

Somerset



Your voice on local health and social care

Somerset Local Involvement Network (LINK)

Governance Structure/ Terms of Reference

1 November 2010

Contents

1	Introduction
2	What is Public Involvement?
3	What are LINKs
4	Name of the Organisation
5	The Host Organisation
6	Role of the LINK
7	Powers of the LINK
8	Involvement in the LINK
9	Conduct of LINK Members
10	The Stewardship Group
11	Membership of the Stewardship Group (SG)
12	Stewardship Group Terms of Reference
13	Stewardship Group Roles and Responsibilities
14	The Priorities Panel
15	Priorities Panel Terms of reference
16	Priorities Panel Members
17	Role of a LINK representative
18	The Visiting Team
19	Somerset LINK Enter and View Policy
20	Role of the Host Organisation
21	Finance
22	Equal Opportunities
23	Declaration of Interests
24	Finances of the Somerset LINK
25	Reimbursement of Expenses
26	Information Confidentiality
27	Resolution of Complaints

1. Introduction

- 1.1 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).
- 1.2 **Why the Somerset 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 Local 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.
 - The LINK should have arrangements that are easy to understand and implement, and that are not bureaucratic and not exclusive.
- 1.3 Therefore it is important that the LINK invest time and resources to develop governance arrangements that are easy to understand and implement, not bureaucratic and not exclusive.
- 1.4 It is important to ensure that governance arrangements that are agreed are reviewed and updated accordingly and take into account changes in legislation, needs in the community and to address issues that arise

2 What is Public Involvement?

- 2.1 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.
- 2.2 Provide information to service providers about what people think is required so that service provisions can be improved.
- 2.3 Local Involvement Networks (LINKs) aim to do this and help strengthen the system that enables communities to influence the services they receive.

3 What are LINKs?

- 3.1 LINKs are networks made up of local people, organisations and groups from across the community that want to improve health and social care services

4 Name of the Organisation

- 4.1 The network's name is the Somerset Local Involvement Network.

The network's office is that of the Host Organisation, Help and Care, 896, Christchurch Road, Bournemouth BH7 6DL. The local office address is Somerset LINK, Help and Care, Unit 2, Bowdens Business Centre, Hambridge Langport Somerset TA10 0BP.

- 4.2 The Somerset Local Involvement Network (LINK) is a network of local people, groups and community organisations, who want to help shape local health and social care services in Somerset. The LINK brings together people to enable them to have a voice in influencing the planning, design, commissioning and provision of local health and social care services. It is a mechanism for gathering the views of people throughout Somerset so that their views can be made known to health and social care commissioners and providers.
- 4.3 The Somerset LINK is committed to improving the quality and effectiveness of health and social care services in Somerset to the benefit of the users of these services.

5 The Host Organisation

- 5.1 Help and Care is the Host Organisation contracted by Somerset County Council to provide professional and staff support to the Somerset LINK. All financial and other resources used for the purpose of the LINK are held by Help and Care.

6 Role of the LINK

- 6.1 The LINK is established for the benefit of people of the Somerset local authority area to carry out the following activities as defined by Section 221 of the Local Government and Public Involvement in Health Act 2007 as follows:
- a. To promote and support the involvement of people in the commissioning, provision and scrutiny of local health and social care services in Somerset;
 - b. To obtain the views of people in Somerset about their needs and their experiences of local health and social care services and to make those views known to service providers and commissioners with a view to influencing decision making and service improvements, if appropriate;
 - c. To enable people to monitor and review the commissioning and provision of care services and make their views known to those responsible for commissioning, providing, managing and scrutinising these services.

7 Powers of the LINK

- 7.1 The LINK has the following powers:
- To request information from commissioners and providers of health and social care services.
 - To make reports/ recommendations and receive responses within 20 working days.
 - To refer issues to the Somerset Scrutiny Committee.
 - To use statutory powers to hold bodies to account and feedback findings to commissioners and providers of health and social care.

- To have authorised LINK members carry out 'Enter & View' visits to observe how publicly funded health and social care services are being provided.

8 Involvement in the LINK

- 8.1 Anyone can take part in the Somerset LINK. The LINK is based on involvement and participation from interested parties whether as an individual or as representatives of a voluntary or a community group. The LINK is aware that different people want to be involved in different ways at different times and opportunities will be made available to give local people the opportunity to become involved in a way that suits them.
- 8.2 The Somerset 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.
- 8.3 Members of the Somerset LINK will be invited to attend events and to participate in LINK Task and Finish groups. They will be invited to attend LINKs meetings, which will be held on a quarterly basis, and to attend the LINKs Annual Meeting.

