



# GOVERNANCE FRAMEWORK



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**The LINK Devon Governance Framework is a working document that will be continually reviewed, revised and updated. It was adopted by the LINK Interim Steering Group on 9 September 2008.**

### **LINK Interim Steering Group Updates**

Revisions following consultation with LINK participants agreed on 19 February 2009

### **LINK Steering Group Updates**

Clarification of co-option to Steering Group agreed on 6 May 2009

Revisions following clarification of Task Group responsibilities agreed on 14 September 2009

Revisions following agreement of a new structure for the group agreed at a meeting in public on 19 October 2009

- Effective October 2009: change of name to 'Strategic Planning Group',
- Effective April 2010: changes to membership of the Group and the new Group's tenure.

### **LINK Strategic Planning Group Updates**

Addition to sub groups clause following meeting on 14 April 2010

## **1 Name and legal status**

- 1.4 The Local Involvement Network of Devon (hereinafter referred to as the LINK) is a network of local people, groups and community organisations who want to help shape health and social care services in Devon. It is a mechanism for gathering the views of people throughout Devon so that these views can be made known to health and social care commissioners and providers.
- 1.5 The LINK is an unincorporated association of members holding no assets.
- 1.6 East Devon Volunteer Support Agency (hereinafter referred to as EDVSA) is the Host organisation contracted by Devon County Council to provide professional and staff support to the LINK. All financial and other resources used for the purpose of the LINK are held by EDVSA and subject to its own governance arrangements. The relationship between the LINK and EDVSA is set out in Appendix 1.

## **2 The purpose of the LINK**

- 2.1 The LINK is established for the benefit of people of the Devon county local authority area to carry out the following activities as defined by Section 221 of the Local Government and Public Involvement in Health Act 2007 as follows:
- a) Promoting, and supporting, the involvement of people in the commissioning, provision and scrutiny of local care services;
  - b) Enabling people to monitor the standard of provision of local care services and whether, and how, services could/ought to be improved; and to review for those purposes, the commissioning and provision of local care services;
  - c) Obtaining the views of people about their needs for, and their experiences of, local care services; and
  - d) Making:
    - i. Views such as are mentioned in paragraph c) known, and
    - ii. Reports and recommendations about how local care services could or ought to be improved,

to persons responsible for commissioning, providing, managing or scrutinising local care services.

2.2 There are statutory powers the LINK has which will underpin its work:

- a) Question commissioners and providers and receive a response within 20 working days;
- b) Refer issues to Overview and Scrutiny Committees and get a response within 20 working days;
- c) Enter and view premises where publicly funded care is being provided and to do this the LINK will:
  - i. seek people who would be interested to undertake visiting and develop a pool of trained visitors;
  - ii. put in place a training programme for visiting;
  - iii. develop a programme of visiting with reports back to the LINK Strategic Planning Group and any other group that would need to know the outcome;
  - iv. report back to relevant providers and commissioners.

2.3 The LINK is also bound by associated statutory instruments as issues by Government under the 2007 Act.

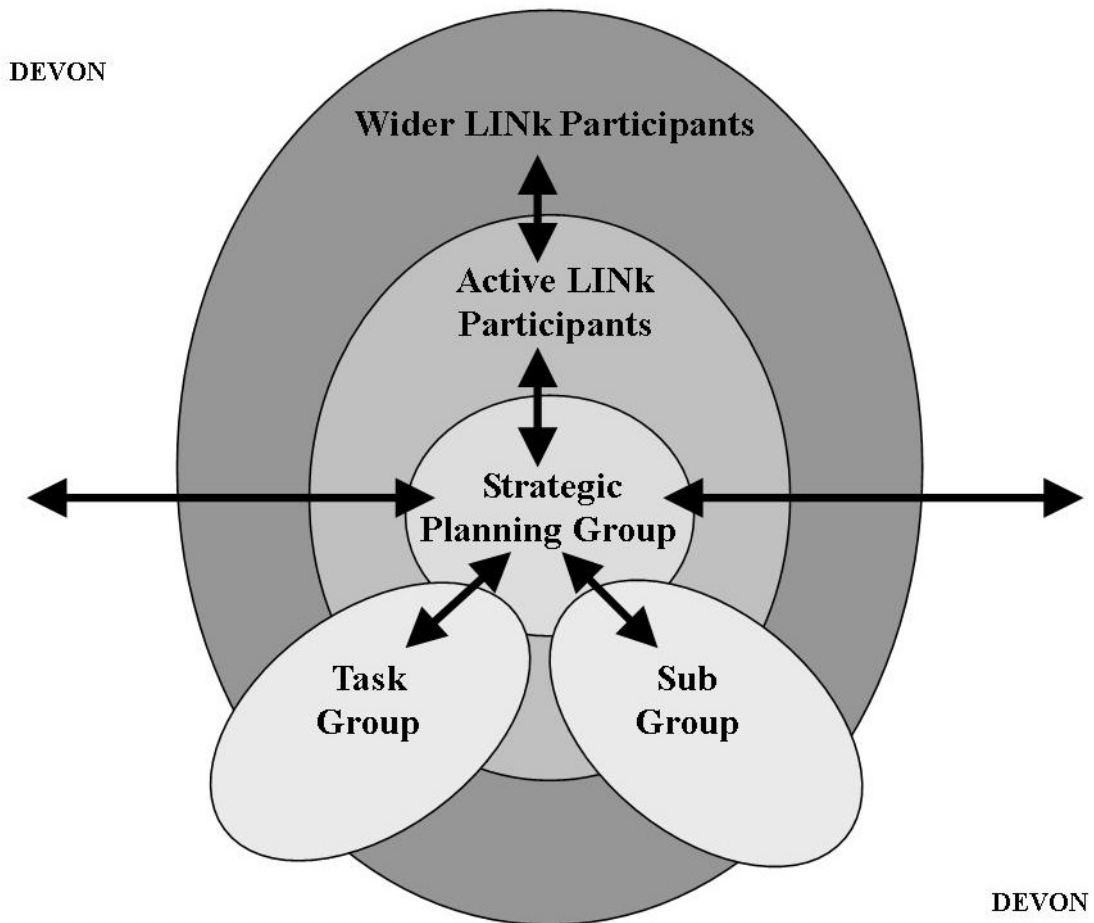
2.4 The LINK is not:

- a) A group of people who only inspect premises and services;
- b) Performance managers of health and social care services;
- c) A health and social care complaints body;
- d) A way to duplicate other networks or initiatives;
- e) Self appointed or unaccountable;
- f) A group of professional workers;
- g) A politically based bureaucracy; or
- h) A place for personal agendas.

