

Local Involvement Networks Governance



About this guide

This guide is part of series aimed at helping make LINKs successful. This guide is designed to help people involved with LINKs to understand issues relating to the governance of LINKs activities.

Background

LINKs are being set up to give communities a stronger voice in how their health and social care services are delivered. Run by local people and groups, the role of a LINK is to find out what people like and dislike about local services, monitor the care they provide and use their powers to hold services to account.

Key points

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

What is governance?

Governance is about the systems and processes which support the overall direction, effectiveness and accountability of an organisation. For LINKs, governance is about having arrangements in place to make sure they carry out their activities appropriately, transparently and effectively. LINKs are encouraged to invest time and resources during the 'getting going' phase to seeking the views of local communities about how they want the LINK to be run. The NHS Centre for Involvement (NCI) has published a guide to accountability and transparency that may help LINKs think through some of the issues involved (guide No. 11 in this series).

There is a danger in spending time struggling to commit to paper 'watertight' solutions for every scenario. LINKs were set up to make a difference to services, not to preoccupy people with paper. Having said that, LINKs need to be able to provide evidence that they are well run and have systems in place to manage things that go wrong. LINKs need to know what the legislation and regulations require and should work sensibly in good faith.

There is lots of relevant learning from Early Adopter Projects, local and national voluntary organisations, NHS Foundation Trusts and other groups that include volunteers in their work. Develop arrangements that are easy to understand and implement, not bureaucratic and exclusive. Regard this opportunity to create new ways of working as liberating and enabling rather than bewildering. Start simply, welcome people who want to get involved, build confidence – and start work. This is the best way to attract people and groups to LINKs and keep them interested.

LINKs should:

- try to keep things as simple as possible – avoid becoming bogged down by bureaucracy;
- revisit things when necessary – as time goes by you can add to and clarify decisions, alter them or agree to abandon them; and
- make their own decisions – LINKs are independent and must decide for themselves about what work they want to do and how they want to do it.

Why is governance important?

LINKs exist to help local communities improve local health and social care services. Because they are publicly funded, LINKs need to demonstrate that they are:

- well run;
- carrying out their activities appropriately and getting results; and
- accountable to local people.

Good governance arrangements will help LINKs to be effective, credible and sustainable. Local people need to be able to understand how their local LINK works, who decides how it functions, how they can influence their work and get involved in LINK activities.

LINKs will need good support from Host organisations (or Local Authorities or other organisations if they are providing transitional support) to set up governance arrangements. LINKs, Hosts and Local Authorities need to be clear about the separate roles and responsibilities of LINKs and support staff.

A good place to start for people discussing potential governance arrangements for LINKs is to consider how best LINKs can be run to make best use of their powers and meet their objectives.

LINK objectives are to:

- give everyone the chance to say what they think about their local care services;
- give people the chance to check how care services are planned and run; and
- feedback what people have said about services so that things can change for the better.

LINK powers are to:

- get replies to requests for information or to reports and recommendations;
- enter and view premises where publicly funded care is being provided; and
- refer issues to Overview and Scrutiny Committees and get responses.

The role of Hosts and Local Authorities

The role of Hosts is to provide support to LINKs. The role of Local Authorities is to contract with suitable Hosts so that the support for LINKs meets the needs of LINKs. Hosts are accountable to LINKs for ensuring that the support they provide is appropriate. However, Hosts will be performance managed by Local Authorities through the contracts they have entered into. What is paramount, however, is recognising that LINKs are independent.

In the 'getting going' phase, the role of Hosts will be to:

- make local communities aware of LINKs;
- get local people and groups involved in the establishment of LINKs; and
- help LINKs decide how to organise themselves, take decisions and begin to carry out activities.

The support provided by Hosts should be guided by the working methods and priorities that LINKs establish.

A word about membership

This guide does not talk about 'members' or 'membership' of LINKs. This is because people do not need to 'join' or 'belong to' a LINK to take part. Some people will have the time and skills to be more fully involved in taking decisions about the LINK but some people may choose to get involved only 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 LINKs should allow people to get involved in ways that suit them.

Setting Up LINKs

LINKs are likely to be evolutionary, building on the achievements of previous public and service user involvement but broadening it in to social care as well as health. LINKs will enable more people to get involved. They will need to consider how to structure themselves to carry out their activities, reflecting the local geography, the diverse interests of communities and the pattern of health and social care provision.

