

## LIST OF REFERENCES

### Introduction

1. Rudolph Klein and Janet Lewis of the Centre for Studies in Social Policy who undertook a national study of CHCs did get some information from all RHAs but this was of too general and diverse a nature to be used comparatively. Their findings on this are set out in: Rudolph Klein and Janet Lewis, 'Community Health Councils - the early days'; Health and Social Services Journal, December 7th, 1974, pp. 2824-5.
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21. *ibid.*
22. By Letters Patent under the auspices of the Parliamentary Commissioner Act 1967.
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## Chapter 1

25. Or arguably in the case of HMCs, agents of agents (RHBs) of the Secretary of State. There is some disagreement about this but Richard Crossman, after the Ely Report, made RHBs directly responsible for the actions of their HMCs. See Ruth Levitt, The Reorganised National Health Service, Croom Helm, London, 1976, p. 41.
26. See Appendix 1,
27. See Appendix 1.
28. See e.g. Brown, R. G. S., The Changing National Health Service, RKP, 1973, pp 85-87.
29. *ibid* and Dr. David Owen, In Sickness and in Health, Quartet, 1976, p. 7; DHSS, National Health Service: the Future Structure of the National Health Service, (second Green Paper), HMSO, 1970, Chapter 2,; Murray, D. S. Blueprint for Health, Allen and Unwin, 1973, p. 96.
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38. First Green Paper, op. cit., p. 6, and Royal Commission on Local Government in England 1966-1969, Report, Vol. 1 (Redcliffe-Maud Report), Cmnd. 4040, HMSO, 1969, p. 93, para. 364.
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41. Council of the British Medical Association, 'Report of the BMA Council on the administrative structure of the National Health Service in England and Wales', British Medical Journal (BMJ), vol. 4, 1968, Supplement, p. 82, Resolution C.
42. Second Green Paper, p. 7, para. 19.
43. For a strong argument of this case see Brown, R. G. S., op. cit., p. 79.
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46. House of Lords Debates, Hansard, vol. 307, 1970, cols 899-903.  
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House of Commons Debates, Hansard, vol. 798, 1970, cols 996-1111.
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48. Second Green Paper, pp vi, 8, 16 and 23-24.
49. op. cit., p. vi.
50. op cit., p. 8, para. 25 (number of members, from p. 9, para. 27).

## Chapter 1

51. All information in this paragraph was from op. cit., pp. 8, 9, paras 24-28.
52. Mr. Michael Alison (Under Secretary of State for Health), House of Commons Debates, Hansard, vol. 820, 1971, col. 651, "We have succeeded in providing through the community health councils, an exact replica, although in a different context, of the fourth tier (i.e. District Committees) which the right hon. Gentleman (Crossman) is proposing."
53. Second Green Paper, p. 16, para. 53.
54. Ibid.
55. Ibid., "Where the area of the health authority is small it will be able to administer its services satisfactorily without district committees." In the Lancet on February 14th, 1970 it was stated in the Editorial "Why the Green Paper says that the smaller health authorities can dispense with the (district) committees is hard to understand." (vol. 1, no. 7642, p. 341).
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59. House of Commons Debates, Hansard, vol. 798, 1970, col. 1006.
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61. op. cit., p. 16, para. 54: "The exercise of (the district Committee's) functions will ensure that the area health authority is exposed to the full vigour of local opinion in the professions and of local users of the health service." (emphasis added).
62. Ibid.

Chapter 1/Chapter 2

63. House of Commons Debates, Hansard, vol. 798, 1970, col. 1006.
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65. Jack Hallas, CHCs in Action, Nuffield Provincial Hospitals Trust, 1976, p. 12.

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14. op. cit., p. 6, para. 6.
15. op. cit., p. 10. para. 20.
16. *ibid.*
17. White Paper, op. cit., para. 108.
18. op. cit., para. 109.
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20. DHSS, NHS Reorganisation Management Study: First Tentative Hypotheses, unpublished, circulated in 1971, p. 3, para. 3.2:  
"(Reorganisation) should focus health care systems on the needs of patient groups rather than on institutions, by planning services to meet needs, by the NHS and by the community itself through the representation of consumer interests to the NHS" and on p. 4, para. 4.2.4: "(the objectives in devising management arrangements are to) plan services at local level in accordance with national policies and standards, taking into account the specific needs and characteristics of the community."
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25. House of Lords Debates, Hansard, vol. 338, 1973, cols 96-149, 255-267 and 279-283.
26. op. cit., cols 1454-1480.
27. House of Lords Debates, Hansard, vol. 339, 1973, cols 526-537.
28. House of Commons Debates, Hansard, vol. 853, 1973, cols 923-1052.