Members are also eligible to seek appointment to:

- The Stewardship Group
- The Priorities Panel
- The Visiting Team
- The Panel of External Representatives

9 Code of Conduct for LINK Participants

- 9.1 Somerset LINK Stewardship Group members, members of the Priorities Panel, Task and Finish Groups, Enter and View Authorised Representatives and External Representatives must abide by the LINKs approved Code of Conduct which is based on the following seven principles of public life (the Nolan principles):

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”.

This Code of Conduct document sets out what you can expect from the LINK Stewardship Group and what the LINK Stewardship Group expects from you.

I understand that as a participant I will:

- Seek out and listen to the views of service users, patients, carers and the public, especially individuals and groups whose voices are not usually heard.
- Act and conduct myself in a reasonable and responsible way to any staff, volunteers or members of the public I work with or meet as a LINK participant.
- Conduct myself in a manner that does not bring the LINK into disrepute or act in a manner that is not in the best interests of the LINK or the wider community.
- Accept the terms of reference agreed by the LINK Stewardship Group for the duration of my elected role.
- Not undertake any LINK work or activity that has not been agreed by the LINK Stewardship Group.
- Never disclose confidential and sensitive information unless there is a legal duty to do so in the interests of child protection or protection of vulnerable adults. In any case seek advice before reporting.

- Identify and attend training and other opportunities to develop my understanding of LINK.
- Declare any conflict of interest, or anything that might be seen by others as a conflict of interest, as soon as it arises.
- Not accept gifts or hospitality which could be seen as attempts to influence the decisions, independence or activities of the LINK.
- Understand and comply with the relevant and current legislation including policies for equal opportunities, discrimination, human rights, data protection and freedom of information etc.
- Treat all people with respect and act in a way which does not discriminate against or exclude anyone.
- Not work against the majority view of the LINK Stewardship Group once a decision has been democratically taken.
- Seek the view of the LINK Stewardship Group and a majority agreement before speaking, writing or attending meetings on behalf of the LINK.
- Ensure that when I am representing the LINK, whether to the press or at a meeting / event, that I am speaking on behalf of the LINK and not myself.
- Report back to the LINK Stewardship Group when I attend any activity relating to the LINK.
- Adhere to the Nolan Principles of Public Life.

The Seven (Nolan) Principles of Public Life

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 benefits for themselves, their family, 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 clearly 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.

10 The Stewardship Group

10.1 The Stewardship Group will be appointed annually, in accordance with an agreed procedure. The Stewardship Group will be a Strategic Group, accountable to the wider Link, with responsibility for steering and overseeing the affairs of the Somerset LINK.

11 Membership of the Stewardship Group

- (a) The Stewardship Group shall comprise a maximum of 12 members and shall have not less than six members;
- (b) Members of the Stewardship Group will each have one vote at Stewardship Group meetings;
- (c) The Stewardship Group will have the power to co-opt other people onto the Group from both the wider LINK and the voluntary sector. Co-opted members will not have any voting rights on the group;
- (d) A minimum of a third of the members of the Stewardship Group must be present for the meeting to be able to make decisions;

- (e) In the absence of a quorum, business may be dealt with, but any decisions taken will not be effective until agreed at the next meeting at which a quorum is present;
- (f) All Stewardship Group members shall serve for a period of 12 months, and will be eligible to stand for re-appointment;
- (g) Any member of the Stewardship Group wishing to resign must give written notice to the Host Organisation;
- (h) The Stewardship Group may ask any of its Members to step down if he or she violates the approved Code of Conduct.

12 Stewardship Group Terms of Reference

The Stewardship Group of the LINK is a group of people with a range of skills, knowledge and experience, which when combined, can be used to guide the LINK effectively. The Stewardship Group will act in accordance with its agreed Terms of Reference and be accountable to the LINK for its activities.

The Stewardship Group provides the Somerset LINK with its governance, separate from the LINK's key roles of direct public involvement, obtaining and passing on views, monitoring and reviewing services. This arrangement ensures that a small group of people are not put in the position of, or being seen as, speaking on behalf of the community of Somerset.

