
Select Committee on Health and Adult Social Care (HASC) 7TH July 2009

Report of the Lead Officer to the Committee

Co-opting a LINK member onto HASC

Purpose of Report

1. To advise Members on the appointment of a co-opted non-voting Member of Dudley's Local Involvement Network to the Select Committee on Health and Adult Social Care.
2. To consider the revised relationship protocol to govern the significant relationship between both bodies.

A concise user-friendly guide on LINKs has been made available in the Members Library

Background

3. At its meeting on 13 October Council endorsed HASC's proposal to make provision for the appointment of a non-voting co-opted Member to this Committee from Dudley's Local Involvement Network (LINK); authorisation of this appointment was announced by the Leader of Council 3 June 2009.
4. This announcement follows a number of reports to HASC on the establishment of LINK in Dudley during the previous municipal year including a presentation by the LINK Chair at its meeting in March.

Local Involvement Networks

5. LINKs are defined in the Local Government and Public Involvement in Health Act 2007. Under the Act, LINKs are established through a duty placed on Local Authorities with social care responsibilities to ensure that LINK activities can take place in their areas. The Act requires those authorities, including Dudley to make contractual arrangements with a 'host organisation' to support LINKs.

6. Dudley procured Shaw Trust in July 2008 to support the Local Involvement Network to:
 - o promote and support the involvement of people in commissioning, provision and scrutiny of local health and care services
 - o enable local people to monitor and review the standard of local health and care services and report on how they could be improved
 - o obtain the views of local people about their experience of local health and care services and their care needs.

Relationship between LINK and HASC

7. The roles and responsibilities of HASC and LINKs are different but complementary. For example, LINKs have powers to 'enter and view' places where services are provided, whereas HASC has powers to call to meetings staff to explain decisions and proposals. As such the work of the LINK should run parallel to that of the HASC and other statutory providers in order to avoid duplication of work.
8. It is envisaged in guidance that the following will apply to the relationship between this HASC and Dudley LINK and LINKs:
 - LINKs and scrutiny committees will be expected to share information and evidence to inform respective work programmes and reviews;
 - The LINK can refer to the HASC any matter that it thinks requires further scrutiny. HASC has a duty to respond to referrals within 20 days, stating what action it will take and why.
 - Scrutiny committees can request that a LINK carries out a piece of work to support its work programme and in-depth reviews. The LINK will then decide whether to support HASC's item of work or not and whether it is within their remit;
9. LINKs are a key component of locally accountable health and social care, and as such HASC will have an interest in ensuring that the arrangements for LINK activities are effective in the Borough. Members should also note that the Executive's responsibility relates to arranging for LINK activities to take place, not influencing the work of LINKs themselves.
10. It should be emphasised that the LINK is an independent body, and as such is not accountable to the Committee - arrangements are in-place to monitor the performance contract via the Councils ordinary contract monitoring processes.

HASC LINK Relationship Protocol

11. At its meeting in July 2008 HASC considered a relationship protocol to govern the close but independent relationship between envisaged in guidance. Whilst this was approved, it has since been amended both in the light of recent guidance and comments from the LINK and is attached at **appendix 1** for approval – the LINK management Committee ratified this version earlier this year.

Why co-opt?

12. Elections for the formal LINK Management Committee took place at the LINK AGM on March 30 and signalled an end to its interim arrangements established in July 2008. It is now, therefore, an opportune time for HASC to formalise the arrangements for LINK involvement with the HASC.
13. The Council's constitution allows scrutiny committees to co-opt additional non-voting members where this is considered helpful. The Committee acknowledged the potential to assist in the development of the working relationship between both bodies at its meeting in July 2008 by endorsing the protocol above and expressing particular interest in feed-back on its 'enter and view' visits: *authorised representatives of LINKs are able to enter and view service-providers' premises owned or controlled by service-providers, and observe the carrying-on of activities on those premises.*
14. LINKs are a key component of locally accountable health and social care. The new appointment announced by the Leader of Council represents an explicit demonstration of the commitment to work with the LINK and will help to enable any issues relating to the relationship between HASC and the LINK to be discussed in a constructive and inclusive way.

Co-opting a member onto HASC

15. The co-opted member will be the LINK Chair and will be for the period July to March 2010 following which the appointment will be reviewed.
16. In accordance with legislation, co-opted members are not entitled to vote at overview and scrutiny committee meetings. Apart from this constraint, the co-opted member will be encouraged to play a full and active role on HASC. As well as attending formal committee meetings and informal meetings, they will be invited to take part in scrutiny reviews as and when their other commitments allow.

17. As with other councillor Members of the committee, the co-opted member will be bound by the Code of Conduct, as set out in the Council Constitution. They will be bound by the confidentiality and impartiality protocols and will be asked to complete a declaration of interest form on taking up their position. It will also be their responsibility to declare any personal or prejudicial interests under the terms of the Code of Conduct at each scrutiny meeting which they attend.

Finance

18. There are no financial implications directly connected with this report as the co-opted member would participate in scrutiny activities that would be carried out in any case

Law

19. All Local Authorities were required to procure an organisation or “Host” to establish and support a LINK following the passing of the Local Government and Public Involvement Health Bill 2007 (Section 223).
20. The relevant statutory provisions regarding the Council’s Constitution are contained in Part 11 of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Equality Impact

21. The explicit demonstration of the commitment to work with the LINK can be seen as contributing to the equality agenda in the pursuit of improving care for all. This implies a challenge to ensure that services meet the needs of all sectors of the community to make this an even greater reality in Dudley.

