

SOUTH EAST THAMES
REGIONAL HEALTH AUTHORITY

DISCUSSION NOTES ON THE RELATIONSHIPS BETWEEN COMMUNITY HEALTH COUNCILS,
SECRETARIES, OTHER CHC STAFF AND THE REGIONAL HEALTH AUTHORITY

INTRODUCTION

Community Health Councils are a relatively new concept. They first appeared in an internal DHSS paper in 1971, saw the light of day in Section 9(4) of the National Health Service Re-organisation Act 1973, and came into being on 1st April 1974.

Under the Act, Regulations were made defining the statutory functions, composition, rights and duties of CHCs (the National Health Service (Community Health Councils) Regulations No 2217 of 1973). Each Regional Health Authority was designated as the "establishing authority" for CHCs within its territorial boundaries and was charged, inter alia, with responsibility for appointing a person "acceptable to the Council" to act as Secretary and also for appointing any other staff that the RHA "is satisfied may be necessary". CHC staff are therefore employed by the RHA; they are subject to and benefit from all the same terms and conditions of employment, and negotiated agreements, such as Disciplinary/ Appeals and Grievance Procedures*, which apply to other RHA staff. CHCs are not responsible for raising funds to pay their staff or finance their activities and in a legal sense are not the employer of staff although they do have the same general obligations as an employer to conform to the spirit of the existing employment legislation.

In such a complicated set of relationships it is essential that there should be a very clear understanding of the role of the Secretary vis a vis the Chairman and Council, as well as the relationship between the RHA and the CHC on the one hand, and the RHA and CHC Secretary on the other. It is an appropriate time as new CHCs are settling in, some with new Secretaries and many with new Chairmen, to discuss these roles and relationships in more detail.

*Copies of the Disciplinary Appeals, and Grievance Procedures applicable to RHA employees are held in each CHC Office.

CHC - SECRETARY - RHA RELATIONSHIP

i) The Role of the RHA

The RHA has a dual responsibility as the employer of the Secretary and as the establishing authority for CHCs. As the employer of CHC Secretaries the RHA must comply with all the relevant employment legislation, terms and conditions of service, and negotiated agreements. It should also offer support, guidance and advice, maintaining the closest possible contact with Secretaries on an individual and collective basis so as to assist them in developing their full potential.

In its role as the establishing authority the RHA is responsible for determining the level of funds which it agrees may reasonably be incurred by each Council and for the provision of the other resources it considers are needed to enable the CHC to carry out its functions. This entails making arrangements for the acquisition of suitable premises, the employment of competent skilled Secretaries and any other staff that the RHA is satisfied are necessary, the allocation of a budget, and the appointment of a full complement of members. The RHA has also been prepared to make available the resources of its own training, press and public relations, legal and certain other specialised services when requested.

In many respect the roles of employer and establishing authority are complementary and generally speaking there is no reason why they should conflict. The RHA has the duty to do all it can, within available resources, to enable CHCs to function as effectively as possible, and this in turn necessitates that CHC staff, who are RHA employees, should be helped to develop their skills to the fullest extent. It also implies a responsibility for making certain - through regular contact with Secretaries, and with Chairmen - that the relationship between Secretaries and their CHCs progresses satisfactorily.

However, in the case of differences or disagreement between a Secretary and his or her Council there can be complications and these may be serious where it becomes necessary to invoke formal procedures. This is discussed in more depth after the following sections dealing with the role of the CHC Secretary and Chairman and their relationship.

ii) The Role of the CHC Secretary

In this Region the job descriptions of Secretaries are virtually, identical and an example is enclosed at Appendix A. In general terms Secretaries are required to provide administrative and clerical support to their CHC. They are accountable to the full Council and report to the CHC Chairman.

