

## 10 Questions to ask if you're scrutinising...

...arrangements to support effective Local Involvement Networks



better scrutiny for better government



## **The Centre for Public Scrutiny**

The Centre for Public Scrutiny promotes the value of scrutiny in modern and effective government, not only to hold executives to account but also to create a constructive dialogue between the public and its elected representatives to improve the quality of public services. The Centre receives funding from the Department of Health to support overview and scrutiny committees of social services authorities as they develop their power to promote the well-being of local communities through effective scrutiny of healthcare planning and delivery and wider public health issues.

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## **Introduction**

This guide is one of a series designed to help Overview and Scrutiny Committees (OSCs) carry out their scrutiny work around various health, healthcare and social care topics. Other guides in the series include:

- Assessing evidence
- Child and Adolescent Mental Health (with the Local Government Association)
- Community Pharmacy (with the National Pharmaceutical Association)
- Promoting physical activity (with the National Institute for Clinical Excellence)
- Effectiveness of Local Hospitals
- Healthcare for People with Learning Disabilities (with the Foundation for People with Learning Disabilities)
- NHS Service re-design and reconfiguration

This guide is designed to help OSCs develop a range of high-level questions around support arrangements for local involvement networks. The aim of the guide is to help OSCs learn from the experiences of others and to assist them to scope scrutiny reviews, based on some key questions. It aims to cover all the relevant issues, but please adapt it to suit local circumstances. For example, it may not be relevant to ask all the questions listed here or to follow the sections sequentially.

## **Why should Overview and Scrutiny Committees review arrangements to support Local Involvement Networks?**

Greater involvement of local people is at the heart of the Government's agenda to modernise public services. The White Paper 'Our Health, Our Care, Our Say' (Department of Health, January 2006) made a commitment to deliver health and social care services in a more personalised way. More recently, the Commissioning Framework for Health and Well-being (Department of Health, March 2007), the World Class Commissioning Competency Framework (Department of Health, December 2007) and Lord Darzi's High Quality Care for All (Department of Health, June 2008) have emphasised the importance of engaging with local people about the planning, design and delivery of health and social care. This approach aims to strengthen the development of services by empowering patients and service users through choice about how they receive services, when and where. Local people and groups are being given opportunities to have their say in ways that suit them through Local Involvement Networks (LINKs).

LINKs are a key component of locally accountable health and social care and overview and scrutiny committees (OSCs) have an interest in ensuring that the arrangements for LINK activities are effective in their areas.

### **Legal framework for LINKs**

LINKs are defined in the Local Government and Public Involvement in Health Act 2007 and are established for the same geographical areas as local authorities with social care responsibilities (County Councils, Unitary Councils, London Borough Councils, Metropolitan Councils, together with the Council for the Isles of Scilly and the Corporation of London). There are deliberately few rules and regulations governing how LINKs are organised and carry out their activities. This ensures that LINKs can organise themselves in ways that most closely meet the needs of communities.

Under the Act, LINKs are established through a duty placed on local authorities with social care responsibilities to ensure that LINK activities can

take place in their areas. The Act requires those authorities to make contractual arrangements with a 'host organisation' to support LINKs. The Secretary of State for Health has provided funding through the Area Based Grant for three years up to March 2011 to support the carrying out of LINK activities.

## **LINKs and local authorities**

Relationships between LINKs and local authorities operate at a number of levels:

1 LINKs are supported via a contract with a host which is procured and performance managed by the local authority. LINKs themselves are independent of the local authority.

2 LINKs can refer issues about health and social care services to appropriate OSCs of local authorities. The NHS Centre for Involvement has published guidance for OSCs and LINKs about how to work together (NCI, April 2009).

