

The Medway Local Involvement Network (the Medway LINK) Governance Framework

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Section 1 – Introduction

1. **Governance** is about the systems and processes which support the overall direction, effectiveness and accountability of an organisation, in this case the Local Involvement Network (LINK).
2. **Why the Medway LINK needs governance arrangements**
 - The LINK participants need to demonstrate that they have made decisions and carried out their activities appropriately and transparently
 - The local community will expect the LINK to be well run, carry out its activities effectively and get results
 - Equality, good communication and inclusiveness are key to the operation of the LINK
 - Everyone – the public, the Unitary Authority, the Host, the LINK, LINK participants, the NHS – needs to understand the roles and responsibilities of the respective bodies
 - The LINK needs to be credible and provide evidence that it is well run and has systems in place to manage things when they go wrong
 - The LINK participants need to know what the legislation and regulations require and should work sensibly in good faith
 - The LINK needs to maintain its independence from the Local Authority and the NHS, both locally and nationally.
3. Therefore, it is important to invest in time and resources during the setting up of the LINK. This is to seek the views of local communities about how they want the LINK to run, to develop arrangements that are easy to understand and implement, and that are not bureaucratic and not exclusive. This is an opportunity for the LINK to explore and create new ways of working.
4. It is also important to ensure that any governance arrangements agreed during the start up phase can be reviewed and updated to take account of changes in legislation, needs in the community and to address issues that arise.

What is Public Involvement?

5. Providing everyone with the chance to say what they think about how local health and social care services are run is critical in the aim of letting the community influence how services are planned and delivered.

6. More importantly, feedback to service providers about what people think is necessary so that service provisions can be improved.
7. **Local Involvement Networks (LINKs)** aim to do this and help strengthen the system that enables communities to influence the services they receive.

What are LINKs?

8. LINKs are a network made up of local people, organisations and groups from across the community that want to make health and social care services better.

Section 2 – Responsibilities, Powers, Roles and Duties

Responsibilities of the LINK

1. A LINK:

- is a network made up of local people, organisations and groups from across the community that want to make care services better
- will provide everyone in that community with the chance to say what they think about how local health and social care services are run and let them influence how those services are planned and delivered
- is tasked with strengthening the system that enables communities to influence the care that they receive
- will help improvements to be made to services by feeding back public views to the service providers
- covers all publicly funded health and social care services in the area, no matter who provides them.

Powers of the LINK

2. The LINK is a local independent body that is part of the local accountability and scrutiny arrangements. The LINK can:

- request information from all commissioners and providers of health and social care services
- require health and social care managers to respond to reports and recommendations and requests for information within 20 working days
- appoint authorised representatives of the LINK who can enter and view specific types of premises where services and care are provided (with exception of children's social care services)
- refer matters relating to health and social care services to the Overview and Scrutiny Committee (OSC) and require a response within 20 working days (this must relate to a LINK activity as defined in the Act).

The roles of the LINK

3. The roles are to:

- encourage and support more people to become involved in shaping local care services; from helping to decide what services should be commissioned to influencing the way they are run
- actively canvas every section of the community for their views and experiences of local care services
- provide the community with a mechanism for monitoring and reviewing local care services and the ability to hold providers / commissioners to account
- tell those who commission, run and scrutinise local care services what local people have recommended to help improve services.

Duty of the LINK – Produce an annual report

4. There will be a number of ways in which the LINK will be accountable to local people. The LINK must produce an annual report for each financial year by the 30 June each year. Publishing the annual report provides accountability to local people but should not be the only way of being accountable. Copies of the report must be publicly available and copies sent to:

- the relevant Local Authorities
- the relevant PCTs and Strategic Health Authorities
- the relevant OSCs
- the Secretary of State
- any others prescribed by the Secretary of State.

5. The annual report must include:

- anything the Secretary of State directs
- details of amounts spent by the Host in respect of LINK activity and what the amounts were spent on
- details of amounts spent on 'non-networked' activity and what the amounts were spent on.

