Fairshare welcomes the opportunity to contribute to this consultation on the legislation to provide for direct elections to NHS territorial Health Boards in Scotland. We shall be pleased for this response to be made public without reservation.

Fairshare has no policy on the question of whether any members of NHS Health Boards should be directly elected. Our concern is only that, if such elections are introduced, the voting system used should be one that will give fair and balanced representation of the local community each Health Board would be elected to serve.

Fairshare has made submissions to previous consultations on proposals for legislation to introduce direct elections for territorial Health Boards in Scotland. Some of the comments in those submissions go beyond the immediate scope of the current Bill, but they may provide useful background on some of the issues that may arise during the Stage 1 consideration.

Voting system
It is stated in the Policy Memorandum that the voting system will be the Single Transferable Vote (STV), but there is nothing in the Bill to ensure this. Preferential voting (“1, 2, 3”, etc) is prescribed in paragraph 8(2) of Schedule 1A, but there are several ways of counting such preferential votes that are quite different from STV. The use of STV should be prescribed in the Bill. It is, however, completely appropriate that the details of the voting system, including the form and content of the ballot papers and the procedure for counting votes, should be prescribed in subordinate Election Regulations.

Electoral wards
It is stated in the Policy Memorandum that each Health Board will be a single “ward” for the purposes of election. Before dealing with the main point, it should be noted that we have reservations about the use of the word “ward” in this context, both because its use elsewhere implies subdivision and because it may cause confusion with the much longer established use of the word “ward” to describe the electoral units for local government elections. It may be that a term such as “electoral district” that is not in current use in relation to public elections in Scotland would be more appropriate.

The proposal that each Health Board area should comprise one single electoral “ward” is stated in the Bill (Schedule 1A, paragraph 3(1), but the Bill also provides for a Health Board area to be divided into two or more “wards” without limitation. It would thus be possible for a Health Board area to be divided completely into single-member “wards”. This is clearly
not the intention, but there is nothing in the Bill to prevent it. The wording in Schedule 1A should be amended to make it clear, firstly, that subdivision of a Health Board area should be the exception and not the rule, and secondly, that subdivision of the whole or part of the area into single-member “wards” will not be permitted.

Local representation is an issue that was raised during consideration of an earlier proposal for Health Board elections. With any voting system there is always a compromise between maximising the proportionality and diversity of representation on the one hand and guaranteeing local representation on the other. The greater the number of members elected together, the more proportional the representation will be to the wishes of the voters and the greater the potential for diversity of direct representation. It is thus desirable that all the elected members should be elected together, i.e. from one “ward”. If, exceptionally, some subdivision of a Health Board area is considered essential, the resultant electoral “wards” should be as large as practicable.

STV-PR is a candidate-based voting system that provides the electors with the greatest choice in the selection of their local representatives. Those who vote can thus express their preferences for the candidates on the basis of the candidates’ skills and experience, their expressed views on important health issues, the locality where they live or on any other criterion that matters to the individual voter. With STV the candidates who are elected will be those who are most representative of those who voted. No voting system can do more.

Franchise
We support the proposal to extend the franchise for these elections to include 16 and 17 year olds living in the relevant Health Board area.

Cost of elections
On the basis of similar all-postal public elections held in the UK, we understand that the estimated costs for the proposed pilot elections given in the Financial Memorandum are realistic for the projected response rate of 60% in postal ballots.

Elections cannot be held without cost, but when considering the projected costs, the costs of the current method of selecting members of Health Boards must be taken into account. No estimate of the current costs has given in the Financial Memorandum or in the Scottish Government’s earlier consultation document, but these costs will be significant and should be set against any estimate of the costs of the elections that might replace the present appointment procedure. It must also be borne in mind that a transfer of costs would be involved, because all the costs of making appointments to the territorial Health Boards are currently borne centrally.

We are aware that in the not too distant future, STV could be used in elections to a number of directly elected bodies in Scotland, in addition to
its use for Local Government elections and its proposed use for Health Board elections. These initiatives and potential initiatives fall within the responsibilities of different Directorates of the Scottish Government. There may be an opportunity for some significant long-term saving of costs if a coordinated approach is taken now to the future provision of the hardware and software needed to service all of these STV elections.

**Fairshare Voting Reform**
Email address: info@fairsharevoting.org
Mailing address: P O Box 1919, Edinburgh EH16 5WT

**Fairshare** is a cross-party and non-party organisation set up in February 2001 to campaign for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for local government elections in Scotland. In January 2005 Fairshare extended it objectives to promote reform of the voting systems used for all public elections in Scotland. Fairshare is constituted as a not-for-profit company limited by guarantee and maintains a network of Registered Supporters.

Dr James Gilmour
Fairshare Campaign Committee
Fairshare
1 September 2008