An example of the people and groups that can get involved in LINKs is¹:



When local people and groups come together to talk about how to set up and run their local LINK, they should remember that LINKs are not:

- a group of people who only inspect premises and services;
- performance managers of health and social care services;
- a health and social care complaints body;
- a way to duplicate other networks or initiatives;
- self appointed or unaccountable;
- a group of professional workers;
- a politically based bureaucracy; or
- places for personal agendas.

Fundamental Principles

Because LINKs are about whole communities having opportunities to influence health and social care services, it may be helpful for LINKs to consider adopting 'co-operative' values as the basis for their discussions about governance arrangements:

- adopt shared principles and work together to change things for the better;
- demonstrate values by working with others for everyone's benefit
- act responsibly and play a full part in the work;
- help people to help themselves;
- take responsibility and answer for your actions;
- give everyone a say in how things are done;
- act fairly and in an unbiased way;
- share interests and common purpose with others;

¹ Reproduced from Planning Your Local Involvement Network – Dept of Health, August 2007

- be open – don't hide it when you are not perfect;
- be honest about what you do and how to do it;
- encourage people to work together to improve their community;
- support similar work that others are doing;
- make a commitment to allow anyone to take part;
- look for opportunities to work together to strengthen accountability locally and beyond; and
- recognise that some people and groups find formal structures daunting and find ways to accommodate their needs.

It is important that the processes of setting up LINKs are not dominated by any particular individuals, groups, organisations or interests and that any collection of people brought together to get LINKs started reflects the diversity of the local area. It might be good at the outset for LINKs to commit to a set of goals for its 'establishment phase' that could include:

- How long should the process take?
- How many people do we need?
- Should people reflect particular demographics - age and diversity?
- What do we want the LINK to look like in 3 months, 9 months, 12 months?
- How will we know we have been successful and will local people agree with our criteria and our assessment?

Bringing people together

Bringing different people together to achieve a task is not always easy. Hosts will have skills to help facilitate the process but it may be helpful for LINKs to consider these points at the outset:

- clarity of purpose – develop objectives and set milestones;
- capacity and resources – there's lots to do, so be creative and innovative;
- define concepts – shared understanding avoids confusion; and
- create ownership – make sure that people and groups know they can make a difference.

People with previous experience of patient, public and community involvement will have a lot of experience that could help to shape LINKs. However, LINKs are very different from any previous involvement mechanisms and no one has more right than any other to set the agenda. When bringing a group of diverse people together (or when new people join an existing group) it can be helpful if:

- the objective is confirmed and the purpose for it is explained;
- what has to be achieved and by when is clearly communicated;
- people are clear about their skills and experience so that the group knows what people are able to offer;
- the work done so far is reviewed to see if anything needs to change in the light of new experiences; and
- the future work of the group is agreed so that the whole group owns the process.

People who already have experience, or have already been working on the issues should not:

- tell new people what to do without explaining why;
- assume that they know how the work should be done and not allow new people to influence;
- see themselves as 'managers' of new people; or
- see new people as a threat to the work they've already done.

The governance arrangements should seek to ensure that local community based organisations can appropriately contribute to how LINKs will work. In order to work effectively, LINKs will need to ensure they reach out to a broader range of the community and getting them involved will be a critical success factor.

LINKs can use the following mechanisms to reach out:

- Information – tell people about LINKs;
- Consultation – ask for people's opinions;
- Participation – encourage people to get involved;
- Delegation – give people responsibility;
- Co-production – design things in partnership; and
- Community development – help people to come together to identify things that need to change and then help them to change them.

Learning from Early Adopters

There is no 'model' LINK structure and the legislation and regulations are very permissive. Most of the Early Adopter Projects identified traditional governance structures involving a 'stewardship' or 'organising' group, but one project suggested an innovative model based on governance through periodic citizens meetings.

People who are discussing how to set up LINKs are encouraged to read the case study reports of each of the Early Adopter Projects at:

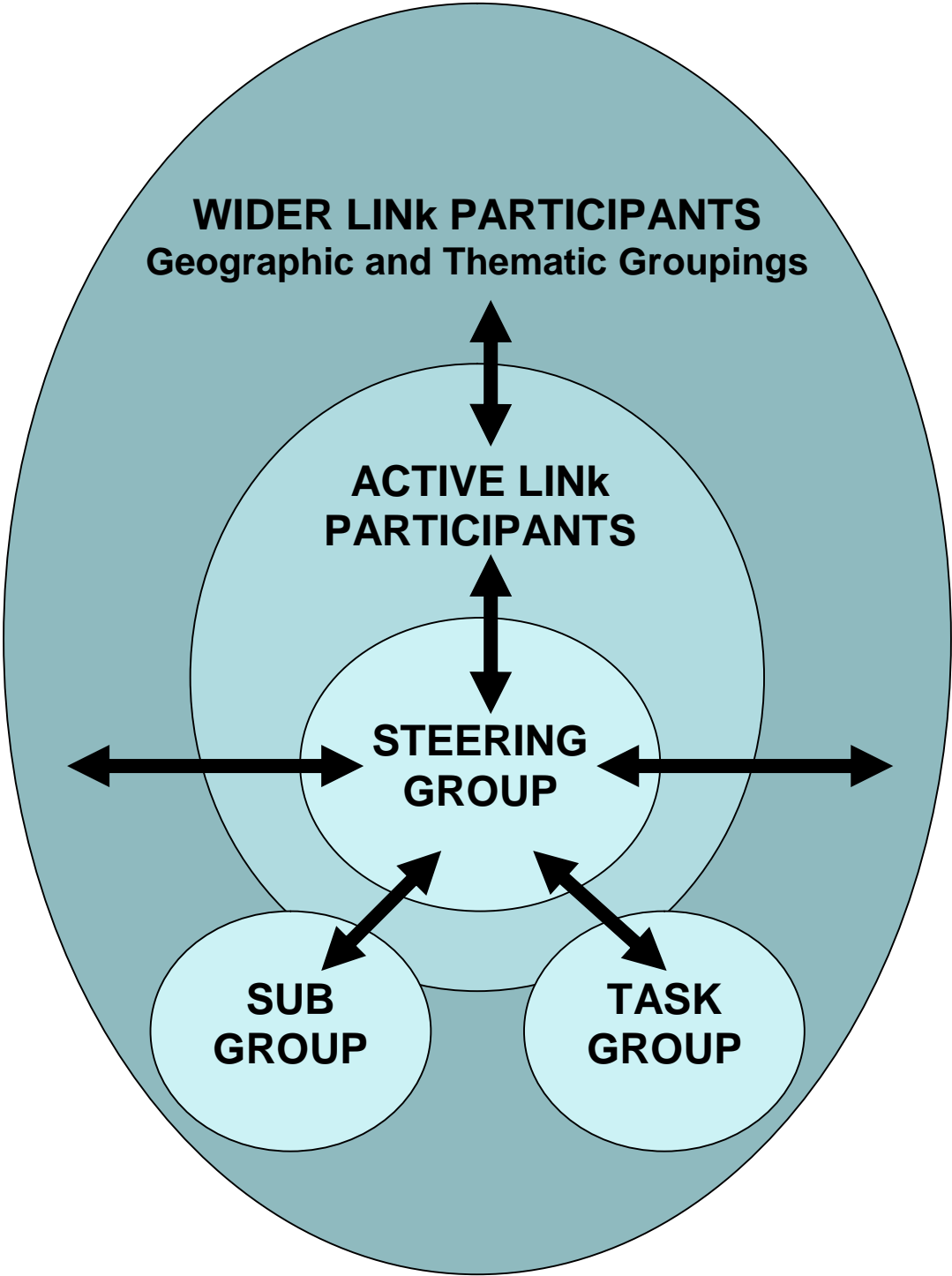
<http://www.nhscentreforinvolvement.nhs.uk/index.cfm?Content=193>.