6. To comply with the production of the annual report the LINK will hold an annual meeting no later than 31 May each year.

Accountability of the LINK

7. The LINK is accountable to:
 - the local community (Medway)
 - the Secretary of State.

Accountability of any LINK group

8. From time to time the LINK may form groups, such as working groups / focus groups. All LINK groups will be accountable to the overall LINK - ie all participants who have registered.
9. The Medway LINK will review all of its policies and procedures at least annually in the annual meeting of the LINK.

Liability of LINK participants / governors

10. LINK participants and governors, when registered and signed up, will sign up to a code of conduct. They will also need to comply with the principles of public life (the Nolan Principles*).
11. The Host (KMN) will be required to put in place appropriate insurances to indemnify LINK participants and LINK Governors in discharging their legitimate LINK functions.

* Nolan Principles - The Nolan Committee on Standards in Public Life was set up in 1994 as a result of public concern about the financial probity of holders of public office. It was concerned with standards in public life generally and particularly where public funds were involved. The Nolan recommendations provide a number of standards to guide the interpretation of legislation, decisions and actions of those employed in public office. It has the effect of emphasising the intention behind legislation. The result of the Committee's work was, inter alia, the seven standards, commonly referred to as the "Nolan Principles".

Section 3 – Structure of the Medway LINK

Participation in the work of a LINK

1. Some people will have time and skills to be more fully involved in helping the organisation of the LINK but some people may choose to get involved in health or social care issues affecting a particular geographical area. Others may be interested in contributing their views about a range of issues and others only about single issues. The important thing to remember is that a LINK should allow people to get involved in whatever way that suits them. A LINK participant may make use of the power to enter and view health and social care premises and will then be required to complete a CRB Disclosure.

Structure of the Medway LINK

2. The Medway LINK is anyone, any group, any organisation in the area of Medway that signs up to participate in the work of the LINK – potentially in excess of 250,000 people. All LINK participants have equal status and can be involved at whatever level and whenever they wish.
3. The Medway LINK will establish groups / panels of participants to enable the LINK to function, make decisions, set priorities and work in specific geographical and / or subject areas. Other groups / panels may be formed to provide the LINK with additional resources that it can call upon. The roles of, and selection of participants to, such groups / panels will be the subject of workshops at the Medway LINK launch event. A structure of the Medway LINK is contained in Appendices 4 and 5.
4. A **Medway LINK Coordinating Team** has been established. Their collective role is to keep the LINK well and safe – ensuring the LINK undertakes its activities in an open and transparent manner. Further details are provided below.
5. Further groups / panels that LINK participants may develop include:
 - A **Medway LINK Panel of Authorised Visitors**. See later for an outline of this panel. The role and selection process will be discussed in Workshops at the Medway LINK's launch event.
 - A **Medway LINK Panel of External Representatives**. See later for an outline of this panel. The role and selection process will be discussed in Workshops at the Medway LINK's launch event.
 - A **Medway LINK Moderating Panel**. See later for an outline of this panel. The role and selection process will be discussed in Workshops at the Medway LINK's launch event.

Medway LINK participant

6. A LINK participant can be a person, group or organisation, who wants to influence the bigger picture, in relation to health and / or social care services, through the roles of the LINK, even though they may not be in a position to participate on a regular basis. Generally such a person or group lives in, works in, operates in or uses health or social care services in the area of Medway.
7. A Medway LINK participant may take part at any level they wish:

- they may choose to receive information only, for instance this could be about
 - the LINK and its activities or events or
 - concerning changes to health and social care services in Medway.

Information can be received in a variety of ways, for example by post, in person such as at a Local Access Point (see the LINK's Community Engagement Strategy) or a LINK event, electronically by email or via the internet, eg the Medway LINK website.

