

Your LINK for improving health and social care

www.themedwaylink.co.uk



a LOCAL INVOLVEMENT NETWORK

**Annual Meeting
3 June 2009
Item 3**

Medway LINK Governance Framework Proposals for Changes

Introduction

1. Local Involvement Networks (LINKs) were established under the Local Government and Public Involvement Act 2007. Although duties and responsibilities are laid down in the Act, the LINK is required to publish the way it is going to work and how it is going to make relevant decisions; also any amendments to those procedures have to be published.
2. The Medway LINK was launched formally on 7 January 2009. At that event the LINK's various governance arrangements and strategies were agreed:
 - Community Engagement Strategy
 - Governance Framework
 - Diversity and Equality Policy
 - Communications and Publicity Strategy
3. ***All existing LINK policies can be found on the 'More information' page of the LINK's website at: www.themedwaylink.co.uk***
4. Since the Medway LINK was formally launched on 7 January 2009, it continues to develop and new challenges need to be faced. This paper outlines the proposed changes to the agreed Governance Framework and is presented to the Annual Meeting of the LINK for agreement by LINK participants.
5. Areas requiring change are:
 - Arrangements for the LINK's Annual Meetings, such as procedures for voting, including opportunities for postal and proxy voting for LINK participants who are unable to attend the Annual Meeting

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- The terms of reference of the LINK's Coordinating Team, particularly its relationship with the LINK's Moderating Panel
- Selection process for the LINK's various groups

6. The proposals for change are presented in the following attachments:

Attachment 1 - LINK Annual Meetings

Attachment 2 - LINK Special Meetings

Attachment 3 - LINK Governance Arrangements

Attachment 4 - LINK Coordinating Team

Attachment 5 - Appointing individuals to represent the LINK

7. **Recommendations requiring LINK participants to vote are:**

7.1. That the procedures outlined in paragraphs 1 to 11 of Attachment 1, in respect of LINK Annual Meetings, are included in the LINK's Governance Framework.

7.2. That the procedures in paragraphs 1 to 3 of Attachment 2, in respect of LINK Special Meetings, are included in the LINK's Governance Framework.

7.3. That the procedures outlined in paragraphs 1 to 2 of Attachment 3, in respect of changes to the LINK's governance arrangements, are included in the LINK's Governance Framework.

7.4. That the proposed changes outlined in paragraphs 1 to 8 of Attachment 4, in respect of the LINK Coordinating Team, are made to the LINK's Governance Framework.

7.5. That the policy outlined in paragraphs 2 to 4 of Attachment 5, in respect of representation of the LINK on external bodies, is included in the LINK's Governance Framework.

LINK Annual Meetings

Purpose of the LINK Annual Meeting

1. The Medway LINK's structure (as per the Governance Framework agreed at the launch on 7 January 2009) provides for one meeting of LINK participants a year, ie the LINK's Annual Meeting.
2. One key purpose of this event is to give all LINK participants an opportunity to affect important decisions, particularly about the way the LINK is to operate. In summary, the meeting provides:
 - 2.1. Public accountability for the LINK's activities and use of funds (through the LINK's annual report)
 - 2.2. An opportunity for LINK participants to agree the LINK's annual report for the preceding year
 - 2.3. An opportunity for LINK participants to agree the LINK's annual programme for the forthcoming year
 - 2.4. An opportunity for LINK participants to agree any changes to the LINK's policies, strategies, such as the Governance Framework, the LINK's decision-making / priority-setting protocol and any other scheme of delegation

Setting the Agenda for the Annual Meeting

3. The following items shall be included in the agenda for the LINK's Annual Meeting:
 - 3.1. Draft LINK annual report for preceding year (1 April to 31 March)
 - 3.2. Draft work programme for the forthcoming year (1 April to 31 March)
 - 3.3. Coordinating Team recommendations for any proposed changes to the LINK's strategies and policies
 - 3.4. Date of next Annual Meeting

Notification of the date and venue of the meeting

4. The Annual General Meeting of the Medway Local Involvement Network (LINK) shall be held not later than the end of June each year. 28 clear days written notice shall be given to LINK participants of the Annual Meeting. The Host shall circulate or give notice of the agenda for the meeting to LINK participants not less than 14 days before the meeting.