### 3 The LINK Model

3.1 The LINK will endeavour to be truly inclusive and diverse in the broadest sense. The LINK has therefore adopted an inclusive LINK Model<sup>1</sup>, as detailed in figure 1.

Figure 1: LINK Devon Model



<sup>1</sup> National Centre for Involvement, May 2008. Guide No. 12 Governance.

## 4 LINK Participants

4.1 There will be three categories of LINK participation:

a) **Active Participants** make a commitment to take part on a regular basis in the development and activity of the LINK. An active participant may be:

- i. an individual living in the Devon County Council area or who regularly uses services within the area; or
- ii. a community group/organisation based and/or working in the Devon County Council area. NHS Trusts and local authorities may not register as Active Participants.

Active participants will receive information and be asked their views on a range of LINK and community issues, invited to attend events and stand/vote for elections to the LINK Strategic Planning Group. Active participants may join a LINK Task Group, act as authorised representatives and access free LINK training to enable them to participate.

b) **Occasional Participants** take part on an irregular basis, choosing to dip in and out of the LINK as it suits them. For example, they may wish to be involved for a short period time or in particular pieces of work that relate to their area of interest. An occasional participant may be:

- i. an individual living in the Devon County Council area or who regularly uses services within the area; or
- ii. a community group/organisation based and/or working in the Devon County Council area. NHS Trusts and local authorities may not register as Occasional Participants.

Occasional participants will receive information and be asked their views on LINK and community issues that relate to their stated area(s) of interest, invited to attend events and vote for elections to the LINK Strategic Planning Group. Occasional participants may join a LINK Task Group, act as authorised representatives only as part of

that Task Group, and access free LINK training to enable them to participate.

c) **Informed participants** will include any individual, group or organisation that wishes only to be kept informed of the activities and progress of the LINK through receipt of a regular newsletter. An informed participant may choose to become more involved in any events or consultations that are advertised in the newsletter. Informed participants may not stand/vote for elections to the LINK Strategic Planning Group or act as authorised representatives. They may access LINK training for which they may be charged a fee.

4.2 Registration as a participant will remain indefinite, unless the participant is expelled from the LINK as a result of their conduct or chooses to leave.

## **5 LINK Associates**

5.1 To ensure that the LINK is fully inclusive, opportunities for limited participation will exist for those who do not meet the requirements of 4.1 or who do not wish to register. A level of engagement will be agreed on an individual basis according to the needs of the LINK Associate. LINK Associates may not stand/vote for elections to the LINK Strategic Planning Group or act as authorised representatives. They may access LINK training to enable them to participate in the LINK for which they may be charged a fee.

## **6 Joint Working with Other LINKs**

6.1 The LINK will work closely with other LINKs on shared health care services and will share information with other LINKs for the National benefit of LINKs. Any issues arising from shared health care services (e.g. Devon Partnership NHS Trust, South Western Ambulance NHS Trust or NHS Specialist Commissioning) should be raised in the first place by individuals or community groups with the LINK in which they live/are based.

## **7 LINK Strategic Planning Group**

7.1 The LINK Strategic Planning Group, elected for a period of three years by LINK participants, is a strategic group that will steer and deliver the LINK work plan, supported by EDVSA. It is accountable to the wider LINK, will work under the guidance of the wider LINK and seek to involve and engage as many people within the Devon County Council area as possible in the work of the LINK.

7.2 LINK Strategic Planning Group responsibilities:

- a) Ensuring that the LINK meets its stated aims and objectives and that it is representative of and accountable to the local community;
- b) Ensuring that the LINK is diverse in the broadest sense and gives an opportunity to everyone to participate and draw on their experience and expertise, including those who are not normally heard;
- c) Ensuring that the LINK represents the view of the wider LINK and not that of individual participants;
- d) Working in partnership with EDVSA and LINK members to produce and deliver an annual work plan and budget, recognising that there are limited resources and that the LINK cannot take on all the work requested;
- e) Preparing and presenting the LINK annual report and annual accounts at an AGM;
- f) Ensuring that governance of the LINK complies with the LINK Governance Framework and regulations published by Government;
- g) Ensure the statutory powers of the LINK are exercised in an appropriate and accountable manner;
- h) Oversee the detailed activities carried out by LINK participants including: approving reports produced by LINK Task Groups and Sub Groups; reports of Enter and View visits; reports for those responsible for commissioning, providing or monitoring services, membership of relevant external committees and necessary reports on activities.
- i) Ensuring that the LINK works in the spirit of partnership with other stakeholders.

7.3 The Strategic Planning Group will make decisions on what activity is prioritised on behalf of the LINK only after having first demonstrated that it has engaged with the wider LINK to establish the view of its

participants, and will publish these decisions. See Appendix 7 for further details.

7.4 The Strategic Planning Group will contribute to the performance management of EDVSA, as set out by the Local Authority, in its support of the LINK and will review and evaluate its own performance annually.

7.5 Strategic Planning Group Membership

7.5.1 The Strategic Planning Group will be made up of Active Participants comprising:

a) Six LINK participants, elected via postal vote every three years, each taking on a specific role or responsibility:

- i. Chairman
- ii. Finance
- iii. Governance
- iv. Community engagement
- v. Communications
- vi. Diversity

Members may not appoint substitutes to act on their behalf at Strategic Planning Group meetings.

b) A representative of each current LINK Task Group.

7.5.2 Strategic Planning Group Members will commit to:

- a) Acting as ambassadors for the LINK;
- b) Providing leadership for the LINK and its ongoing development;
- c) Communicating and representing the issues of the whole community and not their own or that only of their specific community group; and
- d) Giving a reasonable amount of volunteer time to the Strategic Planning Group and be willing to travel within Devon.