The Group's key role is to support the activities of the wider LINK, not to lead it or participate in its main activities. The Group is responsible for ensuring that:

- The Somerset LINK's purpose and values are agreed by the people of Somerset;
- The LINK operates in an open and transparent manner;
- The LINK complies with the law;
- The LINK respects the role of the Host staff;
- All LINK activities comply with its statutory obligations and published governance arrangements;
- The legal obligation of the LINK in respect of preparing and publishing an annual report is complied with;
- An annual meeting is held each year in May, at which the Annual Report, Annual Work Plan, key policies, strategies and procedures are agreed;

- Quarterly events are held, in different locations in the County, at which the Work Plan will be reviewed and the Stewardship Group and Priorities Panel will present reports of their work;
- It develops and sustains the LINK's public engagement systems / structures;
- It maintains budgetary control of the LINK's expenditure;
- LINK projects are delivered on time, within budget and to the highest standard possible;
- It develops and keeps under review strategies, policies and systems to enable effective partnership working between the LINK and health and social care organisations and with the community and voluntary sector in Somerset;
- LINK reports are sent to the appropriate statutory bodies and responses disseminated to the LINK;
- The legal obligations placed on statutory bodies are complied with in respect of supplying information to the LINK and Responding to LINK reports;
- It participates in the performance management arrangements agreed by Somerset County Council - relating to the Host's contract with the Council;
- It puts in place and monitors a system for the appointment of individuals to be part of the LINK's authorised panel of representatives (the Enter & View Team) and LINK representation on outside bodies (the Panel of LINKs Representatives).

Members of the Group will be impartial and not become involved in the prioritisation of issues brought to the LINK or directly engaged in Task and Finish Groups (unless this is required due to lack of local volunteers for these roles).

The Group receives appropriate administrative and professional support from the Host Organisation in accordance with a Working Agreement, agreed by both parties.

Commitment

The term of office for a member of the Stewardship Group is 12 months.

As a general guide, membership of the Stewardship Group involves up to 10 hours per month, including:

- Group meetings – once every two months/or as required;
- Quarterly LINK events;
- Review day – one per six months.

As individuals, Group members are expected to:

- Be interested in and committed to the development of the LINK;
- Understand and be committed to the LINK's policies and values and equal opportunities;

- Be prepared to participate in governance working parties or other policy groups set up by the Stewardship Group;
- Regularly attend meetings of the Stewardship Group;
- Support all decisions once they have been reached by the Stewardship Group
- Be willing to participate in training events;
- Accept the time commitment involved in their full participation as a Stewardship Group member.

As members of the Stewardship Group they will:

- Ensure that funds received by the LINK are properly managed and accounted for;
- Keep under review the LINK's overall policy and direction and contribute to its development;
- Ensure that, given the constraints on resources, the LINK is meeting its aims;
- Take a long term view of how the LINK should develop;
- Ensure that the Group responsibilities which are delegated to individuals are carried out.

13 Stewardship Group Roles and Responsibilities

General abilities

The LINK has a principle of ensuring that the diversity of the area is covered and that all have an equal opportunity to voice their views and take part in LINK activity. It is therefore important that fresh and different perspectives are drawn upon to govern the LINK and be inclusive in the way it fulfils its purpose. For this to be achieved all members of the Group sign up to these principles but at least one member will have experience in addressing equality and diversity issues and a good understanding of the diversity of Somerset.

Members of the Stewardship Group will have a commitment to the following principles:

- **Community Engagement and Inclusion** – In line with Somerset LINK's purpose to provide a voice for the community of Somerset, members of the Group need a high level of commitment to the principles of patient and public involvement, especially enabling the involvement of disadvantaged groups. This includes having the time to contribute to the work of the Group and the ability to promote the LINK and encourage further involvement from a wide cross section

of the population of Somerset.

- **Team working** - The ability to contribute as an individual and collectively to the work of the Group and the LINK generally.
- **Influencing and communication** – Being proactive, having the ability to gain support and influence through good communication skills.
- **Contribution to planning the future** - Having the ability to think ahead, not only identifying problems but also providing solutions.

Holding to account - As well as the ability to accept accountability and probe and challenge constructively all members of the Group will promote public accountability in health and social care through open and transparent communication with commissioners and providers

14 The Priorities Panel

Where no Priorities Panel exists the Stewardship group will undertake these responsibilities. The main role of this panel will be to make decisions and prioritise actions when a topic or issue is raised with the LINK.

