

LINK Southwark Procedures

This pack comprises the following procedures:

- Voting and Election Procedure
- Decision Making Procedure
- Expenses Procedure
- Code of Conduct (General)
- Authorisation Procedure
- Publishing Procedure
- Task Group Procedure
- Grievance/ Complaint Procedure

Voting and Election Procedure

At the LINK public meeting held on 22nd October 2008 at Cambridge House, by public consensus it was decided to use a model for LINK Southwark that Department of Health guidance (Guide no.12 – ‘Governance’) referred to as ‘the Traditional Model’. This model has a governing body/steering group of LINK Registered Members who have been authorized by the public to make day to day decisions on behalf of the wider network of participants.

Issues that require wider public involvement in the decision making process will be subject to the LINK Southwark Voting and Election Procedures.

1. Process

1.1 Everyone who is eligible who has registered an interest to take part in the Southwark LINK by becoming a Registered Member (simply by providing the host organisation with their address) will be allowed to vote.

1.2 Voting will be in secret on prepared ballot papers. Voting will be conducted via postal vote.

1.3 Voting will be on a one person / one vote system. Any group or organisation represented will only be allowed one vote. Each form will be numbered and logged against the named registered member.

1.4 Votes will be counted by a ‘Returning Officer’ nominated by the Host Organisation in the presence of a solicitor and an independent witness. Ballot forms will include the name of the ‘Returning Officer’ on them.

1.7 A deadline for the return of ballot forms will be set and clearly marked on the ballot forms.

1.6 Results from voting will be published on the LINK Southwark website and in the LINK Southwark newsletter.

1.7 Any person or organisation found to be attempting to influence the vote in a way that interferes with the democratic process will be disqualified from voting and may be subject to further penalties.

2. Voting in Elections

2.1 When at full capacity, the Steering Group is made up of 7 organisations and 16 individuals – 2 from each Community Council area.

2.2 Where there are vacant seats on the Steering Group, new elections will be held when the Steering Group is at 75% of full capacity.

2.1 All members of the Steering Group will be democratically elected in accordance with the voting procedure outlined in this procedure. Each candidate is responsible for making sure that their form is completed and returned.

2.2 The election process will reduce the number of candidates. The minimum and maximum number of individuals and organisations that voters are allowed to vote for will be clearly stated on the Ballot Paper. The candidates with the most votes are then selected.

2.4 The group representative/organisation candidates will include the area they represent on the form.

2.5 References will be requested from groups that individuals were representing e.g. letter of approval from management committee/board/senior manager.

DECISION MAKING PROCEDURE

Introduction

LINK Southwark has adopted the decision-making procedure to make sure that everyone has some opportunity to express their opinions and those opinions are taken into consideration so that everyone in LINK Southwark can be satisfied with the result.

The citizens of Southwark retain ultimate power over the LINK. However, a democratically elected Steering Group has been formed to make it easier to make day to day decisions regarding the LINK. When at full capacity, the Steering Group is constituted of 7 organisations and 16 individuals – 2 from each Community Council area.

Where there are vacant seats on the Steering Group, new elections will be held when the Steering Group is at 75% of full capacity. Elections will be in accordance with the LINK Southwark **Voting and Elections Procedure**.

1. Agreeing priorities and carrying out LINK activities

1.1 The LINK will, on an annual basis, agree a set of priorities and a work plan.

1.2 This work plan will guide the annual work of LINK Southwark but will not bind it. LINK Southwark will be responsive to the changing needs of the people of the London Borough of Southwark.

1.3 Whilst the Steering Group is accountable for, and must take the final decision on, what the most important items / issues in the work plan are, it will seek to involve the wider LINK participants in the process, normally through working with Registered Members as defined in the Governance.

1.4 The LINK Steering Group will keep this under review and will confirm the list and work plan after each annual meeting.

2. Steering Group/Sub-Group Decisions

2.1 Decisions of the Steering Group and any group or sub - group of the LINK will be taken by consensus (such as a show of hands) and by simple majority of those voting. Some groups and/or subgroup may have difficulty in reaching consensus decisions because of their small size; in such instances, the decision will be given to the Steering Group for debate and decision.

3. Quorum

3.1 The quorum for decisions of the Steering Group will be half the elected steering group plus one.

3.2 The quorum for other groups and sub-groups will be half its members plus one.

4. The Consensus Procedure

Wherever possible the LINK Southwark Steering Group/Task Groups will make decision by consensus; i.e. a proposal is put forward and the Steering Group discuss this. When the proposal has been discussed and any changes to the proposal have been made, the Chair will then call for a consensus so the majority can be identified.

