

## **Governance discussion document for the Kent LINK**

### **Introduction**

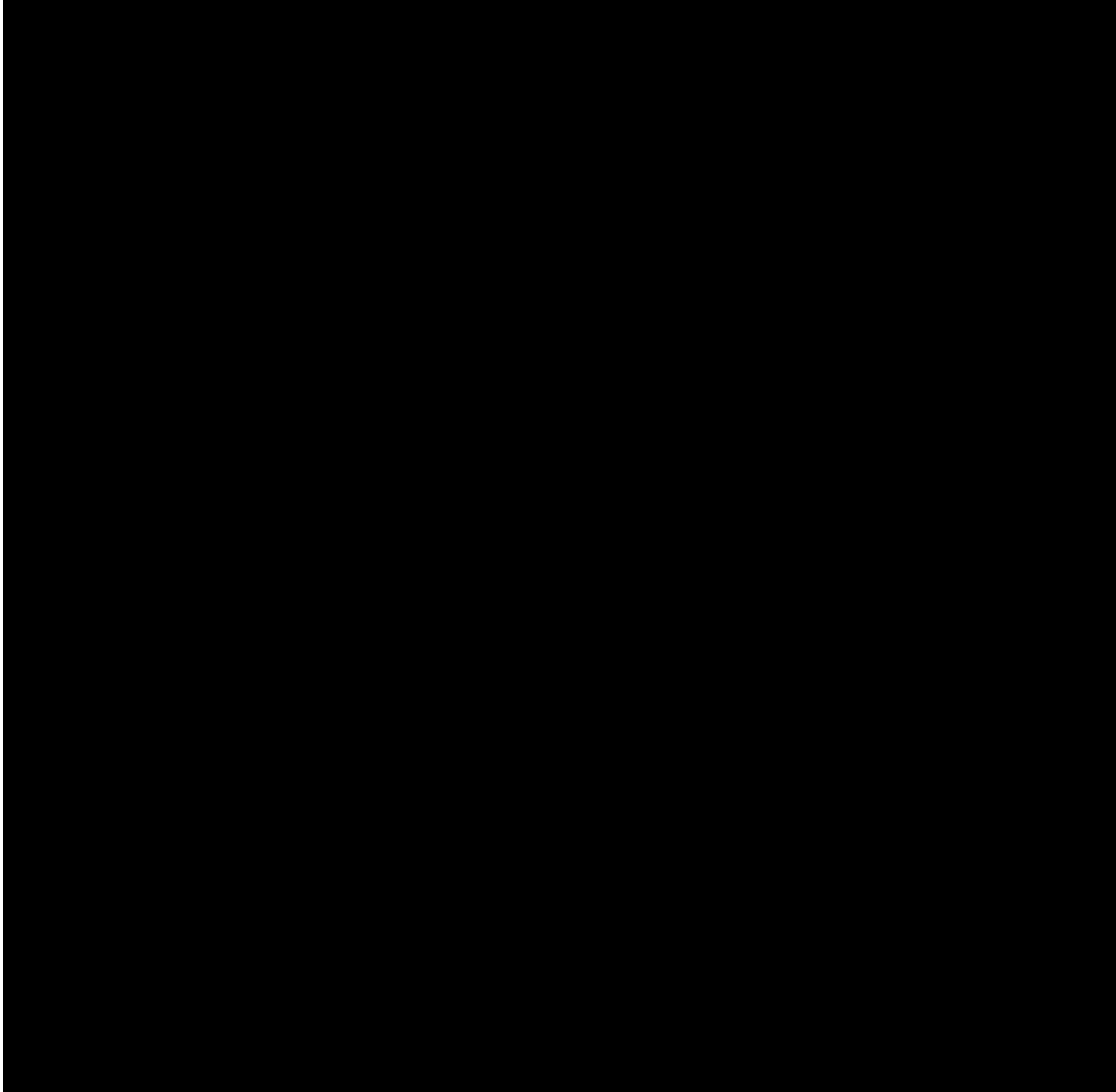
Under the Local Government and Public Involvement in Health Act 2007, the Government made provision that each Local Authority with social services' responsibility would set up a Local Involvement Network (LINK). The LINK will be independent and will, therefore, have to set up the model for the way in which LINK will work and the governance arrangements by which the LINK will operate. This is written as a draft document for discussion within the LINK working group. This document draws from guide number 12 of The National Centre for Involvement LINK guides.

### **Why Governance is necessary?**

According to the Guide, governance is necessary because of the following key points:

1. Governance is about having systems that make sure LINKs are effective and accountable
2. Local people will expect LINKs to be well run, carry out their activities appropriately and get results
3. Local Authorities, Hosts and LINKs need to clearly understand their separate roles and responsibilities
4. There are opportunities to explore creative and innovative ways of running LINKs
5. LINKs should consider adopting some fundamental principles so that equality and inclusiveness are built into their governance arrangements

At the meeting in June the group agreed the following principles:



The group also identified in June that before specific tasks can be undertaken by sub groups a basic set of governance arrangements need to be decided. With the decision about how the LINK will operate and what model of decision making it will use being of primary importance.