- they may be interested in a single health / social care service issue and as a result wish to have the opportunity to take part in consultations, surveys, opinion polls, online discussions or attend meetings. This is a more active role and could mean contributing to the improvement of a service.
- they may take a more dynamic role in specific pieces of work that relate to their areas of interest in health and / or social care services. This could be in a whole range of ways, for example, by joining a focus group or another information gathering forum, visiting health / social care services, becoming a Mystery Shopper (see the LINK's Community Engagement Strategy), representing the LINK on an external committee or involvement in a working party concerned with purchasing or developing particular health or social care services.
- note that this is not an exhaustive list of ways to become more active / more involved in the LINK's activities.

8. **Selected** Medway LINK participants may:

- make use of the power of "enter and view" health and social care premises – see Medway LINK Panel of Authorised Visitors later in this document
- become a representative of the LINK on an external organisation, through a selection process – see Medway LINK Panel of Authorised Representatives later in this document

- become a member of the Medway LINK Moderating Panel, through a selection process – see Medway LINK Moderating Panel later in this document.

Participants – LINK Activities Permitted

9. LINK participants are permitted to do the following:

- access the Medway LINK website discussion forums
- post topics and reply to topics on Medway LINK online discussion forums
- participate in any of the Medway LINK website surveys
- request a survey be done by the Host organisation
- request work be undertaken by the Medway LINK
- participate in consultations
- attend / participate in LINK events, particularly the annual meeting where policies and procedures, the LINK annual report and work programme will be agreed
- access training material
- vote on work to be carried out by the LINK
- apply for visiting rights
- apply to become a LINK representative on an external organisation
- apply to become a member of the LINK Moderating Panel
- unsubscribe and cancel membership of Medway LINK website.

Individual participants – LINK activities NOT permitted

10. As individuals there will be activities that individuals are not permitted to undertake. Individuals are not permitted to:

- make any LINK executive decisions – they can only request LINK actions
- take any unilateral LINK action – they can only request LINK actions
- take part in any visits – unless LINK visiting rights have been approved
- represent or purport to represent the LINK to service users or the public, unless appointed to the authorised panel of LINK representatives

- make public statements on behalf of the LINK, eg through the media. Note that how the Medway LINK will liaise with the media is covered in the LINK's Communications and PR strategy.

Medway LINK Coordinating Team

11. A Medway LINK Coordinating Team has been established. Their collective role is to keep the LINK well and safe – ensuring the LINK undertakes its activities in an open and transparent manner.

12. The Governors bring to the group their own experiences and skills to take a lead in a specific area – see overleaf:

Equality and Diversity	Tina Murphy
Facilitator	David Haymes
Communications and PR	Edward O'Neill & Jenny Gibson
Performance Management	David Haymes / Shirley Griffiths
Finance	Anne Whybrow
Community Engagement and Partnership	Joy Birdsey
Governance	Clare Murray
Strategic	David Haymes
Project Management	Toni Lancaster

13. Further details about the selection process for the Coordinating Team Members, the Team's Terms of Reference and the Roles and Responsibilities are contained in Appendices 1, 2 and 3.

14. In the early days of the LINK, the Team's main purpose will be to ensure that there are robust and sustainable policies, procedures and strategies in place for the LINK to operate. One of those is the Governance Framework. Others under development are:

- Communications and PR Strategy
- Community Engagement Strategy
- Equality and Diversity policy
- Local Working Agreement between the LINK and KMN.

Medway LINK Authorised Panel of Visitors

15. LINK participants will develop procedures for appointing members to an Authorised Panel of Visitors. This panel will have at least a terms of reference and criteria for selecting panel members – the subject of a workshop at the LINK's launch on 7 January 2009.
16. The main role of a member of this panel will be to undertake and report on visits / reviews of health and / or social care premises – ie where services are delivered to users and patients of that facility. All such members will need to go through a selection process and have a CRB (Criminal Records Bureau) check before being given the authority to undertake this work.