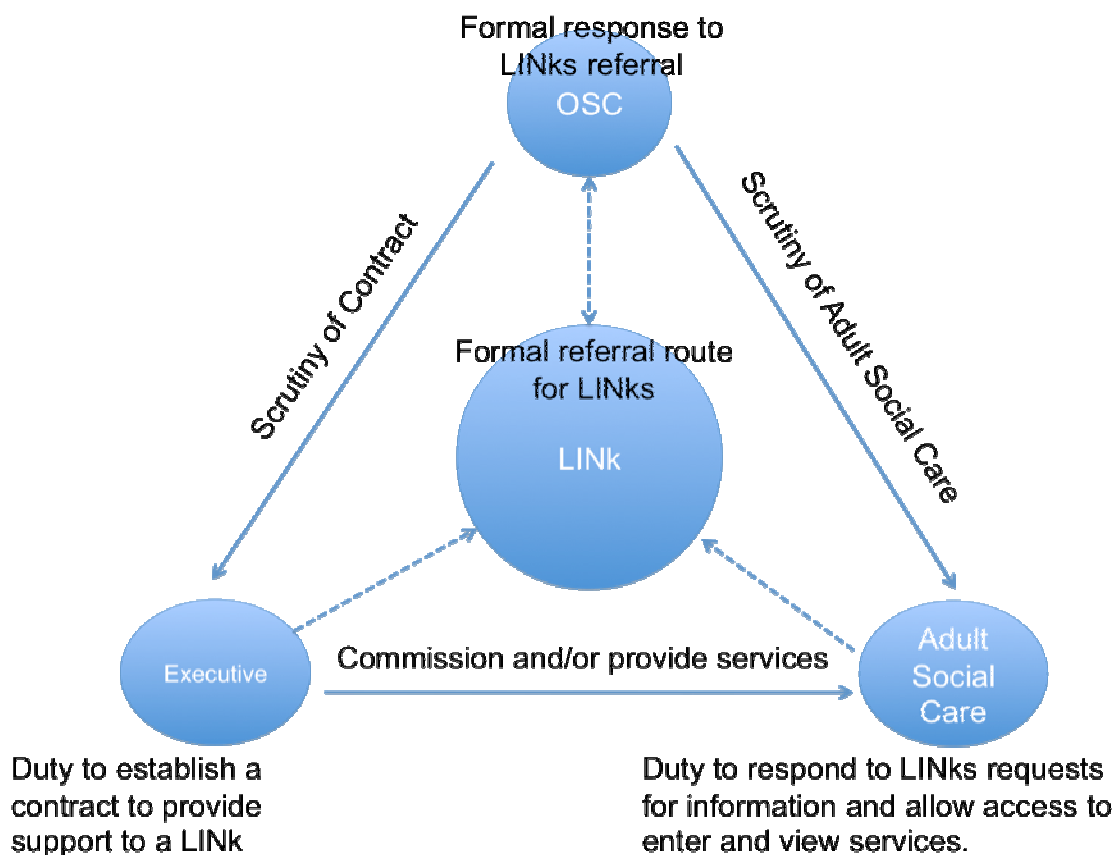
3 Local authorities as commissioners of adult social care must involve LINKs in the development, planning and review of services and respond to LINKs requests for information, reports and recommendations.

4 Some local authorities also provide adult social care services and they must allow authorized representatives of LINKs to 'enter and view' premises in certain circumstances and must respond to LINK reports and recommendations.

5 Officers and elected members may also be participants in LINK activities and may need to be clear about any potential conflicts of interest.

6 Local authorities have a variety of engagement and involvement activities ranging from service user forums to neighbourhood assemblies and community consultation exercises. It is up to LINKs to decide how they relate to existing structures and methods.

The diagram below illustrates the tri-partite relationship that exists within local authorities around LINKs:



The varied relationships between local authorities, LINKs and OSCs means that OSCs and local authority Executives need to be very clear about different roles. Although LINK arrangements vary between areas, essentially the relationships remain consistent – between contracting, scrutiny and commissioning and provision of adult social care services.

The following 10 questions aim to help OSCs focus on the key areas to scrutinise in relation to the responsibilities of local authority Executives to ensure that LINK activities take place in their areas. Although these are questions for Executive Councillors and senior officers, OSCs may wish to seek views from LINK participants and host organisations if they are reviewing the role of the Executive in setting up effective arrangements for LINK activities. OSCs should also remember that LINKs are independent and that the Executive's responsibility relates to arranging for LINK activities to take place, not influencing the work of LINKs themselves.

## **1. How is the Executive planning to sustain an effective LINK?**

The questions below aim to help OSCs establish how Executives planned for effective LINKs and how they plan to maintain them.

How did you agree what a successful LINK might need before you contracted with the 'host organisation'?

How were local people and groups able to influence the development of the LINK and the specification for the host contract? Was the resource (£10,000) provided by the Department of Health in autumn 2007 helpful?