## Chapter 2

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30. House of Commons Debates, Hansard, vol. 857, 1973, cols 1223-1448.
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46. op. cit., col. 1455.
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48. *ibid.*
49. *ibid.*
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Chapter 2

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53. Regulations, para. 7(2).
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63. Act, *op. cit.*, section 9(5)(a), (b) and (c); Regulations, *op. cit.*, para. 7(1); Guidance, *op. cit.*, paras, 6, 7, 12-17.
64. Act, *op. cit.*, section 9(4) (g), Regulations, *op. cit.* paras. 18(1) and 19.
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67. Regulations, *op. cit.*, para. 16.
68. Regulations, *op. cit.*, para. 17(1); Guidance, *op. cit.*, para. 27 iii.
69. Regulations, *op. cit.*, para. 5.
70. Regulations, *op. cit.*, paras. 10(2), 8, 13, 14(2) and 14(b) respectively.

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72. *ibid.*
73. See Chapter 3 below.
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2. Pat Healy, 'Cost of bigger pension rules out family allowance rise this year, Mrs. Castle says', The Times, 18 March 1974, p. 2.
3. Circular letter from DHSS, ref. J/N179/56.
4. John Cunningham, 'New role for NHS councils', Guardian, 26 April, 1974.
5. House of Commons Debates, Weekly Hansard, vol. 964, 1974, Written Answer, col. 180.
6. Circular letter from DHSS, ref. J/N179/156.
7. Circular letter from DHSS, ref. J/N179/156L.
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9. DHSS, Democracy in the National Health Service: Membership of Health Authorities, HMSO, 1974.
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13. DHSS, Health Service Circular, HSC(IS)194, para. 22.
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18. Dr David Owen, In Sickness and in Health: the Politics of Medicine, Quartet, 1976, p. 24.
19. National Health Service (Constitution of Regional Health Authorities) Order 1975, Statutory Instrument, 1975, no. 1100; and National Health Service (Constitution of Area Health Authorities) Order 1975, Statutory Instrument, 1975, no. 1099, respectively.
20. Owen, op. cit., p. 18.

Chapter 4: The Establishment Process

1. Jack Hallas and Bernadette Fallon, Mounting the Health Guard, Nuffield Provincial Hospitals Trust, 1974, p. 15. The changes made between the draft and final guidance were mainly of a presentational nature.
2. DHSS, NHS Reorganisation Circular, Community Health Councils HRC(74)4, 1974, (Guidance), para. 4.
3. Reported by Christopher Mayhew in an Opposition debate on the NHS on 11 December, 1973, House of Commons Debates, Hansard, vol. 866, cols 248-149.
4. op. cit., col. 273.
5. The regulations came into effect on that day; National Health Service, England and Wales: the National Health Service (Community Health Councils) Regulations, (Regulations) Statutory Instruments, 1973, no. 2217, p. 1.
6. Guidance, Appendix 2, p. iii.
7. op. cit. para. 6.
8. op. cit. para. 7.
9. op. cit. para. 7vi.

#### Chapter 4/Chapter 5

10. *op. cit.*, Appendix 2, p. iii.
11. *op. cit.*, para. 17.
12. *op. cit.*, para. 18.
13. *op. cit.*, para. 17.
14. The minister stated that the original intention was for the RHA to choose the bodies and the bodies to choose the members.  
(See Chapter 2, Note 30, above). This is entirely consistent with a valid interpretation of Regulation 7.
15. Guidance, para. 17.
16. *op. cit.*, para. 20.
17. There is nothing in the regulations about this and the only information in the guidance is: "When the members of a CHC have been appointed in accordance with Regulation 14(1) the RHA should convene the initial meeting of the Council as soon as possible after 1 April 1974." Guidance, para. 18.