Medway LINK Panel of External Representatives

17. LINK participants will develop procedures for appointing members to an Authorised Panel of Representatives. This panel will have at least a terms of reference and criteria for selecting panel members – the subject of a workshop at the LINK's launch on 7 January 2009. The procedures will also include a process for deciding which relevant external bodies, selection / appointment of participant, the expectations of the representative.
18. The main role of a member of this panel will be to represent the interest of the LINK on external bodies such NHS Trusts, Primary Care Trusts, Overview and Scrutiny Committees, Social Care Commissioning Groups, Learning Disabilities Partnership Board etc.

Medway LINK Moderating Panel

19. LINK participants will develop procedures for appointing members to a Moderating Panel. This panel will have at least a terms of reference and criteria for selecting panel members – the subject of a workshop at the LINK's launch on 7 January 2009.
20. The main role of this panel will be to make decisions and prioritise actions when a topic or issue is raised with the LINK.
21. The LINK will have an annual work programme, as agreed by LINK participants at its annual meeting. However, much of this may cover more strategic actions that the LINK proposes to take. There will be other areas of interest, topics or issues that arise at any time and it will be necessary to have a process by which the LINK can decide on what to do with such matters. A decision making and priority setting process will form part of this to ensure that relevant, appropriate and sound decisions are made and that all LINK participants are made aware of such decisions.

22. See Section 4 and Appendix 6 for more detail on the decision making and priority setting process.

Conclusion

23. The structure of the Medway LINK needs to be flexible and fluid. There needs to be an underlying / supportive foundation that enables the LINK to operate in an open, transparent and safe way. This has been put in place with the appointment of the Medway LINK Coordinating Team.

24. On the other hand the LINK needs the ability both to act proactively and reactively. As previously stated the LINK will have an annual work programme where it is in a position to plan ahead on known areas of work and where it will be in a position to influence how services are bought and provided generally.

25. Also the LINK needs to be able to respond to urgent issues as they arise in a timely and appropriate manner. As a result the nature of further LINK groups is not pre-determined in this Governance Framework. The ability to form such groups is a part of this process.

Section 4 – Decision Making and Priority Setting

Medway LINK Moderating Panel

1. LINK participants will develop procedures for appointing members to a Moderating Panel.
2. The main role of this panel will be to make decisions about and prioritise actions when a health and / or social care services topic or issue is raised with the LINK.
3. The LINK will have an annual work programme, as agreed by LINK participants at its annual meeting. However, much of this may cover more strategic actions that the LINK proposes to take. There will be other areas of interest, topics or issues that arise at any time and it will be necessary to have a process by which the LINK can decide on what to do with such matters. A decision making and priority setting process will form part of this to ensure that relevant, appropriate and sound decisions are made and that all LINK participants are made aware of such decisions.
4. The process for selecting participants for the Panel will be discussed in Workshops at the Medway LINK launch event.
5. More details about the Link's structure and its process for making decisions and prioritising its work are at appendices 4 - 6. These include:
 - major decisions will be made annually at the annual meeting of the LINK
 - geographical groupings of the LINK may hold quarterly events at which the LINK's work programme and activities will be reviewed
 - urgent issues in the interim would be dealt with on an ad hoc basis by the Moderating Panel.

Section 5 – Code of Conduct

Introduction

1. When working as a member of a group it is important that individuals conduct themselves in a way that ensures the overall harmony of the group. In the context of LINKs, this is even more important in view of their close contact with the local community and that they should be seen to be conducting themselves in a proper manner. This code of conduct provides guidance on what is expected of Medway LINK participants.
2. The National Centre for Involvement (NCI) and Department of Health (DH) have produced a 'Code of Conduct' document for LINKs, which is designed to be used by both LINKs participants and health and social care services providers / commissioners. That code aims to ensure that the rights of service users and staff are respected, encourages a spirit of openness and partnership and supports a constructive relationship between a LINK, a provider and a community. A LINK needs to be able to visit services to gather information but these visits should be proportionate and reasonable. For further details refer to the document – to follow.
3. Inclusiveness is one of the key issues for a LINK and the Medway LINK is committed to supporting a wide diversity of people in its work.
4. Medway LINK participants carry out a public statutory role for which they are accountable. When they do not meet the required standards, action will be taken which is fair, proportionate and appropriate. LINK participants will be developing details of this process which will include key points such as Medway LINK participants must:
 - understand their rights and obligations
 - promote and maintain standards of conduct and commitment to public services values (as described in the Seven Principles of Public Life below)
 - operate safely and effectively
 - make every effort with the Host (KMN) to resolve any issues.