Recommendation

22. It is recommended that :
 - the Committee note the contents of this report
 - the Committee approve the revised guidelines in the HASC LINK relationship protocol attached at appendix 1, in order to govern the significant relationship between both bodies.

Brendan Clifford

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Background papers

November 2007 Select Committee on Health and Adult Social Care Report of the Lead Officer to the Committee - 'Have your say' a Consultation on the regulations for Local Involvement Networks (LINKs)

July 2008 Select Committee on Health and Adult Social Care (HASC) – 8th July 2008 Report of the Lead Officer to the Committee - Establishment of a Local Involvement Network in Dudley by a Host organisation and the associated implications for HASC

October 13th , 2008 Meeting of the Council. Report of the Select Committee on Health and Adult Social Care. To consider making provision for the appointment of a non-elected, non-voting Co-opted Member to the Select Committee on Health and Adult Social Care in connection with Dudley's Local Involvement Network (LINK) in Dudley.



**Dudley Metropolitan Borough Council Overview &
Scrutiny and the
Dudley LINK**

The following are guidelines to govern the relationship between the Scrutiny function at Dudley Metropolitan Borough Council and the Dudley LINK. On a day-to-day basis it would be beneficial to all parties for there to be a relaxed and informal dialogue based on good relations and a common interest in the improvement of health and social care services in the Borough.

In terms of the Scrutiny function at Dudley Council the first point of contact would be the Chair of the Health and Adult Social Care Overview and Scrutiny Select Committee.

In terms of the LINK the first point of contact would be the Chair of the LINK via Shaw Trust.

Formal Dialogue

The LINK and appropriate Scrutiny Councillors will meet together at least once per year for a discussion about the year ahead and to reflect on the previous year. This meeting will be hosted and administered alternately between the Scrutiny function at Dudley Council and the Dudley LINK. This meeting will also be used to consider the different work programmes for the forthcoming year.

Work Programme Planning

At the meeting referred to above, work planning discussions will take place. Whilst the final decision over work items remains with each group, such a dialogue could avoid duplication of effort. It could also ensure that the appropriate body undertakes work more suited to its skills. It is noted, however that some work items will be undertaken by both bodies such as consultation exercises. If appropriate, any evidence gathering on such issues could be undertaken in partnership although responses would come from each individual group.

Referrals to Scrutiny from the LINK

All referrals from a LINK to Scrutiny shall be co-ordinated through the administration arrangements for the LINK. Individual LINK members will not be able to make a referral without going through the central administration for the LINK.

If the LINK wishes to refer an item for the consideration of Scrutiny the following shall be provided:

- (1) A description of the item of work
- (2) Reasons why the LINK thinks Scrutiny needs to consider the item of work
- (3) Why the LINK thinks it more appropriate that Scrutiny considers the item of work rather than the LINK considering it
- (4) Any evidence that the LINK has already considered prior to the referral to Scrutiny
- (5) What other organisations the LINK has approached for discussion on the item prior to the referral to Scrutiny.

The LINK will receive an acknowledgement of the referral within 20 working days.

The Overview and Scrutiny Select Committee, in discussion with other relevant Councillors and the LINK, will then consider the referral and decide whether to undertake the piece of work. Should Scrutiny decide not to undertake the piece of work full reasons for this decision will be given to the LINK. This decision will be final and as detailed in Statutory Instrument 528 all outcomes of LINK referrals to Scrutiny will be detailed in the LINK Annual Report.

Scrutiny will also list the details and outcomes of any referrals from the LINK in its annual report.

The LINK, under The Local Involvement Networks Regulations 2008, will also be required to publish any decision taken to refer a matter to Scrutiny at Dudley Metropolitan Borough Council.

Referrals to the LINK from Scrutiny

Although there is no statutory requirement for Scrutiny to be able to refer items of work to the LINK a local practice of this being possible would be good practice. Should scrutiny refer items to the LINK it will provide the same information that the LINK must provide when referring to Scrutiny.

Referrals from Scrutiny to the LINK will also feature in both organisations' Annual Reports.

Joint Working

Any joint working will be agreed on an issue by issue basis and shall be informal in nature. Any recommendations shall come from each organisation independently.

Right of Entry and View

As detailed in the legislative framework for LINKs certain trained members will have the power of entry into health and social care buildings. This is a power that Scrutiny does not have and as such it would be good practice for the LINK to share the outcomes of such visits to Scrutiny. It will also be possible for Scrutiny to request the LINK to undertake a visit on its behalf.

Annual Health Check

Both the Scrutiny function and the LINK will be approached by the Care Quality Commission to comment on the Core Standards of the Annual Health Check. In order to best feed into this process the LINK and Scrutiny will respond separately but will liaise with one another to co-ordinate an appropriate response utilising the skills that the different functions have.

Sharing of Information

Any Committee papers shall be shared between Scrutiny and the LINK, including any annual reports produced. This shall be in a format agreed by the Scrutiny and the LINK.

The LINK and the Scrutiny function will share between one another any reviews, recommendations and consultation responses in relation to health or social care.

Recommendations from the LINK to the Council

Recommendations from the LINK to the Council need to be fed into the Council's executive function. Recommendations from the LINK to the Council should only be sent to Scrutiny for information and not for Scrutiny to action. There are certain scenarios which might lead to the Dudley LINK asking Scrutiny for assistance, these may include but are not limited to:

- Where the LINK is blocked from performing an Enter and View without good reasons.
- Where the LINK has identified a serious issue and the response and actions from a provider fail to take account of the need for change or improvement.
- Where the issues identified are wider, across a range of providers, are longer term or affect planning. For example the issue could be across Trust and Social Care, and dependent upon allocation of resources, including finance.

Signed: **Date:**