7.5.3 During the first year, an Interim Steering Group will be selected, via an application process, by a group of LINK participants who are broadly representative of Devon. In subsequent years, the Group will be elected as set out in the LINK Election Procedure (see Appendix 2).

Results of the election will be announced at the AGM. At the end of each term members of the Group may seek re-election.

7.5.4 The Group will have the power to co-opt additional members to fill any vacancies until the next AGM provided the number of co-opted members does not exceed one third of the Group. Co-opted members will have the same responsibilities and voting rights as elected members.

7.5.5 A Strategic Planning Group member will cease to hold office if s/he:

- a) Ceases to be registered as an Active Participant of the LINK;
- b) Ceases to be the nominated representative of a Task Group;
- c) Gives written notice to the Chairman or EDVSA of the intention to resign;
- d) Fails to act in a reasonable manner and abide by relevant governance policies. Expulsion will accord with procedures set out in the Code of Conduct Policy (see Appendix 4).

7.6 Functioning of the Strategic Planning Group

- a) The Strategic Planning Group will meet regularly and will meet in public at least once a year;
- b) Items for the agenda may be proposed by any member of the Strategic Planning Group to EDVSA not later than 10 days before each scheduled meeting. Agendas will be agreed by the Chairman. Late items will be added at the Chairman's discretion;
- c) Administration of the Strategic Planning Group will be carried out by EDVSA. Papers will be sent out a week in advance of a Strategic Planning Group meeting. Minutes will be in the public domain within a week of the meeting taking place, subject to approval by the Strategic Planning Group Chairman;
- d) Quorum: a minimum of 51% of the group must be present for the meeting to be able to make decisions. In the event of a tied vote the Chairman will have a casting vote.

## **8 Task Groups and Sub Groups**

- 8.1 The Strategic Planning Group may establish time-limited Task Groups and more permanent Sub Groups to enable the LINK to function, undertake a programme of work or monitor particular services.
- 8.2 There is no set number of members for Task Groups and Sub Groups. Groups will be encouraged to operate flexibly in order to achieve the best outcome. Groups will be able to decide how they manage themselves in terms of roles within the Group and how the Group operates. Each Task Group and Sub Group will have an agreed Terms of Reference.
- 8.3 Task Groups may nominate a representative member to sit on the Strategic Planning Group for the life of the Task Group. This representative will hold full participation and voting rights.
- 8.4 Task and Sub Groups are accountable to the Strategic Planning Group and will be responsible for reporting their activities regularly to the Strategic Planning Group and ensuring that minutes of Task Group meetings are made available within a week of each scheduled meeting. The Group may wish to nominate a Chairman to facilitate its work.
- 8.5 The Strategic Planning Group, with EDVSA, will identify the level of support that can be offered to each Task or Sub Group according to their need and within the resources available.
- 8.6 Sub Groups will focus on specialist areas of work such as LINK operational issues or cross-cutting themes. All Sub Group members will be registered as Active Participants. The LINK Strategic Planning Group will appoint one of its members to be Chairman of the Sub Group.
- 8.7 Task Groups will focus on specific pieces of work as set out in the LINK work plan. They will agree their work plan and budget with the LINK Strategic Planning Group. Task Groups will coordinate their own activity and be responsible for any ongoing communication with, or requests for information from, service providers as the projects develop. The Group will produce final reports and recommendations to the LINK Strategic Planning Group for approval prior to publication.

- 8.8 At least 50% of any Task Group members will be registered as Active or Occasional Participants. The remainder do not need to be registered as participants and may be drawn from anywhere within the wider Devon community. They will allow a wider range of participants and people within the Devon community to participate in the LINKs work based on their specific interests and expertise.
- 8.9 The decision to conclude the work of any Task Group or Sub Group which has completed its work will be taken by the LINK Strategic Planning Group, after consultation with the Group concerned. The LINK Strategic Planning Group will consult with any Group that it feels is not operating effectively, or in accordance with its aims, or in the best interests of the LINK, with a view to achieving a suitable resolution. Ultimately the LINK Strategic Planning Group may decide to close a Group if it feels that this is in the best interests of the LINK.

## 9 Authorised Participants

- 9.1 Ordinary participants of the LINK must not claim to be, or give the impression that they are, representing the LINK, speaking on behalf of the LINK or giving views of the LINK, to other organisations, forums or the community.
- 9.2 There are two distinct types of Authorised Participants in the Devon LINK:
- a) **Persons** who represent the LINK at meetings
  - b) **Representatives** who conduct LINK visits to health and social care premises.
- 9.3 The Strategic Planning Group (and in exceptional cases, EDVSA in consultation with the LINK Chairman) will authorise named **Persons** for specific roles in terms of representing the LINK. For example,
- a) To maintain a relationship with, provide a point of contact and exchange of information for, and/or attend meetings of, a specific organisation(s) or forum(s) on behalf of the LINK/Task Group

b) To speak on behalf of the LINK and/or represent the views of the LINK to appropriate organisations and the community on specific matters, and present reports and recommendations of the LINK. And in doing so will specify the purpose of the authorisation and may set a framework within which the Authorised Person may act.

9.4 The LINK Media Spokesperson will normally be the Communications representative or Chairman. However, it is recognised that another participant may be more appropriately qualified to speak on specific topics.

9.5 Authorised **Representatives** are LINK participants who conduct visits of health and social care premises on behalf of the Devon LINK. Representatives can be authorised only if:

- a) they have undergone Criminal Records Bureau disclosure, in line with section 113A of the Police Act 1997, and have a certificate to verify that they have satisfied enhanced disclosure;
- b) they have undertaken training on authorised visits; and
- c) The Strategic Planning Group's Governance representative and Chairman has considered the certificate and are satisfied that the person is suitable to carry out visits.

9.6 All visits will be carried out in accordance with the NHS National Centre for Involvement "Code of Conduct relating to LINK visits to enter and view services" (Gateway Reference 10194).

