

**HEALTH, SOCIAL CARE AND INCLUSION SCRUTINY AND
PERFORMANCE PANEL**

**Agenda
Item No. 8**

DATE: 26 March 2009

Title of the Report: Update on LINK (Local Involvement Network)

Ward(s) All

Portfolios: Cllr Barbara McCracken – Social Care, Health and Housing

Summary of report:

To update Scrutiny on progress made in implementing Walsall's Local Involvement Network (LINK) through the appointed host organisation, The Carers Federation, in relation to the Council being able to meet its statutory obligation to have such a network in place, as determined by The Local Government and Public Involvement in Health Act 2007.

It is proposed to take a report to Cabinet recommending termination of the contract with the current host and seeking approval on the way forward for the Walsall LINK. This will include the relationship between the LINK and Scrutiny, to which the Panel's input is sought.

Background papers:

19.3.08 - Report to Cabinet – Award of contract for the host organisation for the Walsall LINK

Reason for scrutiny:

To inform Scrutiny about the reasons for recommending the termination of the contract with the current host (The Carers Federation) and to seek input about the future working relationship between the Walsall LINK and the Scrutiny Panel.

Resource and legal considerations:

Finance

Specific funding for this activity has been allocated through the Area Based Grant for a 3 year period from April 2008. The funding stream after this initial 3 year period has not been defined although the council will have a duty under the legislation to make contractual arrangements with a host organisation to support the work of the LINK.

People

The Carers Federation currently employ 3 staff to develop, manage and administer the host (a team leader, community engagement worker and administrative officer). At the end of this contract it is anticipated, subject to the continuation of the duty under the act, that TUPE is likely to apply to the staff engaged to undertake this contract and provision for this eventuality has been incorporated into the contract. The council has a duty to comply with the Code of Practice on Workforce Matters. The only exception to this would be for economic, technical or organisational reasons.

Options of the Council setting up interim arrangements pending new contractual arrangements or exploring more fully running this through the existing infrastructure of Local Neighbourhood Partnerships under the governance of the local strategic partnership will be fully explored. The Act is quite clear that local authorities cannot perform the host organisation function.

Legal

To terminate the contract the Council is required to give 90 days notice. The notice should state the reasons for termination and remind the host of their obligations during the 90 day period. There is no provision for appeal against this decision in the contract agreement.

Citizen impact:

The creation of a LINK for health and social care will enable wider community engagement in the shaping and scrutiny of these services. The membership of the LINK must be drawn from all sectors of the community and the role of the host is to ensure that those difficult to reach groups are given the opportunity and are able to contribute.

Environmental impact:

None

Performance management:

Scrutiny input to define their relationship with Walsall's LINK will ensure the requirements of the 2007 Act and the corporate approach to service improvement

in relation to health and social care provision are applied.

Equality Implications:


The purpose of the LINK is to ensure that all parts of the community have the opportunity to make a contribution to the shaping and scrutiny of health and social care services in Walsall. The role of the host is to use techniques and approaches which allow for the widest possible engagement with the community and this forms part of the contract and supporting schedules

Consultation:

The Council's legal department has been consulted on both TUPE and contract termination implications within the last 6 weeks.

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1. Context

- 1.1 The intention behind the new duty in the 2007 Act is to introduce bodies known as Local Involvement Networks (LINKs) to help strengthen the system that enables communities to influence the care they receive. From April 2008 the Government replaced Patient Forums with LINKs. They see them as a new way to involve everyone in influencing and having their say about health and social care provision. Backed up by certain powers, LINKs will:
- Provide everyone in the community with the chance to say what they think about local health and social care services
 - Give people the chance to influence how services are planned and run.
 - Feedback to service providers what people have said about services so that things can be improved.
- 1.2 The contract was awarded to The Carers Federation who were successful in acquiring 12 contracts for LINK across the UK. In Walsall, a significant amount of initial community interest was generated through events and workshops prior to the award of the contract. This produced 70+ expressions of interest from individuals.
- 1.3 A multi-agency steering group has overseen the initial development of the LINK and supported the host since the contract was awarded. They have attempted to advise and guide the host staff in relation to the development of the LINK and engagement beyond ex-PPI members.

2. Progress to date

- 2.1 Key activities undertaken by the Carers Federation:
- Presentation to the Health Scrutiny Panel on 9 October.
 - Enter and view training on 17 October 2008.
 - A public launch event on 2 December 2008.
 - Advertisements to seek nominations for the LINK Board.
 - First general meeting scheduled for 20 April
- 2.2 A report was submitted to Corporate Management Team on 19 February recommending termination of the contract for the following reasons:
- a) Ineffective community engagement.
 - b) Inability of the host to positively and directly 'assist' the interim LINK board
 - c) A highly polarised and combative LINK membership consisting almost entirely of disaffected ex-PPI members
 - d) The lack of a formally constituted body. The LINK will have been in existence 1 year assuming a Board is appointed on 20 April (their first AGM).
 - e) Recruitment of staff in line with their ITT submission.
 - f) Slippage on key milestones in the contract and non-compliance with a range of contractual matters.
 - g) Continued reluctance to provide evidence of spend to date.