

# *Nottinghamshire County*

## *LINK*

### *Governance Document*



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*Version 2.0*

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## **Section 1 - Introduction to Local Involvement Networks (LINKs)**

### **1.1 How the LINKs came into being**

The Local Government and Public Involvement in Health Bill, introduced to Parliament in December 2006, set up a number of measures relating to local government as well as the involvement of local communities. One of the measures the bill introduced was the establishment of Local Involvement Networks (LINKs) to replace Patients' Forums, and the Commission for Patient and Public Involvement in Health in 2008. The bill also clarified and strengthened the existing duty of NHS bodies to involve and consult patients and the public in the planning and provision of services.

Under the legislation that establishes LINKs (Local Government and Public Involvement in Health Act 2007), local authorities have been given £84 million in funding to support LINK activities nationwide between 2008 - 2011.

Each authority was commissioned with contracting an organisation (known as a host) to set up and then run a LINK. The host for the Nottinghamshire County LINK is the Carers Federation Limited.

It is up to each community, with the support of the host, to decide how they want their LINK to be run and what issues they want it to focus on. However, to help LINKs, a range of advice and guidance has been made available by the government.

The following information was set out on the website [www.Direct.gov.uk](http://www.Direct.gov.uk) to explain to members of the public about LINKs and to inform them about how to get involved:

#### **What is a LINK?**

*"LINKs are made up of individuals and community groups who work together to improve local services. The job of a LINK is to find out what the public like and dislike about local health and social care. It will then work with the people who plan and run these services to improve them. This may involve, for example, talking directly to health care professionals about a service that is not being offered or suggesting ways that an existing service could be made better. LINKs also have powers to help with the tasks and to make sure changes happen.*

#### **What a LINK will do**

*"A LINK will:*

- *ask local people what they think about local health and social care and suggest improvements directly to the service providers*

- *look into specific issues (like a dirty hospital), make recommendations and get a response*
- *ask for information and get answers in a specified amount of time, namely 20 working days*
- *be able to carry out spot checks to see if services are working well*
- *refer issues to the local 'Overview and Scrutiny Committee' if it seems action is not being taken*

### **An example**

*"A number of people raise the issue of doctors' surgery opening hours with a LINK. Doctors at the local surgery say they want to open during the evening and at weekends, but they have limited resources.*

*"The LINK offers to help the surgery staff find out the hours that will best suit local people by asking the community for their views. It also asks LINKs in other areas how they have dealt with the same issue.*

*"The LINK's research finds that those who work would prefer more early morning appointments, so they can see a GP but not be late for work.*

*"As a result, the GPs decide the surgery will close one afternoon a week so that they can open for more early morning appointments. They also start a call-back service, so people can have quick telephone consultations.*

### **Why get involved in the LINK?**

*"There are a number of benefits to becoming involved in a LINK, which include:*

- *getting attention for neglected issues or ideas*
- *influencing those who make decisions about new or existing services*
- *helping the community speak with a stronger local voice*
- *helping services provide better care*

### **Be part of a LINK**

*"It is up to you how and when you get involved - you can just comment on issues when contacted or you can get more involved – by helping to raise awareness of an issue or by helping to find solutions (for example - meeting providers or being part of a working group).*

### **Who can join?**

*"Anyone: carers, service users, community leaders, patient representatives... Everyone's views matter. Groups can also join: charities, faith groups, tenant organisations, youth councils, BME organisations and business federations... Anyone who wants to make sure the needs of their community are listened to."*

### **How much time will it take?**

*"There are many ways you can get involved. You can take a few minutes to answer a survey or take longer to represent the community when a health or social care service is being discussed with service providers."*

### **How a LINK is run**

*"There is no set structure for a LINK and it is unlikely any two LINKs will be run in the same way. A LINK will only work if it is owned by, and involves, the whole community."*

*"Local councils have been given money to fund LINKs, but each LINK will decide how best to operate and what priorities to concentrate on. The Nottinghamshire County LINK gets its funding from the Nottinghamshire County Council."*

## **1.2 The Nottinghamshire County LINK**

The Nottinghamshire County LINK was set up in 2008 following a meeting of the general public. During that meeting, a group of people were chosen to form a transitional Steering Group. The role of the Steering Group was to manage the work of the LINK and to liaise with the host team for the LINK to set up the LINK and to make sure that all the necessary documentation, such as this Governance document, was put in place before 31<sup>st</sup> December 2008.

Following the hard work of the transitional Steering Group, the Nottinghamshire County LINK formed an Executive Board following elections in March 2009. The Executive Board took over the running and management of the LINK on 4<sup>th</sup> April 2009. The Executive Board is comprised of 4 members retained from the transitional Steering Group (to keep some form of continuity with the work already done by the LINK and its management committee) and then 8 members from the general membership of the LINK. Requests were made for nominations in February/March 2009 from each person that had joined the LINK with a requirement to seek Executive Board members from the following geographical areas in order to ensure good coverage throughout the county: 1. Bassetlaw; 2. Broxtowe; 3. Gedling; 4. Mansfield and Ashfield; 5. Newark and Sherwood; and 6. Rushcliffe. Two seats were then offered to anyone wanting to stand for election without reference to geography. All non-statutory persons already participants of the Nottinghamshire County LINK were entitled to put themselves

forward for nomination, whether resident in the county or working within it. All contested seats went to a full election, with all participants of the LINK again asked to vote on who they wanted to represent them on the Executive Board.

The purpose of the Executive Board is to manage the activities of the LINK, to prioritise which issues the LINK should investigate, to monitor and ensure the proper behaviour of all people representing the LINK and to ensure that the LINK is working well with its host organisation, the Carers Federation.

### **1.3 Composition of the LINK**

#### **1.3.1 Participants of the LINK**

The people who are part of the LINK are referred to as participants. Participants are people who have completed a Registration Form and signed up to the LINK. Participants receive a copy of the Nottinghamshire County LINK newsletter and are sent invitations to become involved in Task and Finish Groups. Participants will also be invited to take part in consultations with service providers, such as the Primary Care Trusts and Doctors' Surgeries, and to contribute ideas and suggestions to the LINK Executive Board about what they feel is working and what needs improving for their Community within the field of health and social care.

A Care Form will be provided on request to all participants of the LINK to submit their ideas and suggestions in writing, although telephone calls and emails will also be an acceptable way of providing ideas to the LINK Executive Board. Care Forms and ideas should be submitted to the Issues Task and Finish Group c/o Carers Federation, Unit E2, Southglade Business Park, Cowlairs, Nottingham NG5 9RA. If an issue is notified to the LINK Support Team by telephone, the call will be logged and then referred on to the Issues Task and Finish Group. The LINK Support Team will also ask the person raising the issue to complete a "Health and Social Care Issues and Concerns – Further Information" form when the Issues Task and Finish Group are looking at prioritising issues, along with a "Declaration of Interests" form.

Copies of all issues raised, Care Forms, Health and Social Care Issues and Concerns – Further Information forms and Declarations of Interests forms will be kept by the LINK Support Team in a folder marked "Issues – County" and will be locked away in the LINK Support Team office to ensure details are kept confidential.

People do not need to 'join' or 'belong' to the Nottinghamshire County LINK to take part. Some people will have the time and skills to be more fully involved in making 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. It is important to remember that the Nottinghamshire County LINK should allow people to get involved in ways that suit them.

### **1.3.2 Member of the Executive Board**

The Executive Board is the name for the management committee of the LINK. It has 12 members – presently 8 members sought through election and nominations from the participants of the LINK, and 4 members retained from the transitional Steering Group. The Executive Board meets on a monthly basis. Attendance at these meetings by non-Executive Board members must be by invitation only.

Persons who are not members of the Executive Board can request copies of the Minutes of those meetings, to be sent to them via post or email. Any participant of the LINK can raise an issue to be discussed at an Executive Board meeting by sending it to the LINK Chair c/o Carers Federation, Unit E2, Southglade Business Park, Cowlairs, Nottingham NG5 9RA. Meetings are normally held on the first Friday of each month. Any items to be placed on the agenda must be received at the LINK Support Team office at least 10 working days before any Executive Board meeting.

### **1.3.3 Member of the Communications and Engagement Working Group**

The Communications and Engagement Working Group is a sub-committee of the LINK and is responsible for: drafting the LINK newsletter, providing an officer to speak to the press, liaising with the Communications officer on communications issues, and other issues that may arise that involve communication and engagement.

### **1.3.4 Member of the Issues Panel**

At all times, there will be an Issues Panel. It is the responsibility of this group to look at all new issues raised with the LINK. This group will prioritise each of the issues raised with the LINK and decide which matters will be investigated, which should be referred back to the person raising with a request for further information, and which should be discarded. This group will also specify which issues should be signposted to an existing organisation that is not the LINK.

The Issues Panel will consist of no fewer than 5 members at any time. Membership of the Issues Panel will be drawn from the Executive Board, Communications and Engagement Working Group and any member of a former or existing Task and Finish Group.

Whenever an issue is considered, a letter will be written to the person who raised the issue. This letter will confirm 1. That the issue has been prioritised and that a Task and Finish Group will be set up to investigate this matter – the person will be asked if they wish to join that Task and Finish Group; 2. That further information is required in relation to the issue raised before a decision can be made on whether to prioritise it; 3. That there is an existing group already dealing with the issue and signposting the person to that group; or 4. That the matter has been discarded by the Issues Panel and that no work will be done upon it by the LINK.

The Issues Panel should meet once a month where possible, at least seven days before the Executive Board meeting. The Panel should have a Chair who will be responsible for making a monthly report to the Executive Board about the work being done. The LINK Support Team will provide administrative support for each of the Issues Panel meetings and the LINK Support Team Research Specialist will be invited to each meeting along with any LINK participant who has raised an issue that will be considered at that particular meeting.

It is important that each member of the Executive Board, Communications and Engagement Working Group and Issues Panel who wants to be involved in prioritising issues, can be involved. As a result, the membership of the Issues Panel will change at least annually. Participants can nominate themselves to be part of the Issues Panel more than once. If more than 5 people put themselves forward for inclusion on the group at any one time, a vote will be held amongst the members of the Issues Panel, giving preference to those people who have not been previously part of the Issues Panel.

It is also important that the Nottinghamshire County LINK is transparent and unbiased in its choice of issues. For that reason, if a participant of the LINK has raised a particular issue, they will be excluded from determining its priority and voting on whether it should be taken forward as an issue. This person can, however, be asked to give further information to the Issues Panel if requested and can be part of any Task and Finish Group set up to investigate that issue if and when the Issues Panel determine that it is a priority issue.

If a member of the Issues Panel raises an issue, they can also be asked to give further information about the issue but cannot take any part in the decision whether to prioritise or not and will be asked to leave the room whilst the decision is made by the remainder of the Issue Panel.

### **1.3.5 Member of a Task and Finish Group**

Task and Finish Groups will be set up to look at specific issues that have been identified by the Issues Panel as being worth further investigation. On most

occasions, all participants of the LINK will be asked whether they wish to become involved in a particular Task and Finish Group. The Issues Panel will determine how large each group should be and, if there are large amounts of people wishing to join a Task and Finish Group, will have the final decision as to who will be part of the Group to be made by the Issues Panel. There may, however, be occasions when a decision on an issue will need to be made quickly and there will not be time to involve the entire participant body of the LINK when setting up a Task and Finish Group. In these circumstances, the Executive Board and/or Issues Panel will nominate specific people to form a Task and Finish Group, although this should be the exception rather than normal procedure.

In the event that large numbers of people indicate that they wish to join a Task and Finish Group, the procedure will be as follows: all interested parties will be invited to an open meeting. Everyone present will be invited to make comments and express their views. A Task and Finish Group of usually no more than 12 members will be put together from those attending that open meeting.

Where it is helpful or necessary to have specialist advice, the LINK is able co-opt people on to Task and Finish Groups. These may be professional people such as dentists or care home managers. These people will be referred to as "members of the Task and Finish Group" for the duration of the project. They will have the same voting rights as any other member of that Task and Finish Groups.