9.7 The names of all Authorised Representatives will be published on the LINK website.

## **10 Relationships with Affiliated, Partner and Statutory Organisations**

10.1 The LINK will work in the spirit of partnership with all agencies.

10.2 The LINK will establish and adhere to Local Working Protocols with statutory agencies. All correspondence and initial communication will be made through EDVSA to ensure that it is appropriately recorded, that the Strategic Planning Group can be made aware of all

correspondence and communication on behalf of the LINK and to enable the LINK to work in a transparent and accountable way.

- 10.3 The LINK Chairman and EDVSA will meet on a regular basis with Commissioning Organisations (Adult & Community Services and Devon Primary Care Trust) and with provider organisations as necessary to promote positive working relationships. Discussions held will be reported to the Strategic Planning Group's subsequent meeting.
- 10.4 There are also existing groups set up by other agencies that represent particular interests and want to be part of the LINK. These groups may undertake work that the LINK would have done but does not want to duplicate.
- 10.5 Affiliated organisations may also include organisations that are commissioned by the LINK to undertake specific work on its behalf.
- 10.6 The LINK will work with all groups, as appropriate, to ensure that joint objectives of service improvement are achieved. The relationship between the LINK and affiliated organisations will be determined on a case by case basis.

## Appendix 1

### Relationship between the LINK and Host organisation

- 1 East Devon Volunteer Support Agency (EDVSA) is the Host organisation for the LINK.
- 2 EDVSA has entered into an agreement with Devon County Council for the funding of the support of the LINK. EDVSA will discharge all duties of the Host organisation within that contract. EDVSA shall, during the contract period, support and develop the LINK in all of its activities in line with all legislation, regulation, guidance and procedure. The overall role of the Host organisation is to establish, maintain and support the LINK in carrying out its statutory duties. In addition to its contractual responsibilities, EDVSA will offer specialist professional support and advice for the benefit of the LINK.
- 3 The LINK Strategic Planning Group will be responsible for activities and decisions as set out in Section 7 of the Governance Framework.
- 4 It is expected that the two parties will work in harmony; however it is possible that situations may arise which create concern and discord. It is therefore necessary to ensure processes are available which will provide a means of affecting an early resolution so that proper business can be resolved informally. The following process should be followed:
  - a) The LINK Chairman, LINK Manager(s) and EDVSA Chief Officer should meet to assess whether the issue can be resolved informally. It may be appropriate for the Chair of EDVSA Trustees to also be involved in the meeting;
  - b) If the issue cannot be resolved informally officers from Devon Procurement Services, as contract manager, should be asked to provide informal advice/arbitration to the two parties;
  - c) If either party remain aggrieved Devon County Council will be requests to established, with the agreement of the parties, a panel to investigate the issue;
  - d) Both parties will accept the decision of the panel.

## Appendix 2

### LINK Strategic Planning Group Elections

- 1 Election, of the core group of six participants, to the LINK Strategic Planning Group will be held every three years. The nomination and election process will be run by an independent company to ensure impartiality.
- 2 The timetable for the process will be set by the independent company, but will be concluded by 31<sup>st</sup> March in the election year.
- 3 Nominations
  - 3.1 The LINK will invite nominations for candidates for election. This will be done via suitable communication channels such as the LINK website, newsletters and the local press.
  - 3.2 Participants may be nominated by another registered participant or they may self-nominate.
  - 3.3 Participants who wish to stand for roles allocated to organisations must show that the organisations activity is relevant to the role and that they are that are the official representative for that organisation.
  - 3.4 Nomination packs will be sent to all registered Active and Occasional Participants of the LINK by the independent company and all papers must be returned to that company by the deadline specified. LINK staff will offer appropriate assistance to complete the nomination form if requested, but will not complete forms on behalf of nominees. Nomination packs will include details of the process together with an explanation of the roles and responsibilities of Strategic Planning Group members.
  - 3.5 All those registered as Active Participants may stand for election unless that person is:
    - a) A member of the Board of
      - i. A Primary Care Trust
      - ii. An NHS Trust

- iii. An NHS Foundation Trust;
- b) A member of the Local Authority Executive;
- c) A local Councillor who is a member of a Health Overview & Scrutiny Committee in Devon; or
- d) A senior, or decision-making, member of a local organisation that already has a place on the Strategic Planning Group.

3.6 Any participants who are not registered as Active Participants may amend their registration by contacting EDVSA.

#### 4 Voting

4.1 Voting packs will be sent to all registered Active and Occasional Participants by the independent company and must be returned to that company by the deadline specified.

#### 5 Results

5.1 The independent company will provide the results to EDVSA.

5.2 EDVSA will inform candidates of the results in writing.

5.3 Election results will be announced at the AGM and publicised via the LINK website, newsletters, press and community engagement events.

## Appendix 3

### Code of Conduct for LINK participants

- 1 The Code of Conduct sets out what participants can expect from the LINK and what the LINK expects from participants. Adherence to the Code of Conduct is a condition of participation and breaches of the Code could lead to withdrawal of participation. Signing up to the Code of Conduct does not tie participants into an employment relationship with the LINK.
  
- 2 All LINK participants commit to:
  - a) Acting and conducting themselves in a reasonable and responsible way to any staff or volunteers or members of the public they work with or meet as a participant;
  - b) Not dealing with individual or confidential matters but always acting in an open and public way;
  - c) Never disclosing confidential and sensitive information unless there is a legal duty to do so;
  - d) Making sure that they have read and understood the Governance framework and act in accordance with it;
  - e) Letting EDVSA know of any changes to their employment or personal circumstances which could affect any active participation that they are currently engaged in;
  - f) Declaring any conflict of interest, or anything that might be seen by other people as a conflict of interest, as soon as it arises and keep the Register of Interests up to date;
  - g) Not accepting gifts or hospitality which could be seen as trying to influence the decisions, independence or activities of the LINK;
  - h) Complying with relevant legislation including equal opportunities, discrimination, human rights, data protection and freedom of information, LINKs and health and social care.
  
- 2.1 All LINK participants (registered or unregistered) commit to valuing diversity and treating all people with respect and acting in a way which does not discriminate against anyone or cause anyone to feel marginalised or excluded.
  