The Nolan (or Seven) Principles of Public Life

5. The Nolan (or Seven) Principles of Public Life are a template for conduct in the public domain. Medway LINK participants should follow these principles – see overleaf.

- **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefit for themselves, their families or their friends.

- **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands.

- **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- **Leadership**

Holders of public office should promote and support these principles by leadership and example.

Code of conduct in LINK meetings

To follow.

Participation not in the interest of the LINK

To follow.

Responsibilities of a LINK participant:

To follow and to include:

- personal conduct
- valuing diversity
- working in the LINK
- collective responsibility
- visits to enter and view services
- exemption of children's social care services
- working with the regulators.

Section 6 – Declaration of Interests

Introduction

1. LINK participants should act and be seen to act with the highest standards. They have a statutory responsibility to declare all conflicts of interest where they may have a financial interest in a decision or activity of the LINK.

Declaring an interest

2. Medway LINK participants should not use their association with the LINK to gain media or public attention in order to advance their personal, business or political interests.
3. Under the regulations LINK participants must ensure that they declare all conflict of interests where they may have a financial interest in a decision or activity of the LINK, or any personal or business interest that might lead others to conclude that their decision about the work of the LINK could have been influenced by it. For example, if the partner of a Medway LINK participant is an Accident and Emergency (A&E) doctor and A&E services are being reviewed, it would not be considered appropriate for that participant to influence the outcome of the review, or the recommendations.
4. Also Medway LINK participants should not accept gifts or hospitality from a third party which might reasonably be seen to compromise their personal judgement or integrity.

Relevant interests

5. Relevant interests to be declared include the following (not an exhaustive list):
 - paid employment, directorships or partnerships if they relate to health or social care companies or organisations or public bodies
 - paid consultancies or advisory positions if they relate to health or social care companies or organisations or public bodies
 - paid commissioned work for a health or social care company or organisation or related activity or speaking engagements which do not form part of official duties
 - positions held as an office-holder or trustee within
 - a voluntary or not-for-profit organisation
 - a public body

- a pressure group or trade union relating to health or social care
- membership or fellowship of a body within health or social care other than the Medway LINK
- the employment or other financial interest of a spouse, partner or close relative which could reasonably be regarded as relevant to the LINK, for example, relating to a health or social care company or organisation or public body
- other support received from a healthcare company or organisation, eg sponsorship such as grants, bursaries, fellowships or awards
- if a LINK participant has a formal complaint or is in the process of taking legal action against a health or social care organisation and the LINK is reviewing that particular part of the service
- any other relevant interests, for example, depending upon their significance, other trusteeships, unpaid functions, membership of voluntary organisations, the non-financial interest of a spouse, partner or close relative.

Conclusion

6. Participants of the Medway LINK are operating in the public domain and representing local groups. It is important that participants conduct themselves in a proper manner which will stand up to public scrutiny. By following the requirements in this LINK governance framework of any interests that could possibly conflict with their role in the LINK, LINK participants will be able to meet the standards expected of them.
7. A form for declaring interests is being produced.

Section 7 – Finances of the Medway LINK

Financial Standing Orders

1. All LINK expenditure needs to be:
 - in line with the LINK's approved work programme / strategy / policy.
2. Expenditure in excess of £500 needs:
 - express authorisation of the Finance Lead Coordinator
 - if time permits, a meeting of all Coordinating Team Members and the Moderating Panel
 - to be reported to the next meeting of the Coordinating Team / Moderating Panel.