The Issues Panel will specify the length of each project dealt with by Task and Finish Groups, although extensions will be considered on application to the Executive Board by the Chair of the Task and Finish Group. The results and findings of any Task and Finish Group must be fed back to the Executive Board (via the Chair of the Issues Panel) who will have the final decision on how to proceed with those results. The Lead for each Task and Finish Group will be responsible for ensuring that a monthly update is made available for each Issues Panel and Executive Board meeting. That update must be sent to the LINK Support Team at least 7 working days before the Executive Board meeting.

Whenever an issue is prioritised, the Issues Panel will appoint a Lead Person to head a Task and Finish Group looking at that issue. A Lead will also be identified from the LINK Support Team to work on that issue. The two Leads will then work together to invite participants from the LINK to join the Task and Finish Group. The Task and Finish Groups for prioritised issues will have the authority to investigate their issue, to write statutory 20 day letters or arrange Enter and View visits. The Task and Finish Lead will have the authority to sign and send out any letter prepared by the Task and Finish Group without referring the matter back to the Issue Panel or the Executive Board.

#### **1.3.5.1 Duties of the Lead of the Task and Finish Group**

- To provide lead and direction over the conduct and work of the Issues Panel and its members and participants
- To appoint a member from the Task and Finish Group to act as a Second Lead for the duration of that Group
- To ensure full and proper reporting of the work in progress and completed work to the Issues Panel and the Chair of the Issue Panel
- To ensure that all participants are given sufficient support and guidance to fulfil their roles and responsibilities
- Manage the Task and Finish process, ensuring that all GANTT charts, correspondent and other tools used in the Task and Finish process are full completed and timings, plans, etc. adhered to. Where changes need to be made, this must be done in collaboration with the Chair of the Issue Panel
- To ensure all participants involved in investigations have a full understanding of confidentiality and professionalism and conduct themselves in an appropriate manner
- To carry LINK identification at all times for inspection
- To support and collaborate appropriately with the LINK Support Team in developing positive links with all parties involved in the Task and Finish processes
- To ensure the adoption of the LINK governance and to ensure that provisions are adhered to
- To safeguard the good name and values of the LINK
- Actively engage with the public and facilitate effective communication
- Ensure all policies with regards to referral to other agencies and authorities are adhered to
- Ensure that policies with regards to Enter and View are adhered to
- To ensure that the GANTT chart is up to date at all times, including information about holidays and periods of sickness for the Lead or members of the Task and Finish Group
- To notify the Issues Panel if, at any point, they become unable to lead the Group. The Issues Panel will then decide whether to appoint a new Lead from the Executive Board or decide whether it is appropriate for the

Second Lead to take control of the group (for example, if the investigation is almost complete)

#### **1.3.5.2 Duties of the members of Task and Finish Groups**

- Members of Task and Finish Groups shall report to the Lead of the Group and ensure that they have a full understanding of their own roles and responsibilities in the Task and Finish Process
- Members should also have a clear understanding of the task and duties involved and, if unsure, ask the Lead for clarification
- Members must not write reports or letters on behalf of a Task and Finish Group unless they have been specifically asked to do so by the Lead of that Group. Members cannot sign letters or reports – only the Lead can sign these on behalf of the LINK.
- Members must ensure that they have a copy of and understand the policies for Enter and View, and referrals to other agencies or authorities
- Members are not permitted to go on Enter and View visits unless they have had a Criminal Records Bureau check on behalf of the LINK and Enter and View training provided by the LINK Support Team. Even when these checks are complete, members are not permitted to carry out Enter and View visits unless accompanied by the Task and Finish Group Lead or a member of the Executive Board
- Members of a Task and Finish Group are not permitted to make referrals to other agencies on behalf of the LINK unless specifically authorised to do so by the Lead of that Group. Without that authorisation, members will only be able to make personal referrals without mentioning the LINK
- Members must be willing and able to attend any meetings as deemed necessary and relevant by the Lead of the Task and Finish Group or by the chair of the Issues Panel
- Members must report any problems or concerns to the Lead of the Task and Finish Group as soon as possible
- Members must have a full understanding of their responsibilities in relation to confidentiality

## 1.4 The LINK Host

Each LINK throughout the county has a host organisation to support and assist the work that is being done. In Nottinghamshire, the host organisation is the Carers Federation, which is a company limited by guarantee and a charity. There are the following positions to offer support to the LINK and should be referred to as the Nottinghamshire County LINK Support Team:

### Management Team

Operations Manager \*

Team Leader \*

### Community Engagement Workers

For Research \*

For Communications \*

For Bassetlaw

For Broxtowe, Gedling and Rushcliffe

For Mansfield and Ashfield

For Newark and Sherwood

For BME matters \*

### Administration

Administrator \*

\*These people deal with other LINK organisations in addition to the Nottinghamshire County LINK.

## **Section 2 - Code of Conduct**

### **2.1 Introduction**

All persons on the Executive Board and/or involved in LINK business must agree to abide by the LINK Code of Conduct (and associated governance policies) at all times whilst engaged in activities associated with the LINK.

Whenever representing the LINK, all members of the Executive Board and LINK participants are to abide by the seven Nolan Principles (include a copy of the rules in body of text), as set out below:

#### **Seven Nolan Principles for People Working in 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 awards or 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 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 conflict arising in a way that protects the public interest.*

### Leadership

*Holders of public office should promote and support these principles by leadership and example.*

Participants of the LINK, members of Task and Finish groups and members of the Executive Board must only speak on behalf of the LINK if they have had express permission given by a quorum of the Executive Board. Written permission must be given by the Executive Board before a participant of any level is able to speak publicly on behalf of the LINK.

One person from the Communications and Engagement Working Group - the Press Officer - will have authority to speak to the press on behalf of the LINK. If anyone else is asked to comment in the press on behalf of the LINK, the request should be forwarded to the Press Officer to make those comments. No one else has permission to do this without prior permission of the Executive Board and then only to the extent that Executive Board has agreed the comments that will be made. In the absence of the Press Officer, decisions as to who will speak to the Press and what should be said will be made by the LINK Support Team Communications Officer in conjunction with the Executive Board whenever possible.

## **2.2 Standards**

LINK participants are required to treat everyone with courtesy and respect at all times.

From time to time, participants may have to deal with difficult people or situations. In such circumstances, they must maintain high standards of professionalism and fairness. Discrimination, rudeness, offensiveness, threatening, violent or abusive behaviour is not acceptable in any circumstance.

In order to establish and maintain effective professional relationships with appropriate agencies, participants must promote the values of the LINK, respect staff/colleagues and handle conflict in a professional manner and develop a spirit of teamwork. If you feel that you are the subject of unacceptable behaviour, please refer to the complaints section of this document for advice on how to proceed.

Participants should be reliable and punctual and be able to demonstrate honesty, integrity and fairness.

The LINK aims to promote a positive and effective environment and participants' behaviour should always be above reproach or criticism. Failure to act appropriately and professionally may result in being asked to leave the LINK.

LINK participants may find themselves in a position where they are also service users. A participant must not use their position as a LINK participant to gain any advantage or preferential treatment.

Whilst the LINK has no desire to place restrictions on, or interfere with, a participant's private life, there may be circumstances when external interests affect their engagement with the LINK. Unless a participant is acting as a representative of their employer and this has been fully disclosed to the LINK on the Declaration of Interests form, outside employment or business interests must not conflict or interfere with their duties as a LINK participant.

LINK participants should not use facilities such as telephone, postage or access to LINK Support Team administrative/secretarial support for their personal use and the use of resources should be restricted to LINK work only.

Anyone who feels personally compromised as a result of their duties as a LINK participant must inform the Chair of the Executive Board in writing to "LINK Chair c/o Carers Federation, Unit E2, Southglade Business Park, Cowlairs, Nottingham NG5 9RA". If the circumstance involves the Executive Board Chair, please contact the Vice Chair via the same address.

Unless expressly authorised to speak on behalf of the LINK, participants should not refer to LINK when giving a personal opinion.

## ***Section 3 - Roles and Responsibilities***

### **3.1 Roles and Responsibilities of LINK participants**

It is hoped that participants of the LINK will raise pertinent issues in relation to health and social care, and read the newsletter sent to them

LINK participants are responsible for ensuring that should their personal details change, notification is given to the LINK Support Team

Should a participant of the LINK no longer wish to be part of the LINK, they must notify the LINK Support Team at which point their details will be removed from the LINK database and communication with them will cease

### **3.2 Roles and Responsibilities of LINK participants when acting for or on behalf of the LINK**

All participants acting for or on behalf of the Nottinghamshire County LINK have to satisfy the following roles and responsibilities:

- Sign up to the Governance and agree to abide by all the responsibilities contained therein
- To have a full understanding of the role of the Nottinghamshire County LINK and what it aims to achieve, and the boundaries within this
- To demonstrate a commitment to positive and effective work for the benefit of all those living, working or representing service users' interests in the Nottinghamshire County area
- To show a commitment to work in partnership with others and not duplicate existing work, and to implement good practices which can be built on
- To demonstrate a commitment to not excluding any participants of the LINK and to exploring issues of diversity and equal opportunities
- The Nottinghamshire County LINK and Nottinghamshire County LINK Support Team will endeavour to undertake appropriate training when relevant
- All Nottinghamshire County LINK participants are advised to have volunteer business insurance for vehicle use or at the very least to contact their insurers to ascertain whether using their vehicle as a volunteer affects their insurance policy

### **3.3 Roles and Responsibilities of LINK Executive Board Members**

In addition to the above roles and responsibilities, the members of the Executive Board must also abide by the following:

- Members of the LINK Executive Board must attend each and every Executive Board meeting. If a member is unable to attend, apologies must be sent in advance of the meeting either to the LINK Chair or the LINK Support Team along with a brief explanation for that absence (personal information and details are not expected to be provided)
- For members of the Executive Board, non-attendance at three consecutive Nottinghamshire County LINK meetings without good reason given in advance of the meeting will be considered a breach of conduct and reason for removal from the Executive Board. Should this occur, the matter will be added to the agenda for the following Executive Board meeting and the person who has failed to attend invited to make representations as to why they should not lose their position (preferably in person but written representations will also be considered). Hospital admission and ill-health will always be good reasons for non-attendance although a member who anticipates that they may need to take a long leave of absence should consider whether the LINK would be better served if they were to resign and a more active person take their place
- To refer any requests for comments on behalf of the LINK to the Press Officer who is part of the Communications and Engagement Working Group and will discuss any proposed response with the Nottinghamshire County LINK Support Team Communications Officer. If the Press Officer is not available, requests for comments should be directed to the LINK Support Team Communications Officer who will then liaise with the Communications and Engagement Working Group and the Executive Board
- Not to speak to the press on behalf of the LINK without the express permission of a quorum of the Executive Board
- To promote the ideals and objectives of the LINK as a whole, and not to use the LINK as a way to advance personal views and agendas
- To attend external meetings on behalf of the LINK when authorised to do so and to complete a Meetings Feedback Form to report back to the Executive Board at the next Executive Board meeting. The Meetings Feedback Form must be sent by post or email to the LINK Support Team at least 5 working days before the Executive Board. If Executive Board members fail to report back to the rest of the Board in an appropriate and timely manner, the Board will have the power to vote and withdraw that member's status of acting on behalf of the LINK. Training on how to

report back will be given if requested or felt necessary by the individual or the Executive Board.

- To complete and update the LINK Work plan and to prioritise issues brought to the attention of the LINK
- To take part in consultations in order to show a willingness to engage with service providers
- To report back to all LINK participants in relation to work done on issues raised in a timely manner via the newsletters
- To set start and end dates whenever setting up task and finish groups
- To produce an annual report and annual health check report by a specified date (that date is not to be found within this Governance Document)
- For ensuring that the participants of the LINK abide by and promote the values, aims and objectives of the LINK
- To include participants of the LINK in work being done and to involve them in task and finish groups and to have final say on who will form the task and finish groups
- To sign up to the Code of Conduct and abide by it. Failure to do so may result in that Executive Board member being removed from post.
- To work with the LINK host team to increase the numbers of participants for the LINK
- To work with the LINK Support Team in promoting the existence of the LINK
- To represent the issues that the LINK as an organisation identifies as being the most important, rather than promoting their own personal motives.
- To declare personal interests in health and social care, including membership of other organisations and personal issues. Members of the Executive Board will be expected to withdraw from any votes or issues raised in relation to meetings or issues where they have personal interests if asked to do so. Failure to do so may result in that Executive Board member being removed from post.