A Secretary's job does not fit neatly into a nine-to-five office routine. Most have evening and sometimes weekend commitments connected with the CHC. In addition to attending Council meetings their duties may include servicing working groups, accompanying members on visits, going to meetings of the DHA, speaking to groups in the community, attending conferences and seminars, giving talks to NHS staff or students, and meeting patients or their friends or relatives who may not be able to get to the office or cannot do so during normal office hours. When a District is faced with a particular issue or controversy and a time limit is imposed for response e.g. in the case of a change in use of premises, a closure, or substantial variation in service, it has been necessary for Secretaries to work in excess of their contracted hours of service. However, the RHA has not been prepared to make additional resources available to enable them to be paid overtime. Secretaries are therefore expected to take time off in lieu of additional hours worked and it is important that local arrangements should enable them to do so and should take account of the fact that with a staff of only two wholtime equivalents per CHC the absence of the CHC Secretary during normal office hours can itself create problems since it inevitably places an additional burden on the Assistant(s).

The Secretary must be efficient in managing the CHC office, budget, keeping minutes of meetings, and producing papers and information that may be required by members. This side of the work cannot be neglected and it is important for members to recognise the many demands on Secretaries and the limited secretarial/clerical support at their disposal.

In addition to their essential administrative duties, most of which are prescribed by Regulations, Secretaries are required to produce ideas and take initiatives. However, it is incumbent on them to ensure that they have the support of their members in all such activities. A good understanding must exist between the Secretary, Chairman and members for this to happen.

The job may therefore be divided into two parts: those duties in respect of which Secretaries work within clearly defined parameters and act as the "servant" or "agent", of the Council, and others in which they may initiate ideas for their member's consideration.

iii) The Role of Chairman

There are readily identifiable lines of demarcation between the functions of the Secretary and Chairman. It will have been noted from the job description that the Secretary is clearly responsible for the day-to-day administration of the CHC's work, its office, and for the supervision, within their terms and conditions of RHA employment, of any other CHC staff.

While Chairmen are not involved in day-to-day administrative matters, which are the clear responsibility of the Secretary, they have a responsibility for the effective functioning of the CHC and need to be kept fully in touch on the progress of CHC business and on all matters of substance which are likely to be the subject of consideration by the Council, or upon which they may be approached independently as Chairmen.

In some of their activities - servicing the Council, providing information and advice, dealing with correspondence and enquiries and complaints - Secretaries will have a clear mandate stemming from a decision of the Council, from legislation, or established practice. However, in others they may need to seek the support and authority of the Council, and where this is necessary between meetings, or in cases where the Council's formal direction is not essential, the Secretary may require the Chairman's approval of a course of action. Chairmen therefore have the duty and authority

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Care should be taken by both parties throughout the relationship not to permit the roles to become confused. Whilst a Chairman will naturally take an interest in the Secretary's performance and will wish to be satisfied that Council business is being properly and promptly attended to, this should not become intrusive. Conversely Secretaries should be on their guard against assuming the status of a CHC member and at all times demonstrate a proper understanding of their role and status as the officer of the Council.

WHEN DIFFICULTIES ARISE

Happily the occasions when difficulties have arisen in the relationship between a CHC and its Secretary have been very few and far between. When problems have been encountered they have mostly been tackled locally in an amicable and sensible way and difficulties have been resolved and not left to fester. As has been shown, the nature of the relationship is such that mutual trust is essential and once damaged such trust is very difficult to repair. The emphasis must therefore be placed on prevention, but where this fails and difficulties do occur they are best dealt with locally and as quickly, informally and privately as possible. The active involvement of Regional officers before any attempt has been made to resolve a problem locally is likely to be counter-productive since it may immediately assume a significance which will make it harder to reach a solution. However, when unresolved local differences are leading to difficulties the RHA is willing to give whatever help it can, either to the Chairman or the Secretary. Such assistance might range from advising on further local initiatives to resolve the problems or that the approach should be disclosed to the other party with a view to moving to a stage of informal three-party talks between the Chairman, Secretary and relevant RHA officers. Where this becomes necessary it may often be desirable to involve the Vice-Chairman as well.