Arrangements for voting, including postal and proxy voting

5. All LINK participants shall have the opportunity to vote on matters being presented at the Annual Meeting.
6. All decisions made at the Annual Meeting shall be by a two thirds majority of those voting.
7. LINK participants will be enabled to vote by:
 - 7.1. Attending the meeting (show of hands)
 - 7.2. If unable to attend in person, by proxy (nominating another participant to attend and vote on the absent participant's behalf) or
 - 7.3. A postal vote (facilitated by the Host)
8. **Voting by proxy** - All LINK participants who are unable to attend the Annual Meeting shall have the opportunity to nominate a LINK participant, who is able to attend, to vote on matters on the agenda on their behalf at the meeting. In these circumstances, the LINK participant concerned shall provide such a request to the Host in writing prior to the meeting, giving the name of the LINK participant who is to act as their proxy in voting on items at the meeting. LINK participants can nominate the Chair of the meeting to act as their proxy at the meeting where they may be unable to find a LINK participant to do so on their behalf, provided that the absent participant's intentions are notified in writing to the Host prior to the meeting.
9. **Voting by post** - If a LINK participant is unable to attend the Annual Meeting and it is not possible to arrange a vote by proxy, that participant can vote by post - the necessary voting form provided by the Host with the papers for the meeting.

Quorum

10. There shall be no specified number of LINK participants to constitute a quorum at a LINK Annual Meeting.

Facilitating the meeting

11. At all Annual Meetings and Special General Meetings, the meeting shall be facilitated by an external facilitator or by a member of the Coordinating Team.

Recommendation

12. **That the procedures outlined in paragraphs 1 to 11 of Attachment 1, in respect of LINK Annual Meetings, are included in the LINK's Governance Framework.**

LINK Special Meetings

Call for a LINK Special Meeting

1. A LINK Special Meeting may be convened on receipt by the Host of a request, in writing, from not less than 50 Medway LINK participants.
2. The request for the Special Meeting must specify the purpose of such a meeting.
3. On receipt of such a request the Host shall make arrangements to convene a special meeting no later than 28 days from receipt of the request. At least 14 days notice of the meeting shall be given to Medway LINK participants.

Recommendation

4. That the procedures in paragraphs 1 to 3 of Attachment 2, in respect of LINK Special Meetings, are included in the LINK's Governance Framework.

LINK Governance Arrangements

Changes to the LINK's Governance Arrangements

1. Changes to the LINK's Governance Arrangements may only be made:
 - 1.1. At an Annual or Special Meeting convened with the required written notice of the proposal. Such alterations shall be passed if supported by not less than two-thirds of those participants voting, including those LINK participants at the meeting, proxy votes and postal votes or
 - 1.2. By the LINK's Coordinating Team, subject to LINK participants being consulted on the changes. The consultation period will be 12 weeks, at the end of which the proposal will be implemented, subject to approval of two thirds of LINK participants voting.
2. All voting arrangements will be facilitated by the Host.

Recommendation

- 3. That the procedures outlined in paragraphs 1 to 2 of Attachment 3, in respect of changes to the LINK's governance arrangements, are included in the LINK's Governance Framework.**

LINK Coordinating Team

Composition of and roles in the Coordinating Team

1. The following changes are proposed in relation to the role of the Team and the roles of individual members of the Team:
 - 1.1. Facilitator to the Coordinating Team:
 - a. Role to include acting as media spokesperson for the LINK
 - b. Role to include being the signatory to all referral letters containing reports and recommendations to commissioners and service providers of health and social care, referrals to appropriate scrutiny committees of a local authority and any other correspondence in pursuance of the object of the LINK
 - c. Role to include being the 'nominated person' required to satisfy themselves as to the suitability of individuals appointed to carry out the duties of entering and viewing and observing the carrying-on of activities on premises owned or controlled by a service-provider
 - d. For each of the above roles, in the absence of the Facilitator, a person nominated by the Coordinating Team will act in the capacity
 - 1.2. A new Coordinating Team role to be established: lead person to
 - a. Liaise with the Moderating Panel and
 - b. Provide oversight of the work of the Moderating Panel on behalf of the LINK
 - 1.3. The role of the Coordinating Team to include the responsibility for promoting known LINK policies and all decisions made on behalf of the LINK. This includes those decisions agreed by the Moderating Panel, decisions taken at LINK Annual Meetings or LINK Special Meetings and policies arrived at through approved LINK procedures.