[Note: Further work being undertaken on developing model financial standing orders]

Section 8 – Reimbursement of Expenses

Introduction

1. The Department of Health has produced guidelines for reimbursement of out of pocket expenses incurred by volunteers. The guidelines acknowledge that patient and service user involvement is key to developing and delivering responsive services and that they should not be left out of pocket or put at risk of being financially worse off as a result of their involvement.

Eligible participants

2. The following indicates those Medway LINK participants who would be eligible to be reimbursed for out of pocket expenses:
 - team member on authorised Coordinating Team activities
 - members of the
 - Authorised Panel of Visitors
 - Panel of External Representatives
 - Members of the Moderating Panel
 - members on authorised business of one of the above named panels and in accordance with the LINK's approved work programme
 - LINK participants performing authorised duty on behalf of the LINK and in accordance with the LINK's work programme.
3. Following the LINK's principle of inclusiveness, no one should be disadvantaged. This means that cases of hardship, eg for reasons of income, will be considered on an individual basis.

Eligible expenses

4. The LINK's expenses budget constitutes a proportion of its overall budget. This means that there is a need for diligence on what can and cannot be reimbursed. With this in mind the following are items that eligible participants will be able to claim (in accordance with the criteria identified above under eligible participants)
 - mileage at 40p per mile
 - passenger miles at 2p per mile
 - car parking charges*

- public transport fares*
 - subsistence*, up to a maximum of £5 per event and where the LINK business has incurred the participant being away from home / work for over 4 hours (note that this means that the participant's travelling time will be included)
 - special needs such as
 - carer / advocate / personal assistant accompanying the participant**
 - child care arrangements**
 - private transport* ** – such as a taxi
 - stationery* ** – such as printer cartridges
 - phone bills * **
5. All claims for those items marked * above will need to have supporting receipts attached. There may be occasions whereby it will not be possible to obtain a receipt. Should this be the case, then a short explanation accompanying the claim will be required and authorisation for such cases will be done on an individual basis.
6. Those items marked ** above will require prior approval of the Finance Lead on the Coordinating Team. Taking into account the LINK's principles of inclusiveness, it will endeavour wherever possible to ensure that nobody be excluded from any LINK event / meeting. However, each case for reimbursement of such expenses will be looked at on an individual basis. Any refusal for such expenses will be accompanied by a full explanation, but the final decision will be made by the Finance Lead.

Process for claiming expenses

7. A form will need to be completed to indicate the expenses being claimed – form and detailed process are in development. The claimant will need to sign the form, attach relevant receipts and ensure the claim is authorised by KMN's Operational Manager. The Operational Manager will be able to verify the eligibility of the claimant and the expenses claimed (by reference to this governance framework, the LINK's work programme and any relevant LINK policies or strategies).

[Note: Further research re other guidance is in hand]

Role and responsibility of the participant

8. It is the responsibility of the participant, in submitting a claim for expenses, to ensure that:
- they are an eligible participant
 - the expenses claim is valid and for eligible activity
 - all relevant receipts accompany the claim
 - they do not submit a claim for the same activity / expense to any other organisation
 - any personal tax implications are explored
 - if claiming any state benefits, they are aware of the impact of making a claim for expenses whilst on LINK activity
 - if claiming any state benefits, the relevant government department is advised of the expenses to be claimed, as appropriate
 - they submit any claim for expenses within two months of the expenditure being incurred
 - at the end of the financial year, they submit all claims for that year by the second week in April.

[Note: Further research re other guidance is in hand]

Section 9 – Information Confidentiality

Data protection – Confidentiality

Introduction

1. The Data Protection Act 1998 came into force in March 2000 and organisations in the health and social care sector that hold or process people's information have a statutory duty to comply with the Act. The main feature is to protect individuals' personal data and the movement and use of that data. All organisations holding or processing individuals' personal data must be registered with the Information Commissioner and be authorised to process information. This statement covers the key requirements for LINK participants to comply with and manage data in accordance with the Data Protection Act.