- 2.2 When participating in LINK Groups all participants commit to:

- a) Playing an active role, contributing to meetings and events and being involved with working groups and other projects as directed by the collective;
- b) Preparing for meetings and events and sending apologies when they cannot attend or will be late;
- c) Ensuring that when they are unavailable for Group work or meetings that they let the Chairperson or EDVSA know as soon as possible;
- d) Listening to and respecting the views and experiences of other participants, and supporting fellow participants to contribute to the group's work;
- e) Presenting and promoting other relevant views, which may not always be the same as their own.

### 2.3 Participants of Groups have a collective responsibility to:

- a) Not working against the majority view of the group once a decision has been democratically taken;
- b) Only carrying out work, or requesting information, in line with the work plan agreed by the LINK;
- c) Obtaining authorisation by the LINK before speaking, writing or attending meetings or events on its behalf;
- d) Ensuring that when they are representing the LINK at a meeting or event, that they are speaking on behalf of the LINK and not themselves;
- e) Reporting back to the LINK when they attend anything on behalf of the LINK.

### 2.4 Registering an Interest

2.4.1 All active participants will declare any information appropriate for inclusion on a Register of Interests and where participants have a conflict of interest they should declare it and withdraw from the decision making process. Any failure to declare a conflict of interest is a breach of the Code of Conduct.

2.4.2 Any conflict of interest that might be considered to influence a participant's actions as a LINK participant must be declared to EDVSA as soon as it arises.

- 2.4.3 An interest includes any financial or personal interests, memberships or affiliations that may be perceived as a conflict of interests. The criterion is not whether a participant thinks they have an interest to declare but whether another LINK participant, organisation or member of the public would think they have an interest to declare.

## **The Seven (Nolan) Principles of Public Life**

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## Appendix 4

### Code of Conduct Policy

- 1 This section outlines how the LINK will take action in cases where participants are deemed to have acted outside of their responsibilities as set out by the Code of Conduct for Participants.
- 2 The Strategic Planning Group is empowered on behalf of the LINK to take appropriate action in cases where:
  - a) Continuing participation is not in the interests of the LINK; or
  - b) Where a complaint is made about a participant's conduct, participation may be suspended until the complaints procedure has been completed.
- 3 The Strategic Planning Group will aim to conclude the matter within 20 working days. If this is not possible then the reasons for the delay and the revised deadline will be agreed by the Strategic Planning Group and confirmed with the complainant.
- 4 All activity relating to conduct will be led by a Governance Sub Group comprising the Chair, Governance Representative and one other Strategic Planning Group participant as appropriate and facilitated by EDVSA.
- 5 Continuing participation not in the interests of the LINK
  - 5.1 A list of examples of behaviour that could potentially result in appropriate action follows. The list is extensive but not exhaustive and other situations of potentially inappropriate behaviour may also be considered, provided that the Strategic Planning Group agree:
    - a) Physical assault on any other individuals in the course of the LINK work, or action perceived by the recipient to be intimidating;
    - b) Making comments or acting in a way a recipient or witness considers to be discriminatory, as set out in the MacPherson Report 1999;
    - c) Failing to observe agreed confidentiality;
    - d) Fraud (e.g. submitting false expenses claims);

- e) Theft of or malicious damage to LINK or Host property or in the course of any visits or meetings on health and social care commissioner or provider premises;
- f) Gross carelessness or negligence (an act or failure to act which endangers others' health and safety);
- g) Convicted of a criminal offence during participation that might compromise the credibility of the LINK;
- h) Not adhering to the standards of behaviour as stated in the Code of Conduct;
- i) Preventing other participants from participating;
- j) Continuing in behaviour or actions which may be perceived as impeding the LINK work or damaging its reputation;
- k) Acting against the agreed terms and conditions or work plan of the LINK.

## 6 Standards of Conduct Procedure

### 6.1 The conduct procedure may be initiated by either:

- a) A formal written complaint
- b) A verbal complaint. The Host organisation, on behalf of the Strategic Planning Group, will write to the complainant to verify the content of the complaint and notify the Governance representative within 5 working days.

### 6.2 A written record of the complaint and any conversations that take place with regard to the complaint will be taken.

### 6.3 The Strategic Planning Group will encourage disputes to be dealt with within the LINK.

### 6.4 In exceptional, very serious cases of 'gross misconduct' the Strategic Planning Group reserves the right to suspend LINK participation immediately pending the outcome of the investigation.

### 6.5 Giving due regard to the complaint, and to offer the participant an opportunity to respond, the nature of the complaint will be confirmed with the complainant and the outline given to the participant in writing.

- 6.6 The Governance Sub Group will hold a discussion with the participant, with the objective of helping them to reach an appropriate standard of conduct or resolve the particular problem which led to the complaint and setting a date for review. The Host will act as a facilitator and as directed by the Strategic Planning Group.
- 6.7 Following the discussion a letter summarising the action taken will be sent to the parties concerned.
- 6.8 There are three possible outcomes to this procedure which will be ratified by the Strategic Planning Group:
- a) **Issue not upheld**
  - b) **Written Warning** – to be issued by the Strategic Planning Group which will state:
    - Details of the misconduct that has resulted in the warning;
    - Details of the necessary action (which could optionally include a period of suspension for retraining) to improve the situation and any period of review decided upon;
    - That any further breach of conduct may result in a further standards of conduct interview and removal from the Group
  - c) **Withdrawal of participation** – the participant will be provided with confirmation in writing by the Strategic Planning Group of the reasons for and the date on which their participation will end.
- 6.9 Right of Appeal
- 6.9.1 A participant has the right to appeal against any standards of conduct penalty imposed. Appeals should be lodged within 10 working days of the receipt of the letter. On receiving the appeal the Strategic Planning Group will consider the appeal and respond to the participant within 20 working days.
- 6.9.2 If a complainant is not satisfied with the outcome of the Appeal, an independent arbitrator will be sought.