How will you ensure the LINK is being supported effectively to consider both health and social care issues?

What evidence are you gathering to demonstrate the LINK is being supported effectively to make an impact and to judge how well it is developing?

How will you keep OSCs informed about the progress of the LINK on an ongoing basis?

## **2. How is the host performing in terms of its contract?**

The questions below aim to help OSCs establish how Executives plan to manage the performance of the host contract.

How do you intend to involve LINK participants in developing or taking part in the performance management arrangements of the host contract?

What process has been established for the effective management of the performance of the contract?

What 'key performance indicators' is the performance of the host being judged by?

What is the latest assessment of the performance of the host?

What action has been taken to address areas where the host is not performing?

### **3. Does the contract meet the needs of the LINK?**

The questions below aim to help OSCs establish Executives' understanding about the support needs of LINKs.

How are you ensuring the contract for LINK support meets the needs of the LINK?

Would you be content if the host was simply performing 'adequately'?

What arrangements are there for poor performance to be addressed quickly?

What arrangements are there to better support the LINK if you discover that the contract is not effective in enabling the LINK to carry out its activities?

### **4. How is contract management being funded?**

The questions below aim to help OSCs establish how much of the allocation for LINK activities is being retained by the Executive.

Have you allocated all the funding provided by the Department of Health through Area Based Grant for LINK activity?

Have you held back any of the allocation to cover local authority support to the LINK? If so, what proportion has been held back and how is this being used?

If you have held back any funding, how did you assess that this is a reasonable amount?

Have you provided additional funding to support LINK activities beyond the amount allocated by the Department of Health?



## **5. How are potential conflicts of interest handled?**

The questions below aim to help OSCs establish where the responsibility for procuring and performance managing the host contract sit within the local authority and how potential conflicts of interest are anticipated and managed.

Which department has responsibility to procure and performance manage the host contract?

Why was the current arrangement judged to be the best?

Were any perceived conflicts of interest identified in relation to the options for locating procurement and performance management in particular departments?

How will you ensure there is no conflict of interest between the host contract and the activities of the LINK in relation to adult social care?

## **6. Are LINKs getting enough funding to carry out their activities?**

The questions below aim to help OSCs establish the levels of funding that are available to LINK participants to carry out their role.

How are you ensuring that the host works with LINK participants to agree budgets for their activities?

How will you ensure that the host allocates LINK funding appropriately to enable LINKs to cover health and social care issues?

What percentage of the allocation from the Department of Health for LINK activities is actually available to LINK participants to spend on LINK activities?

## **7. Is the funding meeting the objectives for LINKs?**

The questions below aim to help OSCs establish to what extent funding for LINK activities is helping to meet the objectives for LINKs to be inclusive, diverse and innovative.

How do you evaluate how effectively LINK funding is meeting the needs of local people and groups?

How will the Executive ensure that arrangements for LINK activities are 'good value for money'?

## **8. Are commissioners and providers of adult social care services aware of LINKs?**

The questions below aim to help OSCs establish how Executives are ensuring that commissioners and providers of adult social care are aware of LINKs and their powers.

How are you managing changes to provider contracts to ensure they respond to the LINK and allow authorised representatives to 'enter and view' adult social care premises?

How have you ensured that adult social care commissioners and providers are developing relationships with the LINK?

## **9. How do LINKs build on other community development activity?**

The questions below aim to help OSCs establish the arrangements that Executives have to build LINKs in to their existing community development activity.

How are you ensuring the Host can support the LINK to work with local people and groups to ensure they build on existing relationships and resources and do not duplicate activity?

How have you ensured that the host contract enables the LINK to be inclusive and diverse, taking forward community development principles in their involvement activity?

## **10. How does our approach compare to others?**

The questions below aim to help OSCs establish whether the local approach to LINKs is reasonable in the context of approaches taken elsewhere.

Are you sharing and learning from good practice examples with our neighbours and 'family group' authorities?

How are you ensuring the host develops relationships with neighbouring hosts and others with common areas of interest in order to share and learn from good practice?

How are you ensuring the LINK is supported to work in partnership with other LINKs on common interests?

If comparisons have been made with practice elsewhere, what lessons were learnt for the future?

What might you do differently when the host contract is due for renewal?