Data Protection policy

2. The Host Organisation, KMN, has overall responsibility for Data Protection Act (DPA) policy and acts as Data Controller. For compliance and management, a DPA Coordinator is in place – Brenda O'Neill, Company Secretary for KMN. LINK participants are responsible for complying with the statutory requirements of the DPA and should issue local instructions and ensure all health and social care organisations in the area which act as Data Processors are aware of the DPA policy and comply with it.
3. KMN, as an organisation that requires processing of individuals' personal information, is registered under the Act with the Information Commissioner's Office (ICO) and is authorised specifically to process the types of information required and for the purposes intended. In respect of processing of data to which the Act applies KMN has processes that ensure compliance with the following principles:
 - be fairly and lawfully obtained and processed
 - be processed for limited purposes
 - be adequate, relevant and not excessive
 - be accurate and up to date
 - not to be kept for longer than necessary
 - be processed in line with individuals' rights
 - be secure

- not to be transferred to other countries without adequate protection.
4. The Act also requires that individuals have the right to find out what personal information is held and to access it. Further, individuals have the right to:
- correct any inaccuracies in their information
 - prevent processing of unwarranted or potentially distressing information
 - prevent unsolicited marketing through use of their information
 - prevent automated decision making based on their information
 - claim compensation (through the courts) for any breach of the Act
 - claim exempt information – if the ICO agrees that the Act has been breached.

How to recognise protected data

5. All individuals' personal data is protected, unless specifically exempt (see above). Special attention must be given to 'sensitive' personal data, which is defined as:
- racial or ethnic origins
 - political opinions
 - religious beliefs
 - membership of trade unions
 - physical or mental health
 - sexual orientation
 - offences or alleged offences
 - legal or court proceedings or the outcome of such proceedings.

Complaints

6. Should an individual feel they are denied access to personal information or that their information has not been handled accordingly to the 8 principles, they should first complain to the Data Protection Coordinator. The complaint should be dealt with in accordance with guidance in 'How To' Numbers 25 or 28, with the Information Commissioner's Office being the ultimate authority to provide help to which a complaint has the right of access.

Information security and disposal

7. One of the key factors in the DPA is the security of individuals' personal information. All possible and practical security measures are to be taken by KMN, Medway LINK participants in storing and handling personal data registered under the DPA. Since information is to be held only for as long as is necessary, once information is no longer required it will be disposed of under secure means – either by shredding if paper based, or by permanent deletion from computer if in electronic form.

Requests for information

Introduction

8. This part details how the LINK will respond to requests received for information under the Freedom of Information Act (FOIA). It covers the main points about both Acts and should be read in conjunction with the Statement of Law about the Data Protection Act (DPA) and the Statement of Law about the FOIA, respectively.

General policy

9. To meet the statutory requirements of the DPA and FOIA, a policy of openness, transparency and accountability is needed, whilst ensuring that all information collected and stored is properly safeguarded and that:
 - detailed guidance is provided on the full requirements to meet both DPA and FOIA legislation (in the Statement of Law about the Data Protection Act and the Freedom of Information Act, respectively)
 - LINK participants are provided with easy access to training on these topics.

The Data Protection Act (DPA) and Freedom of Information (FOIA)

10. The key features of the DPA and FOIA are as follows.

Data Protection Act (DPA)

- Individuals' personal data must be protected
- A set of principles govern how it must be obtained, held and disposed of
- Individuals have right of access to data about them

- Host is Data Controller with final say, those holding data are Data Processors
- Data Controller must be registered with and authorised by the Data Protection Commissioner for anyone in LINKs to handle information.

Freedom of Information Act (FOIA)

- Individuals have a right to know what information is held about them
 - They have a right of access to information held about them
 - They can specify in what form they require the information
 - Response to a request for information must be made within 20 working days
 - Information must be provided unless specifically exempt
 - Charges for the information can be made in certain circumstances
 - Health and social service organisations must issue an approved Publication Scheme if what they publish or intend to publish.
11. Detailed guidance is available as follows:
- Data Protection Act – Host issued Statement of the Law on the Data Protection Act
 - Freedom of Information Act – Host issued Statement of the Law on the Freedom of Information Act.