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.

15 Priorities Panel Terms of reference

In accordance with the LINK's agreed decision making and priority setting process the Priorities Panel will:

1. decide upon action to be taken on areas of interest, topics or issues, i.e. items:
 - a. brought to the LINK's attention;
 - b. not currently included in the LINK's annual work programme;
 - c. that arise at any time between LINK quarterly / annual events.
2. Approve items, using the agreed decision making / priority setting criteria, to be:
 - a. added to the LINK's work programme;

- b. referred to commissioners / providers of services;
 - c. referred to the Scrutiny Committee of Somerset County Council;
 - d. included as discussion topics on the LINK's website / through the LINK's newsletters.
3. Determine those matters which are not to be actioned by the LINK.
 4. Inform the LINK on actions it has taken between LINK events.
 5. Report to the LINK Stewardship Group – through a copy of each decision made.
 6. Report to the LINK Stewardship Group where an issue is considered to have implications for the governance of the LINK.

16 Priorities Panel Members

Being a member of the Priorities Panel is a voluntary, unpaid position. Travel and other agreed expenses will be paid to Priority Panel members working on behalf of the LINK, according to the LINK's Reimbursement of Expenses Policy. The term of office for a member of the Priorities Panel will initially be for a period of 12 months.

Thereafter, half the membership will be appointed for two years and the other half for three years. Those members appointed for the initial twelve months will be eligible to stand for a further period of office. There will be a minimum of 7 panel members and a quorum of 5 to make a decision.

Commitment

Membership of the Priorities Panel will involve being available to be consulted as and when necessary but as a general guide the following level of commitment is anticipated:

- Activity - the Priorities Panel will operate virtually using a decision-making matrix, which will also ask how the issue should be dealt with;
- Meetings - 3 or 4 times a year;
- Training - at least twice a year - for whole or half day.

More time may be required in the initial stage of the setting up of the Priorities Panel.

Desirable Background Experience

A member of the Priorities Panel needs to have some experience / knowledge of aspects of health and social care services. This could be as a service user or carer or as someone involved in the voluntary sector, etc.

Knowledge / experience is required in one or more of the following areas:

- Ambulance services e.g. emergency, patient transport;
- General health and well being, e.g. public health, diet, nutrition;
- Hospital services e.g. outpatients, wards;
- Primary health care e.g. community hospitals, GPs, dentists;
- Social care in the community e.g. day care, home help;
- Social care in residential settings e.g. care homes;
- Specific conditions, e.g. cancer, diabetes;
- Service user groups, e.g. carers, young people, elderly.

Personal Competencies

Good communication skills are necessary, including the ability to:

- Be able to communicate widely (with support where needed);
- Be open to the views of others;
- Make a short presentation (with support where needed);
- Objectively interpret various presentations;
- Objectively consider and evaluate proposals;
- Be willing to use computer technologies where possible. If this is not possible the LINK will work with the person appointed to the Priorities Panel to develop a communication strategy.

Personal Attributes

Ability to set aside personal interests or concerns when making decisions on behalf of the Somerset LINK, including:

- Preparedness to support collective decisions, irrespective of personal views;
- An awareness of diversity and equality principles.

Standards in public life

All members of the Panel are expected to observe the LINK's code of conduct and to observe the seven principles of public life (known as the Nolan Principles).

17 Role of a LINK representative

1. The role of representing the LINK on a selected external body is to

- a. aid fulfilment of the LINK's role to influence local health and social care decisions;
 - b. support the work of the LINK;
 - c. add value to the LINK's work.
2. There will be a flexible approach given to the need for the Somerset LINK to be represented on any external body. This means that the decision to be represented is determined either by the need to keep LINK participants aware of current issues and trends (such as through the strategic commissioning groups across the County) or identified in:
 - a. the LINK's annual work programme; or
 - b. a decision by the Priorities Panel that a project or LINK activity should be undertaken; or
 - c. as a result of an issue or topic being raised (i.e. activity that is outside the annual work programme of the LINK).
3. Travel and other agreed expenses will be paid to authorised people working on behalf of the LINK, according to the LINK's Reimbursement of Expenses Policy.
4. A report template will be provided.