### **3.4 Meetings**

An Annual General Meeting will be held each year, in addition to consultation and engagement events which will occur at the discretion of the Nottinghamshire County LINK.

Meetings of the Executive Board will be held on a monthly basis. These meetings will usually last for no longer than two hours. Executive Board meetings will be meetings held in public, however members of the public will not be able to take any active part in the discussions. Questions can be raised by members of the public provided they are submitted to the LINK Support Team at least 15 working days before the date of the Executive Board meeting (as set out in the Decision Making Section on Page 29). The LINK Support Team will ensure that the question goes to the Executive Board to be answered. Active participation in the Executive Board meeting by non-Executive Board members will be by invitation only.

On the occasions when press are invited to attend an Executive Board meeting, all member of the Executive Board must be asked to confirm they are happy for their words to be reported in the Press. If there are private issues to be discussed, these will be placed at the end of the agenda to form part of a closed session. Anyone not part of the Executive Board, part of the LINK Support Team, co-opted to the Executive Board or invited to attend with reference to those private issues will be asked to leave the meeting at that point.

The dates of all Executive Board meetings will be published on the Nottinghamshire County LINK website and in each Nottinghamshire County LINK newsletter. Fliers will also be sent to all libraries throughout the County stating the date of the next Executive Board meeting, to be updated within 5 working days of each meeting. The libraries will be asked to display these fliers.

Agendas and minutes of the Executive Board meeting will be available on the website and on request to anyone who wishes to have a copy. They are not limited to members of the Executive Board only.

Meetings of the Communications and Engagement Working Group and the various Task and Finish Groups will be held as and when necessary, the dates and frequency to be determined by members of those groups, although the Executive Board will be able to specify a date by which the work of those groups must be completed and reported back to the Executive Board.

### **3.5 Joint Working**

The Nottinghamshire County LINK will work closely and alongside existing groups, agencies, organisations and bodies. The Nottinghamshire County Link will ensure partnership working with commissioners and service providers within Nottinghamshire County and bordering areas, and relevant national bodies.

### **3.6 Quorum decisions of the Executive Board**

A minimum of 5 members of the Executive Board will be required in order for a quorum decision to be made. All members of the Executive Board have a vote n any issue (provided they do not have a conflict of interest), except for the Chair

who will only vote in the case of a tied vote. Whenever the Chair makes a decision in these circumstances, that decision will be the casting vote.

Executive Board members are required to personally attend Executive Board meetings. Substitutes will not be permitted, except in exceptional circumstances. The decision of what constitutes an exceptional circumstance will rest with the Chair of the Executive Board.

Whenever a vote will be required on any given subject, every effort will be made to notify the members of the Executive Board in advance of the meeting with details of what the votable issue is. If a member of the Executive Board is unable to attend that meeting and has a reasonable excuse for non-attendance, it will be possible for that member to lodge a paper vote. All votes must be sent to the LINK Support Team to arrive in writing (either by post or email) at least 48 hours before the day of the vote. It is the responsibility of the member who is unable to attend to make sure that the written vote has been received prior to the vote taking place.

If a vote taken in an Executive Board meeting is an open vote, it will be done by way of a show of hands from all members bar the Chair. If any member is absent but has notified the LINK Support Team of the way in which they wish to cast their vote, the LINK Support Team member present at the meeting will stand in for the absent Executive Board member during that vote and cast the vote as per the absent member's instructions.

If a vote taken in an Executive Board meeting is a closed vote, a ballot box will be provided and all members will place their votes on a piece of paper and then place those pieces of paper in the ballot box. Again, if any absent member of the Executive Board has notified the LINK Support Team of the way in which they wish to vote prior to that vote taking place, the LINK Support Team member present at the Executive Board meeting will be responsible for placing the written vote of that Executive Board member into the ballot box to be counted along with the other votes. The Executive Board must nominate two people present at the meeting to count the votes, report to the Chair and the Chair will announce the result of that vote before the end of the Executive Board meeting.

The Chair and all members of the Executive Board are accountable to their local community. The LINK will always be independent of local government.

### **3.7 Speakers by invitation**

There will be occasions when the Executive Board wish to hear presentations from speakers who are not part of the Board. On these occasions, specific invitations will be issued for those speakers to attend a particular Executive Board meeting (dates, times, venue and time allocated) will be supplied to the

speaker). Without that invitation, there will be no right for non-members of the Executive Board or non-members of the LINK Support Team to attend.

The Executive Board has the right to issue invitations to individual meetings or to issue standing invitations to organisations such as the local Primary Care Trusts to provide monthly updates as to what is happening throughout the County.

### **3.8 Invitation for non-LINK participants persons to become part of a Task and Finish Group**

Invitations may be offered to professional persons to work on a particular issue as part of a Task and Finish Group. That professional person will have the right to join in all of the discussions and conversations and to give their opinion as to the issue and investigation into it. However, that professional person will not be able to Chair the group and they will not have any voting rights.

## ***Section 4 - Role of the Host Organisation***

### **4.1 Relationship between the LINK and the LINK Support Team**

The role of the Host Organisation is to help the Nottinghamshire County LINK to set up and support it in the work that it chooses to do.

The Host Organisation for the Nottinghamshire County LINK is the Carers Federation. The section of the Carers Federation responsible for dealing with the LINK is referred to as the (Nottinghamshire County) LINK Support Team. The LINK Support Team is obligated to adhere to ISO 9000 standards and the performance of the LINK Support Team will be measured by Nottinghamshire County Council.

The relationship between the Nottinghamshire County LINK and the LINK Support Team should be complementary and will build upon the skills and expertise that the Nottinghamshire County LINK and the LINK Support Team each bring to their role.

The LINK Support Team's role is to provide support that enables Nottinghamshire County LINK participants to maximise their involvement. This may include seeking out and recommending models of best practice for the Nottinghamshire County LINK, for example, models for developing research, communications, community engagement and supporting volunteers, capacity-building and training.

### **4.2 Responsibilities of the LINK Support Team to the LINK**

The LINK Support Team will carry out the following work on behalf of the LINK:

- Treating the members of the LINK with respect at all times
- Informing the community about the Nottinghamshire County LINK and raising awareness
- Encouraging participation from members of the community and the voluntary and community sector
- Providing administrative support and administering the business of the Nottinghamshire County LINK
- Developing clear systems and processes that make the Nottinghamshire County LINK work well
- Working in conjunction with the Nottinghamshire County LINK Executive Board to manage the Nottinghamshire County LINK budget
- Reporting Nottinghamshire County LINK activities to the Overview and Scrutiny Committee and to the public where required

- Supporting community involvement
- Reporting progress to the local authority
- Providing advice and administrative support, briefings and organising training for the Nottinghamshire County LINK Executive Board, the Communications and Engagement Working Group and Task and Finish Groups
- Supporting the Nottinghamshire County LINK to communicate with health and social care commissioners, service providers, councillors and other stakeholders

#### **4.3 Responsibilities of the LINK to the LINK Support Team**

- All participants of the LINK must treat the members of the LINK Support Team with respect at all times
- LINK participants will only ask for the assistance of the LINK Support Team on LINK related matters and will not use the resources of the LINK Support Team for unrelated or personal matters
- When requesting work to be done by the LINK Support Team, a reasonable and practical amount of time will be allowed for the LINK Support Team to complete that work
- LINK participants will not make unreasonable requests of the LINK Support Team. The final decision as to what is an unreasonable request will lie with the Team Leader or Operations Manager of the LINK Support Team
- LINK participants will assist the LINK Support Team by attending meetings and events, with or without members of the LINK Support Team, in order to promote the LINK and encourage participation in the LINK from members of the community and the voluntary and community sector

#### **4.4 Nottinghamshire County LINK Outcomes**

With the support of the LINK Support Team, Nottinghamshire County LINK will be confident and efficient in its goals to be able to reach out to the communities it serves. Nottinghamshire County LINK will be able to contribute to the improvement and shaping of Health and Social Care Services provided for the people of Nottinghamshire County.

## ***Section 5 - Conflicts/Declaration of Interests***

The reputation of the Nottinghamshire County LINK as an open and fair-minded organisation with a high standard of integrity and commitment to its aims and objectives is dependent on the LINK participants.

It is understood that many participants of the LINK will have their own personal interests, some of them related to health and/or social care. Participants must complete a Declaration of Interests form if they are involved in other health and social care in any circumstances, for example, by being a service user, by working within the health and social care fields, or by sitting on a panel related to health and/or social care. Participants will only be expected to make such a declaration if:

- They are raising an issue for the LINK to consider
- They are sitting as a member of the Executive Board
- They are sitting as a member of the Communications and Engagement Working Group
- They are sitting as a member of a Task and Finish Group

In the above circumstances, all participants must declare their health and social care related interests for the purposes of openness, whether they are likely to cause a conflict or not.

Having related interests may not affect any participant's right to raise issues or become a member of any of the above groups. A final decision in relation to interests and potential conflicts will rest with the Chair of the Executive Board and may lead to a person being involved in a Task and Finish Group but not having any voting rights, or being asked to leave that Group if it is thought that a biased opinion would be harmful to the progression of the project being worked on.

Failure to declare such interests may result in a participant being removed from membership of any of the above mentioned groups and, in extreme circumstances, from participation in the Nottinghamshire County LINK.

Participants must not allow any personal or external professional interests to conflict with the effectiveness of the LINK.

Participants will be required to make a written disclosure to the Chair of the Nottinghamshire County LINK via the LINK Support Team, indicating any connections they have with organisations or agencies with whom the LINK is working or during the course of its business. A form (Declaration of Interests

Form) for making such declarations can be requested from the LINK Support Team and a register of all such forms will be kept at the LINK Support Team's office. Participants are responsible for updating this register when changes occur.

As and when a conflict is identified, the Chair of the particular Task and Finish Group will have the final decision on whether there is an actual conflict. The Chair has the power to ask the person to leave the Task and Finish group if the conflict is extreme, or may agree to have that person sit on the Task and Finish Group but not have any voting rights. In the absence of the Chair, the Vice Chair will have the decision making powers. If there is any disagreement about whether a conflict exists, the matter must be referred to the Executive Board for a decision. The final decision will rest with the Chair of the Executive Board (or the Vice Chair in the absence of the Chair).

The procedure in relation to the Communication and Engagement Working Group and the Executive Board is the same as above.

## ***Section 6 - Confidentiality***

The Nottinghamshire County LINK, all its participants and the Nottinghamshire County LINK Support Team are subject to the requirements of the Data Protection Act 1998 at all times.

Any personal information or individual details received by a) an authorised Nottinghamshire County LINK representative or b) member of the LINK Support Team will not be passed on to others, and will be treated with high standards of confidentiality at all times.

Any information given, or complaints, made by the Nottinghamshire County LINK or to the Nottinghamshire County LINK will be kept strictly confidential and will only be seen by those dealing with the complaint.

The participants selected to undergo enter and view training must have undertaken a full CRB check prior to carrying out any enter and view proceedings, and the details of the CRB check will be kept strictly confidential and stored at the LINK Support Team office.

The Nottinghamshire County LINK Support Team will hold a database of participants on a protected server which can only be accessed by the Nottinghamshire County LINK Support Team.

Any requests from within the Nottinghamshire County LINK or from an outside party for information or contact details regarding an individual on the database, will be declined unless prior permission has been granted by the individual whose details are being sought.

Each participant of the LINK will have the power to forego their right to confidentiality. However, this acknowledgement must be given in writing and stored at the LINK Support Team office. In the absence of this, all participant details will remain confidential.

## ***Section 7 - Equal Opportunities***

### **7.1 Policy Statement**

It is the policy of the LINK not to discriminate against its participants on the basis of their gender, sexual orientation, marital status, any gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability or age, pregnancy or trade union membership.

