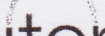


25 November 2008

Malcolm Alexander
Chair
National Association of LINKs Members
30 Portland Rise
London
N4 2PP


Monitor

Independent Regulator
of NHS Foundation Trusts

4 Matthew Parker Street
London
SW1R 6GP

T: 020 7340 2400
F: 020 7340 2401
W: www.monitor-nhs.uk

Dear Malcolm,

Thank you for your letter of 4 November 2008. Taking each of your points in turn:

1. You asked if Monitor would be prepared to "actively support" your request for LINKs to have access to all foundation trust (FT) services, including those services which FTs contract from private providers.

It is our hope that LINKs work successfully with FTs. The governance model of FTs, being comprised of public membership and elected governors, offers real opportunity for meaningful patient and public engagement. Monitor would support any access by a LINK to an FT service that was lawful or agreed to by all parties affected. Although the Secretary of State's *Directions about the Arrangements to be made by Relevant Bodies in respect of Local Involvement Networks 2008* do not mandate that FTs provide LINKs with access to its private providers, I would be very interested to hear from you of any instance where a LINK felt that their ability to carry out their functions with respect to an FT was compromised by this position (as previously stated in William Moyes' letter to you of 16 May 2008).

NHS foundation trusts are required to cooperate with other health service bodies and a significant failure to do so could warrant action by Monitor. We are not aware of any specific incidences where a LINK has been denied access to an FT, in breach of the law or otherwise. FTs will be familiar with the concept of patient and public involvement (under the old PPI Forum and otherwise) and as such we expect FTs to fully cooperate with its LINK within the new legal framework.

2. You asked whether Monitor has considered the issue of how the public's voice can operate better at the centre of healthcare decision making at the policy, practice and monitoring levels.

Monitor has done a considerable amount of work to promote the effectiveness of elected FT governors within the FT governance model. I enclose a copy of our publication *Developing the role of NHS Foundation Trust governors* for your information. Additionally, Monitor will shortly be publishing a governor's guide.

You say you are interested in ensuring LINKs members have direct access to FT decision making forums, in particular, you cite governance and risk committees. FTs, being autonomous self-governed organisations, are free to invite whomever they wish to their committees and meetings provided of course they comply with relevant laws, their constitutions and with the general principles of good governance. We are aware of a number of FTs that have asked their LINK to appoint a governor. Where this has happened, the LINK governor has access to high-level meetings at which the appointments of senior FT officials are made and at which issues of strategic importance are considered.

3. You say that many of your members have complained about lack of access to FT board of director meetings.

It is up to each individual FT to decide for itself whether or not to open up its directors' board meetings to the public. The constitutions of FTs sometimes make provision for this but there is no underlying legal requirement for directors' board meetings to be open, unlike board of governors meetings. (However, constitutions may lawfully provide for the public to be excluded from a governors' board meeting for special reasons).

In general, local accountability is extremely important to Monitor and the FT governance model guarantees local representation at the highest level.

I trust this is helpful. Please do not hesitate to contact me again if I can be of any further help.

Yours sincerely



Stephen Hay
Chief Operating Officer