The following list taken from the Getting Ready for LINKs guidance and indicates what aspects a governance structure needs to cover:

1. Agree overall priorities and work plan of the LINK in consultations with the wider LINK participants
2. Establish principles for LINK participation, including being the arbiter of membership decisions within the governance framework
3. Create, review and make recommendations on the governance arrangements
4. Decide where, when, how and by whom the LINKs powers should be used, for example to enter and view specified health and social care premises
5. Sign off external reports
6. Ensure that the LINK operates within the agreed governance framework
7. Promote the LINK and report on its activities, including via its annual report
8. Contribute to the performance management of the Host by the local authority
9. Ensure that equality and human rights principles are integral to the LINKs work

**The LINK is independent and needs its own decision-making structure and accountability arrangements to the wider community.**

**The LINK has responsibility for the governance framework and for ensuring that the LINK acts in accordance with it.**

Specific governance policies and procedures might include (taken from the National Centre for Involvement Governance Guide):

A definition of roles (to balance 'individual' and 'organisational' views)
A process for selecting people to help set up the LINK, how long they might be involved for and what they are expected to achieve
Ways of challenging poor behaviour or performance in the LINK – developing a code of conduct
The process for authorising budgets and the use of resources
Standards for communicating and reporting on the work of the LINK to the wider community
Standards of practice and probity, including guidance on potential conflicts of interest and how they are to be handled
Arrangements for dealing with complaints
A policy about recognition for participation
Data protection issues

How powers relating to entering and viewing premises will be implemented
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Dealing with Criminal Records Bureau (CRB) checks.
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*Are there any others not included here that you would like to include?*

Additional considerations include:

>The method of appointment to any 'stewardship' or governance steering group. One model of achieving this would be for all people who register an interest in a LINK to have the opportunity to stand as a member of a group and to be able to vote for members. This would be a similar approach to that used in NHS foundation trusts to elect a board of governors and, if this model is applied, learning could be taken from the development of foundation trusts.

>A method of identifying any individuals or groups that the LINK considers should be excluded from taking a leadership/governance role. For example, a LINK might consider it appropriate to exclude elected councillors, or that a participant who work for a provider of care services should be able to participate and lead work on one type of issue but not on another that relates more closely to their commissioner.

>Consideration of who must be included in order to achieve suitably diverse and inclusive governance arrangements.

>A strategy for renewal of participants involved in the governance arrangements, or other specified roles, that takes into account drop-out rates and end of term of involvement. It should be recognised that there will be drop-out from engagement in the LINK as individuals' and groups' circumstances and priorities change. It is important that an established LINK has an agreed process with the host organisation to recruit and engage more participants on an ongoing basis rather than waiting until there are gaps in governance or leadership roles. This is also important to ensure that over time a LINK does not become dominated by one view or one priority, creating a risk of becoming exclusive.

>The balance between individuals and group/organisation representatives. There are risks and benefits to involving both individuals and group representatives in LINKs. It is important that an established LINK is clear that both have an equal but different role. Ensuring equity of influence will be a challenge during the establishment phase, but this may be helped if the culture of the LINK recognises the value of both. In other contexts, networks of individuals and groups usually allow all participants to have one vote (if voting is required), even when the participant represents a large organisation.

>The balance between the LINK's role in representation and that of other representative bodies such as Older People's Forums and Centres for Independent Living. LINKs will need to develop good working relationships with these bodies so that they feel their voice is being amplified, not duplicated or replaced.

>How particular roles will be carried out, for example chairing meetings, representation to the host or local authority, outreach to groups, discussions with commissioners, providers or regulators of services, or the power to enter and view premises.

>Length of tenure in a role.

>Terms of reference or a constitution for the LINK. Guidance on setting terms of reference or constitutions for voluntary and community groups is available through a number of national voluntary organisations and support structures.

>A method for ensuring that the decisions taken, for example on setting standards for participation or agreeing a code of conduct, are representative of the wider LINK membership.

>How conflicts of interest of members or participants will be addressed. It is common practice to develop a policy that defines what a conflict of interest is and states when and how the policy should be applied. This may be of particular importance where there are participants or members from NHS foundation trusts or voluntary organisations that also provide local care services.

>How complaints will be dealt with. This should include:

- complaints by individual LINK participants, external bodies or individuals about LINK representatives when they are undertaking LINK functions
- complaints about the content of work undertaken by the LINK
- complaints about the LINK as a whole.

The host organisation will be able to provide advice and guidance on these issues, but individual LINKs may wish to work with other LINKs in order to develop effective and consistent approaches. For example, two LINKs might consider sharing their practice on individual complaints and acting as a support process, advising and arbitrating for each other.

>Processes for approving the budget and accounts and how financial matters are discussed with LINK participants and the host organisation.

>How a framework of delegation (if needed) will be established.

>The process for monitoring the LINK's performance

>How it will be ensured, with advice from the host where appropriate, that the LINK's affairs are conducted lawfully and in accordance with accepted

standards of best practice and probity.

>How the processes of decision-making and communication within and external to the LINK will be agreed, for example the use of 'authorised representatives' to liaise with stakeholders on particular issues.

>How a process of review for the governance/leadership group will be agreed and how LINK participants will take part in this.

>How the power to enter and view premises will be implemented, for example who will undertake the role, what training they will be given, and what processes they will use to feedback their findings to the LINK, to commissioners and to service providers.

>How information that has been collected is stored, and how Freedom of Information Act requests will be dealt with.

>How the LINK relates to the host.

*Once the whole group has agreed its overall model of operation – should it set up a governance sub-group to tackle these tasks?*