



NHS Management Executive
St. Andrew's House
Edinburgh EH1 3DG
15th April 1998

Dear Colleague

NHS TRUSTS - OPEN BOARD MEETINGS

Summary

1. This advises that The Public Bodies (Admission to Meetings) (National Health Service Trusts) Order has now been laid before Parliament and became effective on 6 February 1998. This Order now makes it a statutory requirement for all UK NHS Trusts to hold their Board meetings in public, and is part of the Government's general commitment to ensuring greater local involvement in the activities of Boards of NHS Trusts.

2. Most NHS Trusts in Scotland already conduct Board meetings in public; those who do not will have to do so with immediate effect.

Action

3. The provisions of the Order require that:
- any meeting of an NHS Trust shall be open to the public;
 - the public shall be given at least 3 days' notice of time and place of the meeting;
 - agendas and papers shall be provided;
 - local press contacts should be invited to attend meetings and be sent the agenda and Board papers pertinent to the meeting;
 - committee proceedings of the Trust Board shall be treated as proceedings of the Board to which the public should be given access.
4. The Order allows NHS Trusts to discuss confidential business in private, on the grounds that "publicity would be prejudicial to the public interest by nature of the confidential nature of the business to be transacted". Such an exclusion needs to be made by a formal resolution of the Board in open session.

Addressees

For action:

Chairmen, NHS Trusts

Chief Executives, NHS Trusts

For information:

Chairmen, Health Boards

General Managers, Health Boards

General Manager, State Hospitals
Board for Scotland

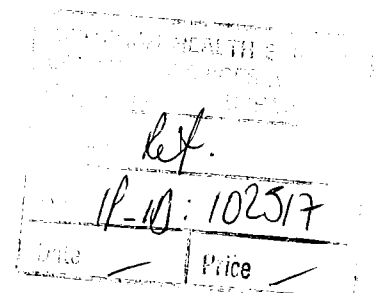
General Manager, Health Education
Board for Scotland

Executive Director, SCPMDE

Enquiries to:

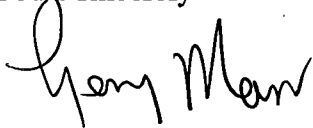
Mr Martin Milarky
Head of NHS Public Appointments
Unit
Room 181
St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 3469
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5. These arrangements will be reviewed in due course by Ministers to ensure that the provision to discuss matters in confidence is used properly.

Yours sincerely

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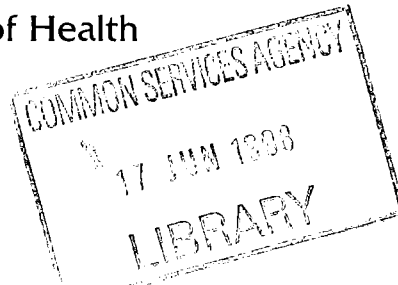
GERRY MARR

Director of Human Resources



THE SCOTTISH OFFICE

Department of Health



Dear Colleague

MEL(1998)26 NHS TRUST - OPEN BOARD MEETINGS

I am aware of the considerable interest which the above MEL has generated and that a number of health bodies sought clarification of some points. This letter attempts to answer the outstanding questions and address concerns which have been raised.

I need to remind you of the background to the laying of the Order which required Board meetings of NHS to be open. While much progress has been made in the past 12 months in achieving greater openness in decision making, a small number of Trusts were still resisting encouragement from the Minister for Health to hold open Board meetings, leading Mr Galbraith to accept an invitation from his Ministerial colleagues in the Department of Health in England to include Scotland in a Parliamentary Order effecting these changes.

The message which I have tried to convey in the above MEL is that as much discussion as possible should be open to the public, with some business, inevitably, having to be considered in private. I am glad to say that the majority of respondents to the MEL shared the Department's view that Trusts should work more positively at openness issues, in the knowledge that they still retain the discretion to discuss appropriate issues in private session. This discretion is set out in para 4 of the MEL.

This brings me on to Trusts' concerns that committee meetings such as those of Audit, Remuneration, Appointments and Endowments must now be held in public. That is not practical nor is it the intention of the MEL to impose that upon health bodies. The reference in para 3 of the MEL to "...committee proceedings of the Trust Board...to which the public should be given access" has been included to change the practices of a very small number of Trusts whose "committee proceedings" have been, to all intents and purposes, the Board meeting proper. The MEL, and the Order to which it relates require such committees to be held in public although I would hope those few Trusts affected will simply bring more, if not all, of their business into the Board Meeting proper.

NHS Management Executive
St. Andrew's House
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5 June 1998

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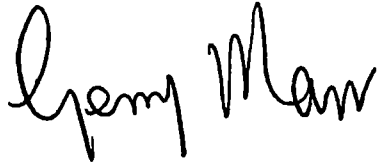
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I hope this clarifies those areas of doubt you and your colleagues may have had. Please let Martin Milarky or I know of any concerns you may still have.

Yours sincerely

A handwritten signature in black ink that reads "Gerry Marr". The signature is written in a cursive, flowing style.

GERRY MARR
Director of Human Resources