Potential LINK models

Traditional model

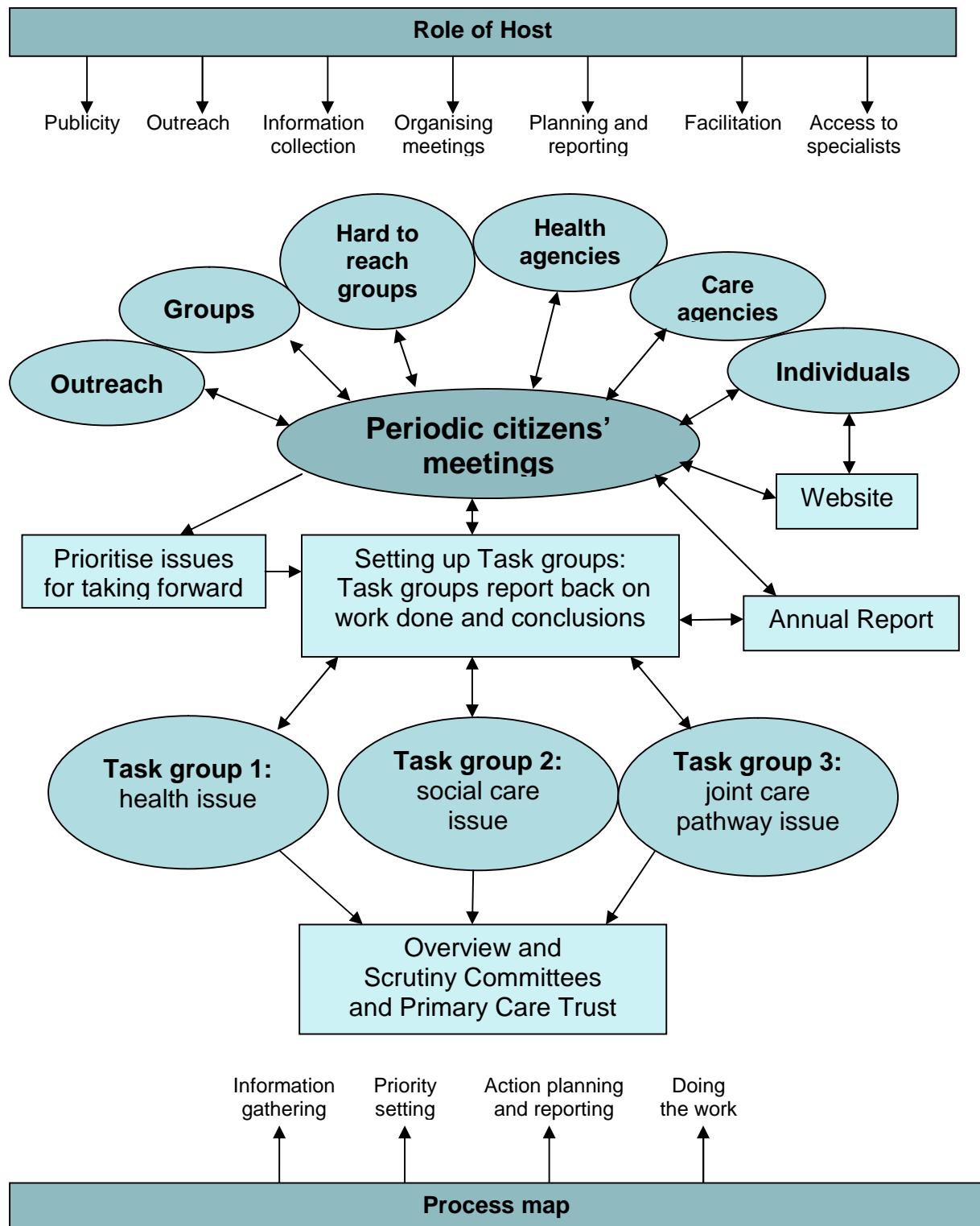
The diagram below sets out how a traditional model for LINKs might look. In this model, some individuals and representatives of local groups are chosen to 'steer' the LINK. Some people indicate that they want to take a regular, active part in LINK activities, for example by providing their views on a range of health and social care issues or by finding out the views of people who live in their area. The 'steering group' also communicates with the wider community to make sure that the LINK is carrying out its activities in ways that relate to local people. This model includes 'task groups' or 'sub groups' that might focus on particular geographical areas or particular services.

Traditional model



Innovative model

The diagram below sets out how an innovative model for LINKs might look. In this model, the Host facilitates task groups to tackle issues raised and agreed through periodic citizens meetings.



‘Nuts and bolts’

Governance decisions are legitimate when they aim to carry forward the collective will of the larger LINK. Good governance systems help make this process of collective decision making more effective. The following list suggests some of the things that LINKs could consider when thinking about governance arrangements:

- How much do we know about the people who live here?
- What stops people being healthy?
- What kind of help do people need to live independently?
- Are there groups that already try to make things better for people?
- What don't we know?
- How can we find out more?
- How can the skills and experience of individuals work together with the interests of groups and organisations?
- How do people and groups want us to communicate with them?
- How can we avoid being ‘meeting’ focused and become ‘outreach’ focused?
- How can we identify the skills we need, how will they be used and how can we learn and develop?
- How can we be accountable to the wider community?