## Appendix 5

### Complaints Policy

- 1 This section provides information to anyone who wants to complain about the work of the LINK or any participant of the LINK.
- 2 This Complaints Policy does not cover:
  - a) Complaints or concerns about the NHS, which should be dealt with through the NHS complaints procedure. Details about this can be found at [www.nhs.uk](http://www.nhs.uk);
  - b) Complaints about an issue that is already the subject of disciplinary proceedings or Standards of Conduct (such complaints will not be investigated until such processes have been concluded);
  - c) Complaints that are being pursued through litigation; or
  - d) Complaints about the Host organisation as these are dealt with through the Host organisation's own complaints procedure.
- 3 Aims and Principles
  - 3.1 The LINK aims to:
    - a) Deal with complaints efficiently and fairly;
    - b) Keep complainants fully informed of progress with their complaint; and
    - c) Achieve a resolution which is satisfactory to both the complainant and the LINK.
  - 3.2 The LINK is committed to the principle of openness and as such will acknowledge when a mistake has been made.
  - 3.3 Complaints can be a valuable source of information. The LINK will do its best to use the principles derived from complaints as a tool to improve practices.
  - 3.4 All complaints will be treated as confidential. This means that the complaint will be seen only by the people who are directly involved in processing, handling and responding to the complaint except in

exceptional circumstances (the person is at risk of serious harm, intending to harm others or intending to carry out a serious crime).

#### 4 How the LINK deals with complaints

4.1 Where possible, individuals should complain to the LINK in writing so that the LINK has a formal written record of the complaint. If a complainant is unable to write to the LINK other arrangements, for example receiving the complaint over the telephone, will be made to help equality of access to the complaints process. A telephone complaint will be confirmed back to its originator in writing to check and verify that the information taken is accurate before the complaint can be investigated.

4.2 The complaints process has four stages:

- a) The complaint is logged by EDVSA. This data will be held and processed in line with the Data Protection Act 1998;
- b) EDVSA will acknowledge receipt of the complaint within 5 working days and direct it to the Governance Sub Group for consideration;
- c) The Governance Sub Group will consider the complaint and endeavour to respond to it within 20 working days. If the Governance Sub Group is unable to respond within this timescale, an explanation of why this is not possible will be given;
- d) Notification of the Sub Group's decision will be sent by recorded delivery.

4.3 If a complainant is not satisfied with the outcome of his or her complaint they may appeal to the Strategic Planning Group. Appeals should be lodged within 10 working days. On receiving the appeal the Strategic Planning Group will consider the appeal and endeavour to respond within 20 working days.

4.4 If a complainant is not satisfied with the Strategic Planning Group's outcome of the Appeal, an independent facilitator will be offered.

#### 5 Additional advice when making a complaint

5.1 When making a complaint by letter, you should include:

- a) Your name and contact details
- b) Who or what has caused your concerns
- c) When and where the event happened
- d) What results you would like to have.
- e) You also should keep accurate records of:
- f) Telephone calls related to the complaint. Who you spoke to, when and what the calls were about
- g) All your papers and correspondence relating to the complaint
- h) Details of any visits or meetings.

## 6 Persistent Complaints and Vexatious Behaviour from a Complainant

6.1 The Strategic Planning Group will do everything reasonably possible to resolve issues of complaint. However, complainants occasionally may focus solely on their concerns to the extent of placing a strain on time and resources which hinder the consideration of their or other people's complaints.

6.2 Examples of circumstances which complaints may be considered persistent or vexatious

6.3 Where complainants:

- a) Persist in pursuing a complaint where the complaints procedure has been fully and properly implemented;
- b) Persist in complaints, where the complaint has been thoroughly investigated, but the outcome of the investigation is not accepted;
- c) Persist in complaints, where the expected outcome is unrealistic and the complainant intends to persist until such an outcome is achieved;
- d) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken not to discard new issues that are significantly different from the original complaint. These might have to be addressed separately);

- e) Are unwilling to accept documented evidence of treatment given as being factual, or deny receipt of an adequate response in spite of correspondence specifically answering their questions;
- f) Do not clearly identify the precise issues they wish to be investigated, despite reasonable efforts by the Strategic Planning Group or Host staff and others to help them specify their concerns;
- g) Where the individual will not accept that the LINK does not have a role in investigating their issue e.g. they have not exhausted local processes and wish the LINK to intervene inappropriately;
- h) Focus on a trivial matter to an extent that is out of proportion to its significance and continue to focus on this point;
- i) Have, in the course of pursuing their issue, had an excessive number of contacts or that the frequency of contact is often lengthy and complicated (by telephone, e-mail letter or fax) placing unreasonable and disproportionate demands on the Strategic Planning Group or Host staff;
- j) Display unreasonable demands or expectations and fail to accept these may be unreasonable e.g. insist on immediate responses from the LINK or Host staff when they are not available and this has been explained;
- k) Have threatened or used actual physical violence. All such cases must be documented in case of further action and reported;
- l) Have harassed or been personally abusive or verbally aggressive towards Strategic Planning Group participants or Host staff dealing with them. All cases must be documented and reported in case of further action. It is recognised, however, that complainants may sometimes act out of character at times of stress, anxiety, or distress and reasonable allowances for this should be made.

## 7 Procedure

- 7.1 If during the course of Stage 3 (4.2c) of the complaints policy the Strategic Planning Group agrees that the complaint should now be defined in one of the categories listed above a letter can be sent to the complainant explaining that the investigation has ended.
- 7.2 All complaints and queries and other correspondence regarding a particular complaint must be passed to the Designated Strategic Planning Group and/or Host staff member. This will not only ensure a

consistent approach by the LINK but will also minimise the possibility of confusion resulting in conflicting responses being given to the complainant. It will also result in the complainants being dealt with in a coordinated way irrespective of the route the complainant takes.