5. Role of the Chair

The Chair will not take part in the voting procedure during Steering Group meetings except in cases where there is no majority decision – in which case the Chair will have a casting vote.

6. Recording of Decisions

All decisions will be recorded in minutes. Decisions which by legislation must be recorded will be recorded on the LINK Decision Record Sheet and published as in accordance with the LINK **Publishing Protocols**.

- how the LINK will undertake its activities
- which care services the activities will relate to
- the amounts spent on LINK activities
- whether information is to be requested from a service provider
- whether a report or a recommendation is to be made
- which premises are to be visited and when the visit will happen
- whether to refer a matter to an Overview and Scrutiny Committee and
- whether to report a matter to anyone else

The LINK shall also record on the LINK Decision Record Sheet, those decisions that it is important for everybody involved in the LINK to know about. The LINK Host organisation shall be responsible for the maintenance of the LINK Decision Record Sheet.

EXPENSES PROCEDURE

1. Introduction

This document sets out the expenses of participants that LINK Southwark will pay. Expenses claims must be given to the LINK Host and will be paid in line with this procedure.

2. Principles

We recognise that it often costs money to be involved in some activities of the LINK. We want to make participation possible for everybody but have a limited budget from which to pay for expenses. Therefore, we pay expenses based on the following:

- 2.1 Payments to participants are only paid for expenses that happen because of a request by the LINK Steering Group. Payments will only be made on production of a receipt or other proof that money has been spent.
- 2.2 Where expenditure is part of a task group or project budget the leader of the task group or project will be accountable to the Steering Group for this.
- 2.3 Payments may only be made within an agreed budget.
- 2.4 Expenses will only be paid if they have been agreed in advance or claimed as part of a task group or project activity agreed in advance.
- 2.5 Where an exceptional circumstances claim is made, the Chair and Vice Chairs will decide if it is payable.

3. Travel costs

- 3.1 Participants may claim for travel to meetings or events they are involved in where LINK Southwark has requested this travel or in exceptional circumstances.

- a) We will pay for public transport fares at full cost.
- b) We will pay for travel by car at the mileage rate set each year by the HMRC as a 'fair cost' which for 2008/9 is 40p a mile.
- c) All claims must be backed by receipts or tickets other than those for London transport for which the Oyster card rate will apply.

- 3.2 If participants are not able to use public transport they can contact the Host so that consideration can be given on a case-by-case basis.
- 3.3 Where transport is needed after 9pm or after dark and where there are special considerations or risks, participants should contact the Host so that consideration can be given on a case-by-case basis.

4. Subsistence

Where it is appropriate to make a claim for subsistence (e.g. meals) payment will be made where a participant is attending an event for longer than 4 hours. Reimbursement should be agreed in advance with the Host. This will be capped at £4 per person and will only be available where meals are not included in the event.

5. Accommodation

Participants will only receive repayment for accommodation costs incurred where LINK Southwark has requested attendance. All accommodation needs must be arranged through the Host.

7. Purchases

Volunteers will be reimbursed for materials purchased in the course of the task or project they are involved in. We would expect volunteers to check

with the LINK office first as the Host may be able to make purchases more cheaply than an individual.

8. Courses and Conferences

We will fund individuals for courses other than those run by LINKSouthwark based on the following priorities, in the order listed. Where these priorities do not cover a course or there is a grey area the Steering Group will discuss the matter and decide the way forward.

- 1.1 Within budget
- 1.2 Initiated by the Steering Group or requested by the LINK Southwark Steering Group
- 1.3 Priority benefit to LINK Southwark
- 1.4 Individual development – this latter would only be for someone who is actively involved in the LINK and committed to using the skills or knowledge gained to benefit LINK Southwark.

9. Other Expenses

Link Southwark recognises that there may be cases where participants incur other expenses in the prosecution of LINK business. This may include telephone charges, stationery costs, etc. LINK Southwark will make a contribution towards reasonable costs. Participants should contact the Host so that consideration can be given on a case-by-case basis

10. Appeal

In the case of dispute, any participant can raise an expenses issue with the Steering Group.

CODE OF CONDUCT

1. Introduction

- 1.1 The reputation of LINK Southwark as an open, fair, professional organisation with a high standard of integrity is dependent upon the conduct and behaviour of its participants.
- 1.2 The Code of Conduct forms part of an assumed 'contract of involvement' and Participants are required to abide by it *at all times*. Breaches of the Code of Conduct could lead to disciplinary action.