Our volunteers shall not be disadvantaged by any policies or roles and responsibilities which cannot be justified as necessary for operational purposes. This would include appropriate steps to accommodate the requirements of individuals, religions, cultures, and domestic responsibilities.

The LINK shall, at all times, strive to work within legislative requirements as well as promoting and sharing best practice. The LINK's long-term aim is that the composition of its participants should reflect that of the County and its communities and that all individuals should be offered equal opportunities to achieve their full potential. LINK is committed to a programme of action to make this policy effective and to bring it to the attention of all its participants. The principle of non-discrimination and equality of opportunity applies equally to the treatment of all individuals that the LINK comes into contact with.

The following paragraphs deal with the specific categories of areas of work which have been identified as potentially giving rise to equal opportunities issues and provides more specific guidance on the parameters of our policy and approach to equal opportunities. This policy is for guidance only and will be available all LINK participants on request or on the LINK homepage. Where a participant is doing work on behalf of the LINK, a copy of this policy will provided to that participant who will be asked to sign up to it before starting work on behalf of the LINK.

### **7.2 To whom does this policy apply?**

This policy applies to all participants of the LINK.

All individuals have a duty to act in accordance with this policy, and therefore to treat colleagues, visitors and any persons associated with LINK business with respect dignity at all times, and not to discriminate against or harass other individuals in any context. In some situations, the LINK may be at risk of being held responsible for the acts of individual participants and therefore shall not tolerate any discriminatory practices or behaviour.

### **7.3 Personnel responsible for implementation of policy**

Those working at a management committee level (members of the Executive Board) have a specific responsibility to set an appropriate standard of behaviour as set out in the Code of Conduct and Roles and Responsibilities Sections of this

document, to lead by example and to ensure that the participants of LINK adhere to the policy and promote the aims and objectives of LINK with regard to equal opportunities. To facilitate this process, members of the Executive Board shall be given training on equal opportunities.

All members of the LINK Executive Board are responsible for the successful implementation of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives.

#### **7.4 Examples of discrimination**

Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

**7.4.1 Direct discrimination:** Direct discrimination occurs when someone is put at a disadvantage, for example, rejecting a LINK applicant of one race because it is considered they would not "fit in" on the grounds of their race would be considered direct discrimination.

**7.4.2 Indirect discrimination:** Indirect discrimination occurs when an individual is subject to an unjustified decision, provision, criterion or practice which puts them at a particular disadvantage because of, for example, their sex or race. If the criteria cannot be objectively justified for a reason associated with legislation or sensitivity it would be considered indirect discrimination.

Discrimination also includes victimisation and harassment (e.g. less favourable treatment because of action taken to assert legal rights or to assist a colleague in that regard).

#### **7.5 Disability discrimination**

If you have a disability, or develop a disability in the course of your LINK volunteering, you are encouraged to tell the LINK about any additional assistance that you require to enable you to remain fully active within the LINK. This is to enable the LINK to support you as much as possible.

You may also wish to advise the LINK Chair of any reasonable adjustments to your working conditions or the duties of your volunteering which you consider necessary, or which would assist you in the performance of your LINK duties.

Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of your participation. Nevertheless, there may be circumstances where it will not be reasonable for the LINK to accommodate the suggested adjustments and this being the case LINK will ensure that you are provided with information as to the basis of the decision not to make any adjustments.

## **7.6 Breaches of the policy**

If you believe that you may have been prejudiced, disadvantaged or harassed on any grounds you are encouraged to raise the matter through the LINK Chair and follow the LINK complaints procedure. If you feel that the LINK Chair is the one that has discriminated against you, then your complaint should be made to the Vice Chair of the Executive Board.

If you are proven to have prejudiced or harassed any other person/worker on the grounds of sex, marital status, sexual orientation, religion or belief, race, disability or age or otherwise act in breach of this policy, you may be asked to leave the LINK.

## **Section 8 - Decision Making**

### **8.1 Standards**

The reputation of the LINK as an open, fair, publicly-funded organisation with a high standard of integrity and commitment to its aims and objectives is dependent on the integrity and behaviour of the volunteers who make up the LINK as its participants.

### **8.2 Prejudice and conflict of interest**

Decisions should be made objectively by LINK participants and without favour or prejudice to any Trust, agency or individual involved in health and social care. This will ensure that there is no possibility of conflict of interest, undue influence or preferential treatment. Members of the Executive Board must declare any interests or involvement in other organisations at each Executive Board meeting.

Identification badges will be issued to people who are actively involved in the work of the LINK. If a participant is a member of a Task and Finish Group, it will have a date on the badge to show when that position ends. At the end of the Task and Finish group, all members of that group must return any identification which shows they are attending and working on behalf of the LINK.

Identification badges will also be provided to members of the Executive Board and the Communications and Engagement Working Group. These badges must only be worn when acting as an authorised representative of the LINK.

### **8.3 Duplication**

The LINK Executive Board, when making decisions, should consider both local and national priorities, as well as the diversity of the population and the geographical area. Existing activities should be considered so that information already obtained through previous activities can be considered in the decision making process and will ensure that work is not duplicated.

### **8.4 “Seldom Heard” groups and individuals**

Consideration should at all times be given to reaching and involving individuals, groups and communities which have been “seldom heard” in the past.

### **8.5 Gifts and Hospitality for Executive Board members**

LINK Executive Board members who receive gifts and/or hospitality should not place themselves under any obligation that might influence or be perceived to influence their future decisions or conduct and these items must be declared and recorded clearly in the Gifts and Hospitality Register.

LINK Executive Board members should be cautious when accepting hospitality, always ensuring that it is appropriate. They should also be careful that this could not be used in any way to exert improper influence over them.

When gifts are presented to LINK Executive Board members, there is an expectation that these gifts will be refused if that is possible without causing offence. Where gifts are given, notification should be given to the Executive Board and the LINK Support Team (the latter for storing information purposes only). If it is felt that these gifts are not appropriate, those gifts will then be passed on to an appropriate charity, for example, as a raffle prize, to be nominated by the Executive Board.

### **8.6 “Task and Finish” groups**

The LINK also has a range of task and finish groups which can be convened for a specified period of time to work on specific activities. These groups do not have the authority to make final decisions outside of any pre-determined remit received from the LINK Executive Board. Task and finish groups will refer their recommendations to the main LINK Executive Board as appropriate and the Executive Board will make the final decision on what should be forwarded to any external organisations, such as the Primary Care Trusts.

### **8.7 Communications and Engagement Working Group (CEWG)**

The Communications and Engagement Working Group was set up by the Executive Board and is designed to handle the publicity side of the LINK. There is a Press Officer who is part of the Communications and Engagement Working Group and has the power to address the Press on behalf of the LINK without first getting the agreement of the Executive Board. The Communications and Engagement Working Group will have the authority to make and act on decisions without first getting the agreement of the Executive Board. A representative from the Communications and Engagement Working Group should report any work done to the Executive Board at their monthly meetings.

### **8.8 Community representation**

The LINK Executive Board will ensure that the decisions it makes are reflective of the priorities of the local community and will evidence that wide consultation has taken place. The LINK decision-making process will be used when priorities compete.

### **8.9 Publication of Executive Board members**

The names of all Executive Board members and those authorised to act on behalf of the LINK shall be published in the newsletter and on the LINK website.

The LINK Executive Board shall have a Chair and Vice Chair elected from the Executive Board. Nominations for Chair and Vice Chair positions should be

submitted 10 working days before the nominated Executive Board meeting date. Any interests that might impact on decision making or reflect a conflict of interest must be declared with nominations.

The Chair and Vice Chair will be chosen by closed ballot at the nominated Executive Board meeting. Each of the 12 members of the Executive Board will have a vote and may both nominate and vote for themselves. In the case of a tie for the position of Chair or Vice Chair, a further vote will take place with just the tied candidates being considered for the position.

The Chair shall be responsible for facilitating LINK Executive Board meetings and Public Meetings and signing the LINK Annual Report. In absence of the Chair, the Vice Chair shall be responsible for facilitating the LINK Executive Board meeting and Public Meetings. Minute taking and the preparation of the Agenda for Executive Board meetings will be undertaken by the LINK Support Team.

#### **8.10 Quorum and tied votes**

Decisions of the Executive Board shall be on a majority voting basis and, subject to each meeting being quorate with a minimum of 40% of membership present and in the event of a split decision, the Chair shall hold the deciding vote. In the absence of a split decision, the Chair will not vote. All elected and retained members of the Executive Board are entitled to vote. If a person is in attendance as a co-opted member but not in one of the 12 seats, that person will not be entitled to vote.

#### **8.11 Time Frame for issue of Agendas and Minutes of the Executive Board meetings**

All authorised LINK meetings shall have an agenda and any supporting papers to be distributed by the LINK Support Team at least 7 working days prior to the meeting. Items for inclusion on a LINK Executive Board meeting agenda may be submitted through the LINK Support Team for consideration by any participant of the public but this must be done 15 working days before any meeting and accompanied by any supporting documentation.

All notes and minutes of Executive Board meetings of the LINK will be published by the LINK Support Team within 10 working days of the meeting.

#### **8.12 Decision making and Task and Finish Groups**

The LINK shall have a range of Task and Finish groups which can be convened for a time limited period to work on specific activities. Task and Finish Groups may also include joint working with other LINKs throughout the Country if relevant to the Health or Social Care issues under consideration. Task and Finish Groups do not have the authority to make decisions outside of their pre-

determined remit and must refer their recommendations and reports to the main LINK Executive Board.

As mentioned above, the exception to this is the Communications and Engagement Working Group, which is specifically authorised by the Executive Board to make decisions and act on them. This is because if a request is made for a comment to the press, it may not be practical to wait for the next Executive board meeting for such a decision to be made. The Communications and Engagement Working Group must, however, only make decisions and act on them if they are acting within the remit given to them by Executive Board.

### **8.13 Supervision of the Task and Finish Groups**

The Executive Board shall hold responsibility for constituting LINK Task and Finish Groups to achieve the LINK Work Plan. The membership and remit of all Task and Finish Groups shall be published on the Nottinghamshire County LINK website.

### **8.14 Decisions in relation to the Nottinghamshire County LINK Work Plan**

Issues to be included in the LINK Work Plan shall be identified by consulting with the public, with special effort being given to reaching and involving individuals, groups and communities which have been "seldom heard" in the past. The LINK will ensure that the decisions it makes are reflective of the priorities of the local community and will evidence that wide consultation has taken place.

The LINK Work Plan shall be published in the LINK newsletter and will be available on the Nottinghamshire County LINK website.

The LINK name, powers and resources must only be used if the LINK Executive Board has approved work on that subject or where an event or meeting is being attended to promote the LINK with the prior knowledge of the Executive Board or the LINK Support Team.

The Executive Board shall be responsible for ensuring the Work Plan is properly implemented within an agreed timescale and monitored on a monthly basis. Members of any Task and Finish Groups will be expected to provide an update of the work being done to the Executive Board in time for each Executive Board meeting.

### **8.15 The LINK and the Overview and Scrutiny Committee (OSC)**

Where the LINK has made requests or recommendations in accordance with its remit, and feels that those requests or recommendations are not being taken seriously by the receiving party, the LINK has the right to bring that to the attention of the Overview and Scrutiny Committee and ask for their support with receiving a response.

Referral of an issue to the relevant Overview and Scrutiny Committee shall only be made on an issue that is part of the LINK Work Plan and shall be made through the LINK Executive Board and in accordance with the protocol agreed with the Scrutiny Committee. The relevant Overview and Scrutiny Committee will be the Nottinghamshire County Overview and Scrutiny Committee.

### **8.16 Notification and announcement of decisions**

All decisions and procedures of the LINK, including any changes in such procedures, shall be published in the LINK newsletter and on the website.

Decisions on making a report or recommendation to a Service Provider or anyone else must be made by the Executive Board.

### **8.17 Decisions in relation to the LINK Annual Report and Finance Report**

The Executive Board shall be responsible for ensuring the LINK Annual Report and Finance Report is produced and presented at an Annual General Meeting, then be made available to all LINK participants on the website. The LINK Annual Report will be signed by the Chair of the Executive Board.