## Appendix 6

### Participant Expenses Policy

- 1 The LINK will reimburse all its volunteers for any out-of-pocket expenses they incur in the course of undertaking authorised unpaid work on behalf of the LINK. The money that is spent, or other costs faced, will depend on participant's circumstances and what LINK activity they carry out.
- 2 The LINK will not reimburse expenses for those individuals who already claim through their work or organisation.
  - 2.1 Any LINK participant who carries out authorised activity on behalf of the LINK can claim out of pocket expenses.
- 3 To claim expenses:
  - a) The money must really have been spent – or participants have incurred a real cost;
  - b) This spending must have taken place only because
  - c) Participants are going to a LINK event; or
  - d) Participants are carrying out LINK activity and have been authorised in advance to do so;
  - e) Participants' claim for repayment is in line with this Expenses Guidance and a fully completed Expenses Claim Form is received; and
  - f) Receipts are attached for all expenses, except mileage costs, to the Expenses Claim Form.
- 4 Any member of the public who is not a LINK participant, but who wishes to attend a LINK Event can claim travel or carers expenses to enable them to attend the event.
- 5 Public Transport
  - 5.1 If travelling by public transport, the actual cost of any second class fares will be reimbursed.

5.2 If participants have a special need that means they are not able to use public transport, they may use a taxi only if travel has been authorised in advance.

5.3 Participants who wish to use a taxi are advised to contact the Host in advance as they may be able to arrange one for them at no cost to the participant.

## 6 Private Cars, Motorcycles and Bicycles

6.1 By claiming for the use of a car or motorcycle on LINK activity, participants will be confirming that:

- a) Their motor insurance covers volunteering activity;
- b) They have a valid driving licence;
- c) They have a valid tax disc on your car or motorcycle and;
- d) Their car or motorcycle has an MOT certificate (if required).

6.2 Any loss or damage caused to a participants own car or motorcycle while using it for LINK business should be covered by their own insurance and breakdown cover.

6.3 The LINK will not pay the cost of fines or other penalties that participants may face for breaking motoring laws, nor will it pay parking fines or clamping charges.

6.4 If participants use their own car, motorcycle or bicycle, costs will be reimbursed at the Inland Revenue's approved mileage rates. For 2008-09 these are:

	First 10,000 miles claimed in the tax year	Each mile over 10,000 miles in the tax year
Car	40p	25p
Motorcycle	24p	24p
Bicycle	10p	10p

## 7 Subsistence

7.1 The actual cost of meals and/or refreshments, up to a limit of £5 for any one claim, will be reimbursed where:

- a) A participant is carrying out authorised LINK activity; and
- b) The activity lasts more than four hours; and
- c) The spending is not met directly by the organiser of the meeting or the organisation being visited (e.g. if lunch is provided); and
- d) They participant has to spend extra money or face extra costs.

7.2 The actual cost of an evening meal, up to a limit of £15 outside of London and £25 inside London when the LINK activity requires that an overnight stay.

## 8 Telephone Calls and Internet Usage

8.1 The costs of telephone calls that a participant is not already paying, that that is made for LINK activity will be reimbursed on production of a telephone bill detailing the costs incurred.

8.2 Costs already being paid, for example, telephone line rental, will not be reimbursed.

8.3 Contributions will not be made to flat rate internet connection charges as this is a cost that is already being paid. Contributions will not be made towards setting up a broadband connection.

## 9 Incidental Expenses

9.1 Other incidental expenses that may be claimed include, for example, postage and stationery needed for LINK activity only if EDVSA is unable to supply them or it is not practical for them to do so.

## 10 Carer's costs

10.1 The actual cost of a child minder, baby sitter, or other carer will be reimbursed up to a limit of £12.50 per hour, except in exceptional circumstances where this has been agreed in advance.

10.2 A participant cannot claim for care that is:

- a) provided by a member of their household;
- b) provided by a person who is under 16; or
- c) Provided by, or available from, another organisation (for example Adult & Community Services).

11 Benefits and Tax

11.1 It is the responsibility of claimants to declare receipt of any relevant repayment of out of pocket expenses to the benefits and/or tax authorities. The general rule is that expenses that are 'wholly, exclusively and necessarily incurred in the course of the work' are not considered to be earnings and therefore should not affect benefit entitlement or tax liability. Any queries should be taken up with the LINK staff team.

12 Procedure for claiming expenses

12.1 All claims for reimbursement, except mileage, must be supported by an invoice or receipt.

12.2 Unauthorised activity will not be reimbursed.

12.3 Expenses Claims Forms are supplied by EDVSA and must be returned to EDVSA.

12.4 Expenses must be claimed within 3 months of being incurred, else they will not be payable.

12.5 All claims received by EDVSA by the last working day of each calendar month will be reimbursed within 5 working days.

12.6 In signing and dating the Expense Claim Form you are confirming the claim as true and accurate.

12.7 All payments will be made by cheque except in exceptional circumstances where payments may be made in cash only if the amount

has been agreed with EDVSA in advance. This is because EDVSA staff are not authorised to carry petty cash unless arranged in advance.

## Appendix 7

### Decision making processes and accountability

- 1 The LINK has been established to give people in Devon a stronger voice in how health care services are delivered. The LINK is accountable to the local population, the Department of Health, local government and the NHS. The LINK will be accountable to the local community by:
  - a) Explaining its decisions and actions;
  - b) Being open, honest and free from bias;
  - c) Encourage participation;
  - d) Publishing an annual report and annual accounts;
  - e) Developing and publishing an annual work plan that is credible and based on priorities that reflect local need.
  
- 2 The LINK will demonstrate accountability by:
  - a) Publishing decision-making procedures;
  - b) Complying with published procedures;
  - c) Publishing a procedure for dealing with breach of procedures;
  - d) Publishing a written statement of decisions and reasons for decisions;
  - e) Publishing a procedure for deciding who may be an authorised representative of the LINK;
  - f) Publishing a list of authorised representatives;
  - g) Providing authorised representations with written evidence of authorisation;
  - h) Only authorising people to carry out LINK visits to where health and care services are provided who have received a criminal records certificate if they have completed appropriate training and a nominated person is satisfied they are suitable;
  - i) Holding public events to enable people to participate, share their views and experiences and comment on the LINK;
  - j) Publishing minutes of meetings and other papers.
  
- 3 Decisions that will be published relate to:
  - a) How the LINK will undertake its activities;

- b) Which care services the activities relate to;
- c) The amounts spent on LINK activities;
- d) Whether information is to be requested from a service provider;
- e) Whether a report or recommendation is to be made;
- f) Which premises are to be visited and when the visit will happen (except for unannounced visits);
- g) Whether to refer a matter to an Overview and Scrutiny Committee;
- h) Whether to report a matter to anyone else.