Early Adopter Projects identified the following core issues that LINKs should consider:

- personal ‘code of conduct’ – managing relationships, ways of recognising and managing conflicts of interest and complaints;
- processes that cover the power to enter and view (including CRB checks) – these are now covered by regulations (see below);
- allocating resources (including money) to LINK activities;
- using influence in working with stakeholders;
- communication – within the LINK, between the LINK and Host and between the LINK and outside world; and
- balance between the participants

LINK regulations about governance

There are some issues that LINK regulations say must be part of LINK governance arrangements. The following is a list of things that LINKs must build in to their governance structures (including during any transitional period):

- publishing and updating decision making procedures;
- complying with published procedures;
- publishing a procedure for dealing with breaches of procedures;
- publishing written statements of decisions and reasons for decisions;
- publishing and updating a procedure for making decisions about who may be an authorised representative of the LINK;
- complying with the published procedure;
- publishing a list of authorised representatives;
- providing authorised representatives with written evidence of their authorisation; and
- only authorising people who have received a criminal records certificate (CRB) if a ‘nominated person’ is satisfied they are suitable.

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 services 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.

During a transitional period (eg when the Local Authority is supporting the LINK as transitional Host), people carrying out LINK activities must write reports about the activities they have carried out, the amount of money they have spent in respect of those activities and what they have spent the money on. The reports must be written within two months of the activities taking place and copied to a Host organisation, a Local Authority and the Secretary of State within three months.

Can a 'development group' help?

There are several ways that Hosts can gather opinions from local people and groups about how LINKs should develop, for example surveys, questionnaires, online polling, deliberative meetings. Hosts should work with local communities to facilitate decisions about how best to make use of the opinions gathered. Local communities could consider whether mandating some individuals and group representatives to serve on a 'development group' for the LINK would be the best way forward in the local context. 'Development groups' could play a key role in helping to establish and run the LINK.

People who register an interest in LINK activities could have the opportunity to stand as a member of the group and to be able to vote for people that stand. This is similar to the parent school governor model or NHS Foundation Trust model and LINKs could take the opportunity to learn from school governing bodies and/or NHS Foundation Trusts about how their models work in practice. To reflect the balance of individual and organisational interests, it may be worth considering 'weighting' the number of people elected, for example individuals elect 60%, organisations and groups 40%. LINKs need to consider whether to apply any eligibility criteria to encourage, or exclude, any particular people or groups (for example, LINKs might consider that local councillors, people who work for commissioners or providers or live outside the area should not take part in decision making).

LINKs should consider ways to renew and refresh the people who take decisions about LINKs – for example by having time limited 'terms of office' and time limiting the 'development group'. LINKs also need to consider procedures for complaints about individual conduct and whether some people should be excluded from LINK activities because of either behaviour or poor performance.

Training and support

It is sensible to identify the governance skills that LINKs require to be successful. So it could be useful to carry out a 'skills audit' to identify gaps and create a development programme to fill and improve any skills shortages. For example, those people authorised to 'enter and view' will need training and equality and diversity training could be beneficial. Others involved with LINKs, whether individuals or groups might be able to identify personal development opportunities through LINK activities and LINKs may become more informed and effective over time if resources are committed to encouraging communities to become involved. Host organisations will have received money to support training and development programmes as part of the allocation for local LINK activities.

Governance in practice²

In order to get LINK activities underway, a Host brings together a range of people and groups to talk about how the LINK should develop. It is agreed that some individuals and people who work with groups and organisations should be tasked with helping to develop the ways in which the LINK will work, who will take decisions, how it will discharge its statutory duties and responsibilities and how its activities will be carried out. The group wants to think strategically and is keen to get views from the community about priorities for the work programme. It also recognises that LINK annual reports will need to be 'signed off' and other reports and recommendations to service providers and commissioners will need to be agreed. The group talks to relevant Overview and Scrutiny Committees about how to manage referrals. The group develops a process for allocating budget for LINK activity.

The group can expect the Host organisation to provide administrative support, briefings and advice. In the first instance, this may include offering advice and support in the development of a governance framework. 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 it acts in accordance with it. As part of its role in setting up the LINK, the Host advises that some practical elements of a governance framework may include:

- 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;
- 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; and
- dealing with Criminal Records Bureau (CRB) checks.

² This case study is illustrative only.

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Contact us

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www.nhscentreforinvolvement.nhs.uk/links/

A simple explanation of LINks

www.direct.gov.uk/localinvolvementnetworks

Information about Government policy

www.dh.gov.uk/patientpublicinvolvement

Charity Governance website

<http://www.charitygovernance.co.uk/home/index.php>

Governance hub

http://www.governancehub.org.uk/what_is_governance.html

Governance works

<http://www.governance-works.org.uk/moreabout.php>