### **8.18 Responsibility of the LINK in relation to the Annual Report**

Section 227 of the Local Government and Public Involvement in Health Act 2007 – the legislation which created the Local Involvement Networks – requires that a Report be prepared by each LINK on an annual basis.

#### **8.18.1 When the report has to be completed by**

The Nottinghamshire County LINK has a responsibility to prepare and publish an Annual Report. The reports must cover the period 1<sup>st</sup> April to 31<sup>st</sup> March each year and must be published by 30<sup>th</sup> June each year.

#### **8.18.2 Who should be sent a copy of the Annual Report**

The first reports of the LINK must be published by 30<sup>th</sup> June 2009 and must include all activities during any 'transitional period' applicable to the Local Authority area. Copies of the LINK annual reports must be made available to the public and sent to the following:

- the Secretary of State;
- the relevant Local Authorities and Overview and Scrutiny Committees
- the relevant Primary Care Trusts and Strategic Health Authorities
- the Care Quality Commission (Health and Social Care Act 2008, Part 3, Section 94)

### **8.18.3 Procedure in relation to the Annual Report**

The Government has set out in Directions what the LINK Annual Reports must contain and it is the responsibility of the Executive Board to ensure that all such conditions are met.

The LINK should think creatively and innovatively about how the Annual Report can be used to communicate with local people and groups about the effectiveness of the LINK. The annual report should be made available in ways that are easy for people and community groups to understand.

The LINK must agree the content of the report. The LINK Support Team have the role of facilitating the preparation and publication of the Annual Report.

The reason for publishing an Annual Report is that it is one way that the LINK is accountable to the Secretary of State and local communities about the activities it undertakes and the public money it spends.

### **8.18.4 What the LINK annual reports must include**

Each LINK Annual Report must contain the following information:

- Name, address and contact details for the LINK
- Name, address and contact details for the Host organisation
- Names of individuals who were either authorised representatives of the LINK or were involved in making relevant decisions throughout that period
- The amounts of any money received by the Host from the Local Authority to support LINK activities during the year, together with the amounts spent and what it was spent on
- The LINK activities that have been carried out

- *Describing what has been done to meet the core objectives of LINKs namely:*

*To promote involvement*

*To find out people's experiences of services*

*To assess whether improvements are needed to services*

*To make the findings of the LINK known*

- How the views of people involved in LINK activities have been made known to commissioners, providers, managers and scrutineers of care services
- The impact of LINK activities
- How many requests for information were made to commissioners and providers (including independent providers), what those requests concerned and who the requests were made to; whether or not responses were received and whether these were within 20 working days of the receipt of the request
- How many referrals were made to the Overview and Scrutiny Committees (OSCs), the matters concerned whether receipt of referrals as within 20 working days, whether the OSC kept the LINK informed of any actions in relation to referrals and what actions OSCs took in respect of referrals
- How many reports or recommendations were made to commissioners, what those concerned, whether they responded within 20 working days with an explanation of actions to be taken or why actions were not to be taken
- Which premises authorised representatives entered and viewed and how many times those premises were entered and viewed

#### **8.18.5 Format of the Nottinghamshire County LINK Annual Report**

Although the Government has set out what needs to be included in a LINK Annual Report, there is no required format for how the information should be presented. Guidance set out by the National Centre for Involvement contains the following suggestions:

“LINKs should consider the style and language used in their reports and should avoid using provocative or potentially defamatory statements about services, organisations or individuals. However, LINKs should not be afraid to use their reports as a vehicle to hold services to account, but this should be done constructively and in the spirit of partnership. LINK annual reports should highlight good services and acknowledge positive change as well as concerns and problems.

“LINKs could consider publishing a summary of their annual report highlighting their main activities and achievements, together with a more detailed version that explores the issues in more depth. People may not have time to read lengthy reports but may appreciate a ‘snapshot’ of the LINK. Others may want the chance to read about LINK activities in depth.”

### **8.18.6 Signing the Annual Report**

The Annual Report must be signed by the current Chair of the Executive Board.

## ***Section 9 – Elections for Membership of the Executive Board***

### **9.1 Introduction**

The Nottinghamshire County LINK will operate democratically, implementing the following voting processes:

#### **9.1.1 Year 2009 – Elections for the first Executive Board**

This is the first vote for members of the Executive Board, replacing the Transitional Steering Group. The Executive Board will consist of twelve members. Four members of the Steering Group have been retained for the purposes of continuity. Members of the Steering Group were asked to put themselves forward if they wished to be retained. Only four members did so, meaning that each one was retained.

The remaining eight places were put out to election amongst all participants of the LINK. Nomination forms were sent out to all non-statutory participants on the Nottinghamshire County LINK database. Participants were asked to put themselves forward for one of the following positions:

1. Bassetlaw
2. Broxtowe
3. Gedling
4. Mansfield and Ashfield
5. Newark and Sherwood
6. Rushcliffe
7. Non-geographical seat
8. Non-geographical seat

Any seat with more than one nomination was put out to a vote amongst all participants of the LINK, with the nominations and elections forms prepared by the Nottinghamshire County LINK Support Team but all voting forms received and counted by the Electoral Reform Services. The allocating of elected seats was based on a report issued by the Electoral Reform Services. Successful candidates will hold their seat until end March 2012.

Any empty seats on the Executive Board will remain empty until a participant puts themselves forward for that seat. Rather than having an election at that point, the Executive Board will be asked whether they approve the candidate. If they give their approval (a majority decision is sufficient providing there is a quorum of members), then the candidate will be included on to the Executive Board.

#### **9.1.1.1 Role of the retained members of the Transitional Steering Group**

The reason for retaining four members of the Transitional Steering Group is to provide continuity and support to the incoming members of the Executive Board. They are able to advise on the work already being done by the LINK and maintain links already established with service providers and LINK volunteers. However, those retained members must not:

- Tell the new members what to do without explaining why
- Assume that they know how the work should be done and not allow new people to influence that work
- See themselves as 'managers' of the new people
- See the new people as a threat to the work they have already done

#### **9.1.2 Year 2010 – Resignation of the retained members**

All four retained members of the Executive Board must resign at the end of March 2010. Those four seats will then be put out to a vote amongst all participants of the LINK. LINK participants will be asked if they wish to put themselves forward for a seat. The retained members of the Steering Group can choose to put themselves forward if they so wish. If more than four people put themselves forward, the matter will be put out for a full vote with the Electoral Reform Services once again receiving and counting the votes and producing a report of the results. Successful candidates will hold their seats until the end of March 2013.

#### **9.1.3 Year 2012 – Resignation of all members of the Executive Board elected in 2009**

All eight elected members of the Executive Board must resign at the end of March 2012. The eight seats will then be put out to a vote amongst all participants of the LINK. LINK participants will be asked if they wish to put themselves forward for a seat. The eight members of the Executive Board having just resigned can choose to put themselves forward again if they so wish. If more than eight people put themselves forward, the matter will be put out for a full vote amongst the LINK participants with the Electoral Reform Services once again receiving and counting the votes and producing a report of the results. Successful candidates will hold their seats until end March 2015.

This pattern is expected to continue so that the next elections will be held in 2013 and then 2015, and so on throughout the existence of the Nottinghamshire County LINK.

## **9.2 Chair/Vice Chair**

Votes will be taken to appoint a Chair and a Vice-Chair for the Executive Board on an annual basis. This vote will take place in the first meeting each May. All members of the Executive Board will have the right to one vote for each position and any member of the Executive Board will be able to stand for either of these posts, regardless of whether they have held the position previously.

## **9.3 Resignation/Removal of an Executive Board member**

Should any seat become vacant due to the resignation or removal of an Executive Board member, all LINK participants will be asked whether anyone wishes to put themselves forward for that seat. If more than one person puts themselves forward, the matter will go for a vote with the collating and counting of votes to be done by the Electoral Reform Services. Any person voted on to the Executive Board in this way will hold their seat until it would otherwise have come up for election (either as part of the eight, or part of the four).

## **Section 10 – Enter and View Policy**

### **10.1 Introduction**

Under legislation, LINKs can enter specified types of premises and view the care provided. This is known as the LINK power to “Enter and View”. The LINK has the power to Enter and View nearly all types of publicly-funded health and social care services.

The Local Government and Public Involvement in Health Bill 2007 imposes specific duties on commissioners and statutory providers of care services to allow LINK representatives to enter and view services under certain conditions. Because this legislation does not apply to independent providers, the government has directed commissioners to amend new contracts to allow representatives of LINKs to enter and view services providing state funded care and which are owned or controlled by an individual provider.

Although there will be times when it is right of a LINK representative to see how a service is run, this does not mean that just anyone from a LINK will be able to undertake this role. The Government believes that those who enter and view services will need to have the right skills, have received the right training, understand patient confidentiality and have undergone appropriate checks. It is intended that entering and viewing of services will be governed by a Code of Conduct for LINK representatives.

The LINK Executive Board will be responsible for nominating people to become Authorised Representatives, in other words authorised to carry out Enter and View visits. Only Authorised Representatives will be permitted to exercise Enter and View powers on behalf of the LINK.

### **10.2 Safeguards and Exclusions to Enter and View powers**

There is also a need for exemptions and safeguards to be in place to protect patients. The following are excluded from the Enter and View provisions:

- Services providers will not have to allow entry to a LINK representative if they believe it would compromise the effective provision of a service or the privacy or dignity of a service user
- Some types of premises will be excluded because it would be inappropriate to a representative to enter. These include care provided in someone’s home, children’s social services and premises that are occupied under a tenancy or a licence
- Representatives will also not be able to enter non-communal area of care homes – for example, private bedrooms

- Where the premises or parts of premises are used solely as accommodation for employees
- Services will be excluded if they are provided solely to people paying in full for their own care – eg services provided to self-funders in care homes
- Entry can be refused to an Authorised Representative if that Representative is not able to provide proof that he/she is authorised in accordance with Regulation 4 of Local Involvement Network (Duty of Services-Providers to Allow Entry) Regulations 2008 (photo identification or written proof of authorisation from the LINK on headed note paper)
- Please note that LINK powers will apply to children's health services but not to children's social care services. This is because the Government believes that there are other appropriate mechanisms already in place which scrutinise and oversee children's social care and seek that view of children and young people in the development of their services

These exclusions do not mean that LINKs cannot enter when invited; it just means that service providers will not be obliged to allow them to enter. Nor do they mean that a provider can deny a LINK access without good reason. LINKs will be able to refer the issue to both the commissioner of the services and the local Overview and Scrutiny Commission.

### **10.3 Planning A Visit**

You always need to be clear about the reasons you are undertaking a visit and be clear about your objective. What do you want to know and why, and what will you do with this information?

It is important to be clear about the purpose of the visit, which may include talking to patients, to visitors and carers, to staff and simple observation. Often a fresh view from someone who is not part of the service can pick up on things that become invisible to those who are there every day, for example, a visitor may see that the notices on the notice board are out of date, or unavailable in community languages, whereas a member of staff, or even frequent visitor, may have ceased to notice that there was a notice board. Similarly, unpleasant smells may be more evident to a frequent visitor.

The entering and viewing of health and social care services on behalf of the LINK shall be carried out only by nominated, authorised and CRB checked representatives of the LINK. These checks must be carried by two Authorised Representatives of the LINK working together and they must display approved LINK identification at all times. The work of LINK Authorised Representatives must never be undertaken alone.

The entering and viewing of health and social care providers on behalf of the LINK shall be as part of the LINK work plan.

#### **10.4 Formal Enter and View Visits**

Most visits will be formal visits. The purpose of this visit will be to monitor an actual service being provided to members of the community.

#### **10.5 Informal Enter and View Visits**

An informal visit is where the purpose of the visit is a matter of general research rather than the actual monitoring of the service. Informal visits should be the exception rather than the rule and should never result in a formal report being sent to a Trust or Primary Care Trust. These should be fact finding missions which may lead to a formal visit being paid to a particular facility.