Appointment Process

5. There will be a pool of LINK participant representatives recruited annually.
6. Such participants will be required to express an interest in the position, attend an induction session covering:
 - a. The role of the LINK;
 - b. The role of the LINK's representative on an external body;
 - c. Specific interests and commitment of the individual representative.
7. A selection process will be undertaken to select the most appropriate representative.
8. A LINK representative should meet the following criteria, with support as required:
 - a. Commitment, passionate and an interest in the role of the LINK;
 - b. Good communication skills, confident and willing to attend meetings regularly;
 - c. Ability to gather and disseminate information objectively, impartially and in a concise manner;
 - d. Willing to be accountable and comply with the LINK's code of conduct.

9. Each request for a LINK participant to represent the LINK on an external body should be made to the LINK via the Host Organisation.

Term of office

10. The term of office will be for a period of twelve months initially. Thereafter, half of the representatives will be appointed for two years and the other half for three years. Those representatives appointed for the initial twelve months will be eligible to be appointed for a further period of office. The maximum term of office will be three years.

Accountability

11. The LINK representatives are accountable to:
 - a. The whole LINK, with support from the Host Organisation;
 - b. Appropriate LINK group, with support from the group and the Host Organisation as appropriate;
 - c. LINK quarterly events, as appropriate.

18 The Visiting Team (Enter & View Team)

The main role of a member of this Team will be to undertake and report on visits/reviews of health and/or social care premises – i.e. where services are delivered to users and patients of that facility. All such members will need to go through an appointment process, undergo training and have an enhanced CRB (Criminal Records Bureau) check before being given the authority to undertake this work.

19 Somerset LINK Enter and View Policy

This procedure describes the processes and arrangements for members of Somerset LINK's Enter and View Team to enter and view premises providing health and social care services within Somerset for the purpose of observing services and service delivery.

In conjunction with the purpose of the visit and its aims the Group will observe and assess the nature and quality of services, obtain the views of people using those services, validate evidence already collected and gather information from both staff, services users and carers.

Planned/announced visits as part of the LINK Work Plan

Prior to a visit, the LINK will supply the provider of the service with the following information in writing:

1. Proposed date and time for the visit, along with an approximate duration.
2. The information that has prompted the visit excluding the source of the information.
3. The purpose of the visit.
4. The overall structure of the visit:
 - Identifying staff and service users that the authorised representatives would like to meet.
 - The number and nature of any discussions along with the identification of any special communication or access needs.
 - The activities that the authorised representatives wish to observe.
 - Whether the authorised representatives will be distributing leaflets or other information about the LINK.
 - Whether or not it would be beneficial for staff or service users to accompany the authorised representatives throughout the visit.
 - The names of the authorised representatives conducting the visit.
 - The identification that LINK authorised representatives will provide.
 - Re-assurance that the draft findings will be shared with the provider of the service prior to being finalised and distributed more widely.
 - Where appropriate, draft findings will also be shared with relevant parties whose information may have prompted the visit.

Unplanned/unannounced visits

Unannounced visits should not take place if any other approach could produce the information the LINK is seeking. Unannounced visits must be in response to a concern highlighted by the community, such as reports of dirty premises, statistics showing high infection rates, or spot checks to review aspects of service delivery such as waiting times for clinic attendances.

The rationale for undertaking such a visit must be documented by the LINK, along with the reason for not addressing the situation in another way. Where the LINK decide it necessary to conduct an unannounced visit they agree to provide the information above upon arrival.

Conduct during and after the visit

Persons authorised to enter and view must:

- Gather any prior information such as past visit reports, or information from other groups involved with the service. The LINK must have a clear view about the purpose of its visit, and be as informed as possible beforehand.
- The LINK may request reasonable information prior to the visit under the Freedom of Information Act, whilst remaining aware of the burden it may be placing upon the service to research and provide this data. This could include such statistical information as staffing levels, missed appointments, opening times etc.
- Upon arrival, Enter and View representatives must make their presence known to the person they have arranged to meet, or to the most senior person on duty, and produce their written authorisation.
- Abide by any instruction given regarding privacy and dignity, health and safety and hygiene, and co-operate with requests from staff, service users and carers.
- Ensure during and before the visit that it is understood that the LINK cannot deal with individual complaints, but that LINK representatives can and should signpost any such requests or disclosures to the appropriate body.
- Maintain confidentiality of verbal and written information, including the identification of individuals, access to records, adherence to protocols concerning disclosure by patients, service users and carers, and whistleblowing by staff, and care of notes concerning findings to be included in the report.
- Be aware of their obligations of disclosure regarding issues of child safety and vulnerable adults.
- Not be alone in private with a patient or service user, but remain in communal areas and work in pairs if asked to speak in confidence.
- Avoid entering any non-communal areas such as bedrooms or staff quarters.
- Avoid commenting on personal equipment or belongings.