CHC Secretaries, whose jobs are their livelihood, are in an isolated position if problems develop in the relationship with the Chairman or the CHC, or in circumstances where a Council has failed to follow properly given advice. The help of RHA officers in these circumstances can be supportive, or indeed point to alternative or better ways of dealing with any given situation.

In the interest of Community Health Councils, there is no better solution than to settle differences locally, with, if necessary, the advice and guidance of the RHA, moving on in case of continuing difficulty to a three-party informal discussion.

FAILURE TO RESOLVE DIFFICULTIES INFORMALLY

If, after all these steps have been taken, serious problems still remain and there is a possibility of disciplinary action against the Secretary, the Region's formal procedures must be invoked.

The existing Disciplinary and Appeals Procedures are to be the subject of discussion and re-negotiation over the coming months. When they are agreed, appropriate arrangements will be made to ensure that they are fully understood by all the parties concerned (CHC Chairmen, Secretaries, and Regional officers). For the present therefore it would not be appropriate to attempt to develop this document much beyond an informal stage. However, there is one point which can be made concerning the possibility of criticism being directed at the Secretary during CHC meetings. Chairmen are strongly advised that no form of "no confidence" motion should be accepted by them or adopted. In the event of such a motion standing orders should provide for it to be accepted only in extreme cases as a notice of motion for a future meeting. This will allow time for reflection and consideration, for the Chairman to seek early advice from the RHA, and the Secretary to obtain advice from the RHA and/or trade union concerned. There are no circumstances in which any staff disciplinary matter should be discussed by a CHC other than after the passing of a formal motion under the Public Bodies (Admission to Meetings) Act to exclude the public and place members under a legal obligation to maintain confidence. The legal position of the RHA and Secretary in employment terms must always be borne in mind and in this context CHCs must conduct their affairs in a way that is consistent with the RHA's Disciplinary and Appeals Procedures. A very close liaison should be maintained with Regional officers at all stages.

THE POSITION OF ASSISTANTS AND OTHER CHC STAFF

It is also necessary to consider some of the special features relating to the employment of Assistants and other CHC staff. In common with CHC Secretaries, they are employed by the RHA and are subject to the same terms of employment and negotiated agreements as apply to other RHA staff. Assistants' job descriptions vary but in all cases they are accountable and report to the CHC Secretary who is responsible for monitoring their performance and ensuring observation of the terms and conditions of employment. There is no direct relationship between the CHC or CHC Chairman and the CHC Assistant in the way that there is with the CHC Secretary. Although there may frequently be occasions when CHC Assistants deal directly with the Chairman or CHC members, they do so as part of the duties delegated to them by the Secretary. It follows therefore that if difficulties do arise they should be resolved in the first instance between the Secretary and Assistant and it would be inappropriate to involve the CHC Chairman or the Council. This applies to grievances on the part of Assistants as well as disciplinary matters. In either circumstances the approved negotiated procedures should be strictly followed. Exactly the same principles should apply to any other staff working with CHCs even though their salaries may be met from special funds allocated by, for example, the Health Education Council or Inner City Partnership.

In such a necessarily close working relationship as exists between CHC staff, mutual confidence and trust is essential. In the interests of preserving such trust it is desirable that any potential difficulty should be attended to speedily, informally, and privately with the formal procedures only being applied as a last resort. The involvement of the CHC Chairman or members should not normally arise except perhaps in cases of formal disciplinary action where they are required to give evidence in support of the complaints on which the disciplinary proceedings are founded. The situation should be avoided where the Council is seen to reach its own judgment on such matters as this might make it difficult for the Secretary to exercise independent judgment.

A particularly difficult set of problems may occur in the event of an Assistant or another member of staff, having a grievance against the Secretary. In such cases it may be tempting if initial attempts to

resolve a problem privately with the Secretary have failed to consider seeking the support of the Chairman. This would be contrary to the RHA's grievance procedures and should be resisted as any intervention by the Chairman might be construed by the Secretary as a confusion of the roles of Chairman and Secretary, tending to undermine the Secretary's authority as the senior officer. A safer course in such cases would be for the individual concerned to discuss the problem with a Regional officer. Regional officers would be willing to give advice in strictest confidence and this would not necessarily lead to three-party discussion. In accordance with the principles adopted throughout this paper, the emphasis would be placed on finding means of resolving difficulties between the parties immediately involved as privately, informally and speedily as possible.