#### **10.6 Notice of Enter and View Visits**

In order to ensure security and safety and to avoid the chance of such a visit being discontinued by site managers, visits should be notified to the appropriate Primary Care Trust and the facility in advance. The length of notice period given should be determined by the appropriate Task and Finish Group and agreed by the Executive Board. Authorised Representatives must announce their arrival and show their identity cards on arrival.

If it becomes necessary for a visit to be done on an unannounced basis, notice must be given to the appropriate service provider and facility that there will be an unannounced visit to the facility although details of when need not be given. Again, this must be in exceptional circumstances only and as a last resort, and the reasons for making an unannounced visit fully documented.

#### **10.7 Involvement of the Executive Board**

The normal procedure for attending for Enter and View is for the specific premises to be identified and agreed in advance by the Executive Board. Notification will be given to the service provider (the Executive Board will be responsible for deciding how much notice is given depending on the type of check that will be carried out and the reason for it). Name the two individuals who will be attending and to brief them with the full reasons for attending and the kind of report that will need to be produced at the end of that check. The Executive Board must not influence the outcome of that report; the report must be written solely based on what is seen and heard during that visit.

#### **10.8 Behaviour of the Authorised Representatives during an Enter and View Visit**

In order to be an Authorised Representative, a LINK participant must:

- Undergo a Criminal Records Bureau check, in line with section 113A of the Police Act 1997, and have a Certificate to verify that check
- Be deemed 'suitable' by at least one member of the Executive Board (a 'nominated person') who has considered the Criminal Records Bureau check Certificate
- Demonstrate the ability to appropriate conduct the visit behaving proportionately and reasonably
  - Demonstrating courtesy, sensitivity and respect
  - Being non-discriminatory, unobtrusive and co-operative
- Demonstrating understanding of and respect for:
  - Confidentiality
  - Dignity and privacy
  - Disability equality
  - Diversity and difference
- Show an ability to structure findings and reports
- Be willing to ask for assistance from the LINK Support Team in developing their capacity

Authorised Representatives must abide by the following at all times during their Enter and View visit:

- Treat staff, service users, residents, patients, their carers and families fairly, courteously and with sensitivity and respect
- Ensure that the dignity and privacy of service users, resident patients, carers, families and staff are maintained at all times
- Be as unobtrusive as possible, and inform staff on duty about what they are doing at each stage of the visit
- Value people as individuals, respecting the different and diverse people they meet
- Exhibit no discriminatory behaviour
- Have respect for individual confidentiality, not disclosing confidential or sensitive information unless there is a genuine and urgent concern about the safety and well being of a user, resident or patient, or if the individual concerned consents to the sharing of the information

- Co-operate with request from staff, users, residents, patient cares and their families if necessary, and comply with all operational or health and safety requirements
- Avoid interrupting the effective delivery of health or social care provision
- Refrain from making unreasonable demands on staff, users and patients or disrupting services outside the agreed visiting schedule
- Recognise that user, resident or patient needs should always take priority; and be guided by staff where operational constraints may deem visiting activities inappropriate or mean that staff are unable to meet the requests of the Authorised Representatives

### **10.9 Equality Issues**

The gender mix of the visiting Authorised Representatives should be considered. Mixed groups may often be advantageous, but there may be circumstances where women may be the appropriate visitors, eg on a gynaecology wards. \*

Race and ethnicity should also be taken into account. It is generally useful to have a group with as wide an ethnic mix as possible. Even if the LINK does not fully reflect the ethnic diversity of the community, it is necessary to ensure that the needs of black and minority ethnic people are considered whenever relevant, for example, if the aim of the visit includes talking to patients and relatives, will be services of an interpreter be required? \*

As services need to be accessible to people with disabilities, it is clearly important that LINK Authorised Representatives with disabilities should be fully included in visits. However, the responsibility for considering disability issues does not lie solely with disabled Representatives, but with all Representatives. \*

It is important to consider whether some groups are less likely to avail themselves of services because of inappropriate or insensitive services; therefore to visit with a view to the needs to existing service users only would be inadequate. So, the visit will need to look beyond the needs of the people who are currently accessing the service. \*

### **10.10 Visit Reports**

Authorised representatives should document their findings in writing following the visit when the events are still fresh in their memory. The written report should be structured in such a way that it clearly reflects the reason for the visit being undertaken and how any information or evidence met the visit objectives. Authorised representatives should also make clear the source of their information or evidence and the weight assigned to it, taking care, of course, always to respect confidentiality. Such sources may include:

- Authorised Representatives' observations
- Discussions with staff
- Discussions with service users
- Comments from carers and/or relatives
- Structured interviews
- Documentation provided by the staff/the proprietor

### **10.11 Report Procedure following a Visit**

Before a visit takes place, the Executive Board must decide what the purpose is for the visit, who will approve the draft report before it is sent to the service providers and who will respond to the response from the service provider and facility visited, along with determining who will be responsible for agreeing what further action may be necessary.

Following an Enter and View visit, the LINK Executive Board must send a letter thanking the facility visited for their co-operation. The facility provider must also be provided with a copy of the draft report prepared by the Authorised Representatives and approved by the Executive Board, along with any suggested recommendations. This is to allow the service provider to check for factual accuracy and to allow for any recommendations to be considered. The LINK will normally allow providers 10 working days to respond to the draft report (although a different period of time could be allowed upon agreement of the Executive Board).

It is essential to ensure that the content, but not the recommendations, of any report of the visit is checked for factual accuracy with the facility provider before being made public \*

Where the provider raises issues or concerns about the content of the draft report, the LINK and the relevant authorised representatives should consider carefully what has been said, and decide whether the draft should be amended. The LINK Executive Board will then share the final version with the service provider, asking for a formal response within 20 working days in accordance with the LINK's statutory powers.

It is sometimes helpful to have a full report for the LINK Executive Board and for the Trust and/or Primary Care Trust and the facility visited; and a summary report for interested organisations\*

All the good work of a visit will be wasted unless follow-up is carefully planned and executed. A comprehensive visit report is essential to successful follow up, although it may be helpful to distil the contents of the report into a brief list of

concerns that require a comment from the provider, and a list of issues to raise where appropriate with the commissioners\*

The LINK will also want to make recommendations for action and/or improvement which includes a suggested time-scale, and on which a response should be obtained. It is also important to comment on good practice\*

It is important to have a timetable for expected follow-up, arranging post-visit meetings with staff, and follow-up visits to monitor progress, as required\*

If an issue arises in relation during a visit in relation to race or ethnicity issues, equality and diversity, it must be ensured that the person/persons from the LINK raising this issue have attended training in relation to that issue before criticising members of staff or service providers upon it.

\* Information taken from training documents "Shaping health: Better Decisions, Better Health – Always Learning by Commission for Public Involvement"

## **10.12 Referring Findings**

Where serious concerns are raised about patient safety or the quality of care offered, the LINK may wish to consider sending their findings from a specific visit to the Regulator of those Services. It would then be appropriate for the Regulator to decide if further action should be taken outside the routine assessment of services.

Alternatively, the LINK may wish to draw the attention of the Regulator to an example of excellent services in its local area.

The LINK may wish to consider whether they should send their findings to the Overview and Scrutiny Committee (OSC). In making that decision, the LINK might wish to consider:

- An OSC's planned programme of scrutiny
- Whether particular services have significantly deteriorated or improved
- Whether particular services have regularly failed to respond to recommendations for changes or improvements
- Whether service users and others have reported specific areas of concern that it would be appropriate for an OSC to follow up

Authorised Representatives, the LINK and the report produced from LINK investigation must comply with the requirements of confidentiality and the Data Protection Act at all times.

### **10.13 Expenses of Authorised Representatives**

All necessary training costs and related expenses shall be paid for through the Nottinghamshire County LINK budget.

### **10.14 Refusal of Entry**

Should Authorised Representatives be refused entry when they attend for a visit for any other reason than not being able to provide proof of identification and authorisation, they should make a note of who has refused them entry and at what time. If possible, the person refusing entry should be asked to sign the Authorised Representatives' notes to acknowledge the refusal. If a reason has been given for the refusal, the reason should be carefully noted and the person refusing entry again being asked to sign to confirm that reason. The Authorised Representatives should then withdraw. The Authorised Representatives should not argue about being refused entry or cause any friction with the service providers of those working for them. The Authorised Representatives should report the refusal back to the Chair of the Executive Board and the LINK Support Team Leader in writing and as soon as possible. The Chair will then decide with the Executive Board what, if any, action should be taken as a result of that refusal.

### **10.15 NHS Dignity Champion**

Each Authorised Representative is encouraged to become an NHS Dignity Champion. Training and support will be offered via the LINK Support Team. This training and support will also be available to participants of the LINK who request it.

## ***Section 11 - Criminal Records Bureau Policy***

### **11.1 Introduction**

Enter and View activities are concerned with the provision of health and social care services, and enable LINK participants to have access to publicly-funded health and social care premises. Each person who puts themselves forward to stand as an Authorised Representative for Enter and View proceedings must first undergo a Criminal Records Bureau (CRB) Check in accordance with Section 113A Police Act 1997. This is because Enter and View work is likely to bring an Authorised Representative into contact with vulnerable groups such as the elderly, infirm and people under the age of 18.

A Criminal Records Bureau Check will show whether an individual has any convictions, either spent or unspent. A spent conviction is a conviction which normally dates back a long period of time and which would not be referred to in a Criminal Court of Law.

Unless the nature of the work demands it, a nominated Authorised Representative will not be asked to disclose convictions that are 'spent' under the Rehabilitation of Offenders Act 1974.

Having an 'unspent' conviction will not necessarily bar an Authorised Representative from taking part in Enter and View proceedings. Participation will depend on the circumstances and background to the offence(s). However, as Authorised Representatives will be carrying out such activities as those listed below, they **must** disclose any conviction(s) - spent or unspent (including bind overs, cautions or charges that have not yet been disposed of):

- Activities that bring a person into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18

### **11.2 Criminal Records Bureau Code of Practice**

All participants of the LINK must comply fully with the CRB Code of Practice and must not discriminate unfairly against any subject of a CRB disclosure on the basis of conviction or other information revealed. A copy of the CRB Code of Practice can be found on the LINK website.

The LINK Support Team Leader and Human Resources Department of the Carers Federation will comply with the CRB code on behalf of the LINK regarding the secure storage, handling, use, retention & disposal of CRB disclosures and disclosure information and with its obligations under the Data Protection Act 1994.

### **11.3 LINK Role**

- To determine who is to make decision on behalf of the LINK about who are to be Authorised Representatives
- To decide on one key individual to be Lead Liaison with Carers Federation Human Resources manager in respect of CRB disclosure processes
- To establish a system to ensure discussions take place with applicants prior to CRB form being issued
- To develop a risk assessment procedure to support this activity

### **11.4 LINK Support Team role (with the assistance of the Human Resources Department of the Carers Federation)**

- To issue the required paperwork to nominated Authorised Representatives at the request of the LINK
- To check identification and maintain an administration log of CRB disclosure
- To process CRB forms
- To receive and log disclosure forms from the Criminal Records Bureau
- To inform the nominated Authorised Representatives of the LINK about the outcome of the application

### **11.5 Criminal Bureau Records process**

11.5.1 The first step in the process is for the LINK Executive Board to nominate named participants to become Authorised Representatives

11.5.2 The LINK then appoints someone from within the LINK to be Lead Liaison with the Carers Federation Human Resources Manager in respect of CRB disclosure processes and informs the LINK Support Team Leader of the identify of that person

11.5.3 The LINK Lead Liaison then notifies the Link Support Team Leader about the number of CRB applications that are required

11.5.4 The LINK Support Team Leader approaches Carers Federation Human Resources for the CRB application forms

11.5.5 Carers Federation Human Resources department then send the CRB applications and guidance notes to the LINK Support Team office

11.5.6 LINK Support Team Leader disseminates the CRB forms and guidance notes to the nominated Authorised Representatives

11.5.7 The nominated Authorised Representatives then complete the CRB forms and forward the originals of those forms along with the required supporting information to the LINK Support Team office marked for the attention of the LINK Support Team Leader and "Private and Confidential"

11.5.8 LINK Support Team Leader then assesses the form and supporting documentation provided to make sure that it fully complies with the requirements of the CRB check

11.5.9 If the form is incomplete or inaccurate, the LINK Support Team Leader will speak to the individual directly about finalising the application.