- Never give opinion or advice on specific care or treatment regimes to patients or service users, their relatives or carers. Any such queries must be referred to the staff in charge.
- Work co-operatively with staff to maintain confidence in services, e.g. avoid criticism in front of service users, but include it in the de-brief to the provider of the service before leaving and in the written report.
- Adhere to protocols concerning gifts, gratuities and benefits.
- Be as unobtrusive as possible and avoid disrupting routines or service delivery.
- Value people as individuals, and respect their wishes, e.g. to leave someone alone if asked to do so.
- Do not behave in a discriminatory way.
- Inform the person they have arranged to meet, or to the most senior person on duty of their departure, and give verbal feedback as to the intended general content of the written report.
- Use a pro-forma or checklist to gather a comparable data set, plus any additional information pertinent to that visit. The LINK may consider the evidence it wishes to gather in support of the annual health check when developing such checklists in order to build up a databank of evidence.
- Inform the Host Organisation of any potential problems or conflict which may arise from the findings.
- Work together after the visit to de-brief and put together evidence based written feedback of their findings to the service visited.
- Provide written report to appropriate authorities as required.
- Provide a written report to the LINK, the service provider, and service users of the findings. The report should be a balanced assessment of the service and may or may not contain recommendations. Reports may also, depending upon the issues identified, be sent to the Scrutiny Committee and the commissioner of that service.

20 Role of the Host Organisation

Help and Care (H&C) is contracted by Somerset County Council to provide independent support for the Somerset LINK to enable the LINK do its work. H&C will help the LINK work with local people, the local community and voluntary groups to agree how the LINK works locally and how it will decide what to do.

H&C will support the LINK in the development and promotion of its work priorities and work plan activities.

21 Finance

All finance matters will be handled by H&C who will arrange for the accounts to be audited annually and made available to anyone, on request.

A record of the financial transactions made by the Host Organisation, on behalf of the Somerset LINK, will be put before the Stewardship Group on a quarterly basis.

22 Equal Opportunities

Somerset LINK members must be committed to diversity and no member will be treated less fairly because of their race, creed, ethnic origin, nationality, religious belief, cultural background, gender, transgender status, marital status, sexual orientation, disability, domestic circumstances, political opinion, social position or age.

The Somerset LINK will fulfill its statutory duty with regard to current legislation and emphasis will be put on promoting equality of opportunity and not merely preventing discrimination.

23 Declaration of Interests

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. Somerset 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 conflicts of interest 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. An example of this could be if the partner of the Somerset LINK participant is an Accident and Emergency doctor and that department are being reviewed, it would not be considered appropriate for that participant to influence the outcome of the review or the recommendations
4. Somerset LINK participants should not accept gifts or hospitality from a third party which might reasonably be seen to compromise their personal judgement or integrity.
5. Relevant interests to be declared include the following (this is not an exhaustive list):

Relevant Interests

- 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 Somerset 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, such as sponsorship;
- 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.

24 Finances of the Somerset LINK

All LINK expenditure needs to be in line with the LINK's approved work programme and needs to be authorised by the Stewardship Group.

25 Reimbursement of Expenses

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.

2. LINK participants performing authorised duty on behalf of the LINK and in accordance to the work programme would be eligible to be reimbursed for out of pocket expenses panel of external representatives.

3. Following the LINK's principle of inclusiveness, no one should be disadvantaged. This means that cases of hardship, e.g. 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 as agreed by the LINK per event and where the LINK business has incurred the participant being away from home/work for over 4 hours including travelling time.

Special needs such as (to be decided on a case-by-case basis):

- carer / advocate / personal assistant accompanying the participant;
- child care arrangements;
- private transport such as a taxi.

5. All claims for those items 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 listed above will require prior approval of the Steering Group. Taking into account the LINK's principles of inclusiveness, it will endeavour wherever possible to ensure that nobody is 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 Steering Group.