VICE-CHAIRMEN

Little has been said in this paper about the position of Vice-Chairmen who, if they are to perform their role, will also need to develop a satisfactory working relationship with the Secretary and other parties involved to facilitate the transfer of responsibility during the Chairman's absence. If this is to happen it will often be necessary for the Vice Chairman also to be involved in discussions between the Chairman and Secretary so that they are adequately informed and able to stand in for the Chairman when necessary.

SOUTH EAST THAMES REGIONAL HEALTH AUTHORITYSECRETARY TO THE COMMUNITY HEALTH COUNCILJOB DESCRIPTION

The Secretary will be employed by the South East Thames Regional Health Authority, who will issue the Contract of Service.

BASE: The successful applicant will be based at the Council's Office at

ACCOUNTABLE TO: Community Health Council

REPORTS TO Chairman of the Community Health Council.

SUPPORTING STAFF: One whole-time Higher Clerical Officer whose Contract of Service is also issued by the Regional Health Authority.

DUTIES: In general terms, the candidate appointed will be required to provide general administrative and secretarial support to the Community Health Council.

More specifically:-

- a) to organise and run the office of the CHC;
- b) to provide a record of the proceedings of all meetings of the Council, of its working parties or sub-committees;
- c) to be responsible for making all arrangements for Council meetings, their accommodation, their convening, in accordance with such programme as may be determined by the members;
- d) to take such action as may be indicated arising from decisions of the Council, at all times such action being taken in consultation with the Chairman;
- e) reporting to the Regional Health Authority any alteration to the Chairmanship or vice-Chairmanship of the Council and of any vacancies which might occur in the membership;
- f) to establish and maintain links with every section of the community; to attend meetings of voluntary associations when invited; to have regular contacts with trade unions and other types of local organisation, and generally to collect views about the working of local health services;
- g) acting as Press Officer to the Council;

- h) acting as spokesman for the Council and speaking on its behalf;
- i) securing an effective working relationship with the District Management Team of the Health Authority and encouraging a full and frank exchange of information between the Council and the Authority;
- j) publishing such reports as the Community Health Council may require from time to time;
- k) assisting the Council in the evaluation of plans for the development of services, and in the analysis and interpretation of statistics;
- l) surveying and assessing consumer opinion, and ensuring that the Council publishes annually, as required by Statute, a formal report for the Regional Health Authority;
- m) ensuring at all times that members of the Council are kept in touch with current affairs affecting local health services;
- n) and such other duties as may from time to time be required by current developments in the National Health Service.

QUALIFICATIONS:

Candidates will be expected to demonstrate that they have the training, aptitude and experience to manage the affairs of the Council whose central role is to represent the interests of the consumer to the managers of the health services. Experience in community work, with voluntary organisations, studies in social sciences, or a knowledge of the National Health Service or Local Government, although not essential, would be desirable. The use of a car would be a convenience, although with few exceptions, public transport is available, but time-consuming.

CONDITIONS OF SERVICE:

The post is superannuable (contribution 6%). The basic whole time working week is one of 37* hours but candidates must be prepared to work evenings and weekends as required and will be allowed time off in lieu of any additional hours worked.

Annual Leave - 20 working days (24 after 10 years continuous service).

GRADE/SALARY:

The post is in the Principal Administrative Assistant grade, in accordance with agreements of Administrative and Clerical Staffs Whitley Council to the Health Service.

Commencing Salary £8367[†] per annum rising by five annual increments to £10,277.

* 36 hours in London

† With effect from 1 April 1983

In appropriate cases Secretaries may also be entitled to Inner London Weighting of £997 p.a. or Outer London Weighting of £597 p.a.