11.5.10 The LINK Support Team Leader will then photocopy the identification documentation provided and return it immediately to the nominated Authorised Representative so that no original identification documents are kept at the LINK Support Team office

11.5.11 The LINK Support Team Leader then sends the completed application and copies of identification forms for processing to the Human Resources department of the Carers Federation either by hand or by recorded delivery

11.5.12 The Human Resources department of the Carers Federation will then check the applications for errors or missing information. If any are found, the form will be returned to the LINK Support Team for correction with the nominated Authorised Representative

11.5.13 If the form is completed and correct, the Human Resources Department will fill in Sections X and Y and send it to the Criminal Records Bureau

11.5.14 The form will be processed and returned to the Human Resources Department of the Carers Federation. Notifications of clear CRB checks will be notified to the LINK Support Team Leader, who will then inform the nominated Authorised Representative. Notification of that outcome will also be given to the Chair of the Executive Board by the LINK Support Team Leader

11.5.15 Should there be any concerns about an Authorised Representative following the return of their CRB check, the Human Resources department will notify both the LINK Support Team Leader and the Lead Liaison of the LINK to discuss those concerns

11.5.16 If there is a need to decide whether an Authorised Representative is 'suitable' following the return of their CRB check, the LINK Support Team Leader, Lead Liaison for the LINK and two other appointed members of the LINK Executive Board must then meet to perform a risk assessment and decide whether the nominated Authorised Representative should go forward to

represent the LINK during Enter and View Visits, or whether they should be rejected.

11.5.17 Once a decision has been made to confirm a LINK participant as an Authorised Representative, the Human Resources Department will retain the address slip of the CRB disclosure but destroy all other parts of the CRB disclosure and any identification documentation provided.

## **11.6 What happens after the CRB Check is complete**

Following a CRB Check, if an Authorised Representative is found to have convictions, either spent or unspent, the Lead Liaison officer for the LINK, the LINK Support Team Leader and at least two members from the LINK Executive Board will meet to discuss whether those convictions should prevent someone from acting as an Authorised Representative. The criminal record of a participant will be taken into account only when the conviction is relevant. Relevant convictions will be things such as dishonesty offences, sexual offences or violence convictions.

If a nominated Authorised Representative is found not to be suitable for the purposes of Enter and View, the Lead Liaison for the LINK will discuss the reasons for that decision with the individual. Notice of the decision will be given to the Executive Board although the details of why that decision was made and the particulars of any convictions must be kept confidential and not discussed outside the small group that made the decision about suitability. If a person wishes to appeal against a refusal of suitability, they may raise a complaint with the Chair of the Executive Board in the normal way.

## **11.7 Rotation of Authorised Representatives**

Authorised Representatives will be expected to renew their Criminal Bureau Records Certificate every three years. In addition, it is expected that a participant will not stand as an Authorised Representative for more than three years. It is important that as many LINK participants can be involved in LINK business as possible so there should be a regular turnover with Authorised Representatives.

## **11.8 Publication of Authorised Representatives**

The LINK must make publicly available a comprehensive and up to date list of all its authorised representatives (The National Centre of Involvement Code of Conduct Relating to Local Involvement Networks' Visits to Enter and View Services, Gateway ref: 10194).

## **Section 12 - Complaints Policy**

### **12.1 Standards**

The Nottinghamshire County LINK is committed to investigating complaints promptly and thoroughly. A complaint is defined as a clear expression of dissatisfaction about the standard of LINK service, the behaviour of a LINK participant, or an action or lack of action affecting an individual or group. The LINK is committed to dealing with all complaints in an efficient and understanding way.

Sometimes, misunderstandings can occur and, in these cases, the LINK wishes to settle complaints efficiently and informally in a meeting setting at the first point of contact. If the complaint cannot be handled this way, then the procedures below are to assist.

### **12.2 Process for making a complaint against a participant of the LINK**

Any complaints should be made in writing (via email or letter) and sent to the LINK chair, c/o Nottinghamshire County LINK Support Team, Unit E2, Southglade Business Park, Cowlairs, Nottingham NG5 9RA. If your complaint is concerning the LINK Chair, please send to the Nottinghamshire County LINK Support Team Leader, c/o Nottinghamshire County LINK Support Team, Unit E2, Southglade Business Park, Cowlairs, Nottingham NG5 9RA.

An acknowledgment letter will be sent within 5 working days. The LINK aims to send a final written answer within 20 working days of receiving your complaint.

If the complaint cannot be answered within 20 working days, then the complainant will receive a letter advising of the length of time the LINK expects the procedure to take. A further letter explaining the result of the complaint will be issued within the specified time frame.

A meeting will take place with the complainant, and will be chaired and minuted by the appropriate/nominated participants in order to investigate and resolve the complaint.

All complaints will be taken seriously and will be dealt with as quickly as possible. The complainant will be treated with respect and the complaint will be kept confidential (except in matters where we are under legal obligation to inform external agencies).

If, after investigation, the complaint cannot be resolved to the satisfaction of the complainant, then an appeal can be made in writing, within 7 working days of the result of the complaint. The appeal should be sent to the LINK Support Team and will be investigated to confirm that the correct process has been

followed and the decision referred back to the complainant. This process should be completed within 14 days of receiving an appeal letter.

If you feel that you have suffered unfair treatment, please inform the Chair of the LINK Executive Board. If the circumstance involves the Chair of the Executive Board, please contact your Vice Chair who will investigate the complaint and take statements. The person making the complaint will remain anonymous unless that person relinquishes that right in writing. All written complaints must be sent via the LINK Support Team so that they can be logged and time dates set – the LINK Support Team will take no part in the investigation of a complaint or the decision making process. The LINK Support Team will be responsible for minuting meetings in relation to the complaint and storing any paperwork in relation to the complaint.

The final decision in relation to the complaint will be made by the Executive Board by way of an extra-ordinary general meeting, in the absence of the Chair and the person making the complaint. It is, however, hoped that all minor matters and grievances will be dealt with immediately, rather than by way of formal complaint proceedings.

### **12.3 Process for complaining about a participant of the LINK when it seems that their actions are likely to bring the LINK into disrepute**

All complaints arising on authorised LINK business, breaches of the LINK Governance and complaints about actions that are likely to affect the reputation of the LINK should be referred to the Chair or Vice Chair of the Executive Board to decide on the appropriate action. This complaint should be in writing and sent via the LINK Support Team. If the concern is identified by the Chair of the LINK, the Chair must notify the Vice chair of that concern; and vice versa. The Chair and Vice Chair will then follow the process shown below:

1. Either the Chair or Vice Chair will speak to the person about whom the complaint has been made or the concern has been raised to ask them if they accept they are responsible for the actions that are the subject of the complaint or concern. The Chair or Vice Chair will also ask this person not to repeat any of those actions that are the subject of the complaint or concern. If there is no repetition of the actions, the matter will not be taken any further.
2. If the Chair or Vice Chair have reason to believe (either through their own observations or by information from another party) that the person is continuing in their actions, an informal letter will be sent to that person specifying the actions that are considered as causing the issue and again

asking the person not to continue with any of those actions. If there is no repetition of the actions, the matter will not be taken any further.

3. If the actions still continue and do not stop, the Chair and Vice Chair will then bring the problem to the attention of the Executive Board to confirm that a formal warning letter will be written to the person acting in an unacceptable way. That letter will again set out the particulars of the unacceptable behaviour, will confirm that the letter should be taken as a formal warning and any repetition of the behaviour will lead to the matter being taken before the Executive Board for a vote and may result in the person being asked to leave the LINK. If there is no repetition of the actions, the matter will not be taken any further.
4. If, following a formal warning letter, the person still continues with their actions, a meeting will then be convened to include all members of the Executive Board. A member of the Executive Board will be nominated to present the case against the individual to the whole of the Executive Board. The individual will be permitted to present his/her own case to the Executive Board. The Executive Board will then ask the individual and the person presenting the case against, to leave the room and will then take a closed vote on whether the person should be permitted to stay with the LINK or should be asked to leave. The Chair will not have a vote, unless the votes are tied.
5. If the decision of the Executive Board is to retain the person against whom the complaint has been made, then the matter should end there provided there is no further complaint about the behaviour of that individual. There should be no prejudice shown towards that person.
6. If the decision of the Executive Board is to reject the person against whom the complaint has been made, then the person should be asked if they wish to leave the LINK of their own accord. If they refuse, the individual will be removed from the LINK against their wish. All forms of identification must be returned to the LINK Executive Board or LINK Support Team within 5 working days. Any attempt to use LINK identification after being removed from the LINK will be regarded as misrepresentation.

If the matter is considered to be sufficiently serious so as to potentially impact on the LINK Public Liability (e.g. if the matter concerns financial irregularities in relation to the LINK), this must be referred on to the LINK Support Team by the Executive Board as a matter of urgency.

## **12.4 Complaints against the LINK Support Team**

The Executive Board will decide appropriate action in relation to any dispute or complaint made to them regarding the performance of the LINK Support Team and this might be through mediation, referral on to the Local Authority Officer responsible for contract monitoring or writing to the Carers Federation, depending on the nature, extent and seriousness of the complaint or if any dispute cannot be resolved internally.

If the complaint is in relation to an individual working for the LINK Support Team rather than the Host Organisation as a whole should be processed as follows:

Any complaint in relation to a Community Engagement Worker or Administrative Assistant should be made to the Team Leader of the Nottinghamshire County LINK and must be in writing.

Any complaint in relation to the Team Leader should be made to the Operations Manager of the Nottinghamshire County LINK and must be in writing.

Where any complaint is made against a member of the LINK Support Team, a copy of the written complaint must be sent to the Chair of the Executive Board.

All envelopes containing written complaints should be clearly marked "PRIVATE AND CONFIDENTIAL".

Complaints against members of the LINK Support Team will be investigated by the Carers Federation in accordance with in-house company complaints policy.

## ***Section 13 - Expenses and Finance***

### **13.1 Introduction**

The Executive Board shall monitor and authorise spending of the Nottinghamshire County LINK budget on behalf of the Nottinghamshire County LINK, to ensure cost effective implementation of the work being carried out by the LINK.

The LINK budget and finance reports shall be provided by the LINK Support Team on a monthly basis to members of the Executive Board. Copies of the budget and financial reports will be available to members of the public and the participants of the LINK should they make a written request for the same from the Nottinghamshire County LINK Support Team. They will also be published on the Nottinghamshire County LINK website.

### **13.2 Claims for Expenses**

Volunteers working on behalf of LINK will be entitled to claim their reasonable expenses when carrying out authorised activity. This will include attending LINK meetings, attending external meetings on behalf of the LINK or events to promote the LINK. These expenses are paid to ensure that the cost of attending events and meetings will not be a barrier to participation.

#### **13.2.1 Travel Expenses**

Travel is currently payable at 40 pence per mile when a car is used; otherwise public transport rates apply. Use of the taxi account must be agreed and booked via the Nottinghamshire County LINK Support Team and used only where appropriate (e.g. when public transport is unavailable). Authorised attendance at a full day event relating to the Work Plan of the LINK, where lunch is not provided, will carry a subsistence allowance as follows: Lunch – up to £5.00/Evening meal – up to £10.00.

#### **13.2.2 Miscellaneous Expenses**

Where authorised Nottinghamshire County LINK representatives are using their own resources on authorised LINK business, a contribution of 70% towards replacement cartridges and other miscellaneous costs can be claimed. These payments will need to be agreed in advance with the Executive Board and noted in minutes of the meeting. An application form claiming expenses and receipts for other than normal forms of expenses must be provided to the LINK Support Team on an Miscellaneous Expenses Form which will be available at each Executive Board Meeting.

### **13.2.3 Childcare and Carer Expenses**

Responsibilities to care for a child or an adult can be a barrier to participation. Therefore, Carer and childcare costs can be reimbursed to ensure Carers or participants who require the services of a Carer can attend meetings to carry out authorised activity on behalf of the Nottinghamshire County LINK. It should be noted that the amount that can be claimed is subject to a maximum. Prior authorisation should be sought from the Executive Board before attending a meeting knowing that Carer and childcare costs will have to be claimed.

