemptions for information relating to individual patients or medical staff/contractors. This exactly parallels the position for Community Health Councils.

This briefing is prepared by the Association of Community Health Councils for England and Wales (ACHCEW). ACHCEW was set up in 1977 to represent the consumer of health services at national level and to provide a forum for member CHCs. 194 CHCs out of the 215 CHCs in England and Wales are members of the Association. ACHCEW is mainly funded by subscriptions from individual CHCs, but also receives grants from the Department of Health and a number of other bodies.