Term of office for LINK Coordinating Team

2. The following changes are required to define the term of office of LINK Coordinating Team:
 - 2.1. With effect from 1 October 2009, when the term of office of existing Coordinating Team comes to an end, half of the newly appointed Coordinating Team will be appointed for a period of two years and half will be appointed for three years
 - 2.2. Thereafter, a Coordinating Team will be appointed for periods of three years
 - 2.3. Coordinating Team only to be allowed to serve two full terms of office (amounting to either five or six years, depending whether their first term was two or three years). After a break of three years those Team members shall be eligible to stand again for such positions
 - 2.4. The current Coordinating Team members' initial period of office September 2008 to October 2009 shall not count as a full term

Coordinating Team – relationship with the LINK’s Moderating Panel

3. The Moderating Panel has a duty to report to the LINK Coordinating Team, where:
 - 3.1. An issue is considered to have implications for the governance of the LINK
 - 3.2. Where LINK resources are to be used on a proposed project
 - 3.3. Where a referral is to be made to convey LINK participants’ views to:
 - a. NHS trusts (including primary care trusts)
 - b. Medway Council
 - c. Health Overview and Scrutiny Committee of the Medway Council or other such scrutiny or regulatory bodies
4. In deciding on a proposal from the Moderating Panel where resources are required (such as funding for a LINK project), the Coordinating Team can refuse such a request with regard to the availability of LINK funds or where the Coordinating Team believe that the proposal may bring the LINK into disrepute or where a governance issue is involved. The Coordinating Team cannot usually refuse a proposal in respect of the merits or demerits of that proposal.
5. The Moderating Panel members could be invited to take part in the Coordinating Team’s discussion on their proposal. The Moderating Panel members would not be entitled to vote.
6. Once a proposal / LINK project is approved by the Coordinating Team then the Coordinating Team would be responsible for ensuring that a process for project management is put in place, to monitor its operation and to intervene if it is felt that it is not proceeding to their satisfaction or where the LINK’s integrity is threatened. The Moderating Panel would have no further role in the matter.
7. In relation to a LINK project the Coordinating Team could commission an external organisation, including supporting a local community and voluntary sector group, to carry out such a project on the LINK’s behalf or, after discussing with the Host, arrange for it to be carried out in-house.
8. The Coordinating Team shall be responsible for approving the LINK’s programme of activities associated with the LINK’s Community Engagement Strategy and Communications / Publicity Strategy.

Recommendation

9. **That the proposed changes outlined in paragraphs 1 to 8 of Attachment 4, in respect of the LINK Coordinating Team, are made to the LINK’s Governance Framework.**

Appointing Individuals to represent the LINK

Introduction

1. The selection of a LINK participant to represent the LINK on external bodies is documented in the LINK's Governance Framework. The Coordinating Team have considered this process and concluded that there are different levels at which the LINK would need to be represented outside the LINK.

Recommendations

2. A nominated person from the Coordinating Team shall represent the LINK where representation for the LINK is required in order to articulate known LINK policies and to promote those policies / issues wherever possible. For example, meetings of:
 - o Health Overview and Scrutiny Committee and their agenda planning meetings
 - o Meetings with chief executives of key stakeholders
 - o Meetings of Strategic Partnerships
3. The Coordinating Team may nominate a member of the LINK pool of external representatives or other relevant participant to attend such meetings on their behalf.
4. With the exception of the above type of meetings:
 - 4.1. Every opportunity shall be taken to facilitate LINK participant involvement in meetings where the LINK is invited to send a representative
 - 4.2. An open and fair system should be adopted to enable LINK participants to be chosen
 - 4.3. The role of the LINK representative must always be clearly defined
 - 4.4. The Host will facilitate this process

Recommendation

5. **That the policy outlined in paragraphs 2 to 4 of Attachment 5, in respect of representation of the LINK on external bodies, is included in the LINK's Governance Framework.**