



Haringey Council

Overview and Scrutiny Committee

On 29th June 2009

Report Title. Co-Option of a Local Involvement Network representative onto the Overview and Scrutiny Committee

Report of Cllr Gideon Bull, Chair of the Overview and Scrutiny Committee

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Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose of the report (That is, the decision required)

- 1.1. To approve the co-option of a non-voting representative of the Local Involvement Network onto the Overview and Scrutiny Committee and relevant task and finish panels under the terms as outlined below.

2. Introduction by Cabinet Member (if necessary)

- 2.1. N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1. Sustainable Community Strategy
- People at the heart of change

- Healthier People with a better quality of life
- People and customer focused

4. Recommendations

- 4.1. That the Overview and Scrutiny Committee approve the co-option of a non-voting Local Involvement Network representative onto the committee, under the terms as outlined within this report.
- 4.2. That the Overview and Scrutiny Committee approve the co-option of a deputy Local Involvement Network representative, to stand in for the representative should (s)he be unable to attend a committee meeting.
- 4.3. That the Overview and Scrutiny Committee approve the co-option of a non-voting Local Involvement Network representative onto task and finish review panels where the review is looking at health and social care issues.
- 4.4. That the Overview and Scrutiny Committee write to the Local Involvement Network asking for a representative and deputy representative to be nominated.

5. Reason for recommendation(s)

- 5.1. Reasons for the recommendation are outlined in the main body of this report.

6. Other options considered

- 6.1. Not to co-opt a Local Involvement Network representative onto the Overview and Scrutiny Committee.

7. Summary

- 7.1. Under the Local Government and Public Involvement in Health Act 2007, Local Involvement Networks replaced Patient and Public Involvement Forums as of April 1st 2008.
 - 1.1. Local Involvement Networks represent all aspects of the community on health and social care issues and have a specific relationship with Overview and Scrutiny Committees.
 - 1.2. This report considers the option of co-opting a non-voting Local Involvement Network representative onto the Overview and Scrutiny Committee and the commissioned task and finish panels.

8. Chief Financial Officer Comments

- 8.1. The Chief Financial Officer has been consulted on the preparation of this report and, given the information set out in the service financial paragraph below, has no specific comments to make.

9. Head of Legal Services Comments

- 9.1. The legal and constitutional implications are stated in the body of the report and the Head of Legal Services has no further comments.

10. Head of Procurement Comments – [Required for Procurement Committee]

10.1. N/A

11. Equalities &Community Cohesion Comments

- 11.1. Local Involvement Networks are networks of organisations, people and groups and have a role to represent the whole community's views on the health and social care services within a given area.
- 11.2. LINKs membership is open to everyone and is flexible to ensure that people and organisations can contribute as and when they wish to.
- 11.3. The Haringey LINK has established links to a range of community organisations including ethnic minority, refugee, asylum seeker and disability groups.

12. Consultation

- 12.1. Due to the possible constitutional and legal implications of the recommendations within this report the Legal Service has been consulted on this report.

13. Service Financial Comments

- 13.1. There are no financial implications for the Overview and Scrutiny Service as the co-opted LINKs representative would participate in work already taking place by the Overview and Scrutiny Committee.

14. Use of appendices /Tables and photographs

- 14.1. Appendix A – Help build a better health and social care service – Local Involvement Networks (LINKs) explained, Department of Health, November 2008

15. Local Government (Access to Information) Act 1985

- Local Government Act 2000
- Local Government Act 2003
- Local Government and Public Involvement in Health Act, 2007
- Haringey Council Constitution
- Local Involvement Networks and Overview and Scrutiny Committees working together, The National Centre for Involvement.

1. Background

1.1. As of 1st April 2008, under the Local Government and Public Involvement in Health Act 2007, Patient Public Involvement Forums (PPIs) were abolished and replaced with Local Involvement Networks (LINKs). The role of LINKs differs to that of PPIs in that their role covers both health and social care rather than just health, and that they are attached to a geographic area rather than an individual NHS trust.

2. The LINK

2.1. The role of the LINK is to:

- “enquire about local people’s views of their health and social care, and suggest improvements to the service providers;
- look into specific issues (such as a dirty hospital), make recommendations and obtain a response;
- obtain information and answers within a specified time;
- carry out spot checks to see if services are working well;
- refer issues to the local Overview and Scrutiny Committee if action is not taken¹ and
- promote and support the involvement of people in the commissioning, provision and scrutiny of local health and social care services

2.2. Specific powers of the LINK include:

- To enter specified types of premises and view the services provided.
- To request information, make reports and recommendations and receive a response within a specified timescale.
- To refer matters to an Overview and Scrutiny Committee and receive a response.

2.3. The LINK operates independently of the local authority, within its own governance structure and decision-making processes.