#### Chapter 5: The Northern RHA: a Case Study

1. Information given in this chapter comes either from minutes of meetings of the sub-committee or from conversations with officials. A brief factual overview of the process is given in, Emerson, J.D., MacKeith, J. S., and Phillips, D., 'Establishing Community Health Councils: the Northern Region's approach', Hospital and Health Service Review, April 1975, pp. 131-133.
2. House of Commons Debates, Weekly Hansard, vol. 964, 1974, cols 541-552.

## Chapter 5.

3. Emerson et al. did not consider the consultation procedure in their account, which concludes, "Although the larger councils are, in the main, those with the larger populations and geographical areas, there is no direct relation between the two factors and the number of members in a council; other factors taken into account were the number of voluntary organisations active in the district, the location of psychiatric hospitals and the number of population centres" (p. 132). As far as voluntary bodies were concerned, although this criterion was agreed in principle, in practice it was not relevant because the RHA was inundated with requests from voluntary bodies in all districts. Psychiatric hospitals were relevant in two districts, Northumberland with 36 members anyway and Gateshead which was given an extra member. Centres of population were only relevant in Northumberland and South Tees.
4. One of the district councils in Cumbria forced Cumbria County Council to reduce the number of its appointments to South West Cumbria CHC so that the district council could have an extra member. Some confusion was created at the inaugural meeting of this CHC by both of these people being present (and voting).
5. House of Commons Debates, Weekly Hansard, vol. 964, 1974, col. 543.
6. Agenda item no. 5 for sub-committee meeting on 26 March, 1974, unpublished, Northern RHA.
7. Interestingly, by honouring pledges previously made to Miners Rehabilitation Centres and War Pensioners Hospitals when they were taken into the NHS the DHSS had to make an exception to the rule that CHC members must not represent sectional interests.

## Chapter 5

The directive was given to regional administrators by circular letters on 18 and 22 January, 1974.

8. DHSS, NHS Reorganisation Circular, Community Health Councils, HRC(74)4, 1974 (Guidance), para. 17.
9. Guidance, para. 10, and DHSS circular letter, ref. J/N179/156L, 23 May, 1974.
10. Emerson et al. express the results of the selection procedure thus "Inevitably a higher proportion of places was filled by those with previous health service experience than by people in other suggested categories." op. cit., pp. 132-133.
11. National Health Service, England and Wales, the National Health Service (Community Health Councils) Regulation, (Regulations) Statutory Instruments, 1973, no. 2217, para. 22.
12. At the South East Cumbria CHC inaugural meeting the RHA chairman, in his opening address, said "I am pleased to introduce as a member Sir David Soloman. He is the ex-chairman of the Liverpool Regional Hospital Board and is a good friend of mine. I am sure he will be of great use to you as a council". Not unsurprisingly he was elected chairman.
13. Rudolf Klein and Janet Lewis, 'Community Health Councils - the early days', Health and Social Service Journal, 7 December 1974, pp. 2824-2825. (H&SSJ)
14. Rudolf Klein and Janet Lewis, Community Health Councils, Problems and Policy Issues: a First Report, unpublished, Centre for Studies in Social Policy, 1974, (CSSP)
15. Klein and Lewis, H&SSJ, op. cit. p. 2824.
16. ibid.

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17. Jack Hallas, CHCs in Action, Nuffield Provincial Hospitals Trust, 1976, p. 45.
18. Klein and Lewis, H&SSJ, op. cit., p. 2825.
19. Hallas, op. cit., p. 45.
20. Klein and Lewis, H&SSJ, op. cit., p. 2825.
21. Klein and Lewis, CSSP, op. cit., p. 8.
22. Rudolf Klein and Janet Lewis, The Politics of Consumer Representation, a Study of Community Health Councils, Centre for Studies in Social Policy, 1976, Table 2.26, p. 77.
23. op. cit. p. 20.
24. op. cit.
25. See Appendix 2 for further details.
26. op. cit. p. 41.
27. op. cit. p. 77.
28. Information about secretaries comes from discussion with them individually and at regional seminars.
29. See Klein and Lewis, The Politics of Consumer Representation, op. cit., p. 8; and Janet Lewis, CHCs: an Analysis of the Minutes, unpublished, Centre for Studies in Social Policy, June 1975, p. 1.