Process for claiming expenses

7. A form will need to be completed to indicate the expenses being claimed and the LINK activity that took will need to be annotated on the claim form. The claimant needs to sign the claim form and attach relevant receipts and ensure the claim is authorised by the Host. The Host Development Officer 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).

Role and responsibility of the participant for claiming expenses

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.

26 Information Confidentiality

Data protection – Confidentiality

1. The Data Protection Act 1998 came into force in March 2000.

Organisations in the health and social care sector that hold or process people's information have a statutory duty to comply with the Act. 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 has overall responsibility for Data Protection (DPA) and acts as the data controller. LINK participants are responsible for complying with the statutory requirements of the DPA and should issue local instructions.

3. The Host 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 the Host 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. 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.

27 Resolution of complaints

This resolution of complaints document sets out the way in which the Somerset LINK will deal with conflict and complaints.

In the first instance, wherever possible, complaints will be dealt with at LINK & Host organisation level. This paper guides the LINK on ways of resolving issues at a local

level and also explains the process if a concern or complaint is so serious that it needs to be escalated.

Wherever possible, the LINK together with the Host organisation should address concerns via a variety of techniques, which could include face to face communication, mediation or training. Only when all these avenues have demonstrably failed to reach a satisfactory resolution, will concerns be escalated to the Lead Officer at the relevant Local Authority.

Complaints can be raised verbally or in writing.

Complaints could be about a member of the Stewardship Group, task group, Enter and View participant, host staff members or a LINK participant. Complaints about the internal processes of the Host organisation should be raised directly with Help and Care, who may choose to also call on the support of the Stewardship Group in managing the complaint.

Any complaint meetings should be held in an independent location where possible. Out of pocket expenses for the complainant will come from the LINK budget.

Complaints Receiver Group

The complaints receiver group will comprise of the current chairperson, and 3 other SG members. The group membership will work on a rotational basis, with any SG member wanting to participate in this group having the opportunity to do so, with the exception of when a complaint is about an individual whose turn it would be to be on this group. In this case, the next person on the list will swap places with this SG member. If the complaint is about the chairperson, the vice-chair will take their place. The complaints receiver group must **all** be in agreement with any action taken. If full agreement cannot be reached the complaint should be taken to the next SG meeting where a majority decision will be made.

Initial action

The Host should contact the complainant to get as much information as possible to assess the best course of action. This should be done, where possible, face to face, otherwise by telephone, within 5 working days of receiving the concern/complaint. Once the Host has compiled all information this will be forwarded to the Complaints Receiver Group with a recommendation. The Complaints Receiver Group will decide on the follow-up action to be taken.

The Complaints Receiver Group must decide if there is an issue/complaint that requires some form of action. If they feel that there are no grounds for the issue/complaint they must inform the complainant verbally of their decision and follow this up in writing. If the complainant does not agree the complaint will be referred

back to the Host who will decide whether or not the complaint should be referred to the Lead Officer at the relevant Local Authority.

If they feel the issue requires further involvement they should contact the complainant to discuss which of the stages below to action.

Stage 1 Personal Resolution

If possible, the first course of action should be to encourage the complainant to talk to the LINK participant/s and try to resolve the issue at a personal level. All parties involved must be agreeable to this process. Brief notes should be taken to keep a record of the complaint and what is agreed / not agreed upon.

Stage 2 Informal Host organisation supported meeting

If the LINK participant/s is/are not willing to meet without a more formal role for the Host, the next step would be to organise a meeting between the individuals involved which is facilitated by the Host organisation.

This meeting should be informal. This is personal resolution but with the Host organisation attending to help facilitate. Brief notes should be taken to keep a record of the complaint and what is agreed / not agreed upon.

For information on preparation, organising and guidance on what to do during the meeting see section 2.

Stage 3 Formal Host Supported Meeting

If the Informal meeting did not result in an outcome that was mutually agreed by all involved, the next step would be to move to a more structured formal meeting with the Host organisation.

Before this meeting the Host's Development Officer should talk to everyone involved in the informal meeting on a one to one basis to discuss their feelings following that meeting and to gather everyone's views on any possible solutions that could resolve the issue.

For information on preparation, organising and guidance on what to do during the meeting see section 2.

If, by the end of this meeting, a mutually acceptable resolution has been reached, the Host organisation should put this in writing to all parties involved, clearly stating the outcomes and what has been agreed.

The Host should monitor the situation to make sure that everyone involved is keeping to what they agreed.