2.4. The Membership of a LINK includes a wide variety of groups and networks, for example, service user support groups, tenant groups, youth councils, patient representatives, older people’s forums, minority ethnic groups, faith groups etc. The idea is that it provides a local voice on health and social care issues for the whole of the population.

2.4.1 The principle is that "everyone's views matter" and therefore anyone can join a LINK.

3. The Host

3.1. Local Authorities were given the responsibility for procuring a host organisation whose role is to support the function of the LINK. This will include activities such as providing training for LINK members, producing an annual report and ensuring the effective governance of the whole structure. In Haringey, the procured organisation is the Shaw Trust.

¹ Local Involvement Networks and Overview and Scrutiny Committee working together, That National Centre for Involvement, 2009

3.2. As LINKs are accountable to the public and to the Secretary of State for Health they are required to publish an annual report to be sent to the Care Quality Commission, the relevant Overview and Scrutiny Committee and Primary Care Trust.

4. Relationship with Overview and Scrutiny

4.1. Benefits of Co-opting a LINKs representative

4.1.1 LINKs and OSC both draw their legitimacy from communities, service users or patients and carers. Both have a responsibility to engage local people and by developing a relationship based on joint working, both can become more effective.

4.1.2 By co-opting a LINKs representative onto the Overview and Scrutiny Committee the Committee demonstrates its commitment to not only working closely with the LINK but also its commitment to taking on board the views of the local community.

4.1.3 To achieve successful scrutiny a committee needs:

- Access information about needs of local population;
- the factors that impact health and social care in their community;
- the services that are available; and
- the views of patients, service users and the public about what could be improved².

By co-opting a LINKs representative into the Committee it has easy access to the above information, by not only harbouring a close relationship but by having a mechanism for feeding back as appropriate to the whole committee at an appropriate time.

4.1.4 Due to the LINKs unique relationship with a wide range of groups and individuals the LINK representative is ideally placed to inform work undertaken by the Overview and Scrutiny Committee thereby adding value to the scrutiny process.

4.1.5 The Local Government and Public Involvement in Health Act 2007 places a duty on Councils to 'inform, consult and involve' people, with the aspiration being to embed a culture of engagement and empowerment across an authorities functions. Whilst the Overview and Scrutiny Committee already does this, the co-option of a LINKs representative would again further build on work already ongoing in this area.

4.1.6 LINKs and Overview and Scrutiny Committees are unique in their roles to represent the local community as no other organisations have clear rights and roles laid out in legislation, and are accountable to their local communities. By working closely together the most effective use of both resources can be made.

5. Legal Considerations

² Local Involvement Networks and Overview and Scrutiny Committees working together, NIC, 2009

5.1. Section 21 (10) of the Local Government Act 2000 provides all Overview and Scrutiny Committees with the opportunity to co-opt non-voting members from external organisations onto the committee or its sub-committees.

5.2. Haringey Council's Constitution

5.2.1 The Rules on the Procedures for Overview and Scrutiny are in Part 4, Section G of the Constitution. Sub-sections 2, 3 and 4 deal with membership and co-optees but make no specific provision for co-optees on the main Committee except in relation to education representatives.

5.3. Therefore, it is the Legal department's view that where the Constitution is silent there is no bar to taking action that is otherwise legally possible. However, it has been recommended that should the Overview and Scrutiny Committee approve the co-option of a LINKs representative, then there should be a specific reference to this included in the Constitution when it is revised later in 2009, in order to take into account other areas of the Local Government and Public Involvement Act 2007, which are specific to Overview and Scrutiny.

6. Considerations should the co-option be approved.

6.1. It is recommended that should the Overview and Scrutiny Committee approve the co-option then this should be reviewed on an annual basis and in line with the Committee's own re-appointment process.

6.1.1 This will give both parties the opportunity to ensure that the relationship is working most effectively and adding value to their respective roles.

6.2. It is important that a co-opted LINKs representative speaks for the LINK and not in a personal capacity on a topic, in the same way that the Committee speaks for the local community on issues. It is also important that the LINK is able to provide evidence to the Overview and Scrutiny committee on topics which they are speaking, if not at the time, then this should ideally be made available afterwards.

6.3. When considering a nomination the LINK should ideally consider:

- Who is to be nominated to be co-opted? For example if this is the holder of a particular post within the governance structure?
- Who should be nominated as the deputy representative? It is suggested that this post should support the work of the co-opted representative, for example when collating evidence for the Overview and Scrutiny Committee, as well as attending Overview and Scrutiny Committee when the designated co-optee is unable to attend.
- How the co-opted person will reflect the views of local people and groups and report back to them?

16. Recommendations

16.1. That the Overview and Scrutiny Committee approve the co-option of a non-voting Local Involvement Network representative onto the committee, under the terms as outlined within this report.

- 16.2. That the Overview and Scrutiny Committee approve the co-option of a deputy Local Involvement Network representative, to stand in for the representative should (s)he be unable to attend a committee meeting.
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