## Chapter 6: Summary and Conclusions

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2. Quoted in Jack Hallas, CHCs in Action, Nuffield Provincial Hospitals Trust, 1976, p. 45.
3. DHSS, National Health Service Reorganisation: England (White Paper), Cmnd. 5055, HMSO, 1972, para. 106.
4. DHSS, National Health Service Reorganisation: Consultative Document, para. 20.

Appendix 1: Health Authorities in the Tripartite NHS

1. National Health Service Act 1946, section 1 (i).
2. Kings Fund; Do We Spend Enough on Health Care? Kings Fund Hospital Centre, 1971, p. 10.
3. National Health Service Act, 1946, Clause 12 (i).
4. Acton Society Trust, 'Groups, Regions and Committees: Part II', Hospitals and the State, vol. 4, Acton Society Trust, 1957, pp. 3-4.
5. National Health Service Act 1946, section 12 (2).
6. Acton Society Trust, 'Groups, Regions and Committees: Part I', Hospitals and the State, vol. 3, p. 7.
7. Ministry of Health, National Health Service: the Administrative Structure of the Medical and Related Services in England and Wales, HMSO, 1968, para. 7.
8. 'Groups, Regions and Committees: Part I,', op. cit. p. 7.
9. Including Wales. There were originally 14 but the area around Southampton was cut off from the South West Metropolitan Region to form the base for the Wessex RHB.
10. 'Groups, Regions and Committees: Part II.' op. cit. p. 4.
11. Burbridge, D. and Sichel, G., 'National Health Service: the philosophy of change (England): 5 - functions and constitutions of managing and advisory bodies before and after reorganisation in 1974,' Health Trends, 1974, vol. 6, pp. 7-10.
12. National Health Service Act 1946, Third Schedule.
13. 'Groups, Regions and Committees: Part I,' op. cit. p. 8.
14. Burbridge and Sichel, op. cit. p. 7.
15. 'Groups, Regions and Committees: part II', op. cit. p. 4.
16. Ministry of Health, Report of the Committee of Enquiry into the Cost of the National Health Service, Cmd, 9663, HMSO, 1956 (the Guillebaud Report).



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17. *op. cit.*, para. 256.
18. *ibid.*
19. 'Groups, Regions and Committees: Part I.' *op. cit.* p. 8.
20. Brown, R. G. S. et al., Waiting for Guidance, unpublished, University of Hull, 1973, p. 8.
21. Brown, R. G. S., The Changing National Health Service, *op. cit.* p. 77.
22. Cmd. 9663, *op. cit.* para. 444.
23. DHSS, National Health Service: the Future Structure of the National Health Service, HMSO 1970, para. 24.
24. Burbridge and Sichel, *op. cit.*, p. 7.
25. National Health Service Act 1946, sections 21-29.
26. *op. cit.*, Section 19.
27. *op. cit.*, Fourth Schedule, Part II, para. 1.

Appendix 2: Membership of Northern Region CHCs

1. Rudolf Klein and Janet Lewis, The Politics of Consumer Representation: a Study of Community Health Councils, Centre for Studies in Social Policy, 1976.
2. *op. cit.*, Tables 1B and 2B, pp. 197, 198.
3. DHSS, NHS Reorganisation Circular, Community Health Councils, HRC(74)4, 1974, para. 10.
4. Central Statistical Office, Annual Abstract of Statistics, 1975, HMSO, 1975, Table 11, p. 15.
5. Klein and Lewis, *op. cit.*, p. 197.
6. Central Statistical Office, *op. cit.*, p. 15.
7. Klein and Lewis, *op. cit.*, Table 1A, p. 178.
8. *op. cit.*, p. 180.
9. *op. cit.*, Table 4A, p. 181.

Appendix 2

10. *op. cit.*, Table 5A, p. 182.
11. Derived from *op. cit.*, Table 9A, p. 189.
12. Derived from *op. cit.*, Table 10A, p. 187.
13. *op. cit.*, Table 11A, p. 188.
14. *op. cit.*, pp. 183-185.
15. *op. cit.*, Table 2.22, p. 74.
16. *op. cit.*, Table 2.19, p. 72.
17. With the exception of South East Thames, the pilot study region,  
where the question was not asked.
18. *op. cit.*, pp. 183-185.

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