



## Health Select Committee

19<sup>th</sup> February 2008

### Report from Director of Communications & Consultation

## Establishing the LINKs – Progress Report

### 1. Summary

- 1.2 This report provides members with an update on progress to establish a LINK, (Local Involvement Network), in Brent.

### 2. Recommendations

- 2.1 To note the progress to date in working toward the establishment of a LINK.

### 3. Background

- 3.1 Proposals to create Local Involvement Networks, (LINKs), form part of central government's wider '*Our Health, Our Care, Our Say*' agenda. The establishment of a LINK in Brent will enable individuals and groups to be consulted on and actively influence local health & adult social care services, from planning and commissioning to delivery.
- 3.2 Each LINK will be supported and guided by a 'host' organisation. It is the responsibility of the local authority to procure a 'host' organisation and set the contractual parameters as to how the host will administer the LINK. Each host organisation will be contracted to provide support for an initial period of three years. Although the host is accountable to the LINK for the support it provides, the host will also be performance managed against its contract by the local authority.
- 3.3 The legislative framework for the LINKs is set out in the Local Government and Public Involvement in Health Act. Draft regulations made under the act and covering governance were the subject of recent consultation. A finalised copy of the Regulations will be published at the end of March 2008, although the Dept of Health has indicated that a working draft will be made available to local authorities by mid February.

- 3.4 The Department of Health have published the amounts of grant monies available for LINKs during the first three years of the contract. Details are contained in the table below.

| Year                 | Amount (£) |
|----------------------|------------|
| Year 1 - 2008 / 09   | £185k      |
| Year 2 – 2009 /10    | £185k      |
| Year 3 – 2010 / 2011 | £184k      |

Although these sums are identified by the Department of Health, the amounts are not ring fenced, forming as they do, part of the new and much larger 'Area Based Grant'. In these circumstances, the council will need to exercise prudence regarding the actual level of expenditure in the procurement of a host organisation, with the Department of Health figures being a guideline only.

- 3.5 On 22<sup>nd</sup> November 2007 the London Borough of Hounslow published its tender document inviting organisations to contract for the provision of a 'host' organisation to establish and support a local LINK. The tender document, which mentioned all the WLA authorities by name, led to considerable confusion amongst Brent based voluntary sector organisations. It was assumed that the Brent had begun the tendering process ahead of any consultation with local groups. The tender document however is a framework document available for use by all West London Authority boroughs. The framework aspect of the document allows the named boroughs to participate in the tender or not, as they wish.

#### **4. Progress to date**

- 4.1 Following on from the recommendations agreed in the report to Overview & Scrutiny in November 2007, a first meeting of the officer procurement group took place on 12<sup>th</sup> December 2007. This group discussed the London Borough of Hounslow tender document and possible timeframes for a Brent only procurement process.
- 4.2 A first meeting of the Brent LINKs stakeholder group took place on Friday 21<sup>ST</sup> December. The meeting was attended by stakeholders from the voluntary sector, PPI forums and the health service trusts. Officers and Cllr Alec Castle, the Brent member nominated by Health Scrutiny to sit on this group, were also in attendance. The stakeholder meeting was facilitated by Barrie Taylor, a Health Service Commissioner and elected member for London Borough of Westminster. Barrie Taylor attended in the capacity of an expert advisor; part of the Centre for Public Scrutiny's expert advisory service, free to local authorities. Concern was voiced at the meeting about the LB Hounslow tender and the assumption that if Brent were to be a partner in this tendering process consultation with local groups would be effectively excluded.
- 4.3 A further meeting of the stakeholder group is planned together with a stakeholder consultation event before the end of March.

## **5. Next steps**

- 5.1 The deadline date for having contracted with a host organisation and having a LINK in place is 1<sup>st</sup> April 2008. In the event of these not being in place, a local authority is obliged to make transitional arrangements in order that the LINK function can be covered. The next steps are therefore:
- 5.2 A full evaluation of the Hounslow tender document and an assessment of which parts, if any, Brent council wishes to utilise or adopt. To be undertaken by the procurement group.
- 5.3 Draft regulations to be scrutinised by legal services and advice obtained as to the form of any transitional arrangements needing to be put in place.
- 5.4 A stakeholder consultation event.
- 5.5 Beginning the OJEU tendering process for the procurement of a host organisation and the establishment of a LINK.

## **6. Legal implications**

- 6.1 The Local Government and Public Involvement in Health Act received Royal assent on 30<sup>th</sup> October 2007. It includes a duty to replace patient forums with Local Involvement Networks (LINKs) which are expected to become operational from April 2008. The Act imposes a duty on the Local Authority to make contractual arrangements with a host organisation. In accordance with its contract with the local authority, the host will be responsible for the establishment, maintenance and support of a LINK in the local authority area. The procurement exercise will need to be conducted in accordance with the Council's Standing Orders and possibly the EU rules. A further report to the Executive may be required in order to agree the procurement process. In the event that the contractual arrangements under a LINK are not in place by April 2008 the Act also places a duty on the Local Authority to have in place transitional arrangements to ensure the various activities can be carried out in the interim. The form of these transitional arrangements is to be prescribed by Regulations from the DOH which are to be available shortly, together with advice via the NHS Centre for Involvement (NCI) which has the lead role in LINKs implementation.

## **7. Financial implications**

As this progress report identifies, although funding levels have been specified by the Department of Health, this grant will form part of the larger area based grant. As part of the area based grant, the amounts specified by the Department of Health cannot be ring fenced for this project. The Council will need therefore to procure the services of a host organisation at a level of expenditure in the context of delivering value for money and taking account of any additional budgetary pressures.

## **Background Papers\***

*\*Available on request*

- Have your say – “Consultation on the regulations for Local Involvement Networks” (LINKs). Department of Health, September 2007.
- “Contracting a Host Organisation for your Local Involvement Network”. Department of Health, August 2007.
- “Planning your Local Involvement Network”. Department of Health, August 2007.
- “A stronger local voice: A framework for creating a stronger local voice in the development of health and social care services”, Department of Health, July 2006- Information document.
- “Concluding the review of patient and public involvement recommendations to ministers from expert panel”, Department of Health, May 2006.

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