Stage 4 External Mediation

If, by the end of the stage 3 meeting, no mutually acceptable resolution has been reached external mediation by an independent facilitator should be offered, with costs incurred paid by the LINK.

If all other options for local resolution have been exhausted the matter should be referred to the Lead Officer at the relevant Local Authority as soon as possible. The Local Authority will then assess the issue and the paperwork and either refer the

issue back with further options that could be tried locally or will start their own formal Complaints procedure.

Sanctions

Sanctions imposed following an upheld complaint will vary according to the complaint raised and take into consideration the desired outcome indicated by the complainant. In many cases, this will be agreed by all parties in stages 1-4. Should no agreement be reached on sanctions, but the complaint upheld, the Complaints Receiver Group (with membership the same as the group that originally convened to first hear of the complaint) will decide on appropriate sanctions. If there is not full agreement the proposed sanctions should be taken to the next SG meeting where a majority decision will be made.

Vexatious complaints

Vexatious complaints will be managed by the Host and complaints receiver group in the first instance. If the individual continues with their vexatious complaint the Host will seek guidance from the Local Authority and/or seek legal advice to ensure such complaints / complainers are not detrimental to the work of the LINK.

Timescales

Initial response to the concern/complaint should be taken, by the Host, within 5 working days.

Personal Resolution / Informal Meetings should be organised, wherever possible, within 2 weeks.

Formal Meetings should be organised, wherever possible, within 4 weeks.

Complaints by the Host organisation

It is recognised there are occasions where the Host organisation may wish to raise a complaint. In this instance, the Host organisation should put their complaint, together with supporting evidence and desired outcome, in writing to the Complaints Receiver Group. The 4 stage process will remain available, although instead of the Host organisation facilitating the meeting/s a mutually agreeable independent organisation / individual will be invited to aid the complaints process.

Review

It is standard practice to review the resolution of complaints policy after each complaint.

Section 2

SUPPORTING GUIDANCE

Preparation

It is important that the Host speaks to everyone involved before the meeting to gain as full as possible understanding of the issues and also, where possible, what outcomes the individuals would like to see.

The meeting must be conducted in a sensitive manner and allowance be made for the physical and emotional state of all individuals involved.

It is likely that a LINK participant may be personally embarrassed at the fact that concerns have been raised about them and the impact that this may have on their status.

Organising the Meeting

The location and setting in which the meeting occurs is important – it will be important to establish if the person has any special requirements, for example access, communication or other support needs.

Ensure that the discussion takes place in private.

Aim to ensure the discussion encourages the LINK participant to comment, by putting them at their ease.

Setting the Ground Rules

At the outset, explain the reason for the meeting and what it is hoped will be achieved. Keep this simple.

Make it clear that everyone has a right to speak but the ground rules should include:-

- There should be only one person speaking at a time.
- Everyone must be shown respect.
- Criticism should be constructive.
- The emphasis should be on finding a way forward which is acceptable and achievable.
- The meeting should be approached with an 'open mind' - putting to one side any hearsay from others.

During the meeting

The meeting should be started with introductions and the Host making an opening statement giving a general overview of the reasons for the meeting, setting positive aims for the meeting and setting the ground rules.

The Host, as the facilitator of the meeting, needs to ensure:

- All individuals are given an opportunity to speak in turn without interruption.

- That comments that are derogatory, negative or place blame are reframed in a positive and acceptable manner.
- The meeting is safe for everyone to have their say whilst making sure that the agreed ground rules are maintained.
- The Host / independent facilitator listens and summarises the important issues and facts back for each person to make sure that they and everyone else has understood what has been said.
- In the summary clarify and prioritise the underlying issues based on what has been said.
- Encourage open discussion of each main issue.
- Encourage mutual understanding and direct communication.
- Encourage everyone involved to put forward ideas on what needs to happen to improve the situation.
- Encourage those involved to consider what they can offer towards the solution.
- In response to these suggestions the Host organisation / independent facilitator could suggest any training or support that is available that could aid the solution.

Record Keeping

The person being complained about has the right to see all documents relevant to the complaint on request in line with the Data Protection Act 1998 and Freedom of Information Act 2000. All notes will be taken on the assumption that they will be made available to all relevant interested parties.

All material relevant to the complaint and its outcome will be kept on file for three years.

Conclusion

6. Participants of the Somerset 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.