Security of Data

12. Requirements on general security of data are as follows:
- all possible measures are to be taken to reduce risks to the security and safety of data held, including security of office and other premises
 - when not in use, identifiable personal information is to be stored safely under lock and key / password protected, as applicable
 - waste printed matter should either be shredded or put into a secure cabinet for bulk shredding later
 - electronic data for disposal should be permanently deleted from computers
 - personal information held is to be kept to an absolute minimum.

Procedure on Requests for Information

13. KMN and the LINK should nominate a Data Protection / Freedom of Information coordinator for their respective organisations. KMN's nominated person is Brenda O'Neill, Company Secretary. The Medway LINK's nominated person is to be advised. The procedure on requests for information is as follows:

- requests received (must be in writing) for access to information about health or social care or personal data held by them should be passed to the nominated coordinator at the LINK concerned
- requests received (must be in writing) for access to information about Host or the LINK's business should be passed to the Host coordinator, information used by Host or LINK but produced elsewhere (eg Trust or social Services papers) will be referred to those originating bodies
- each coordinator is responsible for correct processing of requests including checking the bona fides of the applicant
- requests for information must be dealt with promptly and in any event within 20 working days
- a charge may be made for information only if the cost exceeds the stipulated minimum (currently £450) and can include the cost of locating and retrieving information including staff time at £25 per person per hour.

Monitoring and Reviewing

14. The Host Organisation (KMN) is responsible for:

- the implementation of this policy
- systematically and regularly reviewing that activities meet the policy
- developing action plans to ensure continuous improvement
- reviewing policy regularly and at least once per calendar year
- if statutory requirements or business activities change, amending the policy.

Conclusion

15. This section provides policy for Medway LINK participants on how to meet the requirements of the DPA and how to respond to requests for information under the FOIA. Provided this policy is followed, the LINK will not only be protecting individuals' data properly and providing information correctly, but will also comply with the law.

Section 10 – Support for the Medway Link

Host – Kent & Medway Networks (KMN)

1. The bodies or organisations that cannot be a Host are defined in legislation.
2. The Host for The Medway LINK is Kent & Medway Networks whose contact details are:

Kent & Medway Networks Ltd	Tel: 01303 297050
Unit 24 Folkestone Enterprise Centre	Fax: 01303 297069
Shearway Road	Email: info@kmn-ltd.co.uk
Folkestone	
Kent, CT19 4RH	
www.thekentlink.co.uk	

The role of KMN

3. KMN's role is to:
 - enable, support and facilitate the activities of the LINK (as defined above in the role of the LINK)
 - recruit people and groups to the LINK
 - help to establish governance arrangements
 - make administrative arrangements in respect of LINK activities
 - keep financial records
 - communicate the activities of the LINK and their outcomes to local communities.

Accountability of KMN

4. The Host is accountable to the LINK for ensuring that the support provided is appropriate. The Host will be performance managed by the Local Authority through the contract entered into.
5. The specific relationship between the Medway LINK and KMN will be detailed in a later section. Plans are in place to develop a Local Working Agreement between the two parties to document the LINKs' expectations, the level and type of support available and that which may need to be bought in.

Local Authority – Medway Council (MC)

6. The Local Authority – Medway Council (MC) – has received the funding for ensuring that LINK activities can take place in their area. The key role of MC is to ensure that LINK activities can take place in their area, through contracting with a suitable Host so that the support needs of the LINK are met.

7. The officers and councillors need to promote the LINK across their areas and bring local people and groups together to help plan the LINK.

Overview and Scrutiny Committee(s)

8. An Overview and Scrutiny Committee (OSC) must:
 - acknowledge receipt of information / referral from the LINK and keep the referring LINK informed of the committee's actions
 - decide whether or not their powers are exercisable in relation to the referral and if they are, they must decide whether or not to exercise them
 - if they decide to exercise their powers, have regard to information it has received from the LINK.