### **13.3 Supporting Evidence for Expenses Claims**

Claims for expenses must be accompanied by relevant receipts and claimed on a monthly basis by using the appropriate expenses form. Forms can be requested from the Nottinghamshire County LINK Support Team. Copies will also be available at all Executive Board meetings. The LINK Support Team will aim to ensure that expenses will be paid within 30 days of being submitted. It may be possible to arrange for payment to be made more quickly in some circumstances; reasons should be given to LINK Support Team in writing on the Application for Speedy or Advance Payment.

### **13.4 Claims and the Executive Board**

Requests for expenses not covered by this document should be made to the Executive Board who will have the final decision as to whether an expense will be paid. The procedure for raising this type of expense is to complete a Miscellaneous Expenses Form and submit it to the LINK Support Team. Forms received 5 working days or more before an Executive Board meeting will go before the Board at that meeting.

### **13.5 Duties of LINK participants in relation to Expenses and Finance**

Authorised Nottinghamshire County LINK participants are expected to follow agreed financial procedures at all times. No changes to local financial procedures may be made without approval through a Nottinghamshire County LINK Executive Board meeting.

Authorised representatives of the LINK are expected to ensure that they use funds and resources entrusted to them for the purpose intended and in a reasonable and responsible manner.

Any authorised Nottinghamshire County LINK participant aware of potentially corrupt or fraudulent activities by other representatives in relation to Nottinghamshire County LINK business has a duty to report this to the Nottinghamshire County LINK Support Team who will log with issue and then forward a copy of that issue on to the Chair of the Executive Board.

Authorised Nottinghamshire County LINK participants acting on behalf of the LINK and members of the Executive Board who receive gifts and/or hospitality should not place themselves under an obligation that might influence or be perceived to influence their future decisions or conduct in relation to Nottinghamshire County LINK activity. Declarations must be made by Executive Board members of any gifts or hospitality received at the next Executive Board meeting. Further details can be found in **Section 6** of this Governance document – Conflicts/Declaration of Interests.

## ***Section 14 - Procedure for Identifying and Reporting Concerns about Potential Abuse of Vulnerable Persons***

This section relates to actions directly witnessed by members of the LINK when carrying out LINK business, primarily when they are exercising their Enter and View powers.

The Nottinghamshire County LINK participants during the course of its work will be presented with many scenarios and meet many individuals. This Policy is therefore designed to highlight issues arising when volunteers have concerns about the potential towards Vulnerable People.

For the purpose of this document, a Vulnerable Adult is a person who is over the age of 18 and is unable to care for themselves or assert themselves against abuse due to possibly being frail or old, having mental health issues, a physical illness or some form of disability. Individuals who suffer in this way may be more open to abuse, neglect and possible exploitation by other individuals.

It is fundamental to this protection policy that the welfare of the client is always regarded as paramount. All vulnerable adults have a right to protection from abuse irrespective of their culture, ability, gender, language, racial origin, religious belief and/or sexual identity. It is acknowledged that all suspicions and allegations of abuse will be taken seriously and responded to swiftly, appropriately and professionally. All participants of the Nottinghamshire County LINK irrespective of the role being performed have a responsibility to report all concerns to the appropriate individual. The appropriate individual of the Nottinghamshire County LINK will be the Nottinghamshire County LINK Support Team Leader who will place it before the Executive Board who will decide what, if any, action should be taken. In exceptional circumstances, where the LINK participant feels extremely strongly about the abuse that they are witnessing, they should address the Manager of the Service immediately but it must be stressed that this must be in exceptional circumstances only.

### **Examples of Abuse**

A wide range of behaviours and circumstances may be considered abusive: Abuse may be carried out deliberately, or through negligence or ignorance. The abuse may involve a single incident, or multiple incidents. It may happen to one person in a continuing relationship, or in a service context to more than one person at a time.

Different types of abuse may include:

- Financial/ material abuse

- Sexual abuse
- Physical abuse
- Psychological/ emotional abuse
- Bullying
- Verbal abuse
- Institutional abuse
- Neglect and acts of omission
- Social abuse
- Discriminatory abuse

### **Abuse of Individuals under 18**

It is possible that Nottinghamshire County LINK participants could also be made aware of child abuse/abuse of younger people. Again, in these cases please notify the Team Leader of the Nottinghamshire County LINK Support Team, who must then pass the report on to the Executive Board.

The following information comes from the Nottinghamshire County Council website Safeguarding Children Section:

#### *“What should I do if I think that a child is being abused?”*

*“If you think that a child is being abused, you should [contact us](#) or the **police**. If you're contacting us, contact your [local Children and Young People's Services office](#) during office hours. In the evenings or at weekends, contact the [Emergency Duty Team](#). You could also contact the NSPCC, [www.nspcc.org.uk](http://www.nspcc.org.uk)*

*“You do not have to give your name, and everything you say will be **treated seriously**.*

#### *“What if I'm not sure whether a child is being abused or not?”*

*“You may not be certain that a child is being harmed, but if there is something that worries you, **don't ignore it**.*

*“Contact your [local Children and Young People's Services office](#) and tell them of your concerns.*

*“It is better to be safe than sorry. If it turns out that the child is fine you will **not be in any trouble**.”*

## **Section 15 - Insurance**

### **15.1 Nottinghamshire LINK Insurance Cover**

The Nottinghamshire LINK is covered by Aon Insurance. The Insurance covers up to twenty volunteers at any one time. These twenty volunteers can change from function to function.

### **15.2 Professional Indemnity**

The Professional Indemnity policy indemnifies the LINK members for their legal liability arising from:

- wrongful advice
- professional neglect, error or omission

Cover includes errors committed in good faith by:

- the insured
- any voluntary workers acting on behalf of the insured
- any agent
- predecessors
- any other person, firm or company acting jointly with the insured

The LINK has Professional Indemnity Cover for up to £500k. It is imperative that the Communications Department is made aware of any and all materials and information that is to be broadcast on a national level on behalf of the LINK prior to that broadcast to ensure that Aon has appropriate cover.

### **15.3 Legal Expenses**

This allows cover for legal expenses for up to £100k. This cover includes the following:

employment disputes, compensation awards, legal defence, property protection and bodily injury and tax disputes.

### **15.4 Employers/Public Liability**

Employers, in this case the LINK, are responsible for the health and safety of their employees, in this case the LINK participants, while they are undertaking work on behalf of the LINK. This type of insurance covers the circumstances where LINK participants may be injured whilst at work for the LINK or they may become ill as a result of their work whilst undertaking work on behalf of the LINK. The LINK has cover from Aon for Employers Liability for up to £10million.

Public Liability Insurance is different as it covers the LINK for claims made against the LINK by members of the public or other businesses, but not for

claims by LINK participants. The LINK has cover from Aon for Public Liability for up to £10million.

### **15.5 Contents Insurance**

This gives cover against theft or damage, including fire damage, for any equipment that is utilised for LINK business. The Nottinghamshire LINK is covered for up to £10,000.

### **15.6 Trustee Indemnity Insurance**

This insurance policy protects the LINK Executive Board against claims for damages and legal expenses for wrongful acts, including alleged acts for which they may be personally legally liable. This policy includes:

- 1) Indemnity for any person who was, is or becomes a member of the Executive Board for personal liability for wrongful acts
- 2) Reimbursement to the LINK where the LINK is required or permitted to indemnify a member of the Executive Board for their wrongful acts
- 3) Loss sustained by the LINK as a result of fraudulent acts committed by any member of the Executive Board
- 4) Costs and expenses incurred by the LINK in replacing lost or damaged documents (including computer system records) owned by the LINK or for which the LINK is responsible.

## ***Section 15a - Regulations in relation to official LINK identification***

### **15a.1 Identification for the Executive Board**

#### **15a.1.1 Business Cards**

All members of the Executive Board will be provided with business cards. These cards will include the name of the Executive Board member and contact details for the LINK Support Team office. There will be space on the business cards for Board members to write their personal contact details on if they so wish but this should only be in exceptional circumstances as all calls and letters should go via the LINK Support Team so that records can be kept up to date and, where appropriate, copies can be kept.

It is expected that Executive Board members will only hand out business cards when they are on official LINK business or if they are providing general contact details or information about the LINK. These cards should not be used by Board members to gain an individual advantage for themselves.

If and when someone ceases to be a member of the Executive Board, all business cards in their possession must be returned to the LINK Support Team within 5 working days of ceasing to be a Board member. Those excess business cards will be destroyed by the LINK Support Team.

If an individual continues to retain or use business cards after ceasing to be a member of the Executive Board, it will be regarded to as an abuse of power and, if the cards are presented to services providers or service users, those service providers and services users will be informed that the former Executive Board member is misrepresenting their connection to the LINK. In addition, that individual may be asked to leave the LINK (please see the chapter on Complaints - Process for complaining about a participant of the LINK when it seems that their actions are likely to bring the LINK into disrepute).

#### **15a.1.2 Identification Card**

All members of the Executive Board will also be provided with a printed identification card which will include their photograph and confirming their position on the Executive Board. These cards must only be used as identification when a Board member is acting on official LINK business. These cards should be not be used by Board members to gain an individual advantage for themselves.

If and when someone ceases to be a member of the Executive Board, their identification card must be returned to the LINK Support Team within 5 working days of ceasing to be a Board member. That identification card will be destroyed by the LINK Support Team.

If an individual continues to retain or present their identification card after ceasing to be a member of the Executive Board, it will be regarded to as an abuse of power and, if the card is presented to services providers or service users, those service providers and services users will be informed that the former Executive Board member is misrepresenting their connection to the LINK. In addition, that individual may be asked to leave the LINK (please see the chapter on Complaints - Process for complaining about a participant of the LINK when it seems that their actions are likely to bring the LINK into disrepute).

### **15a.2 Identification for members of a Task and Finish Group**

When members of a Task and Finish Group are asked to carry out official LINK business, they will be provided with a letter of authorisation by the LINK Support Team. This letter will confirm their name and the name of the issue their Task and Finish Group are working on. It will also state the particulars of the investigation they are permitted to do, for example, if they are permitted to carry out Enter and View visits if accompanied by a member of the Executive Board or if they are authorised to attend meetings of voluntary groups to talk about the work of the LINK and to ask for comments and opinions.

The letters will also bear the dates between which the Task and Finish Group will be running. A finish date will be included on the letter.

When the Task and Finish Group is completed, the members of the Group will be required to return their identification within 5 working days to the LINK Support Team, who will destroy it.

If the Task and Finish Group is extended beyond the date shown on the identification letter, a new identification letter will be issued by the LINK Support Team on the request of the Task and Finish Group Lead.

Any attempt to use the identification outside the remit of the Task and Finish Group, or to exceed the authority given to the Group member by the Group Lead, will be considered as an abuse of power and may lead to that individual being asked to leave the LINK (please see the chapter on Complaints - Process for complaining about a participant of the LINK when it seems that their actions are likely to bring the LINK into disrepute).

## **Section 16 - Conclusion**

### **16.1 LINK 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

### **16.2 Governance Document**

This Governance document sets out the rules and regulations that all participants of the LINK must adhere to. It is a guidance document intended to set out procedures for how to act in all situations that may be faced by the LINK during its lifetime. This is a working document which will be expected to change and grow, just as the LINK itself will change and grow. It can and will be amended. This document will be reviewed on a monthly basis and a Task and Finish Group, comprising members of the Executive Board and/or the Communications and Engagement Working Group, will be set up to make any changes that are deemed necessary by the Executive Board.

When this Governance Document refers to “participants of the LINK”, it refers to everyone who has signed up to the Nottinghamshire County LINK, members of the Executive Board, members of the Communications and Engagement Working Group and members of all Task and Finish Groups.

### **16.3 Why is Governance important?**

LINKs exist to help local communities improve local health and social care services. As 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 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.

Governance decisions are legitimate when they aim to carry forward the collective will of the LINK as a whole. Good governance systems help to make this process of collective decision-making more effective.