2. Duties and responsibilities

- 2.1 Participants in LINK Southwark should know what is written in the Code of Conduct and their actions should be guided by it at all times of participation. Participants have a duty:
 - to behave reasonably and according to the law, and
 - to recognise ethical standards governing public involvement.

3. General Standards

- 3.1 Participants are required to treat everyone with courtesy and respect at all times.
- 3.2 Everyone has the right to be treated with dignity. Rudeness, offensiveness, threatening violent or abusive behaviour, behaviour that abuses the beliefs, position or the character of fellow participants or is generally derogatory of them is not acceptable in any circumstance.
- 3.3 Racist, sexist or homophobic behaviour or behaviour which discriminates against or is offensive to others because of their age, disability or religious beliefs, is not acceptable in any circumstances.
- 3.4 Alcohol, drugs or substance misuse makes it more difficult to make fair decisions and participants can put themselves and others at risk if they are under the influence of these. Misuse of any such substance whilst participants are working on behalf of LINK Southwark will be subject to disciplinary procedure.
- 3.5.1 Participants should abide by the LINK Southwark Health and Safety procedures at all times. Participants have a responsibility to ensure that their conduct does not endanger the health or safety of themselves or others.
- 3.5.2 Participants must never allow any personal relationship to get in the way of their duties or with the best interests of the wider public.
- 3.7 Participants should only use LINK Southwark's things for their intended purpose and should take care to look after these at all times.
- 3.8 If Participants are aware of potentially corrupt or fraudulent activities by other Participants they have a duty to report this.

4. Conflicts of interest

- 4.1 Participants should let other participants know if they have any private interests relating to their duties and take steps to resolve any conflicts arising.
- 4.2 Participants will be required to make a written disclosure to the Steering Group indicating any connections which they have with external organisations, contractors/suppliers and any outside employment which may affect their ability to inform decisions fairly.

5. Political Activity

It is important that Link Southwark is seen not to take sides in political arguments and is not linked, directly or indirectly to any political party. Participants are free to join political groups, and work and campaign on their behalf. However, such political activity must not affect LINK Southwark's neutrality.

6. Convictions

6.1 Where the offence does not happen in the LINK setting, LINK Southwark policy is that Participants will not normally be subject to disciplinary action, unless the offence is one which clearly will affect their participation and would make it difficult for them to continue involvement (either because it means they are a serious risk or because they could no longer credibly be involved in view of their conviction. Any participant who has had a CRB conducted on them in order to conduct LINK business (such as Enter and View), has a duty to inform the host should they be convicted of an offence after the CRB has been conducted.

7. Breaches of the Code of Conduct

7.1 Generally, if someone breaks the rules of the Code of Conduct this will be dealt with under the **Grievance and Complaints Procedure**.

Introduction

The Host will establish and administer a training programme for LINK registered members who are authorised to carry out visits. Enter in accordance with DH/NCI 'Code of Conduct relating to LINKs' visits to Enter and View services'.

1. Authorisation

1.1 Named persons will be authorised by the LINK Steering Group for specific roles. The Steering Group will keep authorisations under review and will confirm all authorisations after each annual meeting.

1.2 The LINK Steering Group will name the LINK's 'Nominated Persons' for the purpose of authorising representatives to carry out visits on behalf of the LINK, in accordance with these procedures. There will be a minimum of 2 nominated persons for the purpose of authorising representatives - who must both agree and sign off on the authorisation of each representative.

1.3 An Authorised Person when representing or speaking on behalf of the LINK must:

- Only act or speak on behalf of the LINK with regard to the specific purpose of their authorization
- Act in good faith and accurately represent the views of the LINK (or Steering Group or task group) and at all times be clear and honest about whether they are giving a personal view or the view of the LINK
- Abide by all the LINK Southwark procedures; have signed the register of interests and be accountable to the Steering Group/ LINK for their actions and statements on behalf of LINK
- Report regularly to the Steering Group to say what they have done
- Let the Host know of any communication made on behalf of the LINK and ask outside bodies that they deal with to give the Host a copy of any correspondence
- Possess official written notification from the LINK Chair/ Host that confirms their authorisation

1.4 The LINK will establish and maintain a pool of representatives authorised to carry out visits to enter and view services on behalf of the LINK or its sub or task groups. Any Registered Member of the LINK may apply to be considered for membership of the pool of authorised representatives.

The LINK Steering Group may set a time limit for membership of the pool, after which time a person must re-apply. The names of the LINKs authorised representatives will be published on the LINK website.

1.5 To be considered for membership of the pool a person must:

- Have received training on the role of Enter and View and the requirements of the LINK Southwark procedures, the LINKs regulations and the DH/NCI Code of Conduct
- Demonstrate personal skills, awareness and understanding of the role and commit to abide by Instructions, procedures, regulations and code of conduct
- Have undergone a CRB check and the LINKs 'nominated person' must have considered the certificate and be satisfied that the person applying is a suitable person to be authorised.

2. Carrying out the LINK power to Enter and View services

2.1 Task Group members carrying out visits to Enter and View services on behalf of the LINK and under LINK powers must be *Authorised* to carry out visits as required by government regulation.

2.2 Visits to Enter and View services will be arranged and carried out as described in these Procedures and the DH/NCI Code of Conduct; and specifically:

- To arrange a visit the LINK, Steering Group or Task Group must consider and state why a visit should be made and what it hopes to achieve;
- The decision to carry out the visit must be agreed by the Steering Group or named person appropriately authorised by the group;
- The visit will be arranged by the appropriate officer of the Host, who the representatives will work through and keep informed on all matters relating to the visit;
- Representatives can only carry out a visit in accordance with the agreed activities of the LINK and must follow LINK Southwark Code of Conduct and DH/NCI 'Code of Conduct Relating to LINKs' Visits to Enter and View Services';
- After carrying out a visit a representative must report back to the LINK Steering Group or Task Group;
- To undertake a visit, a representative must carry official identification from the LINK's 'nominated person' / Host that confirms they are authorised by the LINK and have received the appropriate training and checks.
- All Authorized persons taking part in a Task Group will conduct themselves according to the guidelines for Visiting Health and Social Care Establishments that will be provided.

Publishing Procedure

1.1 The LINK will publish information about itself and report on its activities to LINK participants and the wider community – normally by means of the LINK Southwark website. There will be separate and more detailed publishing for Registered Members. The LINK Steering Group will:

- Publish LINK's procedures and Steering Group names after each annual meeting and whenever changes are made;
- Publish names of persons or representatives authorised to act or speak on behalf of the LINK and inform of any changes with regard to authorised activities.
- Publish a regular newsletter.
- Publish meeting dates of the LINK, the Steering Group sub and task group meetings and relevant papers on the LINK Southwark website

1.2 The LINK will produce an Annual Report describing LINK activity in the financial year ending 31 March in accordance with Directions given by the Secretary of State. The report will be drawn up by the LINK Steering Group and presented at the Annual Meeting. Copies will be made available to all residents and interested organisations upon request. A copy will be published on the LINK Southwark website. Copies will be sent to those persons specified by the Secretary of State.

1.3 The LINK will publish within a reasonable time a written statement of any relevant decision they make and their reason for making this decision. In these instructions, 'publishing' a decision means, placing it on the LINK Southwark website as a minimum requirement. Hard copies will be available on request, and alternative formats will be provided in response to reasonable requests.

1.4 When arranging meetings:

- For all Public Meetings of the LINK, a notice of the date and purpose of the meeting must be published at least 10 working days in advance.
- For all meetings of the LINK Steering Group, sub-groups and task groups, the agenda for the meeting must be sent to members of the group at least 5 working days in advance; all papers for the meeting should be sent out to members of the Steering Group by the same date.
- Any participant of the LINK can receive the agenda and papers for any meeting when they are sent out on request to the Host (except where an item is considered to be confidential due to its reference to sensitive personal or financial matters and is in accordance with data protection policies, procedures and law) and when an address has been provided.

1.5 The LINK Steering Group will publish reports of its decisions.

Decisions that need to be published relate to:

- how the LINK will undertake its activities
- which care services the activities will relate to
- the amounts spent on LINK activities
- whether information is to be requested from a service provider
- whether a report or a recommendation is to be made
- which premises are to be visited and when the visit will happen
- whether to refer a matter to an Overview and Scrutiny Committee and
- whether to report a matter to anyone else

Task Group Procedure

Task Groups

1.1 Task groups may be set up by the LINK Steering Group to carry out designated LINK activities according to terms of reference that will be provided. These can involve LINK Registered Members. The LINK Steering Group will guide them on what they should do and how they should do it. Each task group must report regularly to the LINK Steering Group. The Steering Group will keep the work and membership of task groups under review and confirm these after each annual meeting.

1.2 Each task group will be open to any registered member. This will be subject to requirements of Enter and View policy where it is relevant.

1.3 The Steering Group shall appoint its lead member and may appoint a deputy. The LINK Steering Group shall 'Authorise' the lead member of the task group as an 'Authorised Representative' of the LINK.

1.4 The Steering Group may also decide to make an Authorised Representative from somebody in an existing group for the purposes of transferring LINK powers to that group in order to avoid the same work being carried out twice.

1.5 Certain 'Relevant Decisions' (those related to Enter and View) should only be finally made by the Steering Group itself – albeit on the recommendations given by the Task Group. These include:

- To make a formal request for information under the LINK powers;
- To agree to Enter and View a service;
- To make a report or recommendation to a commissioner, provider or any other body, including the overview and scrutiny committee or another LINK;
- To approve the content of such a report or recommendation; and
- To approve any public statement made on behalf of the LINK.

Grievance/Complaint Procedure

Introduction

Normal everyday issues of disagreement between people involved in LINK Southwark will in most cases be resolved through open and honest communication. However, there may be times where a problem reaches more serious proportions, and where the people involved feel that a grievance cannot be resolved in this way. This procedure provides guidelines for the solution of these cases to be found fairly and without unnecessary delay.

1. Principles

- 1.1 Underpinning the Grievance and Complaints procedure are a number of key principles:
- People involved in the LINK Southwark must have access to a fair and timely method through which to raise grievances and/or complaints
 - All grievances and/or complaints will be investigated thoroughly and fairly
 - The person the grievance is raised against and the person raising the grievance and/or complaint will be kept informed of the progress of the investigation, and will receive a fair hearing of the grievance
 - All people involved in any grievance and/or complaint will be informed in writing of the outcome of the grievance hearing
 - Record of the grievance/complaint and investigation will remain confidential to all parties concerned
 - No person will be penalised for raising a grievance and/or complaint

2. Standard Procedure

2.1 Where a grievance cannot be resolved through informal means, a person(s) may raise a formal grievance, by putting their grievance in writing to the Chair Person or Host organisation. In the event that the grievance is against the Chair person, the letter should be addressed to the Host so that they can then involve the Vice Chair/s.

2.2 The letter should record the main points of the grievance and the remedy they are seeking. The person should keep a copy for their records.

2.3 The Chair person (and/or the Host staff and/or Vice Chair/s) should acknowledge receipt of the letter in writing within 5 working days the matter will then be initially investigated and an initial written response will be given within 15 working days of receipt of the acknowledgement letter or as soon as possible. If the matter cannot be resolved through the initial investigation, it will be taken to the next Steering Group meeting where the Steering Group will be asked to appoint one or more of their members to deal with the grievance/complaint or appoint an another independent investigator. In these circumstances the Host will write to the person making the grievance informing them of the situation.

2.4 Following the completion of this investigation, the results will be presented to the Steering Group and their decision on actions to be taken will be recorded in the Steering Group Minutes. However, if the Chair/Steering Group Members decide during the meeting that they are not sure how to respond to/deal with the grievance/complaint, they may adjourn the meeting to seek advice/guidance or investigate matters further.

2.5 Once the Steering Group has reached a decision, a response in writing will be sent to the persons involved within 5 working days of the meeting confirming the outcome and notifying him/her of the right of appeal if they are not satisfied.

2.6 If it is not possible to respond within the specified time periods the people involved will be given an explanation for the delay and when a response may be expected.

3.1 Where a person is not satisfied with the decision after a grievance/complaint meeting, he/she will have the right to submit an appeal within 14 days of the date of the letter.

3.2 Following receipt of the person(s) letter of appeal, the HOST Organisation will arrange an appeal meeting. This will be held at a reasonable time and venue. The appeal will be determined by an independent arbitration service.

3.3 As with the original meeting, the Host organisation will write to the person(s) with a decision concerning their grievance within 5 working days of the appeal meeting.

4. Record Keeping

4.1 Chronological records will be kept detailing the nature of the grievance raised, the response by the Steering Group, any action taken and the reasons for the action, whether there was an appeal and if so, the outcome.

4.2 Records will be treated as strictly confidential and kept in a secure and locked cabinet.

4.3. Copies of meeting records will, under normal circumstances be given to people involved. However, in certain circumstances [e.g.: to protect a witness] some information may be withheld or made anonymous.