4 The LINK will communicate and demonstrate accountability through:

- a) Minutes of Strategic Planning Group, Task Group and Sub Group meetings;
- b) An annual report and annual accounts;
- c) LINK website and other appropriate electronic media;
- d) LINK newsletters, and Ebulletins;
- e) Talks, visits, presentations and community engagement events.

5 In the initial stages of the LINK, all participants were given an opportunity to say how they thought the LINK should function and how it might best reflect the wider community. As part of this, a process for prioritising themes for further investigation as part of a work plan was developed.

6 The LINK recognises that it is important to give equal attention to themes that arise in small communities as those that affect the whole of Devon.

## Appendix 8

### LINK Devon work plan prioritisation checklist

Issue summary:

Date issue received:

Issue referrer name and group:

Acknowledgement date:

Date of consideration for work plan:

<b>Points for consideration</b>	<b>Decision made and supporting information</b>
Is this an individual issue /complaint, or outside LINK remit?	
Is the information already available within the LINK?	
Do we have enough information to consider this issue for the work plan?	
Impact- Choose from Scale 1- 4 1- Low 2- Moderate 3- Substantial 4- Critical	
Population affected- Is this issue local, Devon wide, or National?	
Can the LINK realistically make a difference? How?	
Do we have the resources within the LINK?	

**Description of action / next step to be taken by LINK Devon regarding this issue:**

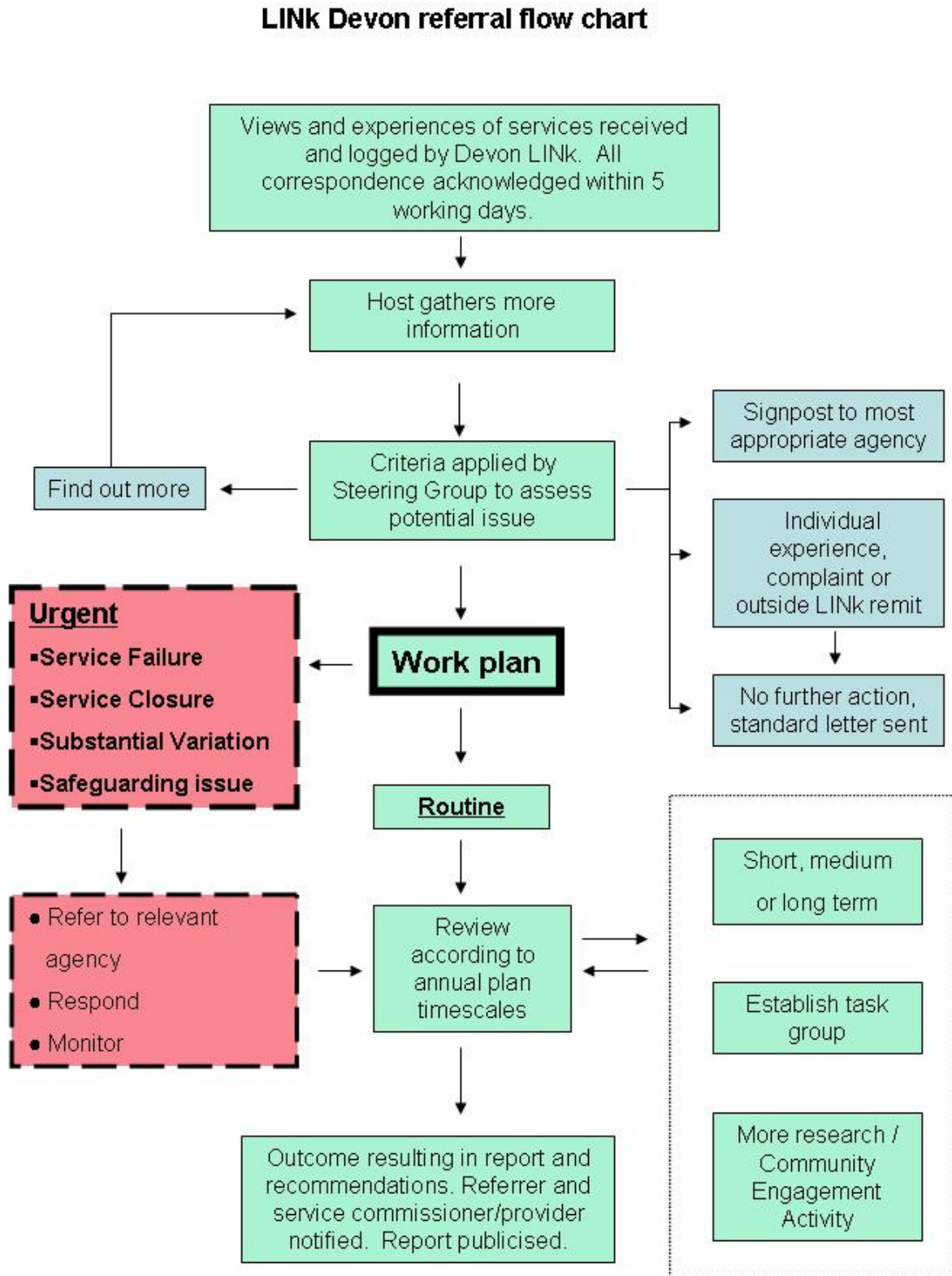
**Submitted to work plan date:**

**Review date:**

**LINK lead:**

Figure 2

LINK Devon Referral Flowchart







Freepost RRXT-TSRC-TRLC  
Ridgeway House  
Ridgeway  
Ottery St Mary EX11 1DT  
T: 01404 549045  
F: 01404 814215  
E: [linkdevon@edvsa.org.uk](mailto:linkdevon@edvsa.org.uk)  
Www: [www.linkdevon.org.uk](http://www.linkdevon.org.uk)

East Devon Volunteer Support Agency (EDVSA) is the Host organisation for LINK Devon, working in association